

2008

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
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23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
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27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
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36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
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40	September 22, 2008	October 3, 2008
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49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: The Regulatory Agenda submission period will end July.1, 2008. The Division is no longer accepting Regulatory Agendas. The second filing period for submitting will start October 14, 2008 with the last day to file on January 2, 2009.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
402.1	Amend
402.2	Amend
402.5	Amend
402.7	Amend
402.8	Amend
402.14	Amend
402.27	Amend
402.APPENDIX A	Amend
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/5.2], the Carbon Monoxide Alarm Detector Act [430 ILCS 135/1], and the Smoke Free Illinois Act [30 ILCS 805/8.31].
- 5) A Complete Description of the Subjects and Issues Involved:

Subsection 402.5(d), which details the Department's responsibilities upon receipt of license renewal applications, is being amended to include statutory language [205 ILCS 10/5(d)] pursuant to a previous agreement with JCAR.

The Department will increase staff resources by allowing licensed foster family homes that are not actively fostering children to request "Inactive Status" and temporarily suspend monitoring by the Department and POS agencies;

adding language requiring pool enclosures in foster homes will improve the safety of foster children;

prohibiting smoking in foster family homes will improve the health of foster children and ensure that foster homes comply with Smoke Free Illinois Act [30 ILCS 805/8.31].

adding the requirement for carbon monoxide detectors will ensure that foster homes comply with P.A. 94-741, the Carbon Monoxide Alarm Detector Act [430 ILCS 135/1];

various other non-substantive changes are also included.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objective: These rulemaking do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff E. Osowski
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TTY: 217/524-3715
E-mail: cfpolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the revisions were not anticipated at the time the regulatory agenda was completed.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402

LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

402.1	Purpose
402.2	Definitions
402.3	Effective Date of Standards (Repealed)
402.4	Application for License
402.5	Application for Renewal of License
402.6	Provisions Pertaining to Permits
402.7	Provisions Pertaining to the License
402.8	General Requirements for the Foster Home
402.9	Requirements for Sleeping Arrangements
402.10	Nutrition and Meals
402.11	Business and Employment of Foster Family
402.12	Qualifications of Foster Parents
402.13	Background Inquiry
402.14	Health of Foster Family
402.15	Number and Ages of Children Served
402.16	Meeting Basic Needs of Children
402.17	Health Care of Children
402.18	Religion
402.19	Recreation and Leisure Time
402.20	Education
402.21	Discipline of Children
402.22	Emergency Care of Children
402.23	Release of Children
402.24	Confidentiality of Information
402.25	Required Written Consents
402.26	Records to be Maintained
402.27	Licensing Supervision
402.28	Adoptive Homes
402.29	Director's Waivers
402.30	Severability of This Part
402.APPENDIX A	Criminal Convictions That Prevent Licensure

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- 402.APPENDIX B Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
- 402.APPENDIX C Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 32 Ill. Reg. _____, effective _____.

Section 402.1 Purpose

- a) The purpose of this part is to prescribe the standards for licensure as a foster family home and to describe how to apply for a license.
- b) The licensing standards set forth in this part are applicable to foster family homes as defined in the Child Care Act as well as to those foster family homes operated or supervised by the Department and by agencies exempt from licensing as identified in 89 Ill. Adm. Code 382- (Agencies Exempt from Licensing).
- c) The Central Office of Licensing shall ensure that these licensing standards are reviewed every 3 years to determine whether the licensing standards, as written,

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[are appropriate.](#)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or
- be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Approved smoke detector" or "detector" means a smoke detector of the ionization [oref](#) photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Smoke Detector Act [425 ILCS 60/2])

"Approved in-service training" means:

- Foster PRIDE module or other Department approved training;
- foster parent conferences sponsored by the Department;
- other conferences approved by the Department;
- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York, NY 10018;
- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;

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- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or
- other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

"Background check" means:

Individuals ~~17~~¹⁸ years of age or older:

- a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

- a check of the [Statewide Automated Child Welfare Information System \(SACWIS\)](#)~~Child Abuse and Neglect Tracking System (CANTS)~~ and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System, [which has been replaced by SACWIS](#)~~operated and maintained by the Illinois Department of Children and Family Services.~~

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or

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arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints have been obtained through an electronic or ink printing process which were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means *a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.* [225 ILCS 10/4]

"Corporal punishment" means "hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain". (National Health and Safety Performance Standards, Guidelines for Out-Of-Home Child Care Programs, American Public Health Association and American Academy of Pediatrics, 1992, no later amendments or editions are included)

"Department" means *the Illinois Department of Children and Family Services.* [225 ILCS 10/2.02]

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

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"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 302.60 (Placement Selection) must be met. If the godparent is not a licensed foster

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parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"In-service training" means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely by fines as a petty offense. [625 ILCS 5/6-601]

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily

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converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home that has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individuals to become eligible for an initial foster family home license.

"Petty offense" means any offense for which a sentence to a fine only is provided.
[730 ILCS 5/5-1-17]

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section above), great-uncle or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

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"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties which serves the best interests of the foster children as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that replaced the Child Abuse and Neglect Tracking System (CANTS).

"Specialized care" means care provided to a child who has developmental, emotional, behavioral, or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.

"Supervising agency", for the purpose of this ~~Part~~^{part}, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 402.5 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to foster parent licensees by the supervising agency at least three months prior to the expiration date of the license.
- b) The completed, signed application for renewal of the license shall be received by the supervising agency no later than ~~60~~³⁰ days after the date the application forms for license renewal were mailed to the licensee.

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- c) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the foster home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the supervisor and signed by the worker performing the study.
- d) *When a licensee has made timely and sufficient application for the renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, but such extensions shall be only upon good cause shown. [225 ILCS 10/5(d)] ~~or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court. (Section 10-65(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(b)])~~*
- e) As part of the renewal application, each foster family home applicant and ~~adult~~ member of the household 17 and older shall authorize criminal background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting, if fingerprints are not already on file with the Department, to determine if the individual has ever been charged with a crime and, if so, the disposition of the charges. In addition, members of the household ages 13 through 16+7 must authorize a SACWISCANTS check and a check of the Child Sex Offender Registry.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 402.7 Provisions Pertaining to the License

- a) A foster family home license is valid for four years unless revoked by the Department or voluntarily given up by the licensee.
- b) The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages of children specified on the license.

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- c) The foster parents' biological and adopted children under 18 years of age and all other children under 18 years of age receiving full-time care shall be counted when determining license capacity.
- d) The license shall not be transferred to another person or other legal entity.
- e) The license shall not be valid for a name or an address other than the name and address on the license.
- f) A current license shall be available in the foster home at all times.
- g) There shall be no fee or charge for the license.
- h) The foster family shall adhere to the provisions or restrictions specified on the license.
- i) Non-active License Status
 - 1) The Department may place a foster family home license in non-active status when the licensee agrees in writing:
 - A) that the home has no foster placements and will not accept foster placements while in non-active status;
 - B) to maintain compliance with current and ongoing licensing standards as they are put into effect; and
 - C) to have the license moved to non-active status.
 - 2) A home in non-active status shall continue to be subject to Department and supervising agency involvement. The foster family home may be returned to active status upon any occurrence that may make the home inappropriate for non-active status, including but not limited to:
 - A) a licensing complaint;
 - B) a child abuse or neglect report;

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C) SACWIS or criminal activity.

- 3) The foster family may request that the Department move its license back to active status by written notification to the home's licensing representative. Before the foster family home is returned to active status, the licensing representative shall complete an onsite monitoring visit, reassess the household composition to determine if any adult or child has moved into or out of the residence, update background checks for new household members, reassess the physical structure of the residence, reassess the medical and physical capacity of each foster parent, and reassess the licensed capacity of the home.
- 4) A non-active status foster family home license is valid and may remain in non-active status until its renewal date; however, the licensee must submit a complete renewal application, and complete the renewal study process, within the timeframes and guidelines of Section 402.5 (Application for Renewal of License) for the license to be renewed. Upon the foster family home's request, the Department may move the license back into non-active status anytime after renewal, if it meets the aforementioned conditions for non-active status.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 402.8 General Requirements for the Foster Home

- a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- b) The foster home may not use or have on the premises, ~~on or after July 1, 2000,~~ any unsafe children's product as described in the Children's Product Safety Act [\[430 ILCS 125\]](#) and 89 Ill. Adm. Code 386 (Children's Product Safety).
- c) The water supply of the foster family home shall comply with the requirements of the local and state health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.

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d) Water Hazards Protection

- 1) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate.
- 2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5-foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, pool's steps shall be removed or the pool shall be otherwise protected to insure the pool cannot be accessed.
- 3) Any hot tub not enclosed with a 5-foot fence shall have a securely locked cover.
- 4) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.
- 5) Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.
- 6) Foster homes shall come into compliance with the above water hazard requirements by January 1, 2009. Foster homes that have a license or a permit on January 1, 2008 and have had a fence with a minimum height of 3½ foot shall be considered in compliance with the fence requirement.

e) No person shall smoke tobacco in a foster family home, open or enclosed motor vehicle while transporting a foster child, or within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve the foster family home. [410 ILCS 82/10 and 70] This subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement.

f) Portable space heaters may be used as a supplementary source of heat if they meet safety approval standards (Underwriters Laboratories) and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.

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- [g\)e\)](#) Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age. These items shall remain inaccessible to children during disposal.
- [h\)f\)](#) When not being dispensed or immediately accessible due to medical necessity, prescription and nonprescription drugs shall be kept in places that are not readily accessible to children under 12 years of age. Expired or unused medications, syringes, medical waste, or medication shall remain inaccessible to children during disposal.
- [i\)g\)](#) Any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- [j\)h\)](#) The foster home shall comply with all requirements of the State laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- [k\)i\)](#) The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to such an instrument.
- [l\)j\)](#) The foster home shall have fire and emergency evacuation plans that are to be discussed and rehearsed quarterly with the children.
- [m\)k\)](#) The foster home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60/3].
- [n\)](#) [A foster home with any fuel burning equipment or an attached garage shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room in accordance with Section 10 of the Carbon Monoxide Alarm Detector Act \[430 ILCS 135\].](#)

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o)h) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.

p)m) Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 402.14 Health of Foster Family

- a) Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions that affect the ability of the family to provide care.
- b) Before licensing, the foster parents shall furnish the supervising agency with a medical report on forms provided by the agency for each member of the household. A medical report shall be obtained for the foster parents, their children, other persons residing in the foster home, and child care assistants. The medical reports shall not be more than one year old. Copies of medical examinations of school age children who are members of the household that were completed in accordance with the requirements of the ~~Illinois~~ School Code [105 ILCS 5/27-8.1] are acceptable provided copies of the medical examinations are on file with the supervising agency.
- c) If there is a question regarding the mental or emotional health of the foster parent applicant or other adult members of the household, clinical reports and evaluations may be required by the supervising agency.
- d) Medical re-examinations of the foster parents and other members of the household shall be required at least once every four years or upon licensing renewal, whichever comes first. Copies of medical re-examinations of school age children who are members of the household that were completed in accordance with the requirements of the ~~Illinois~~ School Code [105 ILCS 5/27-8.1] are deemed to be in compliance with this requirement provided copies of the re-examinations are on file with the supervising agency. A medical re-examination of foster parents and other members of the household shall be required at an earlier date when, through personal observation of, or notification from the foster family, it becomes evident to the supervising agency or the physician has reason

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to believe that the foster parents or a member of the household has a communicable disease or other physical impairment.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 402.27 Licensing Supervision

Foster parents shall cooperate with the supervising agency to assure continuing compliance with licensing requirements. [Each licensed facility supervised by the Department or a private child welfare agency shall be visited by the licensing worker of the Department or the agency at least semiannually to ensure that the standards for licensing continue to be met.](#)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 402.APPENDIX A Criminal Convictions That Prevent Licensure

If the foster parent applicants or any adult member of the household has been declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205], or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this will serve as a bar to receiving a foster home license or permit.

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

- Murder
- Solicitation of murder
- Solicitation of murder for hire
- Intentional homicide of an unborn child
- Voluntary manslaughter of an unborn child
- Involuntary manslaughter
- Reckless homicide
- Concealment of a homicidal death
- Involuntary manslaughter of an unborn child
- Reckless homicide of an unborn child
- Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

- Kidnapping
- Aggravated kidnapping
- Aggravated unlawful restraint
- Forcible detention
- Child abduction
- Aiding and abetting child abduction
- Harboring a runaway

SEX OFFENSES

- Indecent solicitation of a child

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Indecent solicitation of an adult
Public indecency
Sexual exploitation of a child
Custodial sexual assault
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Solicitation of a sexual act
Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Exploitation of a child
Obscenity
Child pornography
Harmful material
Tie in sales of obscene publication to distributors
Posting of identifying information on a pornographic Internet site

BODILY HARM

Aggravated battery of a child
Tampering with food, drugs, or cosmetics
Drug induced infliction of great bodily harm
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Criminal sexual assault
Aggravated criminal sexual assault
Predatory criminal sexual assault of a child
Criminal sexual abuse
Aggravated sexual abuse

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Criminal transmission of HIV
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Ritual mutilation
Ritualized abuse of a child

If the foster parent applicants or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], Cannabis Control Act [720 ILCS 550] or the Illinois Controlled Substances Act [720 ILCS 570], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit, unless all of the following requirements are met:

1. *The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.*
2. *The applicant had previously disclosed the conviction or convictions to the Department for the purposes of a background check.*
3. *After the disclosure, the Department either placed a child in the home or the foster family home license was issued.*
4. *During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.*
5. *The applicant meets all other requirements and qualifications to be licensed as a foster family home under the Child Care Act and the Department's administrative rules.*
6. *The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment. (Section 4.2 of the Child Care Act)*

OFFENSES DIRECTED AGAINST THE PERSON

KIDNAPPING AND RELATED OFFENSES

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Unlawful restraint

BODILY HARM

Felony aggravated assault

Vehicular endangerment

Felony domestic battery

Aggravated battery

Heinous battery

Aggravated battery with a firearm

Aggravated battery of an unborn child

Aggravated battery of a senior citizen

Intimidation

Compelling organization membership of persons

Abuse and gross neglect of a long term care facility resident

Felony violation of an order of protection

OFFENSES DIRECTED AGAINST PROPERTY

Felony theft

Robbery

Armed robbery

Aggravated robbery

Vehicular hijacking

Aggravated vehicular hijacking

Burglary

Possession of burglary tools

Residential burglary

Criminal fortification of a residence or building

Arson

Aggravated arson

Possession of explosive or explosive incendiary devices

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons

Aggravated discharge of a firearm

Reckless discharge of a firearm

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Unlawful use of metal piercing bullets
Unlawful sale or delivery of firearms on the premises of any school
Disarming a police officer
Obstructing justice
Concealing or aiding a fugitive
Armed violence
Felony contributing to the criminal delinquency of a juvenile

| DRUG OFFENSES

Possession of more than thirty grams of cannabis
Manufacture of more than 10 grams of cannabis
Cannabis trafficking
Delivery of cannabis on school grounds
Unauthorized production of more than five cannabis sativae plants
Calculated criminal cannabis conspiracy
Unauthorized manufacture or delivery of controlled substances
Controlled substance trafficking
Manufacture, distribution, advertisement of look-alike substances
Calculated criminal drug conspiracy
Street gang criminal drug conspiracy
Permitting unlawful use of a building
Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property
Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances
Delivery of controlled substances
Sale or delivery of drug paraphernalia
Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

Final approval for licensure shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery or if there is a felony conviction for physical assault, battery or a drug-related offense committed within the past 5 years. [20 ILCS 505/5(v-1) and (v-2)]

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Consumer Installment Loan Act
- 2) Code Citation: 38 Ill. Adm. Code 110
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
110.300	Amendment
110.370	Amendment
- 4) Statutory Authority: Consumer Installment Loan Act [205 ILCS 670]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking would fix a loophole in the rules governing auto title loans. Those rules were designed to protect consumers from abusive lending practices, but they currently only apply to loans with terms of 60 days or less. Today, most, if not all, title loans have terms longer than 60 days, which makes the rules inapplicable. This rule also raises the cap on auto title loans from \$2,000 to \$4,000, and strikes a provision that permits a title loan to be as much as 50% of a consumer's gross income.
- 6) Published Studies or Reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini

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320 West Washington, 3rd Floor
Springfield, IL 62786

217/785-0813
Fax: 217/558-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Title loan businesses will be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the Department decided to pursue this rulemaking after the Agendas had been submitted.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 110

CONSUMER INSTALLMENT LOAN ACT

SUBPART A: GENERAL PROVISIONS

Section

110.1	Definitions
110.10	Minimum Requirements for Office Records
110.15	Application for License; Controlling Person
110.20	Loan Register
110.30	Individual Account Records
110.40	File of Original Papers
110.50	Cash Book
110.60	Alphabetical Record of Co-Makers, Obligors or Guarantors
110.65	Permanent File
110.70	Payments
110.80	Simple Interest Loans
110.90	Cancellation and Return of Documents
110.100	Finance Charges – Rebates and Delinquency Charges
110.110	Hypothecation at the Time of the Sale of Obligor's Notes
110.120	Legal Forms
110.130	Judgments
110.140	Sale of Security
110.150	Trouble File
110.160	Lien Charges
110.170	Insurance
110.180	Office and Office Hours
110.190	Advertising
110.200	Other Business
110.210	Examination Remittances
110.215	Document Preparation Fee
110.220	Credit Practices
110.225	Verification of Amount Owing
110.230	General
110.235	Relocation
110.236	Name Change
110.240	Hearing Procedures

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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110.250	Limited Purpose Branch
110.260	Off-Site Records
110.265	Servicing of Accounts by Contract
110.270	Revocation or Suspension of License

SUBPART B: SHORT TERM LENDING

Section	
110.300	Definitions
110.310	Applicability of Rule
110.320	Application for License
110.330	Renewal of License
110.340	Simple Interest
110.350	Release of Lien
110.360	Availability of Debt Management Services
110.370	Lending Limits and Refinancing
110.380	Second Notice
110.390	Possession of Vehicle
110.400	Loan Proceeds
110.410	Security Interest

SUBPART C: MORTGAGE LENDING

Section	
110.500	Definitions (Repealed)
110.505	Applicability of Rule (Repealed)
110.510	Good Faith Requirements (Repealed)
110.515	Fraudulent or Deceptive Practices (Repealed)
110.520	Prohibited Refinances (Repealed)
110.525	Negative Amortization (Repealed)
110.530	Negative Equity (Repealed)
110.535	Balloon Payments (Repealed)
110.540	Financing of Certain Points and Fees (Repealed)
110.545	Financing of Single Premium Insurance Products (Repealed)
110.550	Lending Without Due Regard to Ability to Repay (Repealed)
110.555	Verification of Ability to Repay (Repealed)
110.560	Payments to Contractors (Repealed)
110.565	Counseling Prior to Perfecting Foreclosure (Repealed)
110.570	Mortgage Awareness Program (Repealed)
110.575	Offer of Mortgage Awareness Program (Repealed)

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110.580 Third Party Review (Repealed)

110.APPENDIX A Estimated Monthly Income and Expenses Worksheet (Repealed)

110.APPENDIX B Mortgage Ratio Worksheet (Repealed)

110.TABLE A Illinois Rule of 78 Fractions for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months (Repealed)

110.TABLE B Rule of 78 Percentage Rebate Table (Repealed)

AUTHORITY: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22].

SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; amended at 11 Ill. Reg. 2749, effective January 28, 1987; emergency amendment at 11 Ill. Reg. 14141, effective August 7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1988; amended at 19 Ill. Reg. 44, effective December 22, 1994; amended at 20 Ill. Reg. 5799, effective April 8, 1996; emergency amendment at 22 Ill. Reg. 1485, effective January 2, 1998, for a maximum of 150 days; emergency expired May 31, 1998; amended at 22 Ill. Reg. 13657, effective July 14, 1998; amended at 25 Ill. Reg. 6227, effective May 17, 2001; amended at 25 Ill. Reg. 7456, effective August 1, 2001; expedited correction at 29 Ill. Reg. 5776, effective August 1, 2001; amended at 26 Ill. Reg. 14232, effective October 1, 2002; amended at 30 Ill. Reg. 12558, effective July 7, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: SHORT TERM LENDING

Section 110.300 Definitions

"Interest bearing loan" shall mean a loan in which interest is charged upon the principal amount borrowed.

"Refinance" shall mean to renew or extend a loan beyond its original term.

"Short-term lender" shall mean any lender engaged in making any short-term loans.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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"Short-term loan" means a title-secured loan.

"Title-secured loan" shall mean a loan upon which interest is charged at an annual percentage rate exceeding 36 percent ~~and for a term of not more than 60 days~~ in which, at commencement, an obligor provides to the licensee, as security for the loan, physical possession of the obligor's title to a motor vehicle.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 110.370 Lending Limits and Refinancing

- a) A short-term title-secured loan may not exceed ~~\$4,000~~\$2,000 in principal amount. ~~However, no loan shall be made in such amount that the principal and interest payments for the stated duration of the loan exceed 50% of the obligor's gross income for that period.~~
- b) A short-term loan may be refinanced a maximum number of 2 times, but only when the outstanding balance of the loan has been reduced by at least 20%.
- c) No loan, other than the refinancing of an existing short-term loan, may be made to an obligor who has had an outstanding short-term loan within the preceding 15 days.
- d) The loan agreement must include a separate statement signed by the obligor attesting that the obligor has not had an outstanding short-term loan within the preceding 15 days. The lender shall further verify the statement by means of any database created by or approved by the Director for that purpose.
- e) The loan agreement shall advise the obligor that matters involving improprieties in the making of the loan or in loan collection practices may be referred to the Division and shall prominently disclose the Division's address and telephone number.
- f) Each short-term loan refinancing agreement executed by a licensee shall include a statement, which shall be initialed by the obligor, as follows: "I have received from (name of lender) a toll free number from the Department of Financial and Professional Regulation-Division of Financial Institutions that I can call for information regarding debt management service."

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 32 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED REPEALER

OFFICE OF THE LIEUTENANT GOVERNOR

- 1) Heading of the Part: Illinois Americorps Program
- 2) Code Citation: 47 Ill. Adm. Code 610
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
610.10	Repeal
610.20	Repeal
610.30	Repeal
610.40	Repeal
610.50	Repeal
610.60	Repeal
610.70	Repeal
610.80	Repeal
610.90	Repeal
- 4) Statutory Authority: Illinois Commission on Volunteerism and Community Service Act [20 ILCS 710]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is obsolete because the Department of Human Services now administers this program, as directed by Public Act 91-798 (codified in 20 ILCS 710).
- 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 pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This repealer does not create or expand a State mandate on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments and questions may be directed to the person listed below within 45 days after publication of this proposed repealer.

Daniel Persky
Office of the Lt. Governor

NOTICE OF PROPOSED REPEALER

OFFICE OF THE LIEUTENANT GOVERNOR

100 W. Randolph, Suite 15-200
Chicago, IL 60601

312/814-8796

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

NOTICE OF PROPOSED REPEALER

OFFICE OF THE LIEUTENANT GOVERNOR

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER IV: OFFICE OF THE LIEUTENANT GOVERNOR

PART 610

ILLINOIS AMERICORPS PROGRAM ([REPEALED](#))

Section

610.10	Purpose and Summary
610.20	Definitions
610.30	Incorporation by Reference
610.40	State Implementation and Administration
610.50	Program Application Procedures
610.60	Applicant Selection Procedures
610.70	Member Recruitment and Selection
610.80	Monitoring of Programs
610.90	Invalidity

AUTHORITY: Implementing the National and Community Service Trust Act of 1993 (42 U.S.C. 12501 et seq.) and the federal rules promulgated thereunder applicable to the AmeriCorps program (45 CFR 2506, 2510, 2520, 2521, 2522, and 2540).

SOURCE: Adopted at 19 Ill. Reg. 3494, effective March 6, 1995; repealed at 32 Ill. Reg. _____, effective _____.

Section 610.10 Purpose and Summary

The purpose of these rules is to provide for the implementation and administration of AmeriCorps, a national service program created by the National and Community Service Trust Act of 1993, within the State of Illinois by the Lieutenant Governor and the Lieutenant Governor's Office of Voluntary Action. AmeriCorps is a federal program implemented by the states designed to address the nation's educational, public safety, human, and environmental needs by providing an opportunity for people to serve their communities in qualified programs and in return receive an educational award that can be used to repay student loans or for future education.

Section 610.20 Definitions

All words shall be defined according to definitions in the National and Community Service Trust Act of 1993 and the rules promulgated thereunder unless defined herein to the contrary.

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OFFICE OF THE LIEUTENANT GOVERNOR

"Act" means the National and Community Service Trust Act of 1993.

"Advisory Council" means the Lieutenant Governor's Advisory Council on Voluntary Action, and after January 9, 1995, the Lieutenant Governor's Commission on Community Service.

"Applicant" means an organization or entity, public or private, that is eligible to apply for national service funds under the Act.

"Competitive category" means that category of educational award funds for which the State of Illinois is eligible to compete against other states for educational awards in addition to those allocated by the Corporation in the formula-funded category.

"Corporation" means the Corporation for National and Community Service, created by the Act.

"Formula-funded category" means that category of educational award funds allocated by the Corporation to the State of Illinois based on a population formula as provided by the Act.

"Member" means an individual who has been selected to serve in an approved AmeriCorps program.

"Partnership" means a joint arrangement among a group of organizations eligible to apply for national service funds under the Act.

"Program" means a planned and coordinated group of activities, procedures, etc. linked by common elements such as recruitment and selection of members, training for members and staff, regular group of activities, and assignment to projects, organized for the purpose of achieving the mission and goals of national service, and carried out with the assistance provided under the Act.

"Project" means an activity, carried out through a program that receives assistance under the Act, that results in a specific identifiable service or improvement that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom members are assigned.

NOTICE OF PROPOSED REPEALER

OFFICE OF THE LIEUTENANT GOVERNOR

Section 610.30 Incorporation by Reference

The following statutes and rules, not including any subsequent amendments or additions, shall be incorporated by reference herein and shall be available for inspection at or copies may be requested in writing from the Office of the Lieutenant Governor, James R. Thompson Center, Suite 15-200, Chicago, Illinois 60601:

- a) The National and Community Service Trust Act of 1993 (42 U.S.C. 12501 et seq.).
- b) The federal rules promulgated under the Act which apply to the AmeriCorps program found at 45 CFR 2506, 2510, 2520, 2521, 2522, and 2540 (March 23, 1994).

Section 610.40 State Implementation and Administration

- a) The Advisory Council shall serve as the state commission responsible for the implementation and administration of the program in the State of Illinois, pursuant to the requirements of the Act.
- b) P.A. 88-597, effective January 9, 1995, renames the Lieutenant Governor's Office of Voluntary Action and the Lieutenant Governor's Advisory Council on Voluntary Action as the Lieutenant Governor's Commission on Community Service and makes certain changes in the structure of the Commission. All references in these rules to the "Lieutenant Governor's Office of Voluntary Action" and the "Lieutenant Governor's Advisory Council on Voluntary Action" shall be construed to reference the Lieutenant Governor's Commission on Community Service.
- c) The Advisory Council's responsibility shall include the following:
 - 1) conduct a competitive process to select Illinois AmeriCorps programs to submit to the Corporation for approval;
 - 2) assist in the recruitment of qualified persons to serve in programs approved for funding by the Corporation; and
 - 3) monitor programs to insure quality.

NOTICE OF PROPOSED REPEALER

OFFICE OF THE LIEUTENANT GOVERNOR

Section 610.50 Program Application Procedures

- a) Non-profit organizations, consortia of non-profit organizations, state agencies, higher education institutions, units of local government, and AmeriCorps programs are eligible to apply to the Advisory Council for national service funds under the Act.
- b) Eligible applicants may apply for one or more of the following grants:
 - 1) Planning grant – The purpose of a planning grant is to bring a program to the verge of implementation so that it may compete successfully for operating assistance in the following grant cycle.
 - 2) Operating grant – The purpose of an operating grant is to support an organization that is ready to implement a fully developed plan for a new or expanded national service program.
 - 3) Educational award only – The purpose of this award is to provide national service educational awards to programs that do not apply for operating grants but meet the AmeriCorps program requirements and are judged to be high quality according to the criteria in this Part.
- c) All applicants shall use application forms prepared and approved by the Advisory Council. The Lieutenant Governor's Office of Voluntary Action shall provide any interested parties upon request with application forms and descriptive information regarding the AmeriCorps program. Application requests shall be directed to the Office of the Lieutenant Governor, James R. Thompson Center, Suite 15-200, Chicago, Illinois 60601.
- d) In addition to the use of approved forms, each application shall be submitted according to the following format. Applications shall be typed or printed in a font type not smaller than twelve (12) points. Except for the approved forms, all other documents included in the application shall be double-sided (each side counting as one page) and double-spaced. Applicants seeking support for an operating grant or an educational award only shall submit a single-program application package, and an applicant seeking support for a planning grant shall submit a planning grant application package. Each application package shall be organized and completed according to the applicable outline in either subsection (e) or (f) of this Section. Applicants seeking renewal of funding for an existing AmeriCorps

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program shall provide information in the application package that relates to the program's experience while receiving funding under the Act in addition to the information required of all applicants for the upcoming funding cycle.

- e) A single-program application package shall consist of the following and shall be organized in the following order:
- 1) Completed title page form.
 - 2) Table of contents page, not to exceed one (1) page in length, and providing the page numbers of each item requested in the application package.
 - 3) Application summary page, not to exceed one (1) page in length, and providing an overview of the following:
 - A) Specific needs to be met, particularly as they relate to the national priorities of educational, public safety, human, and environmental needs as established by the Act.
 - B) Key elements of the program design.
 - C) Recruitment goals, including the percentage of members to be drawn from the national recruitment system, if any.
 - D) A description of the administering organization and identification of the primary program partners, if any.
 - 4) Completed program mission and objectives form.
 - 5) Program narrative, not to exceed twenty (20) pages in length, and organized and labeled in the stipulated categories and providing the following information in a narrative form with as much specificity as possible:
 - A) Need(s) To Be Met and Appropriateness For National Service.
 - i) Needs. Identification of specific needs that the program will address and how these needs relate to the national

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priorities and how and why these needs are appropriately or uniquely addressed by a national service program. If the needs do not relate to a State or national priority area, an explanation why these needs were selected shall be provided.

- ii) Process. Description of the process by which the needs were identified, including specifying who was involved in identifying the needs and the extent of involvement of the residents of the community in which the service will be provided in the needs assessment activities.

B) Program Design.

- i) Program Concept. Description of the basic concept for the design of the program, including the nature of the specific service activities to be performed by the members; the structure of the program; and its location. Description of any institutional or programmatic collaborations or partnerships that will be involved in operating the program, including the extent to which the program builds on existing infrastructure.
- ii) Service Activities. Description of the activities in which members will engage and how these projects or activities will result in direct, measurable service that addresses the identified needs. Description of a typical week in the life of program members with concrete examples of the types of activities or duties members will perform.
- iii) Relation To Need. Description of how the service activities respond to the identified needs and meet the program objectives.
- iv) Member Training and Support. Description of how the members will be trained, supported, or otherwise prepared for their assignments or placements. Description of the key elements of the member training, in-service education, or service-learning curriculum employed to improve member's

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skills, prepare them for placement, and foster positive civic values.

- v) Member Placement and Supervision. Description of how members will be placed (i.e., in teams or individually) and matched with an assignment. Description of how service sponsors or host-sites will be oriented and prepared for placement and how members will be supervised within the program.

C) Member Profile, Recruitment Strategy, and Benefits.

- i) Number and Characteristics of Members. Identification of the expected number of members, including the total number and type (full-time or part-time), and characteristics, attributes or skills of members, including racial or ethnic background, socioeconomic status, gender, and educational attainment, to be recruited in the program. For programs recruiting fewer than twenty (20) members, an explanation why this smaller number is appropriate to the purpose and design of the program.
- ii) Member Recruitment. Description of the methods that will be used or strategies undertaken to recruit members and the methods and strategies to achieve the program's recruitment goals.
- iii) Member Selection. Description of the strategies to be used to select members. Description of selection criteria, including minimum qualifications for members or requirements to possess any specialized skills to carry out service assignments. Determination as to whether any members will be drawn from the national recruitment system.
- iv) Member Benefits. Description of the benefits members will receive, including the amount of the living allowance provided to each member. Explanation of how national service educational awards will be apportioned among

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program members, and if not provided to all members or to all members equally, an explanation of the program's rationale. Description of any alternative post-service benefits that might be used.

D) Internal Evaluation and Monitoring Activities.

- i) Internal Evaluation and Monitoring. Explanation of how the program will monitor its progress toward the program objectives and how it will assess, on an ongoing basis, the quality of services and the satisfaction of both the members and the individuals or institutions served. Description of how the program will collect the required descriptive and demographic data.
- ii) Previous Evaluation. If an applicant is proposing to replicate an existing program in other areas or is requesting a renewal for funding of an existing program, a statement as to whether the program proposed for replication, expansion, or renewal has been evaluated. If so, identification of who performed the evaluation and description of the results of the evaluation regarding community and participant impact. If the program has not been evaluated, a description of any evidence of successful performance or of a track record that will demonstrate its appropriateness for replication, expansion, or renewal.

E) Institutional and Personnel Information.

- i) Principal Staff. Description of the background, experience, and major accomplishments of the program director and principal staff and how their qualifications relate to their duties and responsibilities for the proposed programs. If individuals have not yet been hired for these positions, a description of the qualifications candidates must fulfill.
- ii) Training. Description of the kind of orientation and training, if any, the program will provide for staff.

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- iii) Institutional Strengths. Description of the administering organization's past experience and institutional capacity to operate or coordinate a program comparable to the program(s) proposed, including a description of the institutional resources or expertise the administering organization(s) will provide that will contribute to the overall success of the program.
- 6) Completed budget form page and a budget narrative.
 - 7) Completed assurances signature form.
 - 8) Completed certification signature form.
- f) A planning grant application package shall consist of the following and shall be organized in the following order:
- 1) Completed title page form.
 - 2) Table of contents page, not to exceed one (1) page in length and providing the page numbers of each item requested in the application package.
 - 3) Application summary page, not to exceed one (1) page in length, and providing an overview of the following:
 - A) Specific needs to be met, particularly as they relate to the national priorities of educational, public safety, human, and environmental needs as established by the Act.
 - B) The mission and objectives for the planning process.
 - C) An overview of how the program will address the identified needs.
 - D) A description of the administering organization and identification of its leadership and primary program partners, if any.
 - 4) Program narrative, not to exceed twenty (20) pages in length, and organized and labeled in the stipulated categories and providing the following information in a narrative form with as much specificity as

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possible:

- A) Needs To Be Targeted.
 - i) Need(s). Identification and specific description of the need(s) from the national priorities which the program seeks to address.
 - ii) Process. Description of the process by which the needs were identified, including specifying who was involved in identifying the needs.
 - iii) Community Resources. Description of how the proposed program will build on or collaborate with other programs in the community, including federal programs that address these needs.
- B) Planning Activities.
 - i) Program Concept. Description of the basic concept that has been developed for meeting the identified need(s), and identification of the specific objectives for the planning phase.
 - ii) Planning Process. Description of the anticipated planning process, the tasks to be carried out, and the timeline of the process.
 - iii) Community Involvement. Description of persons or entities, such as prospective members, representatives of the community served, community-based agencies with a demonstrated record of experience in providing services, businesses, and labor organizations, to be involved in the planning process and how they as a group reflect the community to be served. Identification of the individuals or organizations, if any, responsible for particular tasks.
- C) Institutional and Personnel Information.

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- i) Institutional Strengths. Description of the qualifications of the administering organization and its past experience and track record in designing new programs.
 - ii) Principal Staff. Description of the background, experience, and major accomplishments of the program director in designing new programs. If a program director has not yet been hired, a description of the qualifications a candidate must fulfill.
- 5) Completed budget form page and a budget narrative.
 - 6) Completed assurances signature form.
 - 7) Completed certification signature form.

Section 610.60 Applicant Selection Procedures

- a) The Advisory Council shall have the responsibility of reviewing the Illinois AmeriCorps program proposals in both the formula-funded and competitive categories and selecting the proposals for submission for federal funding to the Corporation. As part of this review process, the Advisory Council shall have the authority to consult with persons with specialized knowledge in the subject matter of any of the priorities established by the Act for national service. The decisions of the Advisory Council shall be final and binding. Applicants shall be notified by mail of the decision of the Advisory Council. Programs whose proposals have been selected for submission for federal funding to the Corporation shall be notified by the Lieutenant Governor of the decision of the Corporation relating to their proposals.
- b) The Advisory Council shall first determine whether the applicant's proposal meets the following three (3) program requirements of community impact, strengthening communities, and improving citizenship and skills of members:
 - 1) The proposal shall meet educational, public safety, human, or environmental needs in the community served and provide a direct and demonstrable benefit that is valued by the community.
 - A) Service that provides a direct benefit includes physical projects

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such as renovating low-income housing or creating a playground in a vacant lot, and human service projects such as tutoring, mentoring, or conflict resolution. Eligible activities also include supervising participants or volunteers whose service provides a direct benefit to the community. In all cases, service activities shall result in a specific identifiable service or improvement that otherwise would not be provided with existing funds or volunteers and that does not duplicate the routine functions of workers or displace paid employees. Activities that do not provide a direct benefit to the community, such as clerical work or research, may be performed if they are in support of a direct service. However, such activities may not be the primary activity of a service program. For example, a team whose project involves providing meals, transportation, and health services to the homebound may need to conduct a door-to-door survey of community residents to help locate those in need of services. If they then go on to provide those services, this kind of research would be an appropriate activity for the team.

- B) To determine whether the community values or will value the service proposed, the Advisory Council shall consider the nature, sustainability, and quality of the proposed service and how it meets community needs as identified by needs assessment activities.
- 2) The program shall strengthen communities, bring together both institutions and individuals to cooperate in bringing about lasting and constructive change.
- A) Programs must perform projects that are designed, implemented, and evaluated with extensive and broad-based local input, including consultation with representatives from the community served, members (or potential members) in the program, community-based agencies with a demonstrated record of experience in providing services, foundations, businesses, and local labor organizations representing employees of service sponsors if these entities exist in the area observed by the program.
 - B) Applicants shall agree to seek actively to include members from the communities in which projects are conducted, as well as

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individuals of different races and ethnicities, socioeconomic backgrounds, both men and women, and individuals with disabilities. Programs that lack diversity in some manner must strive for diversity in other ways. For example, programs that do not achieve diversity among members in all areas may seek it by involving a diverse group of additional volunteers in other service alongside members. The Council recognizes that certain programs require the recruitment of members who share a specific characteristic or background, such as a professional corps that requires members to possess specific post-secondary training which might inadvertently cause a lack of diversity. Such programs must still not violate non-discrimination provisions of the Act and the rules promulgated thereunder or this Part relating to member selection.

- 3) Programs shall improve the citizenship and the skills of members.
 - A) Programs shall help members develop, through their service experiences, the ethic and skills needed for productive, active citizenship which includes developing their skills in solving community problems and cultivating a lifelong ethic of productive, active citizenship. Programs shall ensure, in a non-partisan manner, that each member who is eligible to vote registers to vote.
 - B) Programs shall be designed to have particular impacts on members related to the mission of the program. For example, members may improve particular skills, learn the importance of using specialized skills to address pressing needs, or develop leadership and managerial skills.
 - C) Programs shall provide members with the training, skills, and knowledge necessary to perform the tasks required in their respective projects. Programs shall provide members with background information on the community to help them understand why the service project is needed. Programs may also provide, if appropriate, specific training and education designed to help members explore career possibilities in areas such as child development, teaching, public health, or public safety.

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- D) Programs shall provide support services to members at the end of their term of service to make the transition to other educational or career opportunities and to assist members who are school dropouts to earn the equivalent of a high school diploma.
- c) Programs applying for operating grants including educational awards or for educational awards only, which have been found by the Advisory Council to meet the three (3) program requirements as provided above, will be competitively evaluated by the Advisory Council based on the following criteria.
- 1) The Advisory Council shall take into consideration the extent to which both the program overall and its particular projects will address needs important to the community and be conducted in areas of need as defined in the Act. This portion of the evaluation shall compose ten (10) percent of the total.
 - 2) The Advisory Council shall consider the quality of the program based on the program design and organizational capacity.
 - A) Consideration of the program design shall comprise forty (40) percent of the evaluation and is based upon the following criteria:
 - i) The potential impact of using proposed national service members to meet the community needs being addressed.
 - ii) Inclusion of a clear and compelling mission statement.
 - iii) Identification of specific objectives and indicators of success.
 - iv) Development of an effective recruitment, selection, and training plan for staff and members, including recruitment of members and staff from the community to be served.
 - v) Ability to provide appropriate supervision, counseling, service-learning and other education opportunities, and outplacement to members.
 - vi) The involvement of members and community residents in

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the design, operation, and leadership of the program.

- vii) Development of a sound plan for continually improving the program based on self-assessment and monitoring of community and member satisfaction with work performed.
 - viii) Inclusion of an appropriate organization and staffing plan.
 - ix) The program's cost-effectiveness in achieving identified outcomes, including per member cost.
- B) Consideration of organizational capacity shall comprise thirty (30) percent of the evaluation and is based upon the following criteria.
- i) The quality of the leadership of the program.
 - ii) The past performance of the organization or program.
 - iii) The organization's connection to the community.
 - iv) The extent to which the program builds on existing programs.
 - v) Evidence of strong and broad-based community support for the program.
 - vi) Availability of additional funding sources for the program.
- C) In addition to the above, an application proposing the replication of an existing program shall be evaluated on the following criteria.
- i) The success of the program in its original site, including the results of any evaluation undertaken.
 - ii) The program's analysis of the strengths and weaknesses of the original program.
 - iii) Reasons for selecting the replication site and discussion of the adjustments needed for adaption to a new site.

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- iv) The qualification of the leaders of the program at the new site.
- 3) The Advisory Council shall consider the ability of the program to sustain itself beyond the period of Corporation support. This portion shall comprise ten (10) percent of the evaluation and is based upon the following criteria.
 - A) Evidence of strong and broad-based community support.
 - B) Presence of multiple or private funding sources.
 - C) Cost-effectiveness.
 - D) Additional consideration will be given to programs that significantly exceed the local match with non-federal funds and to federal agencies that are providing a substantial match to Corporation funds.
- 4) The Advisory Council shall consider the degree to which needs coincide to program design, the innovative aspects of the program, and the appropriateness of replicating the program in the future. This portion shall comprise ten (10) percent of the evaluation.
- 5) In addition to the criteria on which individual applications will be rated, the Advisory Council shall give priority consideration to the following issues.
 - A) The Advisory Council seeks a broadly diverse member pool that includes the following:
 - i) A large representation of young adults.
 - ii) A proportionate ratio of individuals who have not attended college and those with college-education experience.
 - iii) Approximately equal numbers of men and women.

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- iv) Individuals of all races and ethnicities.
 - v) Individuals with physical and cognitive disabilities.
 - B) The Advisory Council anticipates funding a range of program types that will yield the desired member pool.
 - C) The Advisory Council shall ensure that the programs funded are geographically diverse and include projects in both urban and rural areas.
 - D) The Advisory Council may fund programs that will enable it to test the effect of concentrating a critical mass of members in a small geographic area such as a rural community, small city, or part of a larger city.
 - E) The Advisory Council shall give special consideration to programs able to start-up quickly as a result of having completed a planning phase, programs having start dates in late August or September or January, and programs able to leverage funds at a level beyond that required by the Act.
- 6) The program shall be in conformance with all requirements of the Act and the rules promulgated thereunder.
- d) Programs applying for planning grants that have been found by the Advisory Council to meet the three (3) program requirements as provided in subsection (a) of this Section shall be competitively evaluated by the Advisory Council based on the following criteria.
- 1) The criteria enumerated in subsections (c)(1), (c)(2)(A), and (c)(6) of this Section shall apply to the Advisory Council's consideration of applications for planning grants. For the purposes of this subsection, such criteria shall be construed to apply to potential or proposed programs.
 - 2) The quality of the plan for developing the program.
 - 3) The track record of the organization in launching new initiatives.

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- 4) The appropriateness of the planning budget.
- 5) The ability of the proposed program to become operational.
- 6) The degree to which planning objectives coincide with the design of the proposed program.
- 7) Consideration of the criteria enumerated in subsections (c)(2) through (c)(6) of this Section shall each comprise ten (10) percent of the evaluation.

Section 610.70 Member Recruitment and Selection

- a) Each approved AmeriCorp program shall be responsible for the recruitment, interview, and selection of qualified members who possess leadership potential and a commitment to the goals of the AmeriCorps program, regardless of educational level, work experience, or economic background. Programs shall select members in a non-partisan, non-political, and non-discriminatory manner.
- b) A program may undertake its own recruitment efforts for prospective members and/or it may seek prospective members from the Corporation's national recruitment system and/or the Illinois referral list which shall be maintained by the Advisory Council. The Advisory Council shall work with approved programs at their request to select some members from the Illinois and national recruitment systems in order to supplement local recruitment with people who are from different backgrounds and regions of the nation, have special skills or training, and desire to serve but live in areas where there are few or no national service programs.
- c) The Advisory Council shall prepare and approve an application form which shall be used by all prospective Illinois AmeriCorps members when making application to an approved program or when submitting their application to the Advisory Council for inclusion in the Illinois referral list. Nothing herein shall preclude an approved program from requesting or requiring further information from prospective members provided that any such requests or requirements for further information are not inconsistent with the Act and the rules promulgated thereunder or with this Part.
- d) To ensure that members understand what will be expected from them, programs

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shall use member contracts that stipulate terms of service, acceptable conduct, duties and responsibilities, grievance procedures, termination rules, and other conditions and terms not inconsistent with the Act and the rules promulgated thereunder or with this Part.

Section 610.80 Monitoring of Programs

- a) The Advisory Council shall be responsible for ongoing efforts to monitor the quality and finances of approved Illinois AmeriCorps programs and their conformance with all requirements of the Act and the rules promulgated thereunder and with this Part. Nothing contained herein shall affect or limit in any manner the authority of the Corporation to also monitor approved Illinois AmeriCorps programs. All approved Illinois AmeriCorps programs shall cooperate with the monitoring activities of both the Corporation and the Advisory Council.
- b) The Advisory Council shall have the responsibility of preparing the state report required by 45 CFR 2522 and shall collect from the approved Illinois AmeriCorps programs such information as is necessary to complete this report.
- c) The Advisory Council shall follow and use the same criteria as used by the Corporation to monitor programs as are provided in the rules promulgated under the Act.
- d) Each approved Illinois AmeriCorps program shall be responsible for submitting to the Advisory Council quarterly reports and a final report for the funding cycle. These reports shall provide information on the program's progress in meeting its objectives, such other information as is specified in the rules promulgated under the Act, and the program's finances. Each year, at the beginning of the funding cycle, the Advisory Council shall set a schedule for submission of reports to itself.
- e) The Advisory Council shall have the authority to make site visits to each approved Illinois AmeriCorps program, provided that 24 hour written advance notice is given to the program.
- f) The Advisory Council shall also make a close-out site visit to each approved Illinois AmeriCorps program near or at the end of the funding cycle to review each program programmatically and financially.

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Section 610.90 Invalidity

If any portion of this Part shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining portions thereof.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Uniform Limited Partnership Act (2001)
- 2) Code Citation: 14 Ill. Adm. Code 171
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
171.50	Amend
171.85	New
- 4) Statutory Authority: Implementing and authorized by Section 1303 of the Uniform Limited Partnership Act (2001) [805 ILCS 215/1303]
- 5) A Complete Description of the Subjects and Issues Involved: 171.50 (Additional Requirements for Forms) sets forth the forms used by the Department of Business Services in connection with the requirements of the Uniform Limited Partnership Act (2001) [805 ILCS 215]. Adds 171.85 (New Practices and Technologies) to provide for the development and implementation of new practices and technologies. Note that the language used in this new Section conforms to that currently appearing at Section 178.65 of the rules pertaining to the Limited Liability Company Act at 14 Ill. Adm. Code 178.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rulemakings do not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Anthony Gordon
Assistant General Counsel

SECRETARY OF STATE

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Secretary of State
100 W. Randolph St. Suite 5-100
Chicago, IL 60601

312/814-9509 Fax: 312/814-5958
Email: tgordon@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Limited Partnerships
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which these rulemakings were summarized: July 2008

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 171
UNIFORM LIMITED PARTNERSHIP ACT (2001)

Section

171.10	Prohibited Terms in Title
171.15	Improper Names
171.20	Assumed Names
171.25	Definitions
171.30	Applicability
171.35	Filing Location
171.40	Business Hours
171.45	Filing Requirements
171.50	Additional Requirements for Forms
171.55	Payment of Fees
171.60	Sale of Information
171.65	Refunds
171.70	Service of Process
171.75	Interrogatories
171.80	Right to Counsel
171.85	New Practices and Technologies

AUTHORITY: Implementing and authorized by the Uniform Limited Partnership Act (2001) [805 ILCS 215/1303].

SOURCE: Adopted at 29 Ill. Reg. 19696, effective November 28, 2005; amended at 32 Ill. Reg. 346, effective January 7, 2008; amended at 32 Ill. Reg. _____, effective _____.

Section 171.50 Additional Requirements for Forms

- a) All documents required by the ULPA to be filed in the Office of the Secretary of State shall be made on the most recent version of forms prescribed and furnished by the Secretary of State. [Fees for the forms can be found at 805 ILCS 215/1302.](#)
[The Secretary of State employs the following forms:](#)

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- 1) [Form LP 108.5 Application to Adopt, Change or Cancel an Assumed Name \(see 805 ILCS 215/108.5\);](#)
- 2) [Form LP 108.5\(e\) Assumed Name Renewal Application \(see 805 ILCS 215/108.5\);](#)
- 3) [Form LP 109 Application to Reserve Name, Cancellation of Reserved Name, Transfer of Reserved Name \(see 805 ILCS 215/109\);](#)
- 4) [Form LP 115 Change of Designated Office or Agent for Service of Process \(see 805 ILCS 215/115\);](#)
- 5) [Form LP 116 Resignation of Agent for Service of Process \(see ILCS 805 215/116\);](#)
- 6) [Form LP 117 Affidavit of Compliance for Service on Secretary of State \(see 805 ILCS 215/117\);](#)
- 7) [Form LP 201 Certificate of Limited Partnership \(see 805 ILCS 215/201\);](#)
- 8) [Form LP 202 Amendment to the Certificate of Limited Partnership \(see 805 ILCS 215/202\);](#)
- 9) [Form LP 202-RECE Restated Certificate of Limited Partnership \(see 805 ILCS 215/202\);](#)
- 10) [Form LP 203 Statement of Termination of the Certificate of Limited Partnership \(see 805 ILCS 215/203\);](#)
- 11) [Form LP 207 Statement of Correction \(see 805 ILCS 215/207\);](#)
- 13) [Form LP 810/906.5 Application for Reinstatement \(see 805 ILCS 215/810\);](#)
- 14) [Form LP 902 Application for Certificate of Authority \(see 805 ILCS 215/902\);](#)
- 15) [Form LP 902.5 Amended Application for Certificate of Authority \(see 805 ILCS 215/902\);](#)

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- 16) [Form LP 907 Cancellation of Certificate of Authority \(see 805 ILCS 215/907\);](#)
- 17) [Form LP 1104 Articles of Conversion \(see 805 ILCS 215/1104\);](#)
- 18) [Form LP 1108 Articles of Merger \(see 805 ILCS 215/1108\).](#)

- b) All documents filed with the Department, except the original certificates of limited partnership and applications for admission of a foreign limited partnership shall contain the file number assigned to the partnership by the Department.
- c) All documents and attachments submitted by a limited partnership or limited liability partnership shall be typewritten on 8½ x 11" white paper.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 171.85 New Practices and Technologies

The Secretary of State is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, ULPA filing data by means of electronic, voice, optical and/or other technologies, and without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based filing system utilizing any such technologies.

(Source: Added at 32 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography
- 2) Code Citation: 32 Ill. Adm. Code 405
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
405.20	Amendment
405.30	Amendment
405.40	Amendment
405.50	Amendment
405.60	Amendment
405.70	Amendment
405.90	Amendment
405.100	Amendment
405.110	Amendment
405.120	Amendment
405.130	Amendment
405.140	Amendment
405.150	Amendment
- 4) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40/7a]
- 5) Effective Date of Amendments: July 24, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file at the agency's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection
- 9) Notice of Proposal Published in the Illinois Register: 32 Ill. Reg. 4290; March 28, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Agency is proposing this Amendment to: 1) change all references of "Department" or the "Illinois Department of Nuclear Safety" to "Agency" or "Illinois Emergency Management Agency" pursuant to Executive Order #12, effective July 1, 2003; 2) increase the fee for the industrial radiography certification exam from \$75 to \$100 to account for the exam's cost increase, which was recently announced by the exam's provider; 3) eliminate the requirement that a certified industrial radiographer trainee, whose non renewable certification is good for 2 years, must take the required examination within 12 months; 4) clarify that the certified industrial radiographer trainee status is non renewable and will not be reissued for any other type of industrial radiography; 5) note the requirements for renewal of certification and that an individual may not perform industrial radiography without valid certification or the expressed approval of the Agency; 6) define the process of assessing civil penalties against individuals for violations of the Agency's certification requirement.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Louise Michels
Staff Attorney
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9876

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER b: RADIATION PROTECTION

PART 405

CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

Section

405.10	Purpose and Scope
405.20	Definitions
405.30	Application for Certification
405.40	Categories of Certification
405.50	Examination Requirements
405.60	Examinations
405.70	Approved Training Program
405.80	Experience Requirements for Certification
405.90	Requirements for Issuance of Certification
405.100	Duration of Certification
405.110	Fees
405.120	Reciprocity
405.130	Requirements for Renewal of Certification
405.140	Suspension, Revocation and Denial of Certification
405.150	Civil Penalties
405.APPENDIX A	Minimum Training Requirements for Industrial Radiography Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. 10721, effective June 23, 1994; amended at 20 Ill. Reg. 12602, effective September 6, 1996; emergency amendment at 25 Ill. Reg. 14975, effective October 30, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 3483, effective February 25, 2002; amended at 27 Ill. Reg. 2169, effective February 1, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 32 Ill. Reg. 13161, effective July 24, 2008.

Section 405.20 Definitions

As used in this Part, the following definitions shall apply:

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"Act" means the Radiation Protection Act of 1990 [420 ILCS 40].

"Agency" means the Illinois Emergency Management Agency.

"Approved Training Program" means a program that the Agency~~Department~~ has determined is adequate to prepare individuals to meet the training requirements prescribed in Appendix A ~~of this Part~~.

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, bus terminals and similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment that may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Certification" means the authorization by the Illinois Emergency Management Agency~~Department of Nuclear Safety~~ of an individual to perform industrial radiography in Illinois.

"Certified Industrial Radiographer" means an individual who has met prescribed training and experience requirements and has passed an approved examination and is authorized by the Agency~~Department~~, pursuant to Section 405.90(a) ~~of this Part~~, to perform industrial radiography.

"Certified Industrial Radiographer Trainee" means an individual who is authorized by the Agency~~Department~~, pursuant to Section 405.90(b) ~~of this Part~~, to be instructed in industrial radiography and who may perform industrial radiography while under the personal supervision of a Certified Industrial Radiographer.

AGENCY NOTE: Instruction in industrial radiography for trainees certified by the Agency~~Department~~ includes on-the-job and field experience.

"Department" means the Illinois Department of Nuclear Safety.

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"Director" means the Director of the Illinois [Emergency Management Agency](#). ~~Department of Nuclear Safety.~~

"Industrial Radiography" means the process used to perform the examination of the macroscopic structure of materials by non-destructive methods using radioactive materials or radiation machines. For purposes of this Part, industrial radiography does not include radiography performed with Lixiscopes or cabinet x-ray systems, nor does it include computed tomography or computer-based digital radiography in which the useful beam of radiation is collimated to detectors.

"Industrial Radiography – Radiation Machines" means the process of performing industrial radiography using radiation producing machines.

"Industrial Radiography – Radioactive Materials" means the process of performing industrial radiography using radioactive materials.

"Lixiscope" means a portable light-intensified imaging device using a sealed source.

"Personal supervision" means supervision provided by a Certified Industrial Radiographer who is physically present at the immediate site where sources of radiation and associated equipment are being used, visually evaluating the performance of the Certified Industrial Radiographer Trainee and in such proximity that immediate assistance can be given if required.

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.30 Application for Certification

- a) Any individual applying to the [Agency](#) ~~Department~~ for certification to perform industrial radiography shall:
 - 1) Submit a complete and legible application on a form prescribed by the

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Agency~~Department~~;

- 2) Pay the appropriate non-refundable application fee in accordance with Section 405.110 ~~of this Part~~;
 - 3) Meet the examination requirements set forth in Section 405.50 ~~of this Part~~ or satisfy the requirements for certification based on reciprocity as set forth in Section 405.120 ~~of this Part~~; and
 - 4) Provide evidence that the requirements for the given category and class for which certification is sought have been met.
- b) The appropriate fee shall accompany the application when filing with the Agency~~Department~~. An application shall be deemed filed on the date that it is received by the Agency~~Department~~ or on the date that it is postmarked by the United States Postal Service or equivalent.
- c) The Agency~~Department~~ shall refuse to issue or renew certification to any individual if the Agency~~Department~~ has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in 20 ILCS 3310/802005/2005-85.
- d) The Agency~~Department~~ shall refuse to issue or renew certification to any individual, after an opportunity for a hearing, if the Agency~~Department~~ has evidence that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65. Further process, hearing, or redetermination of the delinquency or violation by the Agency~~Department~~ shall not be required if the refusal is based solely upon the certification of delinquency made by the Illinois Department of Healthcare and Family Services (or successor agency)~~Department of Public Aid~~ or the certification of violation made by the court. The Agency~~Department~~ may issue or renew a certification~~license~~ if the applicant has arranged for payment of past and current child support obligations in a manner satisfactory to the Illinois Department of Healthcare and Family Services (or successor agency)~~Department of Public Aid~~. The Agency~~Department~~ may also impose conditions, restrictions or disciplinary action upon the certification.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

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Section 405.40 Categories of Certification

- a) The ~~Agency~~Department shall certify individuals to perform industrial radiography in one or more of the following categories:
- 1) Certified Industrial Radiographer; or
 - 2) Certified Industrial Radiographer Trainee.
- b) Each certification issued shall include a class endorsement for the type of industrial radiography authorized. Such class endorsements are limited to:
- 1) Radioactive Materials;
 - 2) Radiation Machines; or
 - 3) Radioactive Materials and Radiation Machines.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.50 Examination Requirements

- a) An individual who seeks certification or renewal of certification as a Certified Industrial Radiographer shall have passed, within 12 months prior to application for certification, a written examination appropriate to the category and class of certification sought in accordance with Section 405.60 ~~of this Part~~.
- ~~b) An individual who holds certification as a Certified Industrial Radiographer Trainee shall take the examination for Certified Industrial Radiographer as prescribed by Section 405.60 of this Part within 12 months after certification.~~
- be) Application for examination or re-examination shall be on forms prescribed by the ~~Agency~~Department and shall include the appropriate fee specified by Section 405.110 ~~of this Part~~. Examination fees are non-refundable.

~~AGENCY NOTE: In the event that an examination is not passed under subsection (a) or (b) of this Section, the applicant may apply for re-examination in accordance with subsection (c) of this Section.~~

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- cd) Examinees shall present photographic identification (e.g., drivers license) at the time of examination.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.60 Examinations

- a) The AgencyDepartment shall administer examinations in each class of industrial radiography as specified in Section 405.40(b) of this Part at such times and places as the AgencyDepartment determines necessary.
- 1) The examination shall be available through the Conference of Radiation Control Program Directors, Inc.
 - 2) The passing score shall be 70 percent.
 - 3) A candidate who fails an examination may apply for re-examination in accordance with Section 405.50 of this Part.
- b) The AgencyDepartment shall accept or utilize alternative examinations provided that the examinations are found acceptable by the U.S. Nuclear Regulatory Commission or the Conference of Radiation Control Program Directors, Inc.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.70 Approved Training Program

Industrial radiographer training programs shall be approved by the AgencyDepartment. The AgencyDepartment shall recognize other programs approved by another state or jurisdiction provided that such programs consist of standards and procedures that are the same or comparable to the standards and procedures established by the Radiation Protection Act of 1990 and this Part. The AgencyDepartment shall base its approval on information provided by the training program that shall include:

- a) Curriculum information sufficient to assure inclusion of subjects referenced in Appendix A of this Part;
- b) Copies of test questions and answers and other evaluation tools and criteria used to demonstrate a participant's comprehension of subject matter in Appendix A of

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~~this Part~~; and

- c) Resumes of instructors.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.90 Requirements for Issuance of Certification

The ~~Agency~~Department shall certify in a category and class of industrial radiography any individual who has satisfied the following requirements:

- a) Certified Industrial Radiographer
- 1) Submitted an application for certification on a form prescribed by the ~~Agency~~Department;
 - 2) Submitted the application fee specified in Section 405.110(a) ~~of this Part~~;
 - 3) Passed an examination as required by Section 405.50(a) ~~of this Part~~ or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 ~~of this Part~~; and
 - 4) Completed the required hours of experience in industrial radiography as specified in Section 405.80 ~~of this Part~~ or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 ~~of this Part~~.
- b) Certified Industrial Radiographer Trainee
- 1) Submitted an application for certification on a form prescribed by the ~~Agency~~Department;
 - 2) Submitted the application fee specified in Section 405.110(a) ~~of this Part~~; and
 - 3) Submitted documentation of successful completion of an approved training program as specified in Section 405.70 ~~of this Part~~ or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 ~~of this Part~~.

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AGENCY NOTE: Training includes didactic study incorporating those topics included in Appendix A ~~of this Part~~. Training does not include on-the-job experience.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.100 Duration of Certification

a) The duration of certification issued by the ~~Agency~~Department shall be:

~~a1)~~ Certified Industrial Radiographer..... 5 years

~~b2)~~ Certified Industrial Radiographer Trainee 2 years

~~b)~~ ~~Certification for Certified Industrial Radiographer Trainee is non-renewable.~~

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.110 Fees

a) The application fees for examination or certification are non-refundable and are as follows:

1) Each application for examination by the ~~Agency~~Department ~~\$100~~\$75

2) Each application for certification

A) Certified Industrial Radiographer \$100

B) Certified Industrial Radiographer Trainee \$100

b) The appropriate fees shall accompany the application when filing with the ~~Agency~~Department.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.120 Reciprocity

a) The ~~Agency~~Department shall issue certification to an applicant who has been certified in another state or jurisdiction, or by the American Society of

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Nondestructive Testing (ASNT), provided that:

- 1) The applicant holds a valid certification in the appropriate category and class issued by another state or jurisdiction or by the ASNT;
 - 2) The standards and procedures for the certification issued by the state, jurisdiction, or ASNT are the same or comparable to the certification standards established by or pursuant to the Radiation Protection Act of 1990 and this Part;
 - 3) The applicant presents a copy of the certification document issued by the other state or jurisdiction, or by the ASNT, to the Agency Department; and
 - 4) The applicant submits the application fee in accordance with Section 405.110(a) ~~of this Part~~.
- b) Individuals who are certified by reciprocity shall either:
- 1) Maintain the certification upon which the reciprocal certification was issued; or
 - 2) Satisfy the requirements of Section 405.90 ~~of this Part~~ prior to the expiration of the certification upon which reciprocal certification was issued.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.130 Requirements for Renewal of Certification

- a) Prerequisites
- 1) An individual shall submit an application for ~~re-examination and~~ renewal of certification ~~on or before at least six months prior to~~ the expiration date of certification. ~~The Department shall waive this requirement if the applicant satisfies the requirements of Section 405.30(a) of this Part.~~ An individual may not ~~legally~~ perform industrial radiography without valid certification or without the written approval of the Agency during such time as an application may be pending.

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- 2) Each applicant shall submit a complete and legible application with the fee for ~~re-examination and~~ renewal of certification in accordance with Section ~~405.110(a)(2)(A)~~[405.30\(a\) of this Part](#).
- b) Re-examination. Applicants for renewal of certification shall meet the requirements of Section 405.~~5090(a) of this Part including re-examination as described in subsection (a) of this Section~~[5090\(a\) of this Part](#).
- c) Certification as a Certified Industrial ~~Radiographer~~[Radiography](#) Trainee is non-renewable ~~and will not be re-issued for any other type of industrial radiography~~[and will not be re-issued for any other type of industrial radiography](#).

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.140 Suspension, Revocation and Denial of Certification

- a) The ~~Agency~~[Department](#) may act to suspend or revoke an individual's certification or refuse to issue or renew certification, for any one or a combination of the following causes:
 - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial certification or renewal of certification if such misstatement or misrepresentation would impair the ~~Agency's~~[Department's](#) ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
 - 2) Knowingly making a false material statement to ~~an Agency~~[a Department](#) employee during the course of official ~~Agency~~[Department](#) business;
 - 3) Knowingly falsifying records of employees when such falsification would impair the ~~Agency's~~[Department's](#) ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
 - 4) Willfully evading the statute or regulations pertaining to certification, or willfully aiding another person in evading such statute or regulations pertaining to certification;
 - 5) Performing procedures under, or representing as valid to any person, a certification issued by the ~~Agency~~[Department](#) containing on its face unauthorized alterations or changes that are inconsistent with

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- [AgencyDepartment](#) records regarding the issuance of that certification;
- 6) Performing procedures under, or representing as valid to any person, a credential not issued by the [AgencyDepartment](#) to prove certification in Illinois;
 - 7) Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless the individual demonstrates to the [AgencyDepartment](#) that he/she has been sufficiently rehabilitated, ~~by restoration of all civil rights,~~ to warrant the public trust;
 - 8) Exhibiting significant or repeated incompetence in the performance of industrial radiography duties;
 - 9) Having a physical or mental illness or disability that results in the individual's inability to perform industrial radiography duties with reasonable judgment, skill and safety;
 - 10) Performing industrial radiography in such a manner that requirements of 32 Ill. Adm. Code 350 are violated resulting in a threat to health and safety of the individual, other workers or the public;
 - 11) ~~Having an actual or potential inability to perform industrial radiography duties with reasonable judgment, skill and safety due to the use of alcohol, narcotics or stimulants~~ ~~Repeatedly using alcohol, narcotics or stimulants to such an extent as to impair the performance of duties;~~
 - 12) Having had a similar certification suspended or revoked if the grounds for that suspension or revocation are the same or equivalent to one or more grounds for suspension or revocation as set forth in this subsection (a);
 - 13) Failure to maintain the out-of-state certification upon which certification by reciprocity was issued;
 - 14) Failure to repay educational loans guaranteed by the Illinois Student Assistance Commission, as provided in 20 ILCS ~~3310/802005/2005-85~~;
 - 15) Failure to meet child support orders, as provided in 5 ILCS 100/10-65; and

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- 16) Failure to pay a fee or civil penalty properly assessed by the [AgencyDepartment](#).
- b) If, based upon any of the grounds in subsection (a) of this Section, the [AgencyDepartment](#) determines that action to suspend or revoke certification, or refusal to issue or renew certification, is warranted, the [AgencyDepartment](#) shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the [AgencyDepartment](#) takes action to suspend or revoke an individual's certification unless the [AgencyDepartment](#) finds that an immediate suspension of certification is required to protect against immediate danger to the public health or safety (~~{see 420 ILCS 40/38}~~), in which case the [AgencyDepartment](#) shall suspend an individual's certification pending a hearing. The [AgencyDepartment](#) shall revoke or suspend, or shall refuse to issue or renew certification under subsection (a)(15) of this Section *based solely upon the certification of delinquency made by the Illinois Department of Healthcare and Family Services (or successor agency)Department of Public Aid or the certification of violation made by the court. Further process, hearing, or redetermination of the delinquency or violation by the AgencyDepartment shall not be required. The Agencylicensing agency may issue or renew a certificationlicense if the individuallicensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Illinois Department of Healthcare and Family Services (or successor agency)Department of Public Aid or the court. The Agencylicensing agency may impose conditions, restrictions, or disciplinary action upon that certificationlicense.* [5 ILCS 100/10-65(c)]
- c) If the [AgencyDepartment](#) finds that removal or refusal to issue or renew certification is warranted, the usual action shall be a suspension or denial of certification for up to one year. The term of suspension may be reduced by the Director, based upon evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. However, if the [AgencyDepartment](#) finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to occupational or public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the [AgencyDepartment](#) shall revoke the individual's certification or deny the application.
- d) When an individual's certification is suspended or revoked, the individual shall surrender his/her certification document to the [AgencyDepartment](#) until the

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termination of the suspension period or until reissuance of the certification.

- e) An individual whose certification has been revoked may seek reinstatement of certification by filing with the [AgencyDepartment](#) a petition for reinstatement. The petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the certification should be reinstated due to rehabilitation or other just cause.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

Section 405.150 Civil Penalties

- a) The [AgencyDepartment](#) shall assess civil penalties, in accordance with subsection (c) of this Section, against any individual who performs industrial radiography without valid certification.

AGENCY NOTE: Licensees and registrants that allow individuals who are not certified to perform industrial radiography are also subject to civil penalties. These penalties are assessed pursuant to 32 Ill. Adm. Code 310.

- b) Prior to assessing civil penalties, the [AgencyDepartment](#) shall confirm the violation of the certification requirements by:
- 1) Observation of the violation;
 - 2) Obtaining records, documents or other physical evidence;
 - 3) Obtaining statements from either the employer or the employee which confirm the existence of the violation; or
 - 4) Obtaining statements from third parties (e.g., co-workers) that corroborate the allegation that a violation has occurred.
- c) Civil penalties shall be assessed against individuals who perform industrial radiography without certification (i.e., uncertified radiographer) as follows:
- 1) First violation by an uncertified individual – \$250.

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- 2) Second violation by an uncertified individual – \$500.
- 3) Third and subsequent violation by an uncertified individual – \$1,000 for each violation.
- d) The Agency may commence administrative proceedings for the assessment and collection of civil penalties by sending a Notice of Violation. The Notice shall give the individual an opportunity to pay the penalty without further action from the Agency. ~~The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200. Each day the violation continues shall constitute a separate offense.~~
- e) Failure of an individual to abate a certification violation or to pay the civil penalty as directed may cause the Agency to issue a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Claims, Adjudication, Appeals and Hearings
- 2) Code Citation: 56 Ill. Adm. Code 2720
- 3) Section Number: 2720.11 Adopted Action:
New
- 4) Statutory Authority: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304]
- 5) Effective Date of Amendment: July 24, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 6999; May 2, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In subsection (d) of Section 2720.11, "July 22, 2008" was substituted for "the effective date of this Section" in two places, and "October 1, 2008" was changed to "November 1, 2008".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u> 2720.100	<u>Proposed Amendment:</u> Amendment	<u>Illinois Register Citation:</u> 32 Ill. Reg. 10696; July 18, 2008
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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

2720.107	Amendment	32 Ill. Reg. 10696; July 18, 2008
2720.112	Amendment	32 Ill. Reg. 10696; July 18, 2008
2720.115	Amendment	32 Ill. Reg. 10696; July 18, 2008
2720.207	Amendment	32 Ill. Reg. 10696; July 18, 2008
2720.210	Amendment	32 Ill. Reg. 10696; July 18, 2008
2720.310	Amendment	32 Ill. Reg. 10696; July 18, 2008
2720.315	Amendment	32 Ill. Reg. 10696; July 18, 2008

- 15) Summary and Purpose of Rulemaking: New Section 2720.11 announces that future payments of benefits administered by the Department of Employment Security will be made by either direct deposit or debit card. In the absence of an election for direct deposit, payment will be made through a debit card. A schedule for the transition is part of the rulemaking.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, Illinois 60603

312/793-2333
gregory.ramel@illinois.gov

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONSPART 2720
CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section

2720.1	Definitions
2720.3	"Week" In Relation To "Benefit Year"
2720.5	Service Of Notices, Decisions, Orders
2720.7	Application For Electronic Data Transmission
2720.10	Computation Of Time
2720.11	Methods Of Payment
2720.15	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.20	Attorney Representation Of Claimants
2720.25	Form Of Papers Filed
2720.30	Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section

2720.100	Filing A Claim
2720.101	Filing, Registering And Reporting By Mail Under Special Circumstances
2720.105	Time For Filing An Initial Claim For Benefits
2720.106	Dating Of Claims For Weeks Of Partial Unemployment
2720.107	Employing Unit Reports For Partial Unemployment
2720.108	Alternative "Base Period"
2720.110	Required Second Visit To Local Office (Repealed)
2720.112	Telephone Certification
2720.115	Continuing Eligibility Requirements
2720.120	Time For Filing Claim Certification For Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)
2720.126	Availability For Part Time Work Only (Repealed)
2720.127	Director's Approval Of Training (Repealed)
2720.128	Active Search For Work: Attendance At Training Courses (Repealed)

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2720.129	Regular Attendance In Approved Training (Repealed)
2720.130	Employing Unit Protest Of Benefit Payment
2720.132	Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work
2720.135	Adjudicator Investigation
2720.140	Adjudicator Determination
2720.145	Payment Of Unemployment Insurance Benefits For Initial Claims
2720.150	Applying For Unemployment Insurance Benefits Under Extension Programs
2720.155	Non-Resident Application For Benefits
2720.160	Reconsidered Findings Or Determinations

SUBPART C: APPEALS TO REFEREE

Section	
2720.200	Filing Of Appeal
2720.201	Application For Electronic Data Transmission Of Notice Of Hearing
2720.205	Notice Of Hearing
2720.210	Preparation For The Hearing
2720.215	Format Of Hearings
2720.220	Ex Parte (One Party Only) Communications
2720.225	Subpoenas
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2720.230	Consolidation Or Severance Of Proceedings
2720.235	Withdrawal Of Appeal
2720.240	Continuances
2720.245	Conduct Of Hearing
2720.250	Rules Of Evidence
2720.255	Failure Of Party To Appear At The Scheduled Hearing
2720.265	The Record
2720.270	Referee's Decision
2720.275	Labor Dispute Appeals
2720.277	Prehearing Conference In Labor Dispute Appeal

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section	
2720.300	Filing Of Appeal
2720.305	Notice Of Appeal
2720.310	Request For Oral Argument

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2720.315	Submission of Written Argument Or Request to Submit Additional Evidence
2720.320	Access To Record
2720.325	Withdrawal Of Appeal
2720.330	Consolidation Or Severance Of Appeals
2720.335	Decision Of The Board Of Review
2720.340	Extensions Of Time In Which To Issue A Board Of Review Decision
2720.345	Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304].

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days; emergency expired September 19, 1992; amended at 17 Ill. Reg. 17937, effective October 4, 1993; amended at 18 Ill. Reg. 16340, effective October 24, 1994; amended at 21 Ill. Reg. 9441, effective July 7, 1997; amended at 21 Ill. Reg. 12129, effective August 20, 1997; emergency amendment at 27 Ill. Reg. 4217, effective February 15, 2003, for a maximum of 150 days; emergency expired July 15, 2003; amended at 29 Ill. Reg. 1909, effective January 24, 2005; amended at 32 Ill. Reg. 13177, effective July 24, 2008.

SUBPART A: GENERAL PROVISIONS

Section 2720.11 Methods Of Payment

- a) For purposes of this Section, "benefits" includes payments to a claimant pursuant to the Unemployment Insurance Act; trade readjustment allowances and alternative trade adjustment assistance payable pursuant to the Trade Act of 1974, as amended (19 USC 2101 et seq.); disaster unemployment assistance payable pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act,

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as amended (42 USC 5121 et seq.); and any other payments the Department may make with respect to unemployment.

- b) Except as otherwise provided in subsection (c), the Department will pay benefits to a claimant by crediting the benefits to a financial institution account that the Department shall establish for the claimant and against which the claimant may electronically draw funds through the use of a debit card. The issuance of a debit card pursuant to this Section does not entitle a claimant to draw funds unless:
- 1) the claimant has activated the card in accordance with the instructions of the financial institution with which the account was established; and
 - 2) the account has a positive balance. The claimant's use of a card pursuant to this Section shall be subject to the terms of the cardholder agreement provided by the financial institution with which the claimant's account has been established. The Department may make adjustments to an account established pursuant to this Section when necessary to correct credit or debit entries made in error.
- c) Notwithstanding subsection (b), the Department will pay benefits to a claimant by direct deposit into a financial institution account designated by the claimant if the designation is in effect at the time the benefit payment is processed. A designation made pursuant to this subsection shall be made on a Direct Deposit Authorization Form provided by the Department and shall subject the claimant to the terms and conditions set forth on the form. The Department may make adjustments to an account designated pursuant to this Section when necessary to correct credit or debit entries made in error.
- d) This Section applies to trade readjustment allowance payments made on or after July 22, 2008, payments made pursuant to the Unemployment Insurance Act with respect to benefit years beginning on or after July 22, 2008, and all other benefit payments made on or after November 1, 2008, except alternative trade adjustment assistance payments. This Section applies to alternative trade adjustment assistance payments made on or after April 1, 2009. Paper checks will not be issued through the regular benefit payment system with regard to benefit payments to which this Section applies.

(Source: Added at 32 Ill. Reg. 13177, effective July 24, 2008)

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- 1) Heading of the Part: Payment of Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2830
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2830.300	Amend
2830.303	New
2830.305	Amend
2830.310	Amend
2830.315	Amend
2830.325	Amend
- 4) Statutory Authority: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701]
- 5) Effective Date of the Amendments: July 24, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office, and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 2, 2008; 32 Ill. Reg. 7005
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In subsection (a) of Section 2830.305, "completed" was changed to "signed" and in (c)(4) of Section 2830.325 "(or otherwise that the direct deposit authorization form is not authentic if it was submitted via the internet)" is added after "his or hers".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

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<u>Section Numbers:</u>	<u>Adopted Action:</u>	<u>Illinois Register Citation:</u>
2830.200	Amendment	32 Ill. Reg. 10751; July 18, 2008
2830.206	New	32 Ill. Reg. 10751; July 18, 2008
2830.210	Amendment	32 Ill. Reg. 10751; July 18, 2008
2830.215	Amendment	32 Ill. Reg. 10751; July 18, 2008
2830.220	Amendment	32 Ill. Reg. 10751; July 18, 2008

- 15) Summary and purpose of the amendments: This rulemaking will provide a process for addressing situations where a replacement electronic benefit payment is required or where a debit card is lost or stolen.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, Illinois 60603

312/793-2333
gregory.ramel@illinois.gov

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER e: RIGHTS AND DUTIES OF EMPLOYEESPART 2830
PAYMENT OF BENEFITS

SUBPART A: GENERAL PROVISIONS

Section	
2830.10	Mailing Address For Benefit Checks
2830.50	Calculating The "National Average Of This Ratio" Under Section 401 Of The Act

SUBPART B: PAYMENT TO DECEASED CLAIMANTS

Section	
2830.200	Payment Of Benefits Due A Deceased Claimant
2830.205	Order Of Payment To Survivors Of A Deceased Claimant
2830.210	Payment To A Minor Survivor Of A Deceased Claimant
2830.215	Time And Manner For Claiming Benefits Due A Deceased Claimant
2830.220	Right Of Appeal

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

Section	
2830.300	Requests For Reissuance Of Checks <u>Or Replacement Of Electronic Payments</u>
<u>2830.303</u>	<u>Lost Or Stolen Debit Cards</u>
2830.305	Where Original Benefit Check Has Been Processed By The <u>Payor Depository</u> Bank <u>Or Where Direct Deposit Has Been Established Without Authorization</u>
2830.310	Check <u>Or Direct Deposit Authorization</u> Forgery Investigation
2830.315	Notice Of Interview
2830.320	Continuances
2830.325	Check <u>Or Direct Deposit Authorization</u> Forgery Interview
2830.330	The Record
2830.335	Decision
2830.340	Appeals

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AUTHORITY: Implementing and authorized by Sections 400, 401, 404, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/400, 401, 404, 1700 and 1701].

SOURCE: Illinois Department of Labor, Bureau of Employment Security, Regulation 26, filed as amended May 2, 1952, effective May 12, 1952; rule repealed by operation of law, October 1, 1984; new rules adopted at 9 Ill. Reg. 10005, effective June 15, 1985; amended at 14 Ill. Reg. 9101, effective May 23, 1990; amended at 15 Ill. Reg. 16960, effective November 12, 1991; amended at 32 Ill. Reg. 13183, effective July 24, 2008.

SUBPART C: REISSUANCE OF BENEFIT CHECKS, MISDIRECTED
PAYMENTS OR LOST OR STOLEN DEBIT CARDS

**Section 2830.300 Requests For Reissuance Of Checks Or Replacement Of Electronic
Payments**

- a) If the claimant is filing an intrastate claim (see 56 Ill. Adm. Code 2714 for interstate claims), his or her request for the reissuance of a paymentbenefit check must be made in person at the claimant's local office ~~where the claimant last filed a claim~~. Such request shall be made in writing on a form provided by the Department, BIS-0096, "Request for Replacement Check and Check Tracer."
- 1) If the original check has already been processed by the payordepository bank, the claimant will be sent instructions as outlined in Section 2830.305.
 - 2) If the original check has been returned to the Agency by either the individual or the Post Office, it shall be immediately reissued to the individual.
 - 3) If the original check has not been processed by the payordepository bank, the DepartmentAgency will submit a stop payment order ~~to the bank~~. After confirmation thata knowledge of the stop payment order has been processedis returned by the depository bank, a replacement check will immediately be issued.
- b) Requests by a second endorser for replacement of a benefit check thatwhich has not already been processed by the payordepository bank shall be made in writing to Accounting Services Division, Trust Fund Subdivision, 33404 S. State St.,

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Chicago, IL ~~60603~~60605.

- 1) If the original benefit check was lost, mutilated or stale-dated after receipt by the second endorser, and if proof of ~~that~~such action is provided to the ~~Department~~Agency, disbursement of the funds to cover the check will be made to the second endorser.
- 2) If the original benefit check was subject to a stop payment order initiated by the claimant pursuant to subsection (a)(3), the matter will be sent to the Benefit Payment Control Division for an interview pursuant to Section 2830.310.

(Source: Amended at 32 Ill. Reg. 13183, effective July 24, 2008)

Section 2830.303 Lost Or Stolen Debit Cards

A claimant must report a lost or stolen debit card immediately to the financial institution that issued the card by calling the telephone number provided on the cardholder agreement provided by the financial institution. The telephone number will also be available on the Department's website. A replacement card will be issued in accordance with the terms and conditions of the cardholder agreement.

(Source: Added at 32 Ill. Reg. 13183, effective July 24, 2008)

Section 2830.305 Where Original Benefit Check Has Been Processed By The Payor Depository Bank Or Where Direct Deposit Has Been Established Without Authorization

- a) When~~Where~~ a request for reissuance of a ~~payment~~benefit check is made by a claimant pursuant to Section 2830.300 and it is determined that the check has already been processed by the ~~payor~~depository bank, or when the payment has been directly deposited into a financial institution account the claimant asserts he or she did not authorize pursuant to 56 Ill. Adm. Code 2720.11, the~~such~~ claimant will be sent a copy of the check or the Direct Deposit Authorization/Change Form and an a form, BIS-0097, "Affidavit of Non-Endorsement or an Affidavit of Non-Authorization for Direct Deposit." If the claimant believes that neither the claimant~~he~~ nor the claimant's~~his~~ authorized agent endorsed the check or completed the direct deposit authorization~~or that he did not receive the proceeds of such check, then~~, within 30 days after~~of~~ the mailing of the copy of the check or

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Direct Deposit Authorization/Change Form, the claimant must file the completed "Affidavit of Non-Endorsement or Affidavit of Non-Authorization for Direct Deposit, as appropriate," at the claimant's local office where the claimant last filed a claim for benefits.

- b) When a request for reissuance of a benefit check is made by a second endorser and the original benefit check has been processed by the payor depository bank, the request must be made within 90 days after the date that the check was paid by the payor depository bank.

(Source: Amended at 32 Ill. Reg. 13183, effective July 24, 2008)

Section 2830.310 Check Or Direct Deposit Authorization Forgery Investigation

- a) When a forgery investigation is to be conducted because the claimant claims he or she did not receive non-payment of the proceeds of a payment benefit check, all materials relevant to the matter shall be forwarded to the Department's Agency's Benefit Payment Control Subdivision where a special agent shall investigate the matter and prepare a recommendation as to whether to reissue the payment benefit check to the claimant.
- b) If the recommendation of the special agent is not to reissue the payment original benefit check, the special agent shall set the matter for a forgery interview pursuant to Section 2830.315.
- c) Prior to the forgery interview provided in Section 2830.315, the special agent who conducted the initial investigation shall prepare a form, SI-1F, Report of Forgery Investigation, and record the results of the following in chronological order:
- 1) Any contact with the second endorser or payor of the check. Any relevant information or evidence, such as check cashing registration cards or direct deposit information, should be noted and included in the file;
 - 2) Contact with additional witnesses as might be deemed necessary by the special agent;
 - 3) Any contact with the claimant, including any background information that might have been discovered; and

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- 4) A summary of all relevant facts and the basis for the decision not to reissue the ~~payment~~[benefit check](#).

(Source: Amended at 32 Ill. Reg. 13183, effective July 24, 2008)

Section 2830.315 Notice Of Interview

- a) Written notice of the date, time and place of the forgery interview will be mailed to the claimant at least 10 days prior to the date of the interview.
- b) The notice of interview shall identify the facts and issues to be covered by the interview.
- c) The notice of interview shall be sent to the claimant at the address shown on the Affidavit of Non-Endorsement [or Affidavit of Non-Authorization for Direct Deposit, as the case may be](#).

(Source: Amended at 32 Ill. Reg. 13183, effective July 24, 2008)

Section 2830.325 Check [Or Direct Deposit Authorization](#) Forgery Interview

- a) A special agent other than the special agent who conducted the investigation will control the interview, which will be limited to the issues set forth in the notice of interview;
- b) All testimony at the interview shall be made under oath or affirmation;
- c) At the interview, the special agent shall:
 - 1) Inform the parties of the purpose of the interview and of their rights under the Act and the rules promulgated thereunder;
 - 2) Present to the claimant all relevant material obtained during the investigation;
 - 3) If the second endorser is present, take any testimony that he [or she](#) can offer on the cashing of the benefit check;
 - 4) Provide the claimant with an opportunity to explain any reasons or to

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present any evidence ~~that which~~ would show that the signature on the benefit check or direct deposit authorization form is not his or hers (or otherwise that the direct deposit authorization form is not authentic if it was submitted via the internet), and then allow the claimant to cross-examine any witnesses at the hearing or rebut any other evidence presented; and

- 5) Issue his or her decision on the available facts, even if the claimant does not appear at the interview (there shall be no defaults for want of prosecution, though the claimant may withdraw his or her request for reissuance).

(Source: Amended at 32 Ill. Reg. 13183, effective July 24, 2008)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Accident and Health Reserves
- 2) Code Citation: 50 Ill. Adm. Code 2004
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2004.7	New Section
2004.10	Amendment
2004.20	Amendment
2004.30	Amendment
2004.50	Amendment
- 4) Statutory Authority: Implementing Section 353a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/353a and 401]
- 5) Effective Date of Rulemaking: July 25, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. Please see Section 2004.10 of this Part.
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 4486; April 4, 2008
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version: Throughout the amendments, add "a" following "353" and strike "(a)".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The reserve standards incorporated by reference in 2004.10 of this Part have been updated. Section 2004.10 now references the March 2008 edition of the APPM.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Gerald Lucht
Life Actuarial Section
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/785-0260

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCE

PART 2004

ACCIDENT AND HEALTH RESERVES

Section

2004.5	Authority
2004.7	Definitions
2004.10	Application and Effective Date
2004.20	Active Life Reserves – Individual Policies
2004.30	Active Life Reserves – Group Policies
2004.40	Claim Reserves – Present Value of Amounts Not Yet Due on Claims
2004.50	Policies Issued Prior to Operative Date of Section 353 a (a)

AUTHORITY: Implementing Section 353a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/353a and 401].

SOURCE: Filed December 14, 1965, effective December 28, 1965; codified at 7 Ill. Reg. 4219; amended at 26 Ill. Reg. 3074, effective February 19, 2002; amended at 30 Ill. Reg. 19360, effective November 29, 2006; amended at 32 Ill. Reg. 13191, effective July 25, 2008.

[Section 2004.7 Definitions](#)

[Code means the Illinois Insurance Code \[215 ILCS 5\].](#)

[Department means the Department of Financial and Professional Regulation.](#)

[Director means the Director of the Department of Financial and Professional Regulation-Division of Insurance.](#)

[Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.](#)

[Insurer means an insurance company that has delivered or issued for delivery in this State an insurance policy.](#)

(Source: Added at 32 Ill. Reg. 13191, effective July 25, 2008)

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Section 2004.10 Application and Effective Date

This Part applies to all companies transacting in this State the kinds of business enumerated in clause (b) of Class 1 and clause (a) of Class 2 of Section 4 of the ~~Illinois Insurance~~ Code [215 ILCS 5/4], and it applies to all accident and health policies for which reserve standards are prescribed under Section 353~~a~~(a) of the Code. The standards established by this Part will no longer be applicable to policies issued and claims incurred on or after January 1, 2002. After that date, applicable standards are as prescribed by the National Association of Insurance Commissioners (NAIC) (2301 McGee Street, Suite 800, Kansas City MO 64108-2662) (Accounting Practices and Procedures Manual – as of March ~~2008~~2006, no subsequent dates or editions).

(Source: Amended at 32 Ill. Reg. 13191, effective July 25, 2008)

Section 2004.20 Active Life Reserves – Individual Policies

a) General Provisions

Active life reserves are required for all in force policies and are in addition to any reserves required in connection with claims. For policy types in subsections (b)(1)-(3) of this Section, the minimum reserve shall be determined as specified in this Part. It should be emphasized, however, that these are minimum standards and higher, adequate reserves shall be established by the company in any case in which experience indicates that these minimum standards do not place a sound value on the liabilities under the policy. For policy types in subsection (b)(4) of this Section, the minimum reserve shall be the gross pro rata unearned premium.

b) Types of individual accident and health insurance policies

- 1) Policies that are noncancellable or noncancellable and guaranteed renewable for life or to a specified age, such as 60 or 65.
- 2) Policies that are guaranteed renewable for life or to a specified age, such as 60 or 65, but under which the company reserves the right to change the scale of premiums.
- 3) Policies in which the company has reserved the right to cancel or refuse renewal for one or more reasons, but has agreed implicitly or explicitly

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that, prior to a specified time or age, it will not cancel or decline renewal solely because of deterioration of health after issue; however, policies shall not be considered of this type if the company has reserved the right to refuse renewal provided the right is to be exercised at the same time for all policies in the same category, unless premiums are based on the level premium principle.

- 4) All other individual policies.
- 5) Notices:
 - A) This subsection (b) does not classify "franchise" as a type of policy. Such policies are frequently written under an agreement limiting the company's right to cancel or refuse renewal. Usually the right is reserved to refuse renewal of all policies in the group or other categories such as those ceasing to be members of the association, and this would place those policies, in subsection (b)(4) of this Section in accordance with the last clause under subsection (b)(3) of this Section. However, if premiums are based on the level premium principle or if the renewal privilege granted to the individual insured meets the requirements for policies in subsections (b)(1)-(3) of this Section, the franchise policy shall be so classified for reserve purposes.
 - B) "Family group accident and health insurance policies", as defined in Section 367(4) of the [Illinois Insurance Code](#) [215 ILCS 5/367(4)], should have active life reserves determined under this Section.
 - C) A policy may have guarantees qualifying it as a policy listed in subsections (b)(1)-(3) of this Section until a specified age or duration, after which the guarantees, or lack of guarantees, may qualify it as a policy such as listed in subsections (b)(1)-(4) of this Section. In such case, the policy in each period shall be considered for reserve purposes according to the type to which it then belongs.
 - D) Where all of the benefits of a policy, as provided by rider or otherwise, are not of the same type as listed in this subsection (b), each benefit shall be considered for reserve purposes according to

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the type to which it belongs.

- c) Reserve standards for policies in subsections (b)(1)-(3) of this Section.
 - 1) Interest. The maximum interest rate for reserves shall be 3½% compounded annually.
 - 2) Mortality:
 - A) 1941 Commissioners Standard Ordinary Table, or
 - B) 1958 Commissioners Standard Ordinary Table, or
 - C) 1941 Standard Industrial Mortality Table, or
 - D) Commissioners 1961 Standard Industrial Mortality Table, or
 - E) Such other table as may be approved by the Director of the Department of Financial and Professional Regulation-Division of Insurance (Director).
 - 3) Morbidity or Other Contingency:
 - A) Total disability due to accident or sickness. The minimum standard shall be the 1964 Commissioners Disability Table.
 - B) Hospital Expense Benefits. The minimum standard shall be the 1956 Inter-company Hospital Table.
 - C) Surgical Expense Benefits. The minimum standard shall be the 1956 Inter-company Surgical Table.
 - D) Accidental Death Benefits. The minimum standard shall be the 1959 Accidental Death Benefits Table.
 - E) All other benefits. The company shall adopt standards to produce reserves which place a sound value on the liabilities under such benefit.

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- 4) **Negative Reserves.** Negative reserves on any benefit may be offset against positive reserves for other benefits in the same policy, but the mean reserve on any policy shall never be taken as less than one-half the valuation net premium.
- 5) **Preliminary Term.** The minimum reserve shall be on the basis of a two-year preliminary term.
- 6) **Reserve Method.** Mean reserves diminished by appropriate credit for valuation net deferred premiums, or, mid-terminal reserves plus gross or net pro rata unearned premium reserves. In no event, however, may the aggregate reserve for all policies be less than the gross pro rata unearned premium under those policies.
- 7) **Alternative Valuation Procedures and Assumptions.** Provided the reserve on all policies to which the method or basis is applied is not less in the aggregate than the amount determined according to the applicable standards specified above, the company may use any reasonable assumptions as to the interest rate, mortality rates, or the rates of morbidity or other contingency, and may introduce an assumption as to the voluntary termination of policies. Also, subject to the preceding condition, the company may employ methods other than the methods stated above in determining a sound value of its liabilities under such policies, including but not limited to the following:
 - A) Optional use of either the level premium, the one-year preliminary term, or the two-year preliminary term method.
 - B) Prospective valuation on the basis of actual gross premiums with reasonable allowance for future expenses.
 - C) The use of approximations such as those involving age groupings, groupings of several years of issue or average amounts of indemnity.
 - D) The computation of the reserve for one policy benefit as a percentage of, or by other relation to, the aggregate policy reserves, exclusive of the benefit or benefits so valued.

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- E) The use of a composite annual claim cost for all or any combination of the benefits included in the policies valued.

- 8) For statement purposes, the net reserve liability may be shown as the excess of the mean reserve over the amount of net unpaid and deferred premiums, or, regardless of the underlying method of calculation, it may be divided between the gross pro rata unearned premium reserve and a balancing item for the "additional reserve".

(Source: Amended at 32 Ill. Reg. 13191, effective July 25, 2008)

Section 2004.30 Active Life Reserves – Group Policies

- a) This Section applies to accident and health insurance as defined in Section 367 (excluding subsection (4) thereof) and Section 367(a) of the ~~Illinois Insurance~~ Code [215 ILCS 5/367 and 367(a)].
- b) The minimum reserve for active lives on all group accident and health policies shall be the pro rata gross unearned premium.
- c) If a group policy contains a conversion option for terminated employees and such employees, under this provision, may receive an individual policy without evidence of insurability, the company shall establish a reserve for the morbidity cost expected in excess of such costs assumed by the premium, if any, which is then payable by or on behalf of such terminated employee. The group account shall be charged with an amount (conversion charge) to establish this reserve and thereafter such reserve shall be maintained as an individual policy active life reserve.

(Source: Amended at 32 Ill. Reg. 13191, effective July 25, 2008)

Section 2004.50 Policies Issued Prior to Operative Date of Section 353~~a(a)~~

Any company may elect to establish and maintain reserves for policies issued prior to the operative date of Section 353~~a(a)~~ of the ~~Illinois Insurance~~ Code in accordance with the standards prescribed by Section 353~~a(a)~~ of the ~~Illinois Insurance~~ Code. In making such election a company may elect to revalue all previous issues or at its option may revalue only certain blocks of issues as determined by issue date or plan of coverage. Claim reserves may be revalued independent of active life reserves. Such election shall be made by filing written notice with the

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Director, stating the effective date of election and identifying the reserves or issues of policies to be revalued.

(Source: Amended at 32 Ill. Reg. 13191, effective July 25, 2008)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.1050 Proposed Action: Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2), (3), and (7) of this Act [230 ILCS 10/5 (c) (2), (3), and (7)]
- 5) Effective Date of Amendment: July 22, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 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) Notice of Proposal Published in Illinois Register: March 7, 2008; 32 Ill. Reg. 3136
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
3000.600	Amendment	32 Ill Reg. 9776; July 11, 2008
3000.636	Amendment	32 Ill. Reg. 10773; July 18, 2008
3000.100	Amendment	32 Ill. Reg. 11285; July 25, 2008
3000.660	Amendment	32 Ill. Reg. 11285; July 25, 2008
3000.661	Amendment	32 Ill. Reg. 11285; July 25, 2008
3000.670	Amendment	32 Ill. Reg. 11285; July 25, 2008

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15) Summary and Purpose of Amendment: Currently, Section 3000.1050(c)(3) requires the internal control systems of owner licensees to provide policies and procedures for the authorization and issuance of check cashing privileges. Enforcement of these policies and procedures is only mandatory with respect to the cashing of checks exceeding \$500. The proposed amendment eliminates the \$500 threshold, thereby making the internal control system requirements pertaining to check cashing privileges applicable to the cashing of checks of any value.

16) Information and questions regarding this adopted amendment may be addressed to:

Michael Fries
Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

312/814-4700
Fax: 312/814-4143
mfries@revenue.state.il.us

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

ILLINOIS GAMING BOARD

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control

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3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,

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RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips

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3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens and Cash
3000.640	Exchange of Chips, Tokens, and Vouchers
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips, Tokens, and Vouchers
3000.660	Minimum Standards for Electronic Gaming Devices
3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

Section	
3000.700	Organization of Subpart
3000.701	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of Board Exclusion List
3000.720	Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
3000.745	Voluntary Self-Exclusion Policy
3000.750	Establishment of a Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.782	Required Information, Recommendations, Forms and Interviews
3000.785	Appeal of a Notice of Denial of Removal
3000.786	Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
3000.787	Placement on the Self-Exclusion List Following Removal
3000.790	Duties of the Board

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SUBPART H: SURVEILLANCE AND SECURITY

Section

3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section

3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability

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3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 32 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended

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at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008.

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit

- a) Except as otherwise provided in this Section, no holder of an Owner's license shall make any loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in Gaming activity. The failure to deposit for collection a negotiable instrument by the next banking day following receipt shall be considered an extension of credit.
- b) A holder of an Owner's license may extend credit to a patron only in the manner provided in its Internal Control System approved by the Administrator.
- c) The Internal Control System shall provide:
 - 1) Each credit transaction is promptly and accurately recorded in appropriate credit records;
 - 2) Credit may be extended only in a commercially reasonable manner considering the assets, liabilities, prior payment history and income of the patron;
 - 3) Policies and procedures for the authorization and issuance of check cashing privileges ~~which shall ensure that all patrons who cash personal checks over \$500 establish check cashing privileges~~. These procedures shall include the approval process for establishing check cashing ~~these~~ privileges and setting check cashing limits;
 - 4) Only the following checks may be cashed at a casino cage:
 - A) Personal checks;
 - B) Cashier's checks;

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- C) Money orders;
 - D) Credit Card Advance Checks;
 - E) Traveler's checks; and
 - F) Wire transfer service checks.
- d) No credit shall be extended beyond 30 days. In the event that a patron has not paid a debt created under this Section within 30 days, a holder of an Owner's license shall not further extend credit to the patron while such debt is outstanding.
- e) A holder of an Owner's license shall be liable as an insurer, for all collection activities on the debt of a patron, whether such activities occur in the name of the owner or a third party.
- f) The holder of an Owner's license shall provide to the Administrator a monthly report detailing credit issued and outstanding, collection activities taken and settlements of all disputed checks and disputed credit card charges.
- g) The value of Chips or Tokens issued to a patron upon the extension of credit, the receipt of a check or other instrument or via a complimentary distribution program shall be included in the computation of Gross Receipts.
- h) A holder of an Owner's license may not issue nor cause to be issued a Voucher as a means of extending credit.

(Source: Amended at 32 Ill. Reg. 13200, effective July 22, 2008)

OFFICE OF THE LIEUTENANT GOVERNOR

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- 1) Heading of the Part: Freedom of Information
- 2) Code Citation: 2 Ill. Adm. Code 526
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
526.10	Amended
526.20	Amended
526.30	Amended
526.110	Amended
526.120	Amended
526.130	Amended
526.140	Amended
526.150	Amended
526.160	Amended
526.170	Amended
526.APPENDIX A	Amended
526.APPENDIX B	Repealed
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140]
- 5) Effective Date of Rulemaking: August 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: Not Applicable
- 10) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 11) Are there any amendments pending on this Part? No
- 12) Summary and Purpose of Rulemaking: This rulemaking updates Freedom of Information procedures for the Office of the Lieutenant Governor to reflect current operations and office locations.

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- 13) Information and questions regarding these adopted amendments shall be directed to:

Daniel Persky
Senior Policy Advisor and Counsel
Office of Lieutenant Governor
100 W. Randolph, Suite 15-200
Chicago, IL 60601

312/814-5220

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

OFFICE OF THE LIEUTENANT GOVERNOR

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TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER II: LIEUTENANT GOVERNORPART 526
FREEDOM OF INFORMATION

SUBPART A: OVERVIEW OF THE OFFICE OF LIEUTENANT GOVERNOR

Section	
526.10	Purpose
526.20	Functional Divisions
526.30	Offices

SUBPART B: PROCEDURES BY WHICH PUBLIC RECORDS MAY BE OBTAINED

Section	
526.110	Policy
526.120	Requests for Public Records
526.130	Processing Requests
526.140	Response to Request
526.150	Review of Denial
526.160	Fee Schedule for Copies of Records
526.170	Governing Provisions

526.APPENDIX A Organizational Chart

526.APPENDIX B Senior Action Center Organizational Chart ([Repealed](#))

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140].

SOURCE: Adopted at 8 Ill. Reg. 19455, effective September 26, 1984; amended at 32 Ill. Reg. 13210, effective August 1, 2008.

SUBPART A: OVERVIEW OF THE OFFICE OF LIEUTENANT GOVERNOR

Section 526.10 Purpose

- a) The Office of Lieutenant Governor is established pursuant to Article V, Section 14 of the Illinois Constitution of 1970. The Constitution entitles the Lieutenant

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Governor to exercise certain powers in the executive branch delegated by the Governor and prescribed by law.

- b) The major responsibilities designated by statute include:
- 1) Chairman of the ~~Illinois River Coordinating Council~~Abandoned Mined Lands Reclamation Council,
 - 2) Chairman of the ~~Mississippi River Coordinating Council~~Technical Advisory Committee on Aging,
 - 3) ~~Chairman of the Green Governments Coordinating Council~~Vice Chairman of the Illinois Energy Advisory Council on Coal Development,
 - 4) Chairman of the ~~Interagency Military Base Support and Economic Development Committee~~Board of Directors of the Illinois Export Development Authority,
 - 5) ~~Chairman of the Illinois Export Council~~,
 - 6) ~~Membership on the Illinois Commission on Intergovernmental Cooperation~~,
 - 7) ~~Chairman of the Employee-Owned Enterprise Council~~,
 - 8) ~~Chairman of the Illinois Community Development Finance Corporation~~.
- c) In addition, the Lieutenant Governor pursuant to executive orders, manages the Illinois Main Street program, the Governor's Rural Affairs Council and the Broadband Deployment Council ~~has worked actively with senior citizens, small businesses and in the prevention of drug and alcohol abuse.~~
- d) ~~The Lieutenant Governor manages the State's two Senior Action Centers, in Springfield and Chicago. Staff at the centers find solutions to problems experienced by Senior Citizens. As an outgrowth of this program, the Lieutenant Governor has established the Citizens Advocate Program which provides answers to all Illinois Citizens' questions.~~
- e) ~~In the area of small business, the Lieutenant Governor serves as Chairman of the~~

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~~Governor's Small Business Advisory Commission, at the request of the Governor.~~

- f) ~~Finally, the Lieutenant Governor has been actively involved in promoting community based drug abuse prevention programs. He serves as the chairman of the National Lieutenant Governor's Task Force on Substance Abuse.~~

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

Section 526.20 Functional Divisions

The Chief Administrative Office of the Lieutenant Governor's Office is located in Room 214, State House, Springfield, Illinois 62706. ~~The staff of the Lieutenant Governor is directed by the Chief of Staff. There are seven functional divisions within the agency.~~ A block diagram of the divisions is provided in Appendix A of this Part. ~~For purposes of appropriations, there are two divisions—the General Office and the Senior Action Centers.~~

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

Section 526.30 Offices

The Office of Lieutenant Governor maintains separate offices at the following locations:

- a) Room 214, State House
Springfield, IL 62706
- b) Room ~~414305~~, Stratton Office Bldg.
Springfield, IL 62706
- c) ~~100 W. Randolph~~Senior Action Center
~~Suite 15-2003 W. Old Town Mall~~
~~Chicago~~Springfield, IL ~~60601~~62701
- d) ~~160 North LaSalle~~
~~Suite 1427~~
~~Chicago, IL 60601~~

~~(contains both administrative office and a Senior Action Center)~~

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

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SUBPART B: PROCEDURES BY WHICH PUBLIC RECORDS MAY BE OBTAINED

Section 526.110 Policy

The disclosure of full and complete information regarding the affairs of government is necessary to enable the public to fulfill their duties of discussing public issues fully and freely, making informed political ~~judgments~~judgements and monitoring government to ensure that it is being conducted in the public interest. A well informed public is an essential element of our constitutional form of government, which sets ~~democracy~~demoneraey apart from other forms of government. Recognizing the importance of keeping the public informed, this office is committed to the practice of making public records available for public inspection and copying.

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

Section 526.120 Requests for Public Records

- a) How made and addressed. All requests to inspect and copy or to receive copies of public records shall be in writing. ~~A person making a request shall, whenever possible, use the standardized request form provided by this office.~~ All requests shall be mailed or otherwise delivered to the person and location specified below:

Public Information Officer
Office of the Lieutenant Governor
100 W. Randolph, Suite 15-200 Room 214, State House
Chicago IL 60601 Springfield, IL 62706

- b) Description of records sought. A request for access to a record should reasonably describe that record by reference to the subject matter and, approximate date of issuance, if known, ~~and the official who is either the source of or responsible for maintaining the record if known.~~
- c) Additional information may be requested. ~~If~~Where the information supplied by the requester is not sufficient to permit location of the records by office personnel with a reasonable amount of effort, the requester may be asked to supply additional necessary information ~~that~~which will enable the office to locate the document. If necessary, the office shall extend to the requester an opportunity to confer with office personnel in order to attempt to reformulate the request in a manner ~~that~~which will meet the needs of the requester and the requirements of the

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office. The original request will be considered to have been withdrawn. The request will be considered officially to have been filed when the reformulated request is filed.

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

Section 526.130 Processing Requests

- a) Referral to appropriate employee. The Public Information Officer shall make and retain a copy of each request and forward it to the person or persons within the Office of the Lieutenant Governor having primary responsibility for the record requested. Within ~~seven (7)~~ working days ~~after~~ receipt of an identifiable request, the office shall determine whether to comply with or deny the request and shall so notify the requester.
- b) Extension of time. In unusual circumstances as specified in Section 3(d) of the Freedom of Information Act (the Act), the Office of the Lieutenant Governor may extend the time for initial determination on requests up to a total of ~~seven (7)~~ additional working days. A written notice to the requester ~~that which~~ sets forth the reason for the extension and the approximate date that either compliance or denial can be expected will be sent by the Public Information Officer within the original ~~seven (7)~~ working day period.
- c) Delay treated as a denial. If no determination has been made at the end of the ~~seven (7)~~ working day period, or at the end of the 14th working day in the event that an extension of time under Section 3(d) of the Act is utilized, the requester may deem ~~the~~ request denied.

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

Section 526.140 Response to Request

- a) Granted request. The Public Information Officer shall notify the requester in writing as to where and when the record may be inspected and copied, if desired, and of any applicable fees.
 - 1) Public records ~~that which~~ are the subjects of an approved request, may be inspected at the ~~following~~ locations and ~~during the times specified below~~ unless otherwise notified:

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<u>Location</u>	<u>Times</u>
100 W. Randolph Suite 15-200Room Chicago305, Stratton Bldg. Springfield, IL 6060162706	9:008:30 a.m. - 5:004:30 p.m. Mondays thru Fridays except State Holidays

- 2) Persons whose request for inspection of public records has been approved may copy any portion of the requested records. However, records shall not be removed by the person from the premises where they are being inspected. Further, this office may but is not required to provide copying equipment for use by any person inspecting public records.
 - 3) Persons may request copies of public records ~~that~~~~which~~ will be provided by this office upon payment of copying fees as established under these rules. Certified copies of records may be requested for an additional fee as established by [Section 526.160](#)~~these rules~~.
 - 4) Any copies of public records provided by this office may be picked up at the locations and times specified [in subsection \(a\)\(1\) above](#) unless otherwise notified.
- b) Delayed request. When the Office of the Lieutenant Governor determines that unusual circumstances exist ~~that~~~~which~~ call for an extension of time pursuant to Section 3(d) of the Act, the Public Information Officer shall, within the ~~seven~~~~(7)~~ day period, notify the requester in writing about the delay, the reason ~~for the delay~~~~therefore~~ and ~~state~~ the approximate date that either compliance or denial can be expected.
 - c) Denied request. The Public Information Officer shall notify the requester in writing, in the manner provided in Section 9(a) ~~and~~~~&~~ (b) of the ~~Illinois Freedom of Information~~ Act, when a record may not be inspected or copied.
 - d) Record cannot be located. If a requested record cannot be located from the information supplied or is known to have been destroyed or otherwise disposed of or does not exist, the requester shall be so notified by the Public Information Officer. (See Section 526.120(c).)

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(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

Section 526.150 Review of Denial

- a) Appeal to Lieutenant Governor. A person whose request for information is denied may appeal that decision by mailing or otherwise delivering a notice of appeal to the Lieutenant Governor at the following location:

~~George H. Ryan~~
Lieutenant Governor
214 State House
Springfield, IL 62706

- b) Appeal in writing. An appeal to the Lieutenant Governor shall be in writing and shall include a statement of the circumstances, reasons or arguments advanced in support of disclosure, and a copy of any written denial issued. The envelope and appeal letter should be clearly marked "Freedom of Information Appeal". The appeal must be filed within a reasonable period of time.
- c) Written determination. A written determination with respect to the appeal shall be made within ~~seven (7)~~ working days ~~after of the~~ receipt of the appeal. If the records, or any segregable part ~~of the records thereof~~, are found to be improperly withheld, the Lieutenant Governor shall order the appropriate person to make them available.
- d) Denial of appeal. A denial of an appeal in whole or in part shall be sent to the requester in writing, in a manner provided in Section 10(a) of the ~~Freedom of Information~~ Act. The denial shall inform the requester of the right of judicial review.
- e) Delay in determination. If no determination has been made at the end of ~~seven (7)~~ working days, the requester may deem his/her appeal denied, and exercise his/her right to judicial review of the denial.

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

Section 526.160 Fee Schedule for Copies of Records

- a) When charged. The Office of the Lieutenant Governor shall charge fees

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according to the schedule provided ~~in this Section~~~~below~~ to reimburse its actual cost for reproducing and ~~certifying~~~~certifying~~ public records and for the use, by any person, of the equipment of the Lieutenant Governor's Office to copy records. Fees shall not be charged, however, if the Lieutenant Governor determines that waiver or reduction of the fee is in the public interest because furnishing information can be considered as primarily ~~benefiting~~~~benefitting~~ the general public. ~~The Lieutenant Governor's~~~~Such a~~ determination shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester, or unless the requester is an indigent individual.

- b) Copies. For copies of documents (maximum of two copies will be supplied), ~~\$10.10~~ per copy page. For electronic copies of any audio or video recordings, \$5 per CD or DVD.
- c) Certification. For certification of true copies, each, \$1.00.
- d) Notice of anticipated fees in excess of \$25. ~~When~~~~Where~~ it is anticipated that fees chargeable under this Section will amount to more than \$25, and the requester has not indicated in advance his/her willingness to pay fees as high as are ~~anticipated~~~~antiepated~~, the requester shall be notified of the amount of the anticipated fee or ~~thesuch~~ portion ~~of the fee~~~~thereof~~ that can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. The notification shall offer the requester the opportunity to confer with office personnel with the object of reformulating the request so as to meet his/her needs at lower cost.
- e) Form of payment. Payment shall be made by check or money order payable to the State of Illinois.
- f) Advance deposit. ~~When~~~~Where~~ the anticipated fee chargeable under this Section exceeds \$25, an advance deposit of 25% of the anticipated fee or \$25, whichever is greater, may be required before the material will be reproduced. ~~When~~~~Where~~ a requester previously failed to pay a fee under this Section, an advance deposit of the full amount of the anticipated fee may be required.

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

Section 526.170 Governing Provisions

OFFICE OF THE LIEUTENANT GOVERNOR

NOTICE OF ADOPTED AMENDMENTS

~~This Part is~~~~These rules are~~ subject to the provisions of the Freedom of Information Act and all other applicable laws of the State of Illinois. ~~All requirements, duties and obligations provided for in the Freedom of Information Act are made a part of these rules as though they were incorporated and included herein.~~

(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

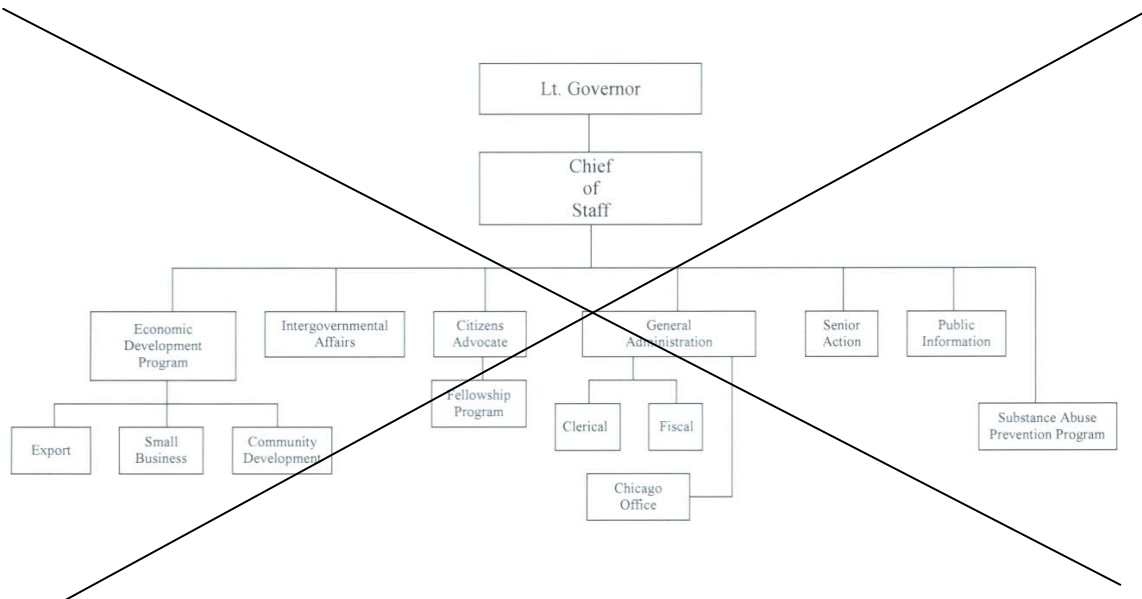
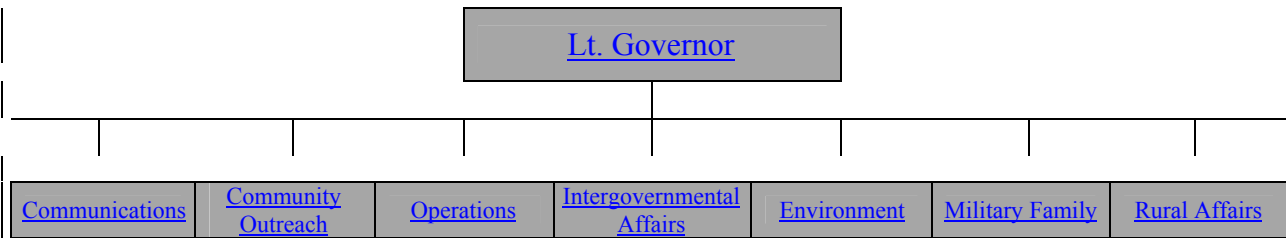
OFFICE OF THE LIEUTENANT GOVERNOR

NOTICE OF ADOPTED AMENDMENTS

Section 526.APPENDIX A Organizational Chart

OFFICE OF THE LIEUTENANT GOVERNOR

Organizational Chart

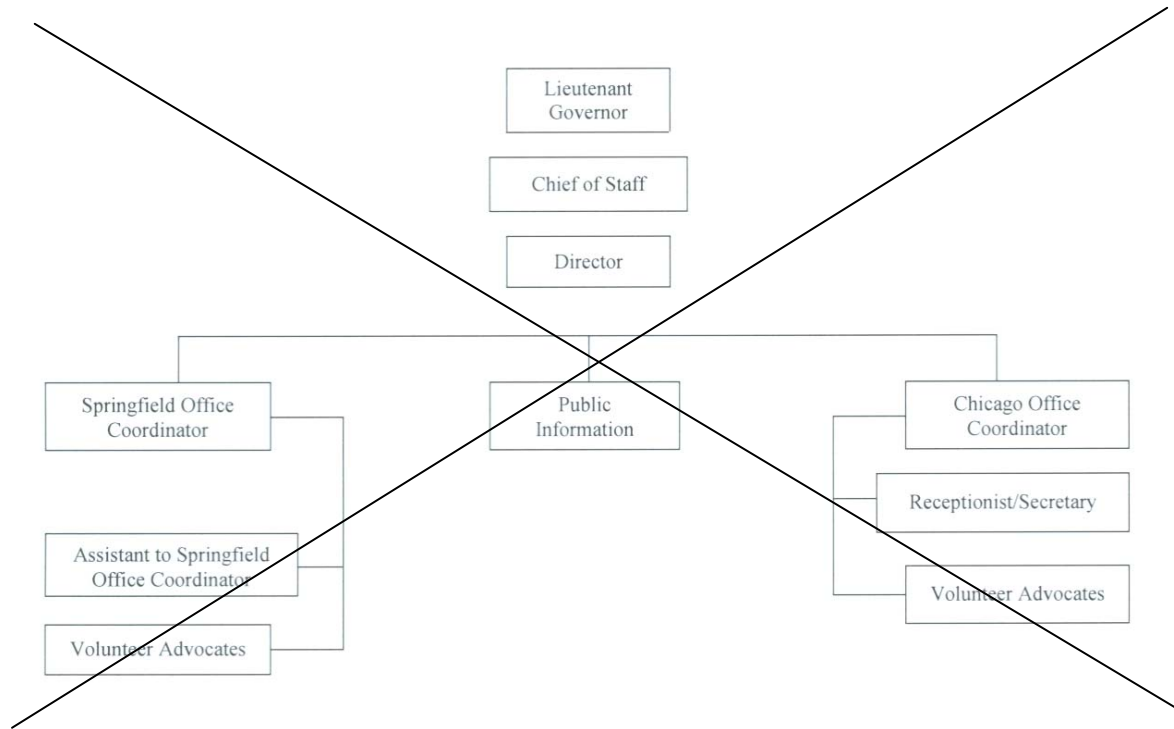


(Source: Amended at 32 Ill. Reg. 13210, effective August 1, 2008)

OFFICE OF THE LIEUTENANT GOVERNOR

NOTICE OF ADOPTED AMENDMENTS

Section 526.APPENDIX B Senior Action Center Organizational Chart (Repealed)



(Source: Repealed at 32 Ill. Reg. 13210, effective August 1, 2008)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
100.2196	Amendment
100.2199	Amendment
100.2655	New Section
100.3500	Amendment
100.9730	New Section
- 4) Statutory Authority: 35 ILCS 5/210.5 and 5/1401; 35 ILCS 5/212 and 5/1401; 35 ILCS 5/203(b)(2)(M) and 5/1401; 35 ILCS 5/305(c-5), 35 ILCS 5/1401 and 35 ILCS 5/1501(a)(11.5)
- 5) Effective Date of Amendments: July 24, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Revenue's principal office and is available for public inspection.
- 9) Notice of Proposals Published in Illinois Register:

32 Ill. Reg. 5936, April 11, 2008
32 Ill. Reg. 6923, April 25, 2008
32 Ill. Reg. 7036, May 2, 2008
32 Ill. Reg. 7257, May 9, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Several non-substantive grammatical corrections were made in agreement with JCAR. Additionally the following changes were made in response to comments received during the second notice period:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Replaced the text in Section 100.9730(b)(2) after *Bonds, debentures, and other debt securities*. (IITA Section 1501(a)(11.5)(B)(ii)) "Debt security" means with the following: "any note, bond, debenture or other evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foregoing. (See 26 CFR 1.864-2(c)(2)(i) (2007).)"

Replaced the text in Section 100.9730(b)(5)(B) after "A loan participation is an undivided fractional interest in a loan that is acquired by the" with the following: "participant by means of a sale of such undivided fractional interest by the lead lender to the participant, in contrast to a loan syndication, which is a loan made by an agent on behalf of a group of lenders or syndicate in which the member of the lender group or syndicate is a lender in the original loan. Generally, the borrower's obligations in a loan participation run only to the lead lender and not to the participant, and the participant's interest is generally limited to an undivided fractional interest in payments of principal or interest under the loan agreement between the lead lender and the borrower."

Replaced the text in Section 100.9730(b)(11) after "*Derivatives*. (IITA Section 1501(a)(11.5)(B)(xi)) A derivative is" with the following: ":

- A) An interest rate, currency (of a kind customarily dealt in on an organized commodity exchange), equity, commodity or notional principal contract; or
- B) An evidence of an interest, or a derivative financial instrument (including any option, forward contract, short position and any similar financial instrument), in any:
 - i) Commodity;
 - ii) Currency of a kind customarily dealt in on an organized commodity exchange;
 - iii) Share of stock under subsection (b)(1);
 - iv) Partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;
 - v) Note, bond, debenture or other evidence of indebtedness; or

DEPARTMENT OF REVENUE

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vi) Notional principal contract."

This is a consolidated rulemaking comprised of 4 separately proposed rulemakings with 2 sections being added and 3 sections being amended. See #9 above.

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

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.2406	New Section	31 Ill. Reg. 15240; November 16, 2007

- 15) Summary and Purpose of Rulemaking: 100.2196 – When it was first enacted, IITA Section 210.5 allowed two different credits: a credit equal to 30% of the start-up costs incurred by a corporation to provide a child care facility for its employees and a credit equal to 5% of the annual operating costs of the facility. The 30% credit for start-up costs expired December 31, 2004. Public Act 95-0648 re-instated that credit for taxable years ending on or after December 31, 2007.

100.2199 – Prior to the enactment of Public Act 95-0333, the earned income tax credit allowed under IITA Section 212 was refundable only if the taxpayer was eligible for Temporary Assistance for Needy Families. A refundable credit is one that can reduce the taxpayer's liability to below zero, allowing a "refund" that is actually greater than any withholding or other payments made by the taxpayer. Under Public Act 95-0333, the earned income credit is refundable for all taxpayers.

100.2655 – This rulemaking provides guidance for corporations that are "financial organizations" to compute the subtraction allowed to them for interest income received from loans they make that are secured by eligible property located in an enterprise zone or river edge redevelopment zone.

100.3500 and 100.9730 – This rulemaking provides guidance on the definition of "investment partnership" and the apportionment of income received by a partner through an investment partnership, under provisions enacted in Public Act 93-840.

- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Paul Caselton
Deputy General Counsel - Income Tax
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-7055

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
| 100.2199 Illinois Earned Income Tax Credit (IITA [Section 212](#))

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

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NOTICE OF ADOPTED AMENDMENTS

After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- [100.2655](#) [Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest \(IITA Section 203\(b\)\(2\)\(M\)\)](#)
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

APPORTIONMENT OF BASE INCOME

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

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- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions
100.5070 List of Investors in Potentially Abusive Tax Shelters
100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section

- 100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

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Section

100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

DEPARTMENT OF REVENUE

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Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310 Quarterly Returns Filed on Annual Basis (IITA Section 704)
100.7320 Time for Filing Returns (IITA Section 704)
100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section
100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART V: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section
100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section
100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

DEPARTMENT OF REVENUE

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SUBPART Y: CREDITS AND REFUNDS

Section

- 100.9400 Credits and Refunds (IITA Section 909)
- 100.9410 Limitations on Claims for Refund (IITA Section 911)
- 100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

- 100.9500 Access to Books and Records (IITA Section 913)
- 100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
- 100.9510 Taxpayer Representation and Practice Requirements
- 100.9520 Conduct of Investigations and Hearings (IITA Section 914)
- 100.9530 Books and Records

SUBPART AA: JUDICIAL REVIEW

Section

- 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

- 100.9700 Unitary Business Group Defined (IITA Section 1501)
- 100.9710 Financial Organizations (IITA Section 1501)
- 100.9720 Nexus
- [100.9730 Investment Partnerships \(IITA Section 1501\(a\)\(11.5\)\)](#)
- 100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART CC: LETTER RULING PROCEDURES

Section

- 100.9800 Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section

DEPARTMENT OF REVENUE

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100.9900 Tax Shelter Voluntary Compliance Program

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended

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at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008.

SUBPART B: CREDITS

Section 100.2196 Employee Child Care Assistance Program Tax Credit (ITA Section 210.5)

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- a) Eligibility for Credit
- 1) Beginning with tax years ending on or after December 31, 2000, each corporate taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of the Act in:
- ~~A)1)~~ *an amount equal to 30% of the start-up costs expended by the corporate taxpayer to provide a child care facility for the children of its employees; plus*
- ~~B)2)~~ *5% of the annual amount paid by the corporate taxpayer in providing the child care facility for the children of its employees. (IITA Section 210.5(a))*
- 2) The 30% credit for start-up costs is allowed only for tax years ending on or before December 31, 2004, and on or after December 31, 2007. The 5% credit for annual expenses is allowed for all years ending on or after December 31, 2000. Both parts of the credit are ~~and is~~ exempt from the sunset provisions of IITA Section 250.
- b) To receive the tax credit under IITA Section 210.5, a corporate taxpayer must either *independently provide and operate a child care facility for the children of its employees or join in a partnership with one or more other corporations to jointly provide and operate a child care facility for the children of employees of the corporations in the partnership.* (IITA Section 210.5(a)) Amounts paid to a child care facility that is not operated by the taxpayer or by such a partnership do not qualify for the credit. *For purposes of this credit, a "child care facility" is limited to a child care facility located in Illinois.* (IITA Section 210.5(c))
- c) For purposes of this credit, the term "start-up costs" qualifying for the 30% credit means *the cost of planning, site-preparation, construction, renovation, or acquisition of a child care facility.* (IITA Section 210.5(c)) Such costs are the capital expenditures incurred in creating a new facility or expanding an existing facility, both tangible and intangible. In the case of a capitalized asset, the 30% credit is allowed in the year the asset is placed in service in the child care facility.
- 1) Uncapitalized expenses incurred in connection with the child care facility prior to commencing operations are start-up costs. For example, salaries

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paid prior to the opening of the facility to the employees hired to operate the facility are start-up costs. Such expenses qualify for the 30% credit in the tax year expensed, even if the facility is not in operation by the end of the tax year.

- 2) Capital expenditures that are expensed rather than depreciated under IRC [sectionSection](#) 179 qualify as start-up costs in the same manner as expenditures that are actually capitalized and amortized.
- 3) In the case of property previously acquired by the taxpayer and later converted to use in the child care facility, the start-up cost shall be the adjusted basis of such property at the time of conversion, plus any capital costs of renovation or modification to make the property ready for use in the child care facility.
- 4) Any expenditure that qualifies for the federal employer-provided child care credit as an amount paid or incurred to acquire, construct, rehabilitate or expand property to be used in a new or expanded child care facility under the provisions of IRC [sectionSection](#) 45F(c)(1)(A)(i) shall qualify for the 30% credit, even if the requirements of IRC [sectionSection](#) 45F(c)(1)(A)(i)(II) or (III) are not met and provided that the facility is operated by the employer corporation or a partnership described in subsection (b).

EXAMPLE: An employer acquires a building to be used as a child care facility and the land on which the building is located. The cost of the building qualifies for the federal credit, but the cost of the land does not qualify because IRC [sectionSection](#) 45F(c)(1)(A)(i)(II) provides that only depreciable property may qualify for the federal credit. The cost of both the building and the land will qualify for the credit allowed under this IITA Section 210.5.

- d) The *annual amount paid* by the employer qualifying for the 5% credit shall include all expenses (including depreciation and amortization) incurred in connection with the operation of the child care facility that are deducted during the taxable year. Depreciation and amortization of capitalized items and IRC [sectionSection](#) 179 deductions qualify for the credit whenever the original expenditure qualified as a start-up cost for the 30% credit, provided that the asset continues to be used in the operation of the child care facility. In the year the

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facility commences operations, only expenses deductible in the period after the commencement of operations qualify for the 5% credit. Expenses of the facility deducted prior to the commencement of operations qualify only for the 30% credit as start-up costs. Any expense qualifying for the federal employer-provided child care credit under IRC ~~section~~[Section](#) 45F(c)(1)(A)(ii) for a tax year shall also qualify for the 5% credit in the same tax year. Any expense for which the employer claims the 5% credit authorized under this Section cannot qualify for the 5% Dependent Care Assistance Program Credit under IITA Section 210. (See IITA Section 210.5(a)-)

- e) Any credit allowed under this Section that is unused in the year the credit is earned *may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year* until it is used. (IITA Section 210.5(b)) Any 30% credit earned in tax years ending on or before the December 31, 2004 sunset date may be carried forward to tax years ending after that date. *The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit must be applied first.* (IITA Section 210(b))
- f) A corporate taxpayer claiming the credit provided by IITA Section 210.5 needs to maintain records sufficient to document the costs associated with the provision of a child care facility and the "start-up costs" expended to provide a child care facility. Documentation must take the form of vouchers paid, cancelled checks or other proof of payment. Should the expenditure not be solely for child care, the documentation should explain how the amount allocated for child care was determined. If the child care provided includes care for non-employee children, the costs must be allocated between employee children and non-employee children. The method of allocation used must be reasonable and documented.
- g) The credit is allowed only to corporations subject to tax under IITA Section 201(a) and (b). Neither ~~subchapter~~[Subchapter](#) S corporations nor shareholders of ~~subchapter~~[Subchapter](#) S corporations are allowed to claim the credit.

(Source: Amended at 32 Ill. Reg. 13223, effective July 24, 2008)

Section 100.2199 Illinois Earned Income Tax Credit (IITA [Section](#) 212)

- a) *For taxable years beginning on or after January 1, 2000 and ending on or before December 31, 2002, an individual shall be allowed a credit against the tax*

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imposed by IITA Section 201(a) and (b) for the taxable year equal to 5% of the federal earned income tax credit allowed for such taxable year pursuant to IRC Section 32. (IITA Section 212(a))

b) Credit in excess of liability.

1) For tax years beginning before January 1, 2003, the~~The~~ credit allowed for the taxable year may not reduce the taxpayer's liability under ~~the IITA~~this Act to less than zero. *Therefore, no part of the credit is refundable in the event the tax liability of the taxpayer is reduced to zero. (IITA Section 212(b))*

2) For tax years beginning on or after January 1, 2003 and ending prior to August 21, 2007 (the effective date of Public Act 95-333), if the amount of the credit exceeds the income tax liability for the applicable tax year, then the excess credit shall be refunded to the taxpayer only if the refund is counted towards the State's ability to meet its required Maintenance of Effort to qualify for reimbursement under the federal Temporary Assistance for Needy Families Block Grant. (IITA Section 212(b) and (b-5))

3) For tax years ending on or after August 21, 2007, if the amount of the credit exceeds the income tax liability for the applicable tax year, then the excess credit shall be refunded to the taxpayer. (IITA Section 212(b))

4) Excess credit may not be carried over to other tax years.

c) In the case of a nonresident or part-year resident, the Illinois earned income tax credit shall be equal to 5% of that portion of the federal earned income tax credit allowed pursuant to ~~section~~Section 32 of the IRC that bears the same ratio as the taxpayer's base income allocable to Illinois bears to the taxpayer's base income everywhere. (See IITA Section 212(a).)

(Source: Amended at 32 Ill. Reg. 13223, effective July 24, 2008)

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))

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- a) A corporation that is a "financial organization" within the meaning of IITA Section 304(c) may subtract an amount included in its taxable income as interest income from a loan or loans made by such taxpayer to a borrower, to the extent that such a loan is secured by property which is eligible for the enterprise zone investment credit (IITA Section 203(b)(2)(M)) or the river edge redevelopment zone investment credit under IITA Section 201(f).
- b) Eligible Property. For purposes of this Section, "Eligible Property" shall mean:
- 1) for tax years ending prior to June 8, 1984 (the effective date of P.A. 83-1114), property for which the borrower had successfully claimed the credit under IITA Section 201(h) (prior to recodification as IITA Section 201(f) by P.A. 85-731); and
 - 2) for tax years ending on or after June 8, 1984, property that is "qualified property" as defined under IITA Section 203(f)(2) and Section 100.2110(e) or that would have been qualified property under those provisions if placed in service in an enterprise zone at the time it was new by a taxpayer otherwise eligible to claim the credit under IITA Section 203(f).
- c) Portion of Loan Secured by Eligible Property. To determine the portion of a loan that that is secured by Eligible Property, the entire principal amount of the loan between the taxpayer and the borrower should be divided into the basis of the Eligible Property which secures the loan, using for this purpose the original basis of such property on the date it was placed in service in the enterprise zone or the river edge redevelopment zone. The subtraction modification available to the taxpayer in any year under this Section shall be the portion of the total interest paid by the borrower with respect to such loan attributable to the Eligible Property as calculated under the previous sentence. (IITA Section 203(b)(2)(M)) There is no limitation to the length of time for which the subtraction may be taken with respect to a particular loan.
- d) Basis. For purposes of the computation in subsection (c), the basis of Eligible Property shall be its borrower's basis in the Eligible Property for federal income tax purposes, including the costs of any improvements or repairs included in that basis, but without adjustment for depreciation or IRC section 179 deductions claimed with respect to the property.

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- e) Examples. This subsection provides examples of various fact situations and the Department's interpretation of how this subtraction would apply:
- 1) Example 1. Bank lends \$1,000 to Borrower, secured by Eligible Property with a basis of \$900. The portion of the loan secured by Eligible Property is the \$900 basis of the borrower in Eligible Property divided by the \$1,000 principal amount of the loan, or 90%.
 - 2) Example 2. Bank lends \$1,000 to Borrower, secured by Eligible Property with a basis of \$1,000 and by other property with a basis of \$2000. The portion of the loan secured by Eligible Property is the \$1,000 basis of the borrower in Eligible Property divided by the \$1000 principal amount of the loan, or 100%. The existence of other property securing the loan is irrelevant.
 - 3) Example 3. In 1996, ABC Company built a new warehouse in an enterprise zone at the cost of \$1,000,000 and is able to claim the enterprise zone investment credit under IITA Section 201(f). ABC takes out a \$2,000,000 loan at Bank A, which then places a lien on the property. In 1999, when the warehouse had an adjusted basis (after depreciation) of \$900,000 and a fair market value of \$1,300,000, ABC refinanced the loan for the same principal amount, but at a lower interest rate. For both loans, the portion of the loan secured by Eligible Property is the \$1,000,000 original basis in the warehouse divided by the \$2,000,000 principal. Neither the adjusted basis after depreciation nor the fair market value are relevant to the computation for the refinanced amount.
 - 4) Example 4. The facts are the same as in Example 3, except that, in 2001, ABC Company again refinanced the loan, this time at Bank B (unrelated to Bank A). There was no change in the principal amount. Bank B takes a lien on the warehouse to secure the new loan. The portion of the Bank B loan that qualifies for the subtraction modification is 50% because the principal amount of the loan and ABC Company's original basis in the property remain unchanged.
 - 5) Example 5. Same facts as in Example 4, except that Bank B purchased the refinanced loan from Bank A. The loan is not refinanced. ABC continues to pay the same amount, but now pays Bank B rather than Bank A. Bank

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B does not qualify for the subtraction modification, which is allowed only with respect to a loan "made by such taxpayer to a borrower" and Bank B did not make the loan.

- 6) Example 6. X Corp., headquartered outside the river edge redevelopment zone, builds a \$100,000,000 warehouse in a river edge redevelopment zone in 2007 and claims the river edge redevelopment zone credit. X takes out a 20-year loan at Bank A in the principal amount of \$1,000,000. In 2017, X takes out a new \$1,750,000 loan at the same bank and uses \$1,000,000 of the proceeds to pay off the old loan and spends the remaining \$750,000 to renovate its corporate headquarters located outside the zone. Bank A takes a lien on the warehouse as security for each loan. Because X Corp.'s \$100,000,000 basis in the warehouse exceeds the principal amount of each loan, Bank A is entitled to subtract the entire amount of interest received from each loan. The portion of the loan whose interest may be subtracted need not be reduced by the \$750,000 portion not spent inside the river edge redevelopment zone because use of the borrowed funds is not relevant to the subtraction.
- 7) Example 7. The F Church, located in an enterprise zone, decides to borrow \$500,000 in 2003 from Bank A for roof repairs and a new addition. The church cannot claim the enterprise zone credit because it did not have unrelated business taxable income and was not required to file an IL-990-T for 2003. Bank A may claim the subtraction modification. The loan is secured by property that is either qualified property or could be qualified property, and the property has been placed in service within an enterprise zone.

(Source: Added at 32 Ill. Reg. 13223, effective July 24, 2008)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

- a) In General.
- 1) This Section provides guidance for allocation and apportionment of base income by nonresidents. All base income of a resident is allocated to Illinois pursuant to IITA Section 301(a).

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- 2) Part-year residents. Under IRC ~~section~~Section 706(a), the income from a partnership for a given taxable year is included in the gross income of a partner in the taxable year of the partner in which the partnership's taxable year ends. Accordingly, this Section shall apply to the income of a part-year resident from any partnership whose taxable year ends during the period in which the partner was a nonresident. Income from a partnership whose taxable year ends during the period in which the partner is a resident will be allocated entirely to Illinois.
 - 3) Unitary partners. This Section shall not apply to the apportionment of business income of a nonresident partner who is engaged in a unitary business with the partnership. Such partners shall apportion their unitary business income derived from the partnership in accordance with IITA Section 304(e) and Section 100.3380(d) of this Part.
 - 4) Except as provided in this subsection (a), all items of base income of a partner that are derived from the partnership shall be allocated or apportioned pursuant to this Section, including all items required to be separately stated to the partner under IRC ~~section~~Section 703(a)(1), all guaranteed payments under IRC ~~section~~Section 707(c), and all addition and subtraction modifications, but excluding items described in IRC ~~section~~Section 707(a).
- b) *Business Income. The respective shares of partners other than residents in so much of the business income of the partnership as is apportioned to this State in the possession of the partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for the partnership's taxable year and allocated to this State. (IITA Section 305(a))*
- 1) For purposes of this subsection (b), the determination of whether an item of base income is business income or nonbusiness income shall be based on the facts and circumstances of the partnership itself. Trade or business activities of a partner or of any related party are irrelevant.
 - 2) Business income of the partnership shall be apportioned to this State pursuant to IITA Section 304, in the same manner as it is allocated or apportioned for any other nonresident. (IITA Section 305(c))

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- 3) Lower-tier partnerships. In the case of a partnership that is itself a partner in a second partnership, a partner in the first partnership shall include in net income its partnership share of the first partnership's share of the items of business income of the second partnership, as apportioned to Illinois by that second partnership. If the second partnership is itself a partner in a third partnership, a partner in the first partnership shall include in net income its partnership share of the first partnership's share of the items of business income of the third partnership as determined under the preceding sentence, and so on through all partnerships that are themselves partners in other partnerships.
- c) Nonbusiness Income. *The respective shares of partners other than residents in the items of partnership income and deduction not taken into account in computing the business income of a partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for the partnership's taxable year, and allocated as if such items had been paid, incurred or accrued directly to such partners in their separate capacities.* (IITA Section 305(b))
- d) Investment Partnerships. For taxable years ending on or after July 30, 2004 (the effective date of Public Act 93-840), in the case of an investment partnership, as defined in Section 100.9730 of this Part:
- 1) Except as provided in subsection (d)(2), taxable income that is distributable to a nonresident partner shall be treated as nonbusiness income and shall be allocated to the partner's state of residence (in the case of an individual) or commercial domicile (in the case of any other person). (IITA Section 305(c-5)) IITA Section 203(e)(3) shall not require recapture of business expenses if the income from an investment partnership was treated as business income in years prior to July 30, 2004 (the effective date of Public Act 93-840) and is treated as nonbusiness income under this subsection (d).
- 2) Any income distributable to a nonresident partner shall be treated as business income and apportioned as if such income had been received directly by the partner if the partner has made an election under Section 1501(a)(1) of the IITA to treat all income as business income or if such income is from investment activity:

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- A) that is directly or integrally related to any other business activity conducted in this State by the nonresident partner (or any member of that partner's unitary business group) (IITA Section 305(c-5)(1));
- B) that serves an operational function to any other business activity of the nonresident partner (or any member of that partner's unitary business group) in this State (IITA Section 305(c-5)(2)); or
- C) where assets of the investment partnership were acquired with working capital from a trade or business activity conducted in this State in which the nonresident partner (or any member of that partner's unitary business group) owns an interest (IITA Section 305(c-5)(3)).
- 3) Income treated as business income received directly by a partner under subsection (d)(2) shall be apportioned using the apportionment factors of the partner, without regard to any factors of the partnership.

(Source: Amended at 32 Ill. Reg. 13223, effective July 24, 2008)

SUBPART BB: DEFINITIONS

Section 100.9730 Investment Partnerships (IITA Section 1501(a)(11.5))

- a) For taxable years ending on or after December 31, 2004, an "investment partnership" is exempt from Illinois income taxation. (IITA Section 205(b)) The term "investment partnership" means any entity that is treated as a partnership for federal income tax purposes and that meets each of the following requirements:
- 1) No less than 90% of the partnership's cost of its total assets consists of qualifying investment securities, deposits at banks or other financial institutions, and office space and equipment reasonably necessary to carry on its activities as an investment partnership. (IITA Section 1501(a)(11.5)(A)(i)) The "asset test" under this subsection (a)(1) is applied for each taxable year by computing the percentage of the partnership's cost of its total assets that consists of qualifying investment

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securities, deposits at banks or financial institutions, and office space and equipment as of the beginning of the taxable year and as of the end of each month of the taxable year, and then computing the average of those percentages; and

2) No less than 90% of its gross income consists of interest, dividends, and gains from the sale or exchange of qualifying investment securities. (IITA Section 1501(a)(11.5)(A)(ii)) The "gross income test" under this subsection (a)(2) is computed separately for each taxable year on the basis of gross income for the entire taxable year, determined using the method of accounting used for federal income tax purposes for the taxable year; and

3) The partnership is not a dealer in qualifying investment securities. (IITA Section 1501(a)(11.5)(A)(iii))

A) A partnership is a dealer in qualifying investment securities if it regularly purchases qualifying investment securities from or sells securities to customers in the ordinary course of a trade or business or regularly offers to enter into, assume, offset, assign or otherwise terminate positions in qualifying investment securities with customers in the ordinary course of a trade or business. (IRC Section 475(c)(1))

B) A partnership that, at any time during a taxable year, holds or derives gross income from any qualifying investment security in which it is a dealer shall not qualify as an investment partnership for that taxable year.

b) "Qualifying investment securities" means and includes only:

1) Common stock, including preferred or debt securities convertible into common stock, and preferred stock. (IITA Section 1501(a)(11.5)(B)(i)) "Stock" means shares in an association, joint stock company, or insurance company. (IRC Section 7701(a)(7)) "Stock" includes any interest in a publicly traded partnership that is treated as a corporation under IRC Section 7704.

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- 2) *Bonds, debentures, and other debt securities.* (IITA Section 1501(a)(11.5)(B)(ii)) "Debt security" means any note, bond, debenture or other evidence of indebtedness, or any evidence of an interest in or right to subscribe to or purchase any of the foregoing. (See 26 CFR 1.864-2(c)(2)(i) (2007).)
- 3) *Foreign and domestic currency deposits secured by federal, state, or local governmental agencies.* (IITA Section 1501(a)(11.5)(B)(iii)) "Currency deposits secured by federal, state or local government agencies" means any balance in a demand or time deposit at a bank, savings and loan, or similar financial institution and that is insured by the Federal Deposit Insurance Corporation or by a similar deposit insurance agency of a state or local government, including any balance in an otherwise insured account that is in excess of any insurance limit. Deposits secured by a foreign government agency, but not by an agency of the federal or of a state or local government, do not qualify.
- 4) *Mortgage or asset-backed securities secured by federal, state, or local governmental agencies.* (IITA Section 1501(a)(11.5)(B)(iv)) Examples of mortgage-backed securities secured by a federal agency include securities issued or backed by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association and the Government National Mortgage Association. Similar securities issued by a similar agency of a state or local government also qualify. Mortgage or asset-backed securities secured by a foreign government do not qualify under this subsection (b)(4).
- 5) *Repurchase agreements and loan participations.* (IITA Section 1501(a)(11.5)(B)(v))
 - A) A repurchase agreement is a secured loan in which the loan agreement takes the form of a purchase by the lender of the collateral with the borrower agreeing to repurchase the collateral at a future date. See Nebraska Dept. of Revenue v. Loewenstein, 513 U.S. 123 (1994). A repurchase agreement is a qualified investment security only if the item that is sold subject to repurchase is a qualified investment security.

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- B) A loan participation is an undivided fractional interest in a loan that is acquired by the participant by means of a sale of such undivided fractional interest by the lead lender to the participant, in contrast to a loan syndication, which is a loan made by an agent on behalf of a group of lenders or syndicate in which the member of the lender group or syndicate is a lender in the original loan. Generally, the borrower's obligations in a loan participation run only to the lead lender and not to the participant, and the participant's interest is generally limited to an undivided fractional interest in payments of principal or interest under the loan agreement between the lead lender and the borrower.
- 6) Foreign currency exchange contracts and forward and futures contracts on foreign currencies. (IITA Section 1501(a)(11.5)(B)(vi))
- 7) Stock and bond index securities and futures contracts and other similar financial securities and futures contracts on those securities. (IITA Section 1501(a)(11.5)(B)(vii))
- 8) Options for the purchase or sale of any of the securities, currencies, contracts, or financial instruments described in subsections (b)(1) through (7). (IITA Section 1501(a)(11.5)(B)(viii))
- 9) Regulated futures contracts. (IITA Section 1501(a)(11.5)(B)(ix)) A regulated futures contract is a contract bought, sold or traded on a regulated exchange, such as the Chicago Board of Trade.
- 10) Commodities (not described in section 1221(a)(1) of the Internal Revenue Code) or futures, forwards, and options with respect to such commodities, provided, however, that any item of a physical commodity to which title is actually acquired in the partnership's capacity as a dealer in such commodity shall not be a qualifying investment security. (IITA Section 1501(a)(11.5)(B)(x)) IRC section 1221(a)(1) provides that stock in trade of the taxpayer or other property of a kind that would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of the taxpayer's trade or business are not capital assets.
- 11) Derivatives. (IITA Section 1501(a)(11.5)(B)(xi)) A derivative is:

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- A) [An interest rate, currency \(of a kind customarily dealt in on an organized commodity exchange\), equity, commodity or notional principal contract; or](#)
- B) [An evidence of an interest, or a derivative financial instrument \(including any option, forward contract, short position and any similar financial instrument\), in any:](#)

 - i) [Commodity;](#)
 - ii) [Currency of a kind customarily dealt in on an organized commodity exchange;](#)
 - iii) [Share of stock under subsection \(b\)\(1\);](#)
 - iv) [Partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust;](#)
 - v) [Note, bond, debenture or other evidence of indebtedness; or](#)
 - vi) [Notional principal contract.](#)
- 12) [A partnership interest in another partnership that is an investment partnership. \(IITA Section 1501\(a\)\(11.5\)\(B\)\(xii\)\)](#)
- c) [Items that are not "qualified investment securities" include:](#)

 - 1) [Loans, other than loan participations and repurchase agreements that are characterized as loans.](#)
 - 2) [Bank deposits that are not insured by the federal government or by one of the states.](#)
- d) [Cost of Assets. For purposes of applying the "cost of assets" test in IITA Section 1501\(a\)\(11.5\)\(B\)\(i\), the cost of an asset shall be determined for federal income tax purposes without regard to depreciation or amortization of the asset, except that the cost of an asset shall include any accrued interest or discount, and shall be reduced by any premium amortization, that has been recognized in the](#)

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computation of federal taxable income of the partnership and that is included on the partnership's balance sheet as of the date the cost of assets is determined.

- e) Gross Income. For purposes of applying the "gross income" test in IITA Section 1501(a)(11.5)(A)(ii):
- 1) "Gross income" means income minus costs of sales or basis in an asset sold or traded, but without reduction for any other expenses or deductions. For purposes of this Section, gross income does not include any item of income that is excluded from base income of the partnership, either because it is excluded from federal taxable income of the partnership or because it is subtracted from taxable income in computing base income, and gross income does not include income that results from transactions outside the ordinary course of an partnership's regular activities. For example, amounts received from the sale of an entity's office equipment shall be disregarded, whether or not the gain is characterized as business income.
 - 2) "Interest" means "compensation for the use or forbearance of money". See Deputy v. du Pont, 308 U.S. 488, 498 (1940). Interest includes the amortization of any discount at which an obligation is purchased and is net of the amortization of any premium at which an obligation is purchased. Any amount in excess of the purchase price received in payment of an obligation purchased at an arm's-length discount shall be rebuttably presumed to be interest. Interest includes any amount received upon the sale, exchange or other disposition of an obligation to the extent that such amount represents the accrual of interest on the unpaid balance of the obligation since the most recent payment made on that obligation.
 - 3) "Dividend" means any item defined as a dividend under IRC section 316 and any other item of income characterized or treated as a dividend under the Internal Revenue Code.
 - 4) "Gain from sale or exchange" of qualifying investment securities is the sum of all gains realized on the sale or exchange of qualifying investment securities, without reduction or offset for losses realized on such sales or exchanges.

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- 5) For purposes of the gross income test, gross income derived from investment in a partnership, subchapter S corporation, trust or estate shall be characterized as if the taxpayer received the income directly and, in the case of any item of income reported to the taxpayer by the partnership, subchapter S corporation, trust or estate for federal income tax purposes as net of related expenses, include only such net amount.

(Source: Added at 32 Ill. Reg. 13223, effective July 24, 2008)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Number: 110.113 Adopted Action:
Amendment
- 4) Statutory Authority: 35 ILCS 200/10-350, 10-355, 10-360
- 5) Effective Date of Amendment: July 28, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 6452; April 18, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In subsections (a)(1)(A)(ii), (a)(1)(B)(ii) and (a)(2)(B), changed "Section" to "section".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking is designed to account for statutory changes in Section 10-355 of the Property Tax Code (35 ILCS 200/10-355) concerning a change in date. Other changes are proposed to incorporate language from another Section of the Property Tax Code (35 ILCS 200/10-360) that was not enacted when the latest amendment to this rule was made effective in February 2002.
- 16) Information and questions regarding this adopted amendment shall be directed to:

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Robin Gill
Associate Counsel – Property Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-4886

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED 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. 14662, effective October 19, 2004; amended at 28 Ill. Reg. 15599, effective November 17, 2004; amended at 31 Ill. Reg. 12994, effective August 21, 2007; amended at 32 Ill. Reg. 13253, effective July 28, 2008.

Section 110.113 Fraternal Organization Assessment Freeze

- a) Eligibility
 - 1) Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] provides

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that, for taxable year 2002 and thereafter, a fraternal organization, or its subordinate organization or entity, may apply for a Fraternal Organization Assessment Freeze on property it owns and uses, provided that it satisfies all of the following requirements in either Group A or Group B ~~below~~:

A) Group A

- i) was chartered in the State of Illinois in ~~February 1898~~July 1896;
- ii) is an exempt entity under ~~section~~Section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)); and
- iii) has members who provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation, or education.

B) Group B

- i) had its national headquarters in the State of Illinois on December 31, 1926;
- ii) is an exempt entity under ~~section~~Section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)); and
- iii) has members who provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation, or education.

2) Section 10-350 of the Property Tax Code provides that for taxable year 2001 and thereafter, a fraternal organization chartered by the State of Illinois prior to 1900, or its subordinate organization or entity, may apply for a Fraternal Organization Assessment Freeze on property it owns and uses, provided that:

- A) the fraternal organization prohibits gambling and the use of alcohol on the property;
- B) the fraternal organization is an exempt entity under ~~section~~Section

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501(c)(10) of the Internal Revenue Code; and

C) the members of the fraternal organization provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation or education.;

i) ~~medical care;~~

ii) ~~drug rehabilitation; or~~

iii) ~~education.~~

3) Section 10-360 of the Property Tax Code [35 ILCS 200/10-360] provides that, for the taxable year 2003 and thereafter, a fraternal organization or its affiliated Illinois not for profit corporation chartered prior to 1920 may apply for a Fraternal Organization Assessment Freeze on property it owns or uses, provided that:

A) the fraternal organization is an exempt entity under section 501(c)(2), (c)(8) or (c)(10) of the Internal Revenue Code; and

B) the members of the fraternal organization provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation or education.

b) Applications

An application form (Form No. PTAX-764 for qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350], ~~and~~ Form No. PTAX-765 for qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] and Form No. PTAX-766 for qualification under Section 10-360 of the Property Tax Code [35 ILCS 200/10-360]) for a Fraternal Organization Assessment Freeze shall be obtained from the Chief County Assessment Officer in the county in which the property is located. All questions on the application shall be answered completely and the chief presiding officer of the fraternal organization shall sign the form. Fraternal organizations shall annually submit a notarized application form to the Chief County Assessment Officer on or before January 31 of each assessment year in counties with a population of 3,000,000 or more and December 31 of each assessment year in all other counties.

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c) Documentation

Fraternal organizations shall, at a minimum, attach all required documentation to the initial application form as follows:

- 1) For qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350] as described under subsection (a)(2), proof of being a qualified fraternal organization, such as a copy of:
 - A) a charter issued by the State of Illinois prior to 1900;
 - B) a certification that the fraternal organization was issued an Illinois charter prior to 1900;
 - C) a certification that the fraternal organization was chartered by a qualified fraternal organization that was issued an Illinois charter prior to 1900; or
 - D) a certification that the fraternal organization is subordinate to a qualified fraternal organization that was issued an Illinois charter prior to 1900.

- 2) For qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] as described for Group A under subsection (a)(1)(A), proof of being a qualified fraternal organization, such as a copy of:
 - A) a charter for the fraternal organization in the State of Illinois in [February 1898](#)~~July 1896~~;
 - B) a certification that the fraternal organization was chartered in the State of Illinois in [February 1898](#)~~July 1896~~;
 - C) a certification that the fraternal organization was chartered by a qualified fraternal organization that was chartered in the State of Illinois in [February 1898](#)~~July 1896~~; or
 - D) a certification that the fraternal organization is subordinate to a qualified fraternal organization that was chartered in the State of Illinois in [February 1898](#)~~July 1896~~.

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- 3) For qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] as described for Group B under subsection (a)(1)(B), proof of being a qualified fraternal organization, such as a copy of:
- A) historical records or other evidence establishing that the fraternal organization had its national headquarters in the State of Illinois on December 31, 1926;
 - B) a certification that the fraternal organization had its national headquarters in the State of Illinois on December 31, 1926; or
 - C) a certification that the fraternal organization is subordinate to a fraternal organization that had its national headquarters in the State of Illinois on December 31, 1926.
- 4) For qualification under Section 10-360 of the Property Tax Code [35 ILCS 200/10-360] as described under subsection (a)(3), proof of being a qualified fraternal organization, such as a copy of:
- A) a charter issued by the State of Illinois prior to 1920;
 - B) a certification that the fraternal organization was chartered in Illinois prior to 1920; or
 - C) a certification that the fraternal organization was affiliated with a qualified fraternal organization that was chartered in Illinois prior to 1920.
- 54) Proof of having exempt status under ~~section~~Section 501(c)(10) of the Internal Revenue Code (26 USC 501(c)(10)) for qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350], or under ~~section~~Section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)) for qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355], or under section 501(c)(2) of the Internal Revenue Code (26 USC 501(c)(2), (c)(8), (c)(10)) for qualification under Section 10-360 of the Property Tax Code [35 ILCS 200/10-360], such as a copy of:
- A) a group exemption letter from the Internal Revenue Service to a

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fraternal organization, plus its annual filing to the Internal Revenue Service listing any other fraternal organizations covered by the letter;

- B) a U.S. Form 990; or
- C) a determination letter issued in response to U.S. Form 1024 by the Internal Revenue Service.

65) Proof of having ownership or other legal or equitable interest in the property, such as a copy of:

- A) a deed;
- B) a contract-for-deed;
- C) a trust document;
- D) a title insurance policy;
- E) an organizational agreement;
- F) an incorporation document;
- G) a court order; or
- H) an affidavit of adverse possession.

76) Copies of leases or contracts concerning the property, if applicable.

d) Verification

The Chief County Assessment Officer of each county may verify information contained on applications for a Fraternal Organization Assessment Freeze by any of the following methods:

- 1) Requiring each applicant, at the time of filing an application, to produce for inspection by the Chief County Assessment Officer, or a designee, any or all of the documentation specified in subsections (b) and (c);

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- 2) Establishing uniform audit guidelines and procedures for determining under what circumstances additional documentation will be required from applicants and what procedures will be used to obtain that documentation from applicants;
- 3) Examining under oath the affiant on the application or any other member of the fraternal organization, chartered fraternal organization, or subordinate fraternal organization; and
- 4) Examining any public records or conducting an investigation to determine the identity of persons using the property for the assessment year.

(Source: Amended at 32 Ill. Reg. 13253, effective July 28, 2008)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
25.11	Amendment
25.70	Amendment
25.130	Repeal
25.135	Repeal
25.136	Repeal
25.275	New Section
25.315	Amendment
25.444	Amendment
25.475	New Section
25.710	Amendment
25.720	Amendment
25.800	Amendment
25.830	Amendment
25.835	Amendment
25.840	Amendment
25.860	Amendment
25.865	Amendment
25.875	Amendment
25.APPENDIX E	Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- 5) Effective Date of Amendments: July 25, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 4591; April 4, 2008
- 10) Has JCARE issued a Statement of Objection to this rulemaking? No

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11) Differences between Proposal and Final Version:

Section 25.70(d)(1) was revised to make it clearer what kind of coursework can be considered "related to education", and four additional subsections were inserted to provide for more professional development choices.

The change that had been proposed in Section 25.860(b)(2) was reversed.

Several minor non-substantive technical changes were made by agreement with JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes13) Will this rulemaking replace any emergency rulemaking currently in effect? No14) Are there any other proposed rulemakings pending on this Part? No15) Summary and Purpose of Amendments: This set of amendments includes changes that are being made for a number of different reasons.**Certificate Renewal**

During the 2007 legislative session, Public Act 95-592 established new requirements for the renewal of the school service personnel (SSP) certificate. Many of the provisions included in the Act are identical or similar to those set forth in Section 21-14 of the School Code for the standard teaching certificate, meaning that the rule for the SSP certificate can closely parallel what is already in place for teachers. However, the new legislation made no provision for certain other aspects of the system, and we have included similar rules to cover those details.

One interesting difference between the two structures is that, under the law, SSP applications for renewal are to go directly to the regional superintendents rather than to local professional development committees (LPDCs), even in those districts where LPDCs are still functioning. (For this reason, the rule does provide specific procedural detail on the application process and the steps in an appeal.) Further:

- 80 continuing professional development units (CPDUs) are required rather than 120;

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- no mention is made of continuing education units (CEUs); and
- a number of state licenses and national certifications can be used to fulfill the requirement for continuing professional development in lieu of accumulating CPDUs.

This set of amendments also includes a similar rule (see Section 25.70) on the renewal of the provisional vocational certificate. That certificate is issued under Section 21-10 of the School Code and currently has no professional development requirements associated with it, even though the holders of these certificates lack the professional teacher preparation that is required for all "full" certificates. Here again, we have generally modeled the process and the requirements on those applicable to the standard certificate, except that applications for renewal will go directly to the regional superintendents.

Several years ago when the new system of renewal requirements was established for the administrative certificate, provisions were needed to govern the professional development obligation for individuals serving concurrently on both teaching and administrative certificates. The addition of requirements for the SSP certificate necessitates the same kind of guidance, and it is no longer appropriate for that to be included only in the rule related to the administrative certificate. Instead, a new Section 25.475 has been included, to be applicable to all affected individuals regardless of the types of certificates held.

Review of the material being developed for new Section 25.275 revealed technical errors in existing statements about the payment of registration fees. Accordingly, Sections 25.70, 25.275, 25.315, 25.830, 25.835, and 25.840 have been corrected to call for payment of the fee *after* the determination has been made that the individual's certificate will be renewed, rather than concurrently with submission of the application.

Finally, several sections of the existing rules for teachers' certificate renewal discuss the "evidence of completion" that they must maintain for activities that have providers (workshops, seminars, conferences, and other training events by whatever name). Approved Illinois providers are required to furnish standard forms to those who participate in these events as documentation that they attended particular sessions. Teachers have also been required to maintain on file the program, agenda, or schedule for each event. In recent years, however, the standard form has been expanded to capture the necessary information that a program or agenda would provide, including particularly the name of the presenter and the length of the session. In addition, not all providers furnish printed agendas or programs that teachers can keep on file. We therefore determined that the requirement for a second piece of documentation was unnecessarily burdensome and should be eliminated. This change affects Sections 25.860, 25.865, and 25.875.

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Teaching Experience in Early Childhood Education

Four years of teaching experience are required in order for holders of the initial certificate to qualify for a renewable standard certificate. Section 25.11 provides information on the teaching that may be counted as part of the four years, and a problem was identified in connection with the early childhood certificate. Many State-funded early childhood programs are conducted by entities other than school districts or nonpublic schools, such as community organizations. Those programs are required to employ certified staff, yet that experience would not count toward acquisition of a standard certificate as the rule was written. This disincentive for newly certified individuals to teach in State-funded programs is clearly counterproductive. The revisions in Section 25.11(f) remedy this problem by counting experience gained in positions for which certification is required.

Obsolete Provisions

Three outdated Sections pertaining to the accreditation of educational units have been repealed. Sections 25.130, 25.135, and 25.136 set forth provisions designed to cover relatively short periods of time, and all the decisions and follow-up under those rules have now run their course.

Support for Teachers Certified through NBPTS

An adjustment has been made to Section 25.444 (Illinois Teaching Excellence Program) to require individuals who qualify for the annual stipend to submit documentation of their eligibility for that payment. Subsection (a)(2) called for the employer to verify the individual's employment but did not indicate that the individual must submit that information, leading to difficulties if school district administrators were not attentive to the need to supply it. This issue has been addressed by putting the eligible teacher in a position to claim the stipend in order to avoid miscommunications. The other revisions to this Section are for purposes of clarification only, with the goal of distinguishing administrative functions of the agency from actions specifically taken by the State Board members.

Certification Testing

A new content-area test for Arabic will become available this fall and thus has been added to the list of tests found in Section 25.710. The addition of the Arabic test also

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affects the endorsement structure, since Arabic will now be available as one of the foreign language designations. Appendix E to Part 25 has been updated correspondingly.

In Section 25.720 (Applicability of Testing Requirement and Scores), the validity of test scores is being extended from five years to ten years. This change will acknowledge the many valid reasons why individuals do not always progress quickly from certification testing to the acquisition of a certificate.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Patrick Murphy
Division of Educator Preparation and Recertification
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/557-6763

The full text of the Adopted 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 Accredited Institution

SUBPART B: CERTIFICATES

Section

25.11 New Certificates (February 15, 2000)

25.15 Standards for Certain Certificates (Repealed)

25.20 Requirements for the Elementary Certificate (Repealed)

25.22 Requirements for the Elementary Certificate (2004) (Repealed)

25.25 Requirements for "Full" Certification

25.30 Endorsement in Teacher Leadership

25.32 Requirements for the Secondary Certificate (2004) (Repealed)

25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)

25.37 Acquisition of Subsequent Teaching Certificates (2004)

25.40 Requirements for the Special Certificate (Repealed)

25.42 Requirements for the Special Certificate (2004) (Repealed)

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 (Repealed)

25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)

25.85 Special Provisions for Endorsement in Foreign Language for Individuals

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- 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 (Repealed)
- 25.100 Endorsing Teaching Certificates (2004)
- 25.105 Temporary Substitute Teaching Permit

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 ([Repealed](#))
- 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 ([Repealed](#))
- 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 ([Repealed](#))
- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Requirements for Educational Unit Assessment Systems
- 25.142 Assessment Requirements for Individual Programs
- 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

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SUBPART D: SCHOOL SERVICE PERSONNEL

Section

25.200	Relationship Among Credentials in Subpart D
25.210	Requirements for the Certification of School Social Workers (Repealed)
25.215	Certification of School Social Workers (2004)
25.220	Requirements for the Certification of Guidance Personnel (Repealed)
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 (Repealed)
25.235	Certification of School Psychologists (2004)
25.240	Standard for School Nurse Endorsement (Repealed)
25.245	Certification of School Nurses (2004)
25.252	Certification of Non-Teaching Speech-Language Pathologists
25.255	Interim Certification of Speech-Language Pathologist Interns
25.275	Renewal of the School Service Personnel Certificate

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
25.314	Alternative Route to Administrative Certification for Teacher Leaders
25.315	Renewal of Administrative Certificate
25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement (Repealed)
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement (Repealed)
25.335	General Administrative Endorsement (2004)
25.338	Designation as Master Principal
25.344	Chief School Business Official Endorsement (Repealed)
25.345	Chief School Business Official (2004)
25.355	Superintendent Endorsement (Repealed)
25.360	Superintendent (2004)
25.365	Director of Special Education

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NOTICE OF ADOPTED AMENDMENTS

SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Certificates; Fees
25.405	Military Service
25.410	Revoked Certificates
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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)
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25.442	Illinois Teacher Corps Programs
25.444	Illinois Teaching Excellence Program
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25.450	Lapsed Certificates
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25.460	Provisional Special and Provisional High School Certificates (Repealed)
25.464	Short-Term Authorization for Positions Otherwise Unfilled
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25.470	Meaning of Experience on Administrative Certificates (Repealed)
25.475	Renewal Requirements for Holders of Multiple Types of Certificates and Permits No Longer Issued (Repealed)
25.480	Credit for Certification Purposes (Repealed)
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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; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days;

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amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008.

SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000)

Section 21-2 of the School Code [105 ILCS 5/21-2] established a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that were available as of that date is found in Appendix B to this Part.

- a) Holders of certain Illinois teaching certificates received, or shall receive, corresponding standard teaching certificates. Certificates subject to exchange are listed in Appendix C to this Part; see also Sections 25.400 and 25.450 of this Part. 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 (a)(3) of this Section, those who receive initial certificates shall be subject to the requirements of subsection (c) 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. (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 (a)(2)

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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.

- 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 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 25.425 of this Part.
- b) A candidate completing an approved Illinois teacher preparation program may qualify for an initial teaching certificate by passing the applicable examinations (~~see Section 25.720 set forth in Section 25.22, 25.32, 25.42, or 25.82 of this Part~~); as applicable.
- c) An individual who has completed four years of teaching on an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate as set forth in Subpart K of this Part.

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- 1) All endorsements shall be carried forward from an initial to the comparable standard certificate.
 - 2) *A 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)])
 - 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 (c)(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.
- d) 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 25.37 of this Part, unless the additional certificate is to be issued based on comparable out-of-state certification. 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.
 - e) "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. To permit timely processing of applications for standard certificates, the State Superintendent of Education may

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accept applications from individuals who are at least midway through their final semester of required teaching experience, provided that each such individual submits a letter that otherwise meets the requirements of subsection (f) of this Section but indicates that:

- 1) the individual has completed 3½ years of teaching plus the required portion of the final semester; and
 - 2) the representative of the employing entity knows of no reason why the individual will not complete four years of teaching experience during the then-current semester.
- f) "Evidence of teaching experience" means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school ([or other employing entity, if applicable to the holder of an early childhood certificate](#)) documenting the nature and duration of the candidate's teaching. 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. [Early childhood teaching experience shall be understood as contributing to the fulfillment of this requirement if gained in a position for which an early childhood certificate was required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 \(Early Childhood Block Grant\)](#). Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.
- g) 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.
- h) 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 32 Ill. Reg. 13263, effective July 25, 2008)

| **Section 25.70** [State Provisional Vocational Certificate](#)

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- a) Each applicant for a provisional vocational certificate shall present evidence of having completed 60 semester hours of college coursework from a regionally accredited institution and 2,000 hours of work experience in each area to be taught. The required evidence of this work experience shall be written statements from former supervisors who can be reached for verification or, in cases in which supervisors are no longer available to verify the individual's employment, affidavits by the applicant describing the work experience.
- b) Each provisional vocational certificate issued on or after July 1, 2009 shall be valid for five years and shall be renewable contingent upon the certificate-holder's fulfillment of the applicable requirements set forth in this Section.
- c) Each provisional vocational certificate issued on or before June 30, 2009 shall be valid for five years from the date of issue or the date of its most recent registration, whichever is later. When any such certificate is next registered after June 30, 2009, the registration shall be for a five-year period of validity, and renewal of the certificate after that five-year period shall be contingent upon the certificate-holder's fulfillment of the applicable requirements of this Section.
- d) For purposes of this subsection (d), coursework shall be considered "related to education" if it leads to teaching, administrative, or school service personnel certification or endorsement or if it relates to the field of an individual's current teaching assignment or any other field of teaching assignment. Each affected certificate-holder shall complete:
- 1) eight semester hours of undergraduate or graduate-level coursework related to education, of which no fewer than two semester hours must address advancing the certificate-holder's knowledge and skills as a teacher in relation to the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24.100) and the content-area standards in his or her area of certification, endorsement, or assignment; or
 - 2) one hundred twenty continuing professional development units (CPDUs) in accordance with Section 25.875 of this Part; or
 - 3) any combination of the types of activities described in subsections (a)(1) and (2) of this Section, provided that the total effort represents the

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- equivalent of 120 CPDUs, and provided that one semester hour of college credit shall be considered the equivalent of 15 CPDUs; or
- 4) an advanced degree from a regionally accredited institution in an education-related field; or
 - 5) all required activities in pursuit of certification or recertification by the National Board for Professional Teaching Standards (NBPTS); or
 - 6) four semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards; or
 - 7) four semester hours of graduate-level coursework in preparation for meeting the requirements for certification by the National Board for Professional Teaching Standards.
- e) Each professional development activity used to fulfill the requirements of this Section, other than those identified in subsections (d)(4)-(7) of this Section, shall be required to address one or more of the purposes identified for the renewal of standard and master certificates in Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]. At least 20 percent of the units required must address the purpose identified in Section 21-14(e)(2)(E) of the School Code.
- f) CPDUs shall be generated for completion of activities in accordance with provisions of Section 25.875 of this Part, provided that the activity described in subsection (h) of that Section shall not be used to generate CPDUs for holders of the provisional vocational certificate and references to Section 21-14 of the School Code [105 ILCS 5/21-14] are not applicable in the case of the provisional vocational certificate.
- g) The provisions of Sections 25.855, 25.860, 25.865, and 25.872 of this Part shall apply to the awarding of CPDUs for activities offered by providers, provided that:
- 1) the references to Section 21-14 of the School Code are not applicable to the provisional vocational certificate;
 - 2) references to Subpart J of this Part shall be understood as referring to this Section where necessary to the context; and

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- 3) references to continuing education units (CEUs) shall not apply in the case of the provisional vocational certificate.
- h) Each provisional vocational certificate shall be maintained as "valid and active" or "valid and exempt" for each semester of its validity. Periods of exemption and proportionate reductions in the requirements for continuing professional development shall be determined as discussed in Section 25.880(a) of this Part. In addition, the number of continuing professional development units needed to renew the certificate shall be reduced by 50 percent for any amount of time during which the certificate-holder has been employed and performing services on a part-time basis, i.e., for less than 50 percent of the school day or school term.
- i) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 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 is relevant to the requirements that apply to that period.
- j) Each certificate-holder shall:
- 1) maintain the required form of evidence of completion for each activity 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 Section 25.840 of this Part.
- k) Each holder of a provisional vocational certificate shall apply for renewal of that certificate as set forth with respect to standard teaching certificates in Section 25.830 of this Part, including the submission of a statement of assurance that conforms to the requirements of subsection (b) of that Section, except that:
- 1) each application for certificate renewal shall be submitted to the regional superintendent of schools, regardless of whether a local professional development committee is in operation in the employing district; and

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- 2) references to standard certificates in that Section shall be understood to apply to provisional vocational certificates as necessary to the context.
- l) Within 14 days after receiving an application for the renewal of a provisional vocational certificate, the regional superintendent shall forward to the State Teacher Certification Board a recommendation for renewal or nonrenewal on a form prescribed by the State Superintendent of Education.
 - 1) The regional superintendent shall transmit a list identifying all the certificate-holders with respect to whom the regional superintendent is recommending renewal of provisional vocational certificates, along with verification that:
 - A) each certificate-holder has completed professional development or otherwise qualifies for certificate renewal in accordance with this Section; and
 - B) each certificate-holder has submitted the statement of assurance required in accordance with subsection (k) of this Section.
 - 2) If the recommendation is not to renew the certificates 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 concurrently by certified mail, return receipt requested. Each recommendation for nonrenewal shall include the regional superintendent's rationale.
- m) A certificate-holder with respect to whom a regional superintendent has recommended nonrenewal of the provisional vocational certificate may appeal to the State Teacher Certification Board in accordance with the provisions of Section 25.835(h) of this Part, except that references to the requirements of Section 21-14 of the School Code shall not apply in the case of the provisional vocational certificate.
- n) The State Teacher Certification Board shall review regional superintendents' recommendations regarding the renewal of provisional vocational certificates and notify the affected certificate-holders in writing as to whether their certificates have been renewed or not renewed. This notification shall take place within 90

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days after the State Teacher Certification Board receives regional superintendents' recommendations, subject to the right of appeal set forth in this subsection (n).

- 1) 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.
 - 2) 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.
 - 3) The State Teacher Certification Board may request that the certificate-holder appear before it. The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.
 - 4) In verifying whether the certificate-holder has met the renewal criteria set forth in this Section, the State Teacher Certification Board shall review the recommendation of the regional superintendent of schools and all relevant documentation.
- o) The State Teacher Certification Board shall notify the certificate-holder in writing, within seven days after completing its review, as to whether the certificate has been renewed. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent. If the decision is not to renew the certificate, the notice to the certificate-holder shall be transmitted by certified mail, return receipt requested, and shall state the reason for the decision. The decision of the State Teacher Certification Board is final and subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].
- p) An individual whose certificate is not renewed because of his or her failure to meet the requirements of this Section may apply for a reinstated certificate valid for one year. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable provisional vocational certificate only if he or she presents evidence of having:

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- 1) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and
 - 2) earned five additional semester hours of credit from a regionally accredited institution of higher learning relevant to the field of certification.
- q) The provisions of Section 25.840(d) of this Part shall apply to the renewal of the provisional vocational certificate.
- r) An individual who performs services on a provisional vocational certificate and concurrently also on some other type of certificate that is subject to renewal requirements shall be subject to the provisions of Section 25.475 of this Part.

~~A State Provisional Vocational Certificate may be issued in the trade or occupational subject to be taught when recommended by the State Board of Vocational Education.~~

(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

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

Section 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation (Repealed)

~~The provisions of this Section shall apply to institutions that are required by the State Board of Education to submit additional information and/or correction of specified weaknesses pursuant to the provisions of Section 25.135(e)(5) of this Part.~~

- a) ~~Based on a review of the additional information submitted by the affected institution, the State Teacher Certification Board shall recommend that the State Board of Education:~~
- 1) ~~grant continuing accreditation of the educational unit and approval of its teacher preparation programs, if the weaknesses cited have been adequately corrected; or~~
 - 2) ~~assign accreditation of the unit with probation until after the next regularly scheduled review visit, if the unit continues to exhibit weaknesses that~~

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~~limit its capacity for offering high-quality programs that adequately prepare candidates.~~

- b) ~~Following the next scheduled review visit, the State Teacher Certification Board shall recommend to the State Board of Education either:~~
 - 1) ~~continuing accreditation of the educational unit and approval of its teacher preparation programs, if the review team's report indicates that the institution meets all the applicable standards; or~~
 - 2) ~~revocation of the unit's accreditation and termination of its preparation programs.~~
- e) ~~Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of the unit's accreditation shall be subject to the requirements of Section 25.165(b) of this Part.~~

(Source: Repealed at 32 Ill. Reg. 13263, effective July 25, 2008)

Section 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)

~~The requirements set forth in this Section shall apply to the continuing accreditation of educational units and the continuing approval of teacher preparation programs subject to Fifth-Year Review on or after July 1, 2000, but before December 31, 2001. In addition to complying with the requirements of this Section, institutions seeking to achieve or retain NCATE accreditation shall submit to NCATE such reports and other documents as that organization may require, according to the timelines established by NCATE. As an alternative to meeting the requirements of this Section, institutions whose Fifth-Year Reviews are scheduled for the fall of 2001 may elect to comply with the requirements of Sections 25.136 and 25.140 of this Part.~~

- a) ~~Institutions Seeking Initial NCATE Accreditation or Not Seeking NCATE Accreditation~~
 - 1) ~~Not later than 90 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of a written description of the educational unit including:~~

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- A) ~~its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution's various teacher preparation programs;~~
 - B) ~~identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation; and~~
 - C) ~~the written policies and procedures which guide the operations of the educational unit.~~
- 2) ~~Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of a narrative showing how the educational unit meets or plans to address each of the standards referred to in Section 25.115(b) of this Part.~~
- 3) ~~Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent five copies of:~~
- A) ~~a report containing an analysis of the changes that will be needed in the individual teacher preparation programs in order to meet the applicable content standards established by the State Board of Education, and the status of any changes already made in those programs; and~~
 - B) ~~for one program selected by the institution, a sample curriculum portfolio that contains:~~
 - i) ~~an overview of the knowledge base, philosophy of preparation, and goals and objectives of the program;~~
 - ii) ~~a description of the course of study, including field experiences, student teaching, and internships for candidates;~~
 - iii) ~~a description of how the program meets the applicable content standards established by the State Board of Education;~~

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- ~~iv) the program's faculty and its organizational location within the professional education unit; and~~
 - ~~v) the number of graduates from the program over the most recent three years.~~
 - ~~b) Institutions Seeking Continued NCATE Accreditation~~
 - ~~1) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies, and to NCATE the number of copies required by NCATE, of a report summarizing:
 - ~~A) changes and new initiatives for each category of the standards referred to in Section 25.115(b) of this Part; and~~
 - ~~B) the unit's plans for developing and improving its professional education programs during the next five years.~~~~
 - ~~2) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent five copies of the material specified in subsection (a)(3) of this Section.~~
 - ~~e) All Institutions~~
 - ~~1) The requirements of subsection (a)(3)(B) of this Section may be met, at the institution's option, by presenting a portfolio that has already been prepared for review as part of NCATE's program review process.~~
 - ~~2) A review team shall be empanelled as described in Section 25.125(d) of this Part. The review team shall visit the institution, verify the information provided, prepare a report, provide that report to the institution, make corrections as necessary, and provide its final report to the institution and to the State Superintendent of Education as provided in Section 25.125(e) and (f) of this Part.~~
 - ~~3) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the~~

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~~report's findings or a rejoinder to those findings.~~

- 4) ~~Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, and a statement as to whether the status report and program report comply with the applicable requirements of subsection (a) or (b) of this Section, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.~~
- 5) ~~After consideration of the material submitted, and based upon whether the report of the review team indicates that the unit meets the standards referred to in Section 25.115(b) of this Part or has a time-specific plan for meeting those standards no later than June 30, 2003, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:~~
 - A) ~~Continue accreditation of the educational unit and approval of the affected teacher education program(s), thereby authorizing the educational unit to conduct the approved program(s) and to recommend candidates for certification by entitlement; or~~
 - B) ~~Require the submission of additional information and/or correction of specified weaknesses within a timeframe not to exceed 18 months before continuing the unit's accreditation or the approval of the affected program(s).~~
- d) ~~Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.~~

(Source: Repealed at 32 Ill. Reg. 13263, effective July 25, 2008)

Section 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)

~~The requirements set forth in this Section shall apply to the continuing accreditation of educational units and the continuing approval of preparation programs subject to Fifth-Year Review on or after January 1, 2002, but before July 1, 2003. In addition to complying with the requirements of this Section, institutions seeking to achieve or retain NCATE accreditation shall~~

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~~submit to NCATE such reports and other documents as that organization may require, according to the timelines established by NCATE.~~

- a) ~~No later than February 1 (for a spring visit) or September 1 (for a fall visit) of the year before the year when its Fifth-Year Review will be held, the institution shall submit to the State Superintendent of Education ten copies of all the material required pursuant to Section 25.155(b)(1), (2), and (3) of this Part.~~
- b) ~~No later than 60 days prior to the scheduled date of its review visit, the institution shall submit to the State Superintendent ten copies of the institutional report required by Section 25.155(g) of this Part, as well as five copies of:~~
 - 1) ~~a report containing an analysis of the changes that will be needed in the individual teacher preparation programs in order to meet the applicable content standards established by the State Board of Education, and the status of any changes already made in those programs; and~~
 - 2) ~~for one program selected by the institution, a sample program report that meets the requirements of Section 25.127(b) of this Part.~~
- e) ~~A panel established by the State Superintendent shall review the description of the unit's conceptual framework(s) and shall respond as outlined in Section 25.125(b) of this Part.~~
- d) ~~A review team shall be empanelled as described in Section 25.125(d) of this Part and shall conduct an on-site review visit as described in Section 25.125(e) of this Part.~~
- e) ~~The review team shall prepare a draft report during the on-site visit, incorporating an overview of the unit and its conceptual framework(s) and summarizing performance data of candidates and graduates. This draft report shall be provided to the institution within 30 days after the conclusion of the visit for the purpose of allowing the institution 30 days to correct any factual errors. The team chair or co-chairs shall review the institution's suggested revisions and make appropriate corrections. The final report shall be submitted to the institution within 30 days after the State Board's receipt of the institution's suggested corrections.~~
- f) ~~The institution shall submit either a letter of agreement or a rejoinder to the review team's report as provided in Section 25.125(g) of this Part.~~

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- g) ~~Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team's report, the institution's letter of agreement or rejoinder, and a statement as to whether the status report complies with the requirements of subsection (b) of this Section and the program report complies with the requirements of subsection (b)(2) of this Section, as well as NCATE's accreditation decision regarding the educational unit if applicable and available.~~
- h) ~~After consideration of the material submitted, and based upon whether the report of the review team indicates that the unit meets the standards referred to in Section 25.115(b) of this Part, the Certification Board shall convey to the State Board of Education a recommendation in keeping with the requirements of Section 25.125(j) of this Part.~~
- i) ~~Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of the unit's accreditation shall be subject to the requirements of Section 25.165(b) of this Part.~~

(Source: Repealed at 32 Ill. Reg. 13263, effective July 25, 2008)

SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.275 Renewal of the School Service Personnel Certificate

The requirements set forth in this Section apply to renewal of school service personnel (SSP) certificates in accordance with Section 21-25 of the School Code [105 ILCS 5/21-25].

- a) Pursuant to Section 21-25 of the School Code, the renewal of school service personnel certificates held by individuals employed and performing services in certain types of public schools is contingent upon certificate-holders' presentation of evidence of continuing professional development. Renewal of any affected SSP certificate whose period of validity begins on or after July 1, 2008 shall require the certificate-holder's:
- 1) possession of one of the State licenses identified in Section 21-25(e) of the School Code, that is:

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- A) current licensure as either a clinical professional counselor or a professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107];
 - B) current licensure as either a clinical social worker or a social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20]; or
 - C) current licensure as a speech-language pathologist under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]; or
- 2) possession of one of the national certifications identified in Section 21-25(e) of the School Code; or
 - 3) completion of sufficient professional development activities to satisfy the requirements of Section 21-25 of the School Code.
- b) An individual who wishes to qualify for certificate renewal based on licensure or national certification as permitted by Section 21-25 of the School Code shall maintain documentation related to the relevant license or certificate, including its date of issue, period of validity, and issuing body. This information shall be included in the individual's application for certificate renewal in place of the statement of assurance called for in subsection (k) of this Section.
 - c) Completion of the certification process conducted by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill the entire requirement for professional development under subsection (a)(2) of this Section for the renewal cycle during which completion occurs. Evidence of completion of this process shall be the inclusion of the certificate-holder's name on NBPTS' composite list of those who have completed the certification process (as distinct from having received certification).
 - d) Except as provided in subsections (b) and (c) of this Section, each professional development activity used to fulfill the requirements of this Section shall be required to address one or more of the purposes set forth in Section 21-25(e) of the School Code, and three of the four purposes must be addressed. No later than 60 days after the State Board of Education votes to establish or change the list of areas determined by the Board to be critical for all school service personnel

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(Section 21-25 of the School Code), the State Superintendent of Education shall notify each school district superintendent, each regional superintendent of schools, and any organization that requests this notification. The notice shall include a list of the areas and state the date upon which the list takes effect.

- e) CPDUs shall be generated for completion of activities in accordance with the provisions of Section 25.875 of this Part, provided that, as necessary to the context:
- 1) references to Section 21-14 of the School Code shall be understood to mean the comparable provisions of Section 21-25 of the School Code;
 - 2) references to teachers, teaching, and instruction shall be understood to mean holders of the school service personnel certificate and their performance of services;
 - 3) references to the classroom shall be understood to mean the setting where services are provided;
 - 4) references to classes directly taught by the certificate-holder (Section 25.875(e) and (n) of this Part) shall be understood to mean students directly served by the certificate-holder;
 - 5) references specific to the supervision or preparation of candidates for teaching certificates (Section 25.875(h) and (m) of this Part) shall be understood to mean the supervision or preparation of candidates for the school service personnel certificate;
 - 6) references to content-area standards (Section 25.875(i) of this Part) shall be understood to mean the relevant standards set forth at 23 Ill. Adm. Code 23 (Standards for the School Service Personnel Certificate); and
 - 7) the reference to State priorities (Section 25.875(k) of this Part) shall be understood to mean the critical areas identified by the State Board of Education pursuant to Section 21-25(e)(2) of the School Code.
- f) The provisions of Sections 25.855, 25.860, 25.865, and 25.872 of this Part shall apply to the awarding of CPDUs for activities offered by providers, provided that, as necessary to the context:

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- 1) references to Section 21-14 of the School Code shall be understood to mean the comparable provisions of Section 21-25 of the School Code;
 - 2) references to Subpart J of this Part shall be understood as referring to this Section;
 - 3) references to teachers shall be understood to include holders of the school service personnel certificate; and
 - 4) references to continuing education units (CEUs) shall not apply.
- g) Each school service personnel certificate shall be maintained as "valid and active" or "valid and exempt" for each semester of its validity. Periods of exemption and proportionate reductions in the requirements for continuing professional development shall be determined as discussed in Section 25.880(a) of this Part. In addition:
- 1) *the number of continuing professional development units needed to renew the certificate shall be reduced by 50 percent for any amount of time during which the certificate-holder has been employed and performing services on a part-time basis, i.e., for less than 50 percent of the school day or school term; and*
 - 2) *a certificate-holder who is employed as a substitute on a part-time basis or a day-to-day basis shall only be required to pay the registration fee in order to renew his or her certificate (Section 21-25(e) of the School Code).*
- h) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 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 is relevant to the requirements that apply to that period.
- i) Each certificate-holder shall:

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- 1) maintain the required form of evidence of completion for each activity 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 Section.
- j) An Illinois master SSP certificate shall have a ten-year period of validity. When an individual receives an Illinois master SSP certificate, any other SSP certificate held by the same individual shall be renewed as of the date of issuance of the master certificate. Any other SSP 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.
- 1) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew the Illinois master SSP certificate and any other SSP certificate held if the applicable requirements of this Section have also been met.
 - 2) 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 Section have been met during the master certificate's period of validity.
- k) Each holder of an SSP certificate shall apply for renewal of that certificate as set forth with respect to teaching certificates in Section 25.830 of this Part, including the submission of a statement of assurance that conforms to the requirements of subsection (b) of that Section, except that:
- 1) each application for certificate renewal shall be submitted to the regional superintendent of schools, regardless of whether a local professional development committee is in operation in the employing district; and
 - 2) references to "standard" certificates in that Section shall be understood to apply to SSP certificates.

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- l) Within 14 days after receiving an application for the renewal of a school service personnel certificate, the regional superintendent shall forward to the State Teacher Certification Board a recommendation for renewal or nonrenewal on a form prescribed by the State Superintendent of Education.
- 1) The regional superintendent shall transmit a list identifying all the certificate-holders with respect to whom the regional superintendent is recommending renewal of SSP certificates, along with verification that:
- A) each certificate-holder has completed professional development or otherwise qualifies for certificate renewal in accordance with the requirements of Section 21-25 of the School Code and this Section; and
- B) each certificate-holder has submitted the statement of assurance required in accordance with subsection (k) of this Section.
- 2) If the recommendation is not to renew the certificates 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 with regard to child support payments, the certificate-holder's copy shall be sent concurrently by certified mail, return receipt requested. Each recommendation for nonrenewal shall include the regional superintendent's rationale.
- m) A certificate-holder with respect to whom a regional superintendent has recommended nonrenewal of the SSP certificate may appeal to the State Teacher Certification Board in accordance with the provisions of Section 25.835(h) of this Part, except that the requirements of Section 21-25 of the School Code shall be understood to apply rather than those established by Section 21-14 of the School Code.
- n) The State Teacher Certification Board shall review regional superintendents' recommendations regarding the renewal of SSP certificates and notify the affected certificate-holders in writing as to whether their certificates have been renewed or not renewed. This notification shall take place within 90 days after the State Teacher Certification Board receives regional superintendents' recommendations, subject to the right of appeal set forth in this subsection (n).

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- 1) 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.
 - 2) 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.
 - 3) The State Teacher Certification Board may request that the certificate-holder appear before it. The certificate-holder shall be given at least ten days' notice of the date, time, and place of the hearing.
 - 4) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-25 of the School Code, the State Teacher Certification Board shall review the recommendation of the regional superintendent of schools and all relevant documentation.
- o) The State Teacher Certification Board shall notify the certificate-holder in writing, within seven days after completing its review, as to whether the SSP certificate has been renewed. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent. If the decision is not to renew the certificate, the notice to the certificate-holder shall be transmitted by certified mail, return receipt requested, and shall state the reason for the decision. The decision of the State Teacher Certification Board is final and subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].
- p) An individual whose certificate is not renewed because of his or her failure to meet the requirements of Section 21-25 of the School Code and this Section may apply for a reinstated certificate valid for one year. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable SSP certificate only if he or she presents evidence of having:
- 1) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and

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- 2) earned five additional semester hours of credit from a regionally accredited institution of higher learning relevant to the field of certification.
- q) The provisions of Section 25.840(d) of this Part shall apply to the renewal of the school service personnel certificate.
- r) If fewer than five years remain in the period of a certificate's validity as of July 1, 2008, the number of CPDUs required in order to renew the certificate at the conclusion of that period shall be proportionately reduced.
- s) An individual who performs services both on an SSP certificate and concurrently also on some other type of certificate to which renewal requirements apply shall be subject to the provisions of Section 25.475 of this Part.

(Source: Added at 32 Ill. Reg. 13263, effective July 25, 2008)

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 completion of professional development activities sufficient to satisfy the requirements of Section 21-7.1 of the School Code and 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.

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- b) Each activity shall be required to address one or more of the following purposes:
- 1) *improving the administrator's knowledge of instructional practices and administrative procedures;*
 - 2) *maintaining the basic level of competence required for initial certification; and*
 - 3) *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)*
- c) Activities selected to fulfill the requirement for 100 hours of professional development (see Section 21-7.1(c-10) of the School Code) 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.

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- 2) Continuing professional development hours for the activities chosen pursuant to this subsection (c) 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 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, describing what was done with respect to each activity, with dates and amounts of time spent in each case.
- d) Required Administrators' Academy Courses
 - 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) 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) 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) 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

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able to preserve his or her right of appeal under subsection (f) of this Section.

- 2) Based on the available information regarding 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.
- 3) A certificate-holder who is a regional superintendent of schools shall submit the verification format referred to in subsection (e)(1) 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) Within 30 days after receiving an application, the State Superintendent of Education shall notify ~~the affected~~any certificate-holder ~~as to whether the administrative certificate has been renewed or not renewed~~whose ~~certificate will not be renewed~~, including the rationale for nonrenewal. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent, except that a regional superintendent shall deposit his or her own fee in the region's institute fund.
- 5) 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' Academy course and one or more additional professional development activities meeting the requirements of subsections (b) 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 presents evidence of having made up activities missed during the preceding renewal cycle by completing the requirements of subsection (e)(5)(A) of this Section, subsection (e)(5)(B) of this Section, or both, as applicable.

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- 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, he or she shall complete the balance of that requirement and ten additional hours of professional development meeting the requirements of subsections (b) and (c) of this Section.
- 6) The period of validity of an administrative certificate issued after a year of reinstatement [or held after the reinstatement of a teaching certificate](#) shall be adjusted to coincide with the validity of the holder's teaching certificate.
- f) 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
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.

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- 2) In addition to the appeal letter, the certificate-holder shall 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; 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 rationale for 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.
- 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. [Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent, except that a regional](#)

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superintendent shall deposit his or her own fee in the region's institute fund.

- 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 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 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) 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.~~
- 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.~~

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- ~~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. 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.~~

h) An individual who performs services on an administrative certificate and concurrently also on some other type of certificate to which renewal requirements apply shall be subject to the provisions of Section 25.475 of this Part.

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

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(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

SUBPART F: GENERAL PROVISIONS

Section 25.444 Illinois Teaching Excellence Program

The annual payments and incentives established under Section 21-27 of the School Code [105 ILCS 5/21-27] shall be subject to the requirements of this Section and shall be contingent upon the appropriation of sufficient funds (see subsection (f) of this Section). For purposes of this Section, "outside the regular school term" means during hours when school is not in session or on days when school is not in session and "State Superintendent of Education" means the State Superintendent or a designee. When permitted or required by the State Superintendent, documentation called for in this Section may be submitted via electronic means.

- a) An individual who holds an Illinois master certificate pursuant to Section 21-2(d) or Section 21-25(d) of the School Code [105 ILCS 5/21-25(d)] shall be eligible for an annual payment as called for in Section 21-27(1) of the School Code for each year during which:
 - 1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students or a school counseling position; and
 - 2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a format specified by the State ~~Superintendent Board~~ of Education, which shall be submitted by the individual as documentation of eligibility for the payment.
- b) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(2) of the School Code for each year during which:
 - 1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special

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education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;

- 2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a format specified by the State [SuperintendentBoard](#) of Education; and
- 3) *he or she agrees in writing, using a format prescribed by the State Board of Education, to provide at least 60 hours of mentoring to classroom teachers that conforms to the requirements of Section 21-27(2) of the School Code and consists of:*
 - A) *high-quality professional development for new and experienced teachers; and/or*
 - B) *assistance to candidates for certification by the National Board for Professional Teaching Standards in completing that certification process. (Section 21-27(2) of the School Code)*

c) Requirements for Professional Development and Assistance to NBPTS Candidates

- 1) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who provides professional development to new or experienced teachers under subsection (b) of this Section shall submit [to the State Superintendent of Education](#) a written log of the assistance provided, using a format specified by the State [SuperintendentBoard of Education](#), demonstrating that he or she addressed one or more of the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) as relevant to the classroom-based needs of the recipient teachers. Each recipient of professional development shall be identified by name and shall sign the log as verification of the dates and hours of service indicated.
- 2) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who assists others in preparing for certification by the National Board for Professional Teaching Standards under subsection (b) of this Section shall submit [to the State Superintendent of Education](#) a written log of the assistance provided,

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using a format specified by the State ~~Superintendent Board of Education~~. This record shall identify the activities performed and verify that these activities addressed specific requirements candidates must meet for NBPTS certification.

- d) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(3) of the School Code for each year during which:
- 1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;
 - 2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a format specified by the State ~~Superintendent Board~~ of Education; and
 - 3) *he or she agrees in writing, using a format prescribed by the State Board of Education, to provide, outside the regular school term, at least 60 hours of mentoring to classroom teachers in schools on the Academic Early Warning List or in schools in which 50% or more of the students receive free or reduced-price lunches, or both.* (Section 21-27(3) of the School Code)
- e) Requirements for Mentoring
- 1) Mentoring provided in accordance with subsection (d) of this Section shall be conducted either:
 - A) as part of and in conformance with a mentoring program formally established by a school district; or
 - B) under the terms of a written agreement among the mentor teacher, the building administrator, mentor coordinator, or other responsible official of the school district employing one or more recipient teachers, and those recipients, that describes the goals of the mentoring, the duration of the mentor teacher's involvement,

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and the amount of time expected to be devoted to each recipient teacher.

- 2) Mentoring may be provided to recipients either individually or in groups, provided that the mentor must address one or more of the areas of teaching practice enumerated in subsection (c)(1) of this Section as relevant to the classroom-based needs of each recipient teacher.
- 3) An individual who provides mentoring under subsection (d) of this Section shall notify his or her employing district (if different from that of the recipient teacher or teachers) to this effect and, as verification of his or her eligibility for the applicable incentive payment, shall submit to the State [Superintendent Board](#) of Education a written log that:
 - A) meets the requirements of subsection (c)(1) of this Section; and
 - B) discusses how the mentoring was related to the academic needs of the recipient teachers' students.
- f) **Insufficient Appropriations**
When the funding available in any fiscal year is inadequate to cover all the payments described in this Section, payments will be prioritized.
 - 1) No annual stipends as described in subsection (a) of this Section shall be paid until all other payments pursuant to subsections (b) and (d) of this Section have been made.
 - 2) The incentive payments described in subsection (d) of this Section shall take precedence over those described in subsection (b) of this Section.

(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

Section 25.475 [Renewal Requirements for Holders of Multiple Types of Certificates and Permits No Longer Issued \(Repealed\)](#)

[Special provisions shall apply when an individual is performing services on multiple certificates of different types that are subject to renewal requirements, i.e., standard or master teaching certificates, provisional vocational certificates, school service personnel certificates, and](#)

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administrative certificates. Completion of one set of requirements shall suffice for renewal of all the affected certificates.

- a) When two types of certificates are being used at the same time, 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.
- 1) Example: An individual who performs duties on the administrative certificate for 60 percent of the time and teaches for 40 percent of the time on a standard, master, or provisional vocational certificate shall be subject only to the requirements of Section 25.315 of this Part with regard to continuing professional development.
- 2) Example: An individual who serves on a school service personnel certificate 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 Section 25.275 of this Part with regard to continuing professional development.
- 3) Example: An individual who performs services for 50 percent of the time on a provisional vocational certificate and 50 percent of the time on a school service personnel certificate shall choose either the requirements of Section 25.70 or those of Section 25.275 of this Part to fulfill.
- b) If an individual is serving on more than two types of certificates at the same time, he or she shall be subject to the requirements that apply to the certificate used for the greatest share of the time. If multiple certificates are used for equivalent shares of an individual's time, the individual shall choose one set of requirements to fulfill.
- c) If a local professional development committee is operating in the district where the individual is employed and the individual holds a standard or master teaching certificate, the individual shall notify the committee as to which set of requirements he or she will meet.

(Source: Old Section repealed at 25 Ill. Reg. 16031, effective November 28, 2001; new Section added at 32 Ill. Reg. 13263, effective July 25, 2008)

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SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.710 Definitions

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of multiple choice items that must be answered correctly on a given test or the combination of required correct responses to multiple choice items and required numerical value of constructed responses.

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Certification Testing System at one test administration to take the test in the same area as given at subsequent administrations.

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score, the maximum score, and the passing score are set. Through May 31, 2006, for the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. Beginning in June 2006, for the tests of subject matter knowledge (content-area tests) and language proficiency, the minimum scaled score is 100, the maximum score 300, and the passing score 240. For the assessment of professional teaching, the basic skills test, and any new content-area test first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.

"Subarea score" is the scaled score for the subset of test items on a subject matter test or content-area test which measures specific content, and the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading comprehension, writing, language arts, and mathematics.

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"Test" or "Tests" refers to the test of basic skills, the assessment of professional teaching, the language proficiency tests, and the tests of subject matter knowledge (or "content-area tests") for the Illinois Certification Testing System. Through June 30, 2004, these tests are:

- Agriculture
- Art (K-12)
- Art (6-12)
- Assessment of Professional Teaching – Early Childhood
- Assessment of Professional Teaching – Elementary
- Assessment of Professional Teaching – Secondary
- Assessment of Professional Teaching – Special
- Basic Skills
 - Language Arts
 - Mathematics
 - Reading Comprehension
 - Writing
- Biological Science
- Blind and Partially Sighted
- Business/Marketing/Management
- Chemistry
- Chief School Business Official
- Computer Science
- Dance
- Deaf and Hard of Hearing
- Early Childhood
- Educable Mentally Handicapped
- Elementary/Middle Grades (K-9)
- English
- English as a Second Language
- English Language Proficiency
- French
- General Administrative
- General Science
- General Supervisory (available through June 30, 2003)
- German
- Guidance
- Health

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Health Occupations
Hebrew
History
Family and Consumer Sciences
Industrial Technology Education
Italian
Latin
Learning Disabilities
Mathematics
Media
Music (K-12)
Music (6-12)
Physical Education (K-12)
Physical Education (6-12)
Physically Handicapped
Physical Science
Physics
Reading
Russian
School Nurse
School Psychology
School Social Work
Social/Emotional Disorders
Social Science
Spanish
Speech
Speech and Language Impaired
Superintendent
Theatre Arts
Trainable Mentally Handicapped
Transitional Bilingual Education
 Arabic
 Cantonese
 Greek
 Gujarati
 Hindi
 Japanese
 Korean
 Lao

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Mandarin
Polish
Russian
Spanish
Urdu
Vietnamese

Beginning July 1, 2004, the Illinois Certification Testing System shall consist of the following tests in addition to the content-area tests applicable to certification in special education:

Agricultural Education
Assessment of Professional Teaching
 Early Childhood
 Elementary
 Secondary
 Special
Basic Skills
Business, Marketing, and Computer Education
Chief School Business Official
Dance
Director of Special Education (required beginning July 1, 2005)
Drama/Theatre Arts
Early Childhood
Early Childhood Special Education
Elementary/Middle Grades (K-9)
English Language Arts
English Language Proficiency
English as a New Language
Family and Consumer Sciences
Foreign Languages
 [Arabic \(available in September 2008\)](#)
 Chinese (Cantonese or Mandarin)
 French
 German
 Hebrew
 Italian
 Japanese
 Korean

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Latin
Russian
Spanish
General Administrative
Guidance (through June 30, 2005)
Health Education
Health Careers
Library Information Specialist
Mathematics
Music
Physical Education
Reading Teacher
Reading Specialist
School Counselor (beginning July 1, 2005)
School Nurse
School Psychologist
School Social Worker
Sciences
 Biology
 Chemistry
 Earth and Space Science
 Environmental Science
 Physics
Social Sciences
 Economics
 Geography
 History
 Political Science
 Psychology
 Sociology and Anthropology
Superintendent
Technology Education
Technology Specialist
Transitional Bilingual Education – Language Proficiency
 Arabic
 Cantonese
 Greek
 Gujarati
 Hindi

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Japanese
Korean
Lao
Mandarin
Polish
Russian
Spanish
Urdu
Vietnamese
Visual Arts

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written response.

"Test objective" is a statement of the behavior or performance measured by test items.

(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

Section 25.720 Applicability of Testing Requirement and Scores

- a) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.
- b) **Basic Skills Test**
Except as provided in subsections (b)(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.
 - 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.

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- 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 (b)(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 (b)(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 (b)(3)(A) of this Section seeks a subsequent Illinois certificate, he or she shall be required to pass the Illinois test of basic skills. However, a person applying for another Illinois certificate based on an additional out-of-state certificate or qualifications shall be treated as an out-of-state applicant and shall be subject to subsection (b)(3) of this Section.
- c) Content-Area Tests
- 1) Except as provided in subsection (c)(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 for program completion.
 - 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.

- 3) A person who has passed a test of language proficiency in order to qualify for a transitional bilingual certificate and received that certificate shall not be required to retake that test in order to qualify for a bilingual education credential on another certificate received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program shall also not be required to retake that test.
- d) **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.
- e) Except as provided in subsections (b)(1), (c)(3), and (d)(1) of this Section, for each person seeking an Illinois certificate, no score on a required test may be more than ~~ten~~five years old at the time application is made. The ~~ten-year~~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 ~~ten~~five years old will not be accepted as part of an application.
 - 1) The ten-year period discussed in this subsection (e) shall apply to each score that forms part of an application received on or after July 1, 2008.
 - 2) The ten-year period discussed in this subsection (e) shall also apply to each score that forms part of an application that is pending as of June 30, 2008, and to each score that forms part of an application for which an

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[evaluation is still valid as of that date pursuant to Section 25.427 of this Part.](#)

- f) 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 32 Ill. Reg. 13263, effective July 25, 2008)

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.
- 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 completion of professional development activities 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.
- c) *A certificate-holder with multiple certificates shall complete professional development activities that address the 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,*

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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)]. [An individual who performs services on a teaching certificate and concurrently also on some other type of certificate to which renewal requirements apply shall be subject to the provisions of Section 25.475 of this Part.](#)

- 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.
 - 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.

(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

Section 25.830 Application for Renewal of Certificate(s)

No sooner than September 1 and no later than April 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

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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 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*. (Section 21-14(e)(4) of the School Code [105 ILCS 5/21-14(e)(4)])
- c) A certificate-holder who wishes to receive evidence of an LPDC's receipt of his or her application shall include a receipt for the LPDC's use.
- d) 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) A certificate-holder who does not apply by April 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).

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(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

Section 25.835 Review of and Recommendation Regarding Application for Renewal

- a) An 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 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.
- b) If the recommendation is for nonrenewal of the affected certificate(s), notification to this effect shall be provided concurrently to the certificate-holder, including a return receipt and an explanation of the LPDC's rationale for recommending nonrenewal.
- c) ~~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) The certificate-holder may appeal to the responsible RPDRC for consideration of his or her application for renewal if the LPDC does not respond within the time allowed under subsection (a) of this Section.
- d)e) 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 RPDRC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and shall include:
 - 1) the required evidence of completion for the activities upon which the appeal is based; and
 - 2) any other relevant documents.
- e)f) Within 45 days after receiving such an appeal, the RPDRC 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 RPDRC shall use a form provided by the State Board of Education for this

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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 ~~(de)~~ of this Section.

~~(g)~~ Within 14 days after receiving the last recommendation required under subsections (a) through ~~(ef)~~ 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 recommendation for nonrenewal shall be sent to the certificate-holder concurrently. If the recommendation is not to 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;
 - B) the RPDC's recommendation and any additional material received by the RPDC pursuant to subsection ~~(e)(f)~~ of this Section; and
 - C) the regional superintendent's rationale for recommending renewal.

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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;
- B) the RPDC's recommendation, the material called for in subsection ~~(d)(e)~~ of this Section, and the material received pursuant to subsection ~~(e)(f)~~ of this Section, if any; and
- C) the regional superintendent's rationale for recommending nonrenewal.

~~g)h)~~ 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

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Code, as modified by Section 21-2(c)(8) of the School Code if applicable;

B) any other relevant documents.

h)+ Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder's failure to satisfactorily complete 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.

(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

Section 25.840 Action by State Teacher Certification Board; Appeals

- 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:*

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- 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)]. [Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent.](#) If the decision is not to renew the individual's certificate(s), the notification shall state the reason(s) for that 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 [presents evidence of having](#)~~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.
- 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

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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 32 Ill. Reg. 13263, effective July 25, 2008)

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 file:
 - 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 program, agenda, or other announcement of the event is found to demonstrate 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 in his or her continuing professional development; and B) the activities were conducted or presented by persons with education and experience in the applicable~~

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~~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) 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 32 Ill. Reg. 13263, effective July 25, 2008)

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

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- 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) 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) If the certificate-holder's records are audited pursuant to Section 21-14(e)(4) of the School Code, CEUs or CPDUs claimed shall be affirmed only when the standard form is presented.

(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

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.

- 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)]

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- 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 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*

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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 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

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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 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,

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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 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

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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 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.

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- 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 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*

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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 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.

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- 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, 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; ~~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

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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)]
- 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

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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 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 has been approved based on a plan submitted by the certificate-holder. The plan shall 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.)
 - 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

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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 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.

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- 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 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:

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- 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).
 - 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

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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 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 [programeurriculum](#) review panel convened pursuant to Section [25.127\(b\)\(4\)25.125\(e\)](#) 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\(d\)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

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- visit, for service on a [programeurriculum](#) 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, [programeurriculum](#) 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)]
- 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)]

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- 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; if the purpose of the activity includes the preparation of a tangible product, a copy of that product.
- z) Other
- Continuing professional development units shall be available for activities not enumerated in subsections (a) through (y) of this Section based upon written evidence maintained by the certificate-holder that:
- 1) describes the activity and its purpose, intensity, duration, and outcomes;
 - 2) discusses how the activity related to the improvement of the certificate-holder's knowledge and skills;
 - 3) 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) proposes a number of CPDUs that is commensurate with the value assigned to the activity identified pursuant to subsection (z)(3) of this Section.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

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Section 25.APPENDIX E Endorsement Structure Beginning July 1, 2004

Section 25.100 of this Part explains the applicability of "designations" where shown as required in the following table. An asterisk next to the name of an endorsement or designation indicates that there is no content-area test for that credential. The relevant provisions of Section 25.100(e) of this Part shall apply in those cases.

Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Fundamental Learning Areas		
English Language Arts	None	English Journalism Language Arts Speech
Reading Teacher	None	Reading
Reading Specialist	None	Reading
Mathematics	None	Mathematics
Sciences – Designation or Limited Endorsement under Section 25.100(h)(5) Required	Biology Chemistry Earth and Space Science Environmental Science Physics	Biological Science Botany Physiology Zoology Chemistry Aerospace Astronomy Earth Science Geology Physical Geography Biological Science Physical Science General Science Physics

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Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Social Sciences – Designation or Limited Endorsement under Section 25.100(h)(5) Required	Economics Geography History Political Science Psychology Sociology and Anthropology	Economics Geography History U.S. History World History Political Science Psychology Anthropology Sociology
Physical Education	None	Physical Education
Health Education	None	Health Education
Dance	None	Dance
Drama/Theatre Arts	None	Theatre and Drama
Music	None	Music Instrumental Music Vocal Music
Visual Arts	None	Art
Foreign Languages – Designation Required	Arabic (2008) Chinese (Cantonese or Mandarin) French German Hebrew Italian Japanese Korean Latin Russian Spanish	None None French German Hebrew Italian None None Latin Russian Spanish

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Additional Teaching Fields		
Agricultural Education	None	Agricultural Business and Management Agriculture Agricultural Power and Machinery Horticulture Agricultural Resources
Business, Marketing, and Computer Education – Designation Optional	Business Computer Programming*	Accounting Basic Business Business Computer Programming Business/Marketing/ Management Information Processing Information Processing/ Secretarial Marketing
Family and Consumer Sciences – Designation Required	Apparel and Textiles* Living Environments* Nutrition, Wellness, and Hospitality*	Child and Day Care Services Consumer Education and Resource Management Fashion and Clothing Services Food and Nutrition Services Home Economics Institutional and Home Management Services Interior Furnishings Services/Living Environments Interpersonal, Family Relationships, Parenting

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Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Health Careers	None, but licensure in a specific occupation is required	Health Occupations
Technology Education	None	Industrial Technology Education Construction Electronics Graphic Communications Transportation Manufacturing Industrial Technology Public Service Drafting/Design Autobody Repair Heating, Ventilation, and Air Conditioning
Technology Specialist	None	Computer Technology Instructional Technology
Library Information Specialist	None	Media
Safety and Driver Education*	None	Safety and Driver Education
English as a New Language (ENL) – Designation Optional	Bilingual Education (language-specific)	Bilingual Education English as a Second Language
Middle-Level	Subject-specific	Middle-Grades
Elementary		
Self-Contained General Elementary Education	None	Self-Contained General Education

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Endorsements Available as of July 1, 2004	Designations	Endorsements Previously Issued
Early Childhood		
Early Childhood	None	Early Childhood
Early Childhood Special Education	None	
Administrative		
Chief School Business Official		Chief School Business Official
Director of Special Education		Director of Special Education
General Administrative		General Administrative
Superintendent		Superintendent
School Service Personnel		
School Counselor		Guidance
School Nurse		School Nurse
School Psychologist		School Psychologist
School Social Worker		School Social Worker
Non-Teaching Speech- Language Pathologist		Non-Teaching Speech- Language Pathologist
Supervisory	None; see Sections 21-4 and 21-25 of the School Code and Section 25.497 of this Part.	Supervisory

(Source: Amended at 32 Ill. Reg. 13263, effective July 25, 2008)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Health/Life Safety Code for Public Schools
- 2) Code Citation: 23 Ill. Adm. Code 180
- 3) Section Number: 180.500 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, and 17-2.11
- 5) Effective Date of Rulemaking: July 25, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? This rulemaking does not include an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 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) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 4678; April 4, 2008
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR and no agreements were issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking represents technical updating only. It responds to PA 95-675, which established the "school facility occupation tax" as a new source of funds, as well as to replacement of the long-standing rules at 23 Ill. Adm. Code 110 (Program Accounting Manual) with new rules at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing).

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Updating was needed in Section 180.500 of this rulemaking to eliminate the outdated cross-reference and capture correctly the funds that must be insufficient in order for the use of additional fire prevention and safety financing to be permissible. The new school facility occupation fund is one of those that should be included, because the funds held in it are to be used only for "school facility purposes".

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

Debbie Vespa
School Business and Support Services Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/785-8779

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180
HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section	
180.10	Purpose and Scope
180.20	Severability
180.30	Definitions
180.40	Responsibilities of Local School Board
180.50	Responsibilities of Regional Superintendent
180.60	Applicability
180.70	Variances and Waivers
180.80	Vehicular Facilities

SUBPART B: REQUIRED QUALIFICATIONS

Section	
180.100	Approval Procedure
180.110	Specific Requirements for Plan Reviewers
180.120	Specific Requirements for Inspectors

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section	
180.200	Application for Building Permit
180.210	Issuance of Building Permit
180.220	Inspections During and Upon Completion of Construction
180.225	Application for Certificate of Occupancy
180.230	Certificate of Occupancy
180.240	Demolition or Movement of Buildings or Other Structures
180.250	Sprinkler Systems
180.260	Sprinkler System Requirements and Applicability (Repealed)
180.270	Standards for Sprinkler Systems (Repealed)

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180.280 Standards for Sprinkler System Plans and Specifications (Repealed)

SUBPART D: INSPECTIONS

Section

180.300 Annual Building and Fire Safety Inspections
180.310 Decennial Inspections
180.320 Safety Survey Report
180.330 Safety Reference Plans
180.340 Local Board Action and Approval of Safety Survey Reports

SUBPART E: ADDRESSING VIOLATIONS

Section

180.400 Violations
180.410 Unsafe Conditions
180.420 Temporary Closing and Condemnation

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section

180.500 Request for Authorization
180.510 Initiation of Work (Repealed)
180.520 Accounting for Fire Prevention and Safety Funds (Repealed)
180.530 Emergencies
180.540 Cost Estimates

AUTHORITY: Implementing and authorized by Sections 2-3.12, 2-3.25, 2-3.137, and 17-2.11 of the School Code [105 ILCS 5/2-3.12, 2-3.25, 2-3.137, and 17-2.11].

SOURCE: Adopted at 19 Ill. Reg. 5004, effective March 24, 1995; amended at 22 Ill. Reg. 12514, effective July 6, 1998; amended at 29 Ill. Reg. 15904, effective October 3, 2005; amended at 31 Ill. Reg. 14296, effective September 25, 2007; amended at 32 Ill. Reg. 13351, effective July 25, 2008.

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.500 Request for Authorization

- a) A school board desiring to use fire prevention and safety funds shall submit to the

STATE BOARD OF EDUCATION

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regional superintendent, using a format prescribed by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:

- 1) a Schedule of Violations, including a brief description of each violation and the recommended correction; and
 - 2) a Schedule of Recommended Work Items and Estimated Costs.
- b) Fire prevention and safety financing shall only be approved if:
- 1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and
 - 2) the district does not have sufficient unrestricted funds ~~(as defined in 23 Ill. Adm. Code 110, Table B)~~ in its operations and maintenance fund [\(Section 17-2 of the School Code \[105 ILCS 5/17-2\]\)](#), its school facility occupation tax fund [\(Section 10-20.40 of the School Code \[105 ILCS 5/10-20.40\], as added by P.A. 95-675\)](#), and/or its fire prevention and safety fund [\(Section 17-2.11 of the School Code \[105 ILCS 5/17-2.11\]\)](#) to pay for the necessary work.
- c) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. *The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.*
- d) *A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review.*
- e) Except under emergency circumstances as provided for in Section 180.530 of this Part, *a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent.* (Section 17-2.11 of the School

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Code [105 ILCS 5/17-2.11])

- f) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.
- g) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

(Source: Amended at 32 Ill. Reg. 13351, effective July 25, 2008)

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- 1) Heading of the Part: Early Childhood Block Grant
- 2) Code Citation: 23 Ill. Adm. Code 235
- 3) Section Number: 235.20 Adopted Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/1C-2
- 5) Effective Date of Rulemaking: July 25, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rulemaking does not contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 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) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 4684; April 4, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements were issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking represents a technical correction only. The current rule on the qualifications of teachers in programs that receive State funding under Part 235 has required that each teacher hold either an initial or a standard early childhood certificate. However, there are several additional types of certificates

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that are valid for service in the early childhood age range but were unintentionally omitted from the rules.

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

Kay Henderson
Early Childhood Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/524-4835

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235

EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND PREVENTION INITIATIVE PROGRAMS

Section

- 235.10 Purpose; Eligible Applicants
- 235.20 Application Procedure and Content for New or Expanding Programs
- 235.30 Additional Program Components for Preschool Education Proposals
- 235.40 Additional Program Components for Prevention Initiative Proposals
- 235.50 Proposal Review and Approval for New or Expanding Programs
- 235.60 Application Content and Approval for Continuation Programs
- 235.70 Terms of the Grant

SUBPART B: PRESCHOOL FOR ALL CHILDREN PROGRAM

Section

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

SUBPART C: SOCIAL AND EMOTIONAL CONSULTATION SERVICES

Section

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

- 235.APPENDIX A Illinois Early Learning Standards
- 235.APPENDIX B Illinois Birth to Three Program Standards

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

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed at 30 Ill. Reg. 4618 and new Part adopted at 30 Ill. Reg. 4620, effective February 28, 2006; emergency amendment adopted at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days; emergency expired November 22, 2006; amended at 30 Ill. Reg. 19383, effective November 28, 2006; amended at 32 Ill. Reg. 13357, effective July 25, 2008.

**SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS**

Section 235.20 Application Procedure and Content for New or Expanding Programs

Each applicant that is proposing a program that has not received funding in the year previous to the current application or is seeking additional funds to expand its currently funded program shall submit to the State Board of Education a proposal that includes the components specified in this Section. For purposes of this Section, an "expanded" program includes one in which the applicant is proposing to serve additional children and their families or to offer initiatives not provided under its currently funded program.

- a) Grants for new or expanded programs shall be offered in years in which the level of available funding is such that one or more new or expanded programs can be supported, along with those currently funded programs that seek continuation funding in accordance to Section 235.60 of this Part.
- b) When sufficient funding is available, the State Superintendent of Education shall issue one or more Requests for Proposals (RFP) specifying the information that applicants shall include in their proposals, informing applicants of any bidders' conferences, and requiring that proposals be submitted no later than the date specified in the RFP. The RFP shall provide at least 45 calendar days in which to submit proposals.
- c) All proposals submitted in response to an RFP shall include the following components:

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- 1) A cover page completed on a form supplied by the State Board of Education and signed by the school district superintendent or official authorized to submit the proposal or, in the case of a joint application, by the superintendent from each of the school districts and each authorized official of other eligible entities participating in the joint proposal.
- 2) For applicants other than public school districts, a description that includes the following:
 - A) the applicant's mission statement, organizational structure, and goals or policies regarding early childhood programs;
 - B) the applicant's existing competencies to provide early childhood education programs, to include a list of any early childhood accreditations that have been achieved; and
 - C) in the case of a joint application, the goals and objectives of the collaboration and a brief description of each partner's experience in providing services similar to those to be provided under the Early Childhood Block Grant program.
- 3) A description of the need for the program, which shall include:
 - A) current demographic or descriptive information regarding the community in which the families and children reside (including information on the prevalence of homelessness); and
 - B) the process that was used to determine the need for the program in the community in relation to other similar services that may be operating in the same geographic area.
- 4) A description of the population to be served, as defined in Section 235.10(a) of this Part, for each program to be funded under the Early Childhood Block Grant. This description shall include:
 - A) how the eligible population will be recruited;
 - B) the geographic area to be served; and

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- C) the estimated number of children and/or families to be enrolled.
- 5) A description of the procedures to be used to screen children and their families to determine their need for services. Results of the screening shall be made available to the program staff and parents of the children screened. All screening procedures shall include:
- A) criteria to determine at what point performance on the screening instrument indicates that children are at risk of academic failure as well as to assess other environmental, economic and demographic information that indicates a likelihood that the children would be at risk;
 - B) screening instruments/activities related to and able to measure the child's development in at least the following areas (as appropriate for the age of the child): vocabulary, visual-motor integration, language and speech development, English proficiency, fine and gross motor skills, social skills and cognitive development;
 - C) written parental permission for the screening;
 - D) parent interview (to be conducted in the parents' home language, if necessary), including at least the following:
 - i) for preschool education programs, a summary of the child's health history and social development; or
 - ii) for prevention initiative programs, information about the parents, such as age, educational achievement and employment history;
 - E) vision and hearing screening, in accordance with 77 Ill. Adm. Code 685 (Vision Screening) and 675 (Hearing Screening); and
 - F) where practicable, provision for the inclusion of program teaching staff in the screening process.

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- 6) A description of the parent education and training component that will be provided, to meet at least all of the requirements of Section 2-3.71a of the School Code.
- 7) A description of how the program will coordinate with other programs, as specified in the RFP, that are in operation in the same area and that are concerned with the education, welfare, health and safety needs of young children.
- 8) A description of the full-time and part-time professional and nonprofessional staff to be paid by the program, indicating that program administrators, early childhood teachers, counselors, psychologists, psychiatrists and social workers are appropriately qualified.
 - A) Teachers of children ages 3 to 5 years must hold [an initial, initial alternative, standard, master, provisional, provisional alternative, resident teacher, or visiting international teacher early childhood certificate](#)~~either an Initial or Standard Early Childhood Certificate~~. (See Section 2-3.71(a)(3) of the School Code [and 23 Ill. Adm. Code 1.Appendix A.](#))
 - B) By July 1, 2014, noncertificated staff employed to assist in instruction provided to children ages 3 to 5 years shall meet the requirements set forth in 23 Ill. Adm. Code 25.510(c).
- 9) A description of staff development assessment procedures and ongoing professional development activities to be conducted.
- 10) A description of the required program components, as set forth in either Section 235.30 or 235.40 of this Part.
- 11) Other information, as specified in the RFP, such as daily schedules (including the number of hours per day and days per week the program will operate), classroom locations, facility information (e.g., owner's name, terms of lease arrangement, size of classrooms and other areas to be used by the program), if applicable.

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- 12) The plan for ensuring that the program provides either a snack, in the case of a half-day program, or a meal, in the case of a full-day program, for participating children.
- 13) Budget information, provided on forms supplied by the State Board of Education. The budget shall specify that no more than 5 percent of the total grant award shall be used for administrative and general expenses not directly attributed to program activities, except that a higher limit not to exceed 10 percent may be negotiated with an applicant that has provided evidence that the excess administrative expenses are beyond its control and that it has exhausted all available and reasonable remedies to comply with the limitation.
- 14) A description of how the applicant will ensure that no fees will be charged of parents or guardians and their children who are enrolled and participate in Early Childhood Block Grant programs.
- 15) A plan for evaluating the proposed programs and activities to be included in the Early Childhood Block Grant, which shall correspond to the applicable specifications set forth in the RFP.
- 16) Such certifications and assurances as the State Board of Education may require.

(Source: Amended at 32 Ill. Reg. 13357, effective July 25, 2008)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Child Health Examination Code

Code Citation: 77 Ill. Adm. Code 665

Section Numbers: 665.140

Date Originally Published in the Illinois Register: 6/13/08
32 Ill. Reg. 8778

At its meeting on July 15, 2008, the Joint Committee on Administrative Rules objected to the Department of Public Health's use of emergency rulemaking to adopt rules titled Child Health Examination Code (77 Ill. Adm. Code 665; 32 Ill. Reg. 8778) because the only emergency that exists in this instance appears to be agency created. PA 95-422 changed the health examination dates effective 8/24/07. DPH waited more than 9 months to adopt emergency rules implementing that statute.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 22, 2008 through July 28, 2008 and have been scheduled for review by the Committee at its August 19, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
9/5/08	<u>Department of Natural Resources</u> , North Point Marina (17 Ill. Adm. Code 220)	6/6/08 32 Ill. Reg. 8315	8/19/08
9/5/08	<u>Department of Natural Resources</u> , Squirrel Hunting (17 Ill. Adm. Code 690)	6/6/08 32 Ill. Reg. 8322	8/19/08
9/5/08	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)	6/6/08 32 Ill. Reg. 8333	8/19/08
9/5/08	<u>Department of Natural Resources</u> , The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)	6/6/08 32 Ill. Reg. 8346	8/19/08
9/5/08	<u>Department of Natural Resources</u> , Dove Hunting (17 Ill. Adm. Code 730)	6/6/08 32 Ill. Reg. 8360	8/19/08
9/7/08	<u>Department of Public Health</u> , Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)	9/21/07 31 Ill. Reg. 13322	8/19/08

PROCLAMATIONS

2008-296**GUBERNATORIAL PROCLAMATION**

On Monday, July 21, 2008, a severe storm producing extremely high winds that reached ninety-five miles per hour, moved into the Quad Cities areas and traveled east through Illinois. The high winds toppled trees causing widespread power outages, road closures, damage to residences, injuries and at least one fatality.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Bureau County, Henry County and Rock Island County as State Disaster Areas pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Date: July 22, 2008

Filed: July 22, 2008

2008-297**Fallen Soldier – Pfc. Willington M. Rhoads**

WHEREAS, on Wednesday, July 16, Army Private First Class Willington M. Rhoads of Las Vegas died at age 23 of non-combat-related injuries in Bagram, Afghanistan, north of Kabul, where Pfc. Rhoads was serving in support of Operation Enduring Freedom; and

WHEREAS, Pfc. Rhoads was assigned to Headquarters and Headquarters Company, 173rd Brigade Support Battalion, Vicenza, Italy; and

WHEREAS, Pfc. Rhoads is survived by his wife and his father who resides in Paris, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on July 23, 2008 until sunset on July 25, 2008 in honor and remembrance of Pfc. Rhoads, whose selfless service and sacrifice is an inspiration.

PROCLAMATIONS

Issued by the Governor July 22, 2008
Filed by the Secretary of State July 23, 2008

2008-298**GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Greene County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: July 24, 2008

Filed: July 24, 2008

2008-299**SPECIAL ELECTION PROCLAMATION**

WHEREAS, On the 8th day of March, 2008, a special election was held in the State of Illinois for the election of the following officer, to-wit: One (1) Representative in Congress for an unexpired term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 9th day of April, 2008, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

REPRESENTATIVE TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS

PROCLAMATIONS

IN THE 110th CONGRESS OF THE UNITED STATES
FOURTEENTH CONGRESSIONAL DISTRICT
(For an unexpired term)
Bill Foster

NOW, THEREFORE, I, ROD R. BLAGOJEVICH, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly elected to the office as set out above.

Issued: April 9, 2008.

Filed: July 24, 2008.

2008-300
Public Lands Day

- WHEREAS, America's system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas throughout the nation that individually and collectively represent irreplaceable national resources; and
- WHEREAS, state treasures such as Lake Michigan, the Cahokia Mountains, and the Great Mississippi River ought to be preserved and protected for all of us, our children, and future generations to share and enjoy; and
- WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation, and recreation; and
- WHEREAS, for that reason, Americans throughout the country will team up to celebrate Public Lands Day on September 27; and
- WHEREAS, this innovative event attracts volunteers of all ages to give their time restoring and enhancing America's federal, state, and local public lands and raises awareness of planned development, shared land use, preservation of wild areas and natural habitats, and the benefits realized by diligent restoration and enhancement efforts; and
- WHEREAS, the National Environmental Education Foundation works with local, state, and federal land management agencies to coordinate Public Lands Day; and

PROCLAMATIONS

WHEREAS, this year, it is anticipated that more than 120,000 Americans will volunteer and more than \$12 million in needed improvements will be completed at over 1,500 sites throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 27, 2008 as **PUBLIC LANDS DAY** in Illinois and encourage all citizens to join in this special observance.

Issued by the Governor July 22, 2008

Filed by the Secretary of State July 25, 2008

2008-301**Pakistan Independence Day**

WHEREAS, it is my distinct pleasure to join the Pakistani American community in celebrating Pakistan's 61st Anniversary of Independence; and

WHEREAS, Pakistani Independence marks the anniversary of perhaps the most significant event in the history of the nation of Pakistan; and

WHEREAS, Pakistan gained Independence from the British Indian Empire on August 14, 1947; and

WHEREAS, now, over half a century later, Pakistanis all across the globe gather to commemorate the birth of their freedom; and

WHEREAS, here in Illinois, the Pakistani American community is flourishing, and I am proud of the many significant contributions that they have made to the state:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 14, 2008 as **PAKISTAN INDEPENDENCE DAY** in Illinois in recognition of Pakistan's 61st Anniversary of Independence, and in tribute to all the Pakistani Americans who call Illinois their home.

Issued by the Governor July 23, 2008

Filed by the Secretary of State July 25, 2008

2008-302**Kup's Purple Heart Day**

PROCLAMATIONS

WHEREAS, in 1945, as World War II was ending, Chicago Sun-Times columnist Irv Kupcinet, or Kup, as he was affectionately known, began a Chicago tradition that would live for 50 years; and

WHEREAS, dismayed at the large number of troops returning home from the battlefields of Africa, Asia and Europe with life-altering injuries, Kup would often speak of his childhood memories of large numbers of troops returning home from World War I with similar injuries; and

WHEREAS, these memories stayed with him, and in the summer of 1945, through his column in the Chicago Sun, he orchestrated the first Purple Heart Cruise, which would become a Chicago institution, one that would last for half a century; and

WHEREAS, one day each year, veterans from all over Illinois are treated to a relaxing and entertaining cruise on Lake Michigan; and

WHEREAS, the ship may have changed from year to year, but the purpose of the cruise remained the same - to show our veterans how much we appreciate their sacrifice; and

WHEREAS, in 1995, due to his advancing age, Kup retired the cruise; and

WHEREAS, on July 31, 2007, Kup's grandson, David, successfully re-launched Kup's Purple Heart Cruise aboard The Odyssey cruise ship at Navy Pier; and

WHEREAS, though the Purple Heart Cruise is their most widely recognized event, Kup's Purple Heart Foundation sponsors many other worthy programs, from supporting the development of a new and highly effective form of treatment for PTSD, to launching Operation Genie Lamp, a program designed to serve individual veterans in need; and

WHEREAS, Kup's Purple Heart Foundation is dedicated to demonstrating the same steadfast devotion to our troops that they show to us; and

WHEREAS, this year's Purple Heart Cruise will be held on July 31 aboard The Odyssey cruise ship at Chicago's Navy Pier:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 31, 2008 as **KUP'S PURPLE HEART DAY** in Illinois, in honor of the outstanding efforts of Kup's Purple Heart Foundation and in recognition of Irv Kupcinet for instituting this annual tradition to honor our State's veterans.

PROCLAMATIONS

Issued by the Governor July 24, 2008
Filed by the Secretary of State July 25, 2008

2008-303**Dyslexia Awareness Month**

WHEREAS, millions of Americans throughout the country, including the State of Illinois, have dyslexia, which is a language-based neurological disorder that affects their ability to read, write, and spell proficiently; and

WHEREAS, dyslexia occurs among all groups regardless of age, ethnicity, race, socio-economic background, and sex. Furthermore, the disorder is not related to one's level of intelligence or desire to learn; and

WHEREAS, although the degree of dyslexia varies from person to person, both children and adults can overcome the disorder with proper diagnosis and treatment. Today, many dedicated professionals work in homes and schools to help those with dyslexia; and

WHEREAS, the International Dyslexia Association is also dedicated to helping those with dyslexia. They and their state branches, including the Illinois Branch, promote literacy through research, education, and advocacy; and

WHEREAS, last year, state branches of the International Dyslexia Association offered more than 50 free and successful events about dyslexia to educators, parents, and the public during the month of October, which is recognized as Dyslexia Awareness Month, and they plan to repeat their public awareness campaign again this October:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **DYSLEXIA AWARENESS MONTH** in support of the campaign by the International Dyslexia Association and their state branches to raise awareness about this disorder and to help those afflicted with it.

Issued by the Governor July 24, 2008
Filed by the Secretary of State July 25, 2008

2008-304**Special Kids Day**

PROCLAMATIONS

WHEREAS, established in 1990, Special Kids Day is a not-for-profit organization located in Elmhurst, Illinois. It is an all-volunteer and totally free holiday event for children who are developmentally delayed or physically challenged; and

WHEREAS, Special Kids Day builds on the United Nations resolution #47/3, which also sets aside December 3 as a day to promote integrating the disabled into society; and

WHEREAS, designed to be a family celebration, this event honors all special needs children and their families to have an opportunity to experience the joys and laughter of the holiday season in a friendly, obstacle free space; and

WHEREAS, during the event, children are able to visit with Santa Claus and have a photo taken, enjoy holiday treats and receive a free goodie bag; and

WHEREAS, this all-volunteer, free event is a result of a combined community effort among local businesses, the Department of Education at Elmhurst College and many dedicated individuals; and

WHEREAS, every year, Special Kids Day is held on the first Wednesday of December. This year, the event will be on December 3rd:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 3, 2008 as **SPECIAL KIDS DAY** in Illinois, and encourage all citizens to recognize this wonderful event and invest time into one of our most precious resources, our children.

Issued by the Governor July 24, 2008

Filed by the Secretary of State July 25, 2008

ILLINOIS ADMINISTRATIVE CODE

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