
ILLINOIS

REGISTER



PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

January 26, 2018 Volume 42, Issue 4

PROPOSED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Licensing Standards for Foster Family Homes	
89 Ill. Adm. Code 402.....	1942
Licensing Standards for Group Homes	
89 Ill. Adm. Code 403.....	1957
Licensing Standards for Child Care Institutions and Maternity Centers	
89 Ill. Adm. Code 404.....	1970
ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS	
Interpretation of Pollution Control Board Rules and Related Definitions	
Concerning Grain Handling and Grain Drying Operations (Repealer)	
35 Ill. Adm. Code 264.....	1981
LABOR, DEPARTMENT OF	
Rules and Regulations Relating to the Operation of Private	
Employment Agencies	
68 Ill. Adm. Code 680.....	1987
PUBLIC HEALTH, DEPARTMENT OF	
Intermediate Care for the Developmentally Disabled Facilities Code	
77 Ill. Adm. Code 350.....	1992
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS	
The Administration and Operation of the Teachers' Retirement System	
80 Ill. Adm. Code 1650.....	2005

ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Services Delivered by the Department of Children and Family Services	
89 Ill. Adm. Code 302.....	2027
COMMERCE COMMISSION, ILLINOIS	
Standards of Service and Customer Credits for Electing Providers and	
Competitive Non-Electing Providers	
83 Ill. Adm. Code 737.....	2042
Presubscription (Repealer)	
83 Ill. Adm. Code 773.....	2048
GUARDIANSHIP AND ADVOCACY COMMISSION, ILLINOIS	
Human Rights Authority	
59 Ill. Adm. Code 310.....	2050
OFFICE OF THE COMPTROLLER	
Payments Remitted on Behalf of a Pension Fund	
74 Ill. Adm. Code 295.....	2055
STUDENT ASSISTANCE COMMISSION, ILLINOIS	
Illinois Prepaid Tuition Program	
23 Ill. Adm. Code 2775.....	2064

EMERGENCY RULES

SECRETARY OF STATE

Business Corporation Act (Emergency Amendment to Emergency
Rule)

14 Ill. Adm. Code 150.....2073

INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2018

Issue#	Rules Due Date	Date of Issue
1	December 26, 2017	January 5, 2018
2	January 2, 2018	January 12, 2018
3	January 8, 2018	January 19, 2018
4	January 16, 2018	January 26, 2018
5	January 22, 2018	February 2, 2018
6	January 29, 2018	February 9, 2018
7	February 5, 2018	February 16, 2018
8	February 13, 2018	February 23, 2018
9	February 20, 2018	March 2, 2018
10	February 26, 2018	March 9, 2018
11	March 5, 2018	March 16, 2018
12	March 12, 2018	March 23, 2018
13	March 19, 2018	March 30, 2018
14	March 26, 2018	April 6, 2018
15	April 2, 2018	April 13, 2018
16	April 9, 2018	April 20, 2018
17	April 16, 2018	April 27, 2018
18	April 23, 2018	May 4, 2018
19	April 30, 2018	May 11, 2018
20	May 7, 2018	May 18, 2018
21	May 14, 2018	May 25, 2018
22	May 21, 2018	June 1, 2018
23	May 29, 2018	June 8, 2018
24	June 4, 2018	June 15, 2018
25	June 11, 2018	June 22, 2018

26	June 18, 2018	June 29, 2018
27	June 25, 2018	July 6, 2018
28	July 2, 2018	July 13, 2018
29	July 9, 2018	July 20, 2018
30	July 16, 2018	July 27, 2018
31	July 23, 2018	August 3, 2018
32	July 30, 2018	August 10, 2018
33	August 6, 2018	August 17, 2018
34	August 13, 2018	August 24, 2018
35	August 20, 2018	August 31, 2018
36	August 27, 2018	September 7, 2018
37	September 4, 2018	September 14, 2018
38	September 10, 2018	September 21, 2018
39	September 17, 2018	September 28, 2018
40	September 24, 2018	October 5, 2018
41	October 1, 2018	October 12, 2018
42	October 9, 2018	October 19, 2018
43	October 15, 2018	October 26, 2018
44	October 22, 2018	November 2, 2018
45	October 29, 2018	November 9, 2018
46	November 5, 2018	November 16, 2018
47	November 13, 2018	November 26, 2018
48	November 19, 2018	November 30, 2018
49	November 26, 2018	December 7, 2018
50	December 3, 2018	December 14, 2018
51	December 10, 2018	December 21, 2018
52	December 17, 2018	December 28, 2018

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 III. Adm. Code 402
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
402.2	Amendment
402.16	Amendment
402.19	Amendment
402.20	Amendment
- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments incorporate PA 99-839, which requires DCFS and foster parents to normalize the childhoods of children and youth in care by empowering foster parents to use Normalcy Parenting and the Reasonable and Prudent Parent Standard to decide if the child/youth in their care may participate in extracurricular (including athletic), enrichment, cultural, and social activities. Also adds definitions of "appropriate activities", "Normalcy Parenting" and "Reasonable and Prudent Parenting Standard".
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
402.2	Amendment	41 Ill. Reg. 1940; February 17, 2017
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 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 Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
email: 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:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking did not appear in either of the last 2 Regulatory Agendas because the need for rulemaking was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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 Parents
402.12	Qualifications of Foster Family
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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

402.APPENDIX A	Criminal Convictions That Prevent Licensure
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 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012; amended at 40 Ill. Reg. 808, effective December 31, 2015; amended at 40 Ill. Reg. 7797, effective May 16, 2016; amended at 42 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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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).

"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a(b)]

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. [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;

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Children and Family Services.

"Background check" means:

Individuals 17 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) 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 ~~Illinois Statewide Child~~ Sex Offender Registry.

~~"CANTS" means the Child Abuse and Neglect Tracking System that has been replaced by SACWIS.~~

"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, organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or 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 [225 ILCS 10], established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints obtained through an electronic or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

ink printing process that 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, at a minimum, *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]

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook), and any other agreed upon forms of communication technology.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain.

"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.

"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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"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).

"Fictive kin" means any individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual. [20 ILCS 505/7(b)]

"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. 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 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"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. [225 ILCS 10/4.4]

"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 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 in Illinois or another state or municipal authority, that is punishable solely by fines as a petty offense.

"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 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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Non-active status" means a licensed foster home 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.

"Normalcy Parenting" means empowering a foster parent to approve or not approve a child's participation in appropriate extracurricular activities based on the caregiver's own assessment using the reasonable and prudent parent standard, without prior approval of the Department, the caseworker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow children in care the opportunity for normal growth and development through participation in age, physical, culturally and mentally appropriate activities, responsibilities and life skills.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a ~~2~~^{tw} month period to allow the individuals to become eligible for an initial foster family home license.

"Petty offense" means any offense for which a fine only is provided, and a sentence of imprisonment is not an authorized disposition. [730 ILCS 5/5-1-17]

"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time supporting the child's emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in out-of-home care to participate in extracurricular, enrichment, cultural, and social activities. [20 ILCS 505/7.3a(b)]

"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), great-uncle or great-aunt; or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

"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. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

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

"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 in care. Respite foster care is provided to ~~foster~~ children in care in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties that serves the best interests of the ~~foster~~ children in care 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)~~.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Specialized care" or "specialized foster care services" means care provided to *a child in the custody or guardianship of the Department who requires such services due to emotional, behavioral, developmental or medical needs, or any combination thereof, or any other needs that require special intervention services, the primary goal being to maintain the child in foster care or in a permanency setting.* [20 ILCS 505/5.30(a)] Specialized foster care services are further described in 89 Ill. Adm. Code 301.90 (Foster Family Home Care).

"Supervising agency", for the purpose of this 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.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 402.16 Meeting Basic Needs of Children

- a) All children in the foster family shall be treated equitably.
- b) Children shall receive supervision appropriate to their developmental age at all times. All children in the foster home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in extracurricular social, religious, cultural and other significant activities and enrichment opportunities. Normalcy parenting empowers foster parents to make decisions about appropriate activities without seeking approval or consent from the caseworker or guardian. Foster parents must still seek consent in other areas where specific State or federal laws limit consent authorization. A foster parent is not liable for harm caused to a child in care who participates in an appropriate activity approved by the foster parent, provided that the foster parent has acted as a reasonable and prudent parent in permitting the child to engage in the activity.
- d) Foster parents shall provide the child with enrichment and expanded learning~~ongoing~~ opportunities to explore a wide variety of interest areas to expand his or her knowledge of learning possibilities that may lead to the child's systematic and lifelong involvement in one or more interest areas. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard to support the child's pursuit of his or her areas of interest.
- e) Foster parents shall make every effort to preserve family ties between siblings, recognizing their need for stability and continuity of relationships, and the importance of sibling contact in the development of each child's identity. Foster parents shall help and support children in developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and encourage and facilitate contact between the siblings.
- f) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the foster home and to visit in the home of friends.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- gf) ~~Foster parents shall use normalcy parenting and the reasonable and prudent parent standard to decide if a~~ Care shall be exercised in giving permission for the foster child in care can ~~visit overnight with friends or relatives of the child or foster parents. Foster parents may approve visits that do not exceed 48 hours~~ Extended trips away from the foster parents' care ~~home must be approved by the foster child's parent or guardian.~~
- hg) Personal allowance money shall be available to the children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.
- ih) Foster parents shall assist the child in the proper handling of money.
- ji) Each child shall have the opportunity to learn to assume some responsibility for himself and for household duties in accordance with his age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous or risk harm to the child.
- kj) The supervising agency shall immediately be notified of any situation that affects the care of the child, including but not limited to death, serious illness, incarceration, death of a child or any other significant occurrence.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 402.19 Recreation and Leisure Time

~~Children shall be permitted and encouraged to participate in~~ Foster parents should encourage appropriate indoor and outdoor recreation. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in these activities.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 402.20 Education

- a) Foster parents shall encourage each child to complete high school or vocational training in accordance with his or her aptitude. Foster parents shall cooperate with the supervising agency in the child's educational plan.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- b) Children shall be permitted and encouraged to participate in extra-curricular activities including sports, art and music to the extent of their interests, abilities, and talents. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in these activities.
- c) The supervising agency shall ensure that the foster parents shall maintain contact with those serving the educational needs of their children and seek their cooperation to assure that:
- 1) children are placed in appropriate grades and program; and
 - 2) there is periodic evaluation of individual children.
- d) The supervising agency shall ensure that each child is provided with the necessary school supplies, materials and equipment.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Group Homes
- 2) Code Citation: 89 III. Adm. Code 403
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
403.2	Amendment
403.7	Amendment
403.8	Amendment
403.21	Amendment
- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] the Children's Product Safety Act [430 ILCS 125], the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act [42 USC 670 et seq.].
- 5) A Complete Description of the Subjects and Issues Involved: Proposed amendments reflect revisions to the Social Security Act, Title IV-E and to the Children and Family Services Act. Additionally an addition of the definition "medical examination" has been added to provide clarity.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the 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 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 Osowski

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
e-mail: CFPolicy@idcfs.state.il.us

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance:
None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 403

LICENSING STANDARDS FOR GROUP HOMES

Section

403.1	Purpose
403.2	Definitions
403.3	Effective Date of Standards (Repealed)
403.4	Application for License
403.5	Application for Renewal of License
403.6	Provisions Pertaining to the License
403.7	Provisions Pertaining to Permits
403.8	Child Care Services
403.9	Discipline of Children
403.10	Health and Safety
403.11	Education
403.12	Religion
403.13	Recreation and Leisure Time
403.14	Food and Nutrition
403.15	Background Checks
403.16	Professional Services
403.17	Agency Supervision of the Group Home
403.18	Child Care Staff
403.19	Professional Staff
403.20	Support Staff
403.21	Staff Coverage
403.22	Health Requirements for Staff and Volunteers
403.23	Live-in Staff (Repealed)
403.24	Night Duty Staff (Repealed)
403.25	Staff Training
403.26	Physical Facilities
403.27	Required Written Consents
403.28	Records and Reports
403.29	Severability of This Part

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Children's Product Safety Act [430 ILCS 125], the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act (42 USC 670 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 13147, effective November 30, 1981; amended at 7 Ill. Reg. 3454, effective April 4, 1983; amended at 11 Ill. Reg. 1489, effective January 15, 1987; amended at 11 Ill. Reg. 17523, effective October 15, 1987; amended at 21 Ill. Reg. 4587, effective April 1, 1997; amended at 24 Ill. Reg. 17062, effective November 1, 2000; amended at 34 Ill. Reg. 6054, effective May 1, 2010; amended at 36 Ill. Reg. 13051, effective August 15, 2012; amended at 42 Ill. Reg. _____, effective _____.

Section 403.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a]

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over ~~that~~which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of Statewide Automated Child Welfare Information System (SACWIS)~~the 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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a check of the Illinois Statewide Child Sex Offender Registry.

"Caregiver" means a licensed foster parent or unlicensed relative caregiver who provides care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care facility in which a child in DCFS custody or guardianship is placed. For purposes of this Part, the "caregiver" for a youth under 18 years of age in a group home is assigned or designated staff of the facility.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or 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. (Section 2.05 of the Child Care Act of 1969)

"Child with a disability" means a child up to the age of 22 years old with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, due to these conditions, needs special education and related services. (Federal Individuals with Disabilities Education Improvement Act of 2004; 34 CFR 300.8)

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Group home" means a child care facility ~~that~~^{which} provides care for no more than 10 children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. (Section 2.17 of the Child Care Act of 1969)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Initial background check" means the individual has cleared a check of ~~SACWIS~~the Child Abuse and Neglect Tracking System and the Illinois Statewide Child Sex Offender Registry.

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

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

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Medical examination" means a physical examination conducted by a Medical Doctor or Doctor of Osteopathic Medicine licensed to practice medicine in the State of Illinois, an Advanced Practice Nurse (APN) or Physician Assistant (PA). The medical examination must be documented on forms prescribed by the Department and signed and dated by the examining practitioner.

"Normalcy parenting" means empowering a caregiver to approve or not approve a child's or youth's participation in appropriate extracurricular activities based on the caregiver's own assessment using the reasonable and prudent parent standard, without prior approval of the Department, the permanency worker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow children and youth in care the opportunity for normal growth and development through participation in age, physical, culturally and mentally appropriate activities, responsibilities and life skills.

"Permit" means a one-time only document issued by the Department for a ~~six-~~month period to allow the ~~individual~~individual(s), agency or organization to become eligible for a license.

"Persons subject to background checks" means:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- the ~~operator~~operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in ~~Section 385.20, Definitions, of~~ 89 Ill. Adm. Code 385.20; (Background Checks).

If the child care facility operates in a family home, the license ~~applicant~~applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Reasonable and prudent parent ptandard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. (42 USC 675(10)) The caregiver must use the reasonable and prudent parent standard when determining whether to allow a child in care to participate in extracurricular, enrichment, cultural, and social activities.

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, as defined in the Child Care Act of 1969, ~~that~~which supervises the operation of group ~~homes~~home(s).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 403.7 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
 - 1) the application for license has been completed and signed by the responsible child welfare agency and submitted to the Department;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) written clearances concerning compliance with the fire, ~~health, sanitation~~ and safety requirements ~~as~~ specified in ~~Statestate~~ laws and municipal codes are received. If well water is used, a copy of the inspection report and certification of compliance with local or ~~Statestate~~ health department regulations must be on file;
 - 3) a person in charge of the daily operation of the group home has been employed, has passed the background check requirements of 89 Ill. Adm. Code 385, ~~(Background Checks)~~, and is prepared to begin work at the facility;
 - 4) furnishings, equipment and space sufficient for the number of children to be served have been acquired;
 - 5) child care staff sufficient for the number of children to be served have been hired and are prepared to begin work at the facility;
 - 6) a plan for the provision of food, clothing, educational and religious opportunities and health care of children has been developed;
 - 7) the facility has established procedures and forms to maintain required records, including records on the children served;
 - 8) a written plan on how the requirements for licensure will be met within the permit period has been developed; and
 - 9) a projected annual budget for the group home, approved by the ~~policymaking~~~~policy-making~~ board of the supervising child welfare agency, has been developed.
- b) A permit shall not be issued retroactively.
 - c) The permit shall not be transferred or transmitted to another person or other legal entity.
 - d) The permit shall not be valid for a name or an address different than the name and address shown on the issued permit.
 - e) The permit shall not be renewable.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- f) The permit shall be displayed on the premises at all times.
- g) A license shall be issued any time within the ~~six~~-month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.
- h) There will be no fee or charge for issuing the permit.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 403.8 Child Care Services

- a) Each child shall be provided with clothing ~~that~~which fits properly, ~~which~~ is appropriate for the season, and ~~which~~ is comparable to that worn by other children of similar age in the community.
- b) Each child shall be given training and direction in good health and nutrition practices appropriate for the child's age level.
- c) Each child shall be provided with essential individual toilet articles and linens.
- d) Each child shall be given the opportunity to, and encouraged to, participate in age, physical, culturally and mentally appropriate activities that provide opportunities for normal growth and development. This includes the opportunity to develop social relationships; and to pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. Except ~~when~~where the needs of the child and group indicate otherwise, children shall have the opportunity to exchange visits with friends in the community. When participation of a child or youth less than 18 years of age in an extracurricular, enrichment, cultural, or social activity requires a caregiver's consent, the group home shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow participation. Youth 18 years of age and older do not require a guardian's consent to participate in these activities.
- e) The group home shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow a foster child to visit overnight with friends or relatives of the child~~exercise care in giving permission~~

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~to the child to visit with friends or other persons in the community. Any visits extended beyond 3 days must be cleared with the supervising agency before the end of the third day.~~

- f) If a child suffers an injury participating in an activity approved by the group home and the designated group home staff approving the activity acted in accordance with the reasonable and prudent parent standard, the Department shall hold the group home harmless from liability.
- g) Travel
- 1) The group home shall approve or deny the child's travel within the State of Illinois. When in-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.
 - 2) The group home shall approve or deny the child's out-of-state travel that will not exceed 29 days. When out-of-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.
 - 3) The group home shall ensure that planned travel for the child does not interfere with school, court, medical and other important services/treatment required in the child's service plan.
- hf) Personal allowance money shall be available to children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.
- ig) The group home shall assist the child in the proper handling of money and personal property.
- 1) The group home or supervising agency holding a child's funds shall have procedures to ensure the safety of those funds. Amounts of \$300 and over shall be deposited in an insured account. The group home or supervising agency shall provide annual reports on the status of each child's insured account to the child's caseworker.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) Personal financial transactions or transfer of a child's personal property among others in the group home shall be prohibited. This prohibition does not apply to the common practice in families of transferring outgrown clothes or equipment.
 - 3) The group home shall assure that the child's personal belongings acquired by or given to the child during placement (such as clothing, books and school items, medications, Medicaid Card, toys, gifts, private collections, lifebook materials and photographs, child's private savings, allowances and other personal items) follow the child's placement and are returned to the child when the child changes placement or leaves DCFS care.
- jh) Every child shall have the opportunity to learn to assume some responsibility for himself or herself and for group home duties in accordance with his or her age, health and ability. No child shall be permitted to do tasks that which are hazardous, dangerous or potentially harmful to the child.
- ki) Work assignments shall not interfere with regular school programs, study periods, recreation or sleep.
- lj) The supervising child welfare agency shall immediately be notified of any situation that affects the provision of care to the child.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 403.21 Staff Coverage

- a) A group home shall employ at least 2 full-time child care staff who shall meet the requirements for child care staff enumerated in Section 403.18. The ratio of child care staff to children may include other staff if they meet the qualifications of child care staff as prescribed in Section 403.18. The group home or supervising agency shall ensure that groupings and supervision of children provides for individual attention and consideration of each child. Child care staff shall provide supervision to children at all times. The group home shall assign one or more child care workers for direct supervision of each group to be on duty and readily available while the children are awake and on the premises. Girls shall be under the direct supervision of adult female staff while they are in their bedroom, bathroom, or other areas of the home where privacy is expected. Except when waived in writing by the Director of the Department, children shall be under the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

~~direct supervision of staff of the same sex while in their sleeping or bathroom areas. Any request for such a waiver shall be in writing, documenting efforts to meet the requirement and the rationale for granting a waiver, and shall detail protective measures in place. The group home shall ensure that the well-being of the children will be protected while the same sex supervision requirement is waived. Other staff shall perform child care staff duties only when their other assignments and time allow.~~ The following staffing patterns shall be followed:

- 1) At least one child care staff shall be on duty when one or more children are present. At least 2 child care staff shall be on duty when:
 - A) Six or more children under age 16 are present, except that one child care staff person may care for 6 or more children when all of the children present are 16 years of age or older; are not diagnosed moderately to severely developmentally or physically disabled; can provide for their own personal needs; do not assault; and are not security risks.
 - B) More than 4 children are present in the home who are under the age of 6 or are diagnosed as developmentally or physically disabled to an extent requiring close supervision or assistance with their own personal care needs or mobility.
 - C) When the group home or supervising agency has determined that the number of staff on duty is not sufficient to carry out the individual service plans and meet the individual needs of the children in care, additional staff shall be on duty and actively working with the children in care.
- 2) When an emergency arises such as injury of a child that would necessitate taking the child to the hospital, or an emergency in child care staff's personal life, or any other emergency, the child welfare agency under whose auspices the group home operates is responsible for assuring appropriate staff coverage. If staff on call are used, they shall meet the requirements of child care staff and shall be able to be in the group home within 20 minutes. Children shall never be left in the care of other children.
- 3) In instances ~~in which~~when the group home operates under a "shift"

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

staffing pattern, at least one member of the night duty staff shall be awake and alert to assure protection and supervision of the children in care.

- 4) In instances ~~in which~~~~when~~ the group home operates under a live-in staffing pattern, the live-in staff shall be provided with their own living quarters so located as to assure that they are readily available and within hearing distance from the children.
 - A) The awake night staff requirement may be waived in writing by the Director of the Department or designee.
 - B) A request for a waiver of the awake night staff requirement shall be in writing and it shall be the responsibility of the facility to demonstrate that the well-being of the children can be protected.
- b) During the absence of regular child care personnel for time off, vacations, sick leave or any other absence (such as attendance at conferences or meetings, etc.), substitute child care personnel must be provided. These substitutes shall meet the requirements of child care staff as specified in Section 403.18.
- c) The group home shall have present on site at least one child care staff person or administrator who, with respect to any child placed at the-group home, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with the training in how to use and apply the reasonable and prudent parent standard in the same manner as foster parents. (42 USC 671(10)) The caregiver must seek consent in other areas in which specific State or federal laws limit consent authorization. Some examples of when normalcy parenting does not apply include consent to medical and dental care and disclosure of mental health information.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Child Care Institutions and Maternity Centers
- 2) Code Citation: 89 III. Adm. Code 404
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
404.2	Amendment
404.12	Amendment
- 4) Statutory Authority: 20 ILCS 505/5
- 5) A Complete Description of the Subjects and Issues Involved: Proposed amendments reflect revisions to the Social Security Act, Title IV-E and to the Children and Family Services Act. Additionally an addition of the definition "medical examination" has been added to provide clarity.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the 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 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 Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
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:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 404

LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS
AND MATERNITY CENTERS

Section

404.1	Purpose
404.2	Definitions
404.3	Effective Date of Standards (Repealed)
404.4	Application for License
404.5	Renewal of License
404.6	Provisions Pertaining to License
404.7	Provisions Pertaining to Permits
404.8	Incorporation
404.9	Composition and Responsibilities of the Governing Body
404.10	Finances
404.11	The Administrator
404.12	Administrative Coverage
404.13	Child Care Staff
404.14	Support Personnel
404.15	Substitute Child Care Staff
404.16	Volunteers
404.17	Requirements of Professional Staff
404.18	Medical and Health Services
404.19	Social Work Staff
404.20	Teachers
404.21	Recreation Staff
404.22	Staff Training
404.23	Health Requirements for Staff and Volunteers
404.24	Background Checks
404.25	Criteria for the Admission and Discharge of Children
404.26	Admission Preparation Requirements
404.27	Agreements and Consents Between Responsible Parties
404.28	Child Care Groupings
404.29	Discipline of Children
404.30	Controls

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

404.31	Clothing and Personal Belongings
404.32	Personal Care and Hygiene
404.33	Allowances
404.34	Education
404.35	Work and Training
404.36	Recreation and Leisure Time
404.37	Health and Safety
404.38	Food and Nutrition
404.39	Professional Services
404.40	Visitation
404.41	Community Life
404.42	Religion
404.43	Termination of Residential Care
404.44	Buildings
404.45	Grounds
404.46	Equipment
404.47	Records and Reports
404.48	Records Retention
404.49	Transportation
404.50	Severability of This Part

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125] the Children and Family Services Act [20 ILCS 505/7.3a) and Title IV-E of the Social Security Act [42 USC 670 et seq.].

SOURCE: Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at 7 Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 15, 1984; amended at 9 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg. 17504, effective October 15, 1987; amended at 21 Ill. Reg. 4488, effective April 1, 1997; amended at 24 Ill. Reg. 17031, effective November 1, 2000; emergency amendment at 26 Ill. Reg. 6868, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 508, effective January 15, 2003; amended at 29 Ill. Reg. 9976, effective July 1, 2005; amended at 31 Ill. Reg. 4704, effective March 19, 2007; amended at 42 Ill. Reg. _____, effective _____.

Section 404.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a]

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and
- a check of the Statewide Automated Child Welfare Information System (SACWIS) 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 Illinois Sex Offender Registry.

"Caregiver" means a licensed foster parent or unlicensed relative caregiver who provides care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care facility in which a child in DCFS custody or guardianship is placed. For purposes of this Part, the "caregiver" for a youth under 18 years of age in a child care institution or maternity center is assigned or designated staff of that facility.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care institution" means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools,

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

- *any State-operated institution for child care established by legislative action;*
- *any juvenile detention or shelter care home established and operated by any county or child protection district;*
- *any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act [210 ILCS 45];*
- *any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or elementary and high schools, and which operates on a regular academic school year basis;*
- *any facility licensed as a "group home" as defined in the Child Care Act of 1969 (Section 2.06 of the Child Care Act of 1969); or*
- *for purposes of this Part, forestry camps, training schools or any facility operated primarily for the detention of children who are determined to be delinquent.*

"Child with a disability" means a child up to the age of 22 years old with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, due to these conditions, needs special education and related services. (Federal Individuals with Disabilities Education Improvement Act of 2004; 34 CFR 300.8)

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced ~~those~~ duties while awaiting the results of the background check required by this Part.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Deemed status" means the Department has approved an institution or maternity center as in compliance with the requirements of this Part because the institution or maternity center:

- has received full accreditation status from the Council on Accreditation for Children and Family Services (2001 Standards); and
- during the past ~~4~~four years, ~~has been cited with~~there have been no substantiated licensing violations that affect the health, safety, morals, or welfare of children ~~it serves~~served by the accredited institution or ~~maternity center~~.

"Department" or "DCFS" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Initial background check" means the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"License" means a document issued by the Department ~~that~~which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant", for purposes of background checks, 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)

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Maternity center" means a facility in which any person, agency or corporation, other than one licensed as a foster family home or group home under the Child

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Care Act of 1969, receives, treats or cares for one or more unwed pregnant girls under 18 years of age, except that the term does not include any facility licensed under the Hospital Licensing Act. (Section 2.07 of the Child Care Act of 1969)

"Medical examination" means a physical examination conducted by a Medical Doctor or Doctor of Osteopathic Medicine licensed to practice medicine in the State of Illinois, an Advanced Practice Nurse (APN) or Physician Assistant (PA). The medical examination must be documented on forms prescribed by the Department and signed and dated by the examining practitioner.

"Normalcy parenting" means empowering a caregiver to approve or not approve a child's or youth's participation in appropriate extracurricular activities based on the caregiver's own assessment using the reasonable and prudent parent standard, without prior approval of the Department, the permanency worker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow children and youth in care the opportunity for normal growth and development through participation in age, physical, culturally and mentally appropriate activities, responsibilities and life skills.

"Permit" means a one-time only document issued by the Department for a ~~six~~-month period to allow the individual, agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- the operator of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in ~~Section 385.20, Definitions, of~~ 89 Ill. Adm. Code 385.20, (Background Checks).

If the child care facility operates in a family home, the license applicant and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. (42 USC 675(10)) The caregiver must use the reasonable and prudent parent standard when determining whether to allow a child in care to participate in extracurricular, enrichment, cultural, and social activities.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

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

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 404.12 Administrative Coverage

- a) The institution shall not be left at any time, or under any circumstances, without a properly designated, administratively responsible person on the premises. The designated administratively responsible person may be the child care worker for each unit, with the administrator, or someone designated by the administrator, to be on call.
- b) Program Administrator
The administrator may delegate certain program responsibilities to a program administrator. These may include day-to-day management of the program for children, supervision of program staff, staff development and training, educational activities and other services to children. The program administrator shall have:
 - 1) a Master's Degree from an accredited school of social work and 3 years' work experience with children, at least 2 of which were in institutional or other residential group care programs; or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 2) a Master's Degree in a human services field from an accredited school and 3 years work experience with children, at least 2 of which were in institutional or other residential group care programs; or
 - 3) a Bachelor's Degree from an accredited college or university, 5 years' work experience with children, at least 3 of which were in institutional or other residential group care programs.
- c) The institution, at all times, shall have on-site at least one official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with the training in how to use and apply the reasonable and prudent parent standard in the same manner as foster parents. (42 USC 671(10)) The institution must seek consent in other areas in which specific State or federal laws limit consent authorization. Some examples of when normalcy parenting does not apply include consent to medical and dental care and disclosure of mental health information.
- d) Each child shall be given the opportunity and encouraged to participate in age, physical, culturally and mentally appropriate activities that provide opportunities for normal growth and development. This includes the opportunity to develop social relationships and to pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. Except when the needs of the child and institution indicate otherwise, children shall have the opportunity to exchange visits with friends in the community. When participation of a child less than 18 years of age in an extracurricular, enrichment, cultural, or social activity requires a caregiver's consent, the institution shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow participation. Youth 18 years of age and older do not require a guardian's consent to participate in these activities.
- e) The institution shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow a foster child to visit overnight with friends or relatives of the child.
- f) If a child suffers an injury participating in an activity approved by the institution and the designated institution staff approving the activity acted in accordance with

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

the reasonable and prudent parent standard, the Department shall hold the institution harmless from liability.

g) Travel

- 1) The child care institution or maternity center shall approve or deny the child's travel within the State of Illinois. When in-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.
- 2) The institution or center shall approve or deny the child's out-of-state travel that will not exceed 29 days. When out-of-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.
- 3) The institution or center shall ensure that planned travel for the child does not interfere with school, court, medical and other important services/treatment required in the child's service plan.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Interpretation of Pollution Control Board Rules and Related Definitions Concerning Grain Handling and Grain Drying Operations
- 2) Code Citation: 35 Ill. Adm. Code 264
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
264.101	Repealed
264.102	Repealed
264.103	Repealed
264.104	Repealed
264.105	Repealed
264.Appendix A	Repealed
- 4) Statutory Authority: Implementing and authorized by Sections 4 and 39 of the Environmental Protection Act [415 ILCS 5/4 and 5/39].
- 5) A Complete Description of the Subjects and Issues Involved: In response to Executive Order 2016-13, the Illinois EPA proposes to repeal 35 Ill. Adm. Code 264. This Part contains the Agency's interpretation of substantive regulations adopted by the Illinois Pollution Control Board for grain handling and grain drying operations. Part 264 has never been amended, while the pertinent Illinois Pollution Control Board regulations have been amended several times. Some of these amendments conflict with Part 264 or make Part 264 unnecessary or duplicative.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: It does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rules may submit them in writing by no later than 45 days after publication of this Notice to:

Antonette Palumbo
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/785-4372
antonette.palumbo@illinos.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business, small municipalities or not-for-profit corporations subject to grain handling requirements.
 - 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: July 2017

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 264
INTERPRETATION OF POLLUTION CONTROL BOARD RULES
AND RELATED DEFINITIONS CONCERNING GRAIN HANDLING
AND GRAIN DRYING OPERATIONS (REPEALED)

Section

264.101	Statutory Authority
264.102	Determination of New and Existing Grain Handling Operations
264.103	Annual Grain Through-put
264.104	Control Equipment Requirements
264.105	One-turn Storage

264.APPENDIX A Rule into Section Table

AUTHORITY: Implementing and authorized by Sections 4 and 39 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111½, pars. 1004 and 1039).

SOURCE: "Interpretation of Rule 203(d)(9)(F) of the Pollution Control Board Rules and Regulations, Chapter 2: Air Pollution and Related Definitions Concerning Grain Handling and Grain Drying Operations," filed and effective December 30, 1977; codified at 8 Ill. Reg. 1449; repealed at 42 Ill. Reg. _____, effective _____.

Section 264.101 Statutory Authority

These rules are promulgated pursuant to authority conferred on the Environmental Protection Agency (Agency) by Sections 4 and 39 of the Environmental Protection Act (Ill. Rev. 1981, ch. 111 1/2, pars. 1004 and 1039) (Act).

Section 264.102 Determination of New and Existing Grain Handling Operations

- a) Existing Grain Handling Operations: Any grain handling operation in existence prior to June 30, 1975 or for which construction or modification commenced prior to June 30, 1975.
- b) New Grain Handling Operation: Any grain handling operation for which

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

construction commenced on or after June 30, 1975.

Section 264.103 Annual Grain Through-put

- a) Original annual grain through-put is the annual grain through-put upon which the operation's first operating or construction permit is granted and is determined as follows:
 - 1) For existing grain handling operations for which construction or modification commenced prior to June 30, 1972, an amount equal to the sum of grain receipts and shipments for the three fiscal years prior to June 30, 1975, divided by six;
 - 2) For existing grain handling operations for which construction or modification commenced after June 30, 1972, an amount determined by a reasonable three year estimate;
 - 3) For new grain handling operations, an amount determined by a reasonable three year estimate.
- b) Annual grain through-put, other than original annual grain through-put, shall be determined as follows:
 - 1) For grain handling operations less than three years old, an amount determined by a reasonable three year estimate;
 - 2) For grain handling operations more than 3 years old, an amount equal to the sum of grain receipts and shipments for the previous three fiscal years divided by six.
- c) Where the annual grain through-put is based on a reasonable estimate, the owner or operator shall document the reasonableness of the estimate.
- d) Where the annual grain through-put is based on the sum of grain receipts and shipments, the owner or operator shall document the accuracy of the records.

Section 264.104 Control Equipment Requirements

- a) New grain handling operations: All new grain handling operations with an annual

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

grain through-put of 300,000 bushels or more shall comply with the control equipment requirements of Rule 203(d)(8)(B) of the Pollution Control Board Rules and Regulations, Chapter 2: Air Pollution (codified as 35 Ill. Adm. Code 212.462(a)-(d)).

- b) Modification to existing grain handling operations:
- 1) If modifications to an existing grain handling operation do not increase the annual grain through-put by more than 30% from the original annual grain through-put and the annual grain through-put after modification is 300,000 bushels or more, the modifications shall comply with the control equipment requirements of Rule 203(d)(8)(B), but existing equipment need not be upgraded to comply with the control equipment requirements of Rule 203(d)(8)(B).
 - 2) If modifications to an existing grain handling operation increase the annual grain through-put by more than 30% from the original annual grain through-put and the annual grain through-put after modification is 300,000 bushels or more, the entire existing grain handling operation and the modifications shall comply with Rule 203(d)(8)(B).
 - 3) If modifications to an existing grain handling operation with an annual grain handling through-put of less than 300,000 bushels do not increase the annual grain through-put to 300,000 bushels or more, the modifications need not comply with the control equipment requirements of Rule 203(d)(8)(B).

Section 264.105 One-turn Storage

One-turn storage is the storage of grain by the use of portable grain handling equipment exclusively in a space filled and emptied only once in any 365 day period.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED REPEALER

Section 264.APPENDIX A Rule into Section Table

Rule	Section
1.0	264.101
2.0	264.102
3.0	264.103
4.0	264.104
5.0	264.105

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Rules and Regulations Relating to the Operation of Private Employment Agencies
- 2) Code Citation: 68 Ill. Adm. Code 680
- 3) Section Number: 680.1000 Proposed Action:
New Section
- 4) Statutory Authority: Implementing Private Employment Agency Act [225 ILCS 515].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the change in PA 99-422 to move the fee structure for licenses from the Act to Administrative Rules.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: To codify current policy authorized by 225 ILCS 515.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Chris Davis
Chief Legislative Liaison
Illinois Department of Labor
900 S. Spring St.
Springfield IL 62704

217/558-1270

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business that is or should be registered as a Private Employment Agency with the Illinois Department of Labor
 - 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: None

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

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER III: DEPARTMENT OF LABOR

PART 680
RULES AND REGULATIONS RELATING TO
THE OPERATION OF PRIVATE EMPLOYMENT AGENCIES

SUBPART A: PROCEDURE FOR INITIATION AND RESOLUTION OF COMPLAINTS
SEEKING REVOCATION OR SUSPENSION OF LICENSE OF A PRIVATE
EMPLOYMENT AGENCY OR EMPLOYMENT COUNSELOR

Section

- 680.100 Provisions of the Act (Repealed)
- 680.110 Provisions of the Illinois Human Rights Act (Repealed)
- 680.120 Obtaining Copies (Repealed)
- 680.130 Additional Provisions of the Illinois Human Rights Act (Repealed)
- 680.140 Prohibition of Discrimination Practices (Repealed)
- 680.200 Provisions of the Act
- 680.210 Procedures in Connection with Initiation and Resolution of Complaints
- 680.215 Filing Complaint
- 680.220 Investigation of Complaint
- 680.225 Contested Case Resolution
- 680.230 Rules of Procedures in Administrative Hearings – Contested Cases (Repealed)

SUBPART B: STANDARDS OF PRACTICE FOR ADVERTISING BY
PRIVATE EMPLOYMENT AGENCIES AND EMPLOYMENT COUNSELORS

Section

- 680.300 Prohibition of False or Misleading Statements
- 680.310 Prohibition of Solicitation for Jobs Not on File
- 680.320 Maintenance of File
- 680.330 Advertisements and Notices
- 680.340 Indication of Employer Paying Placement Fees
- 680.350 Salary
- 680.360 Cancellation of Advertisements for Filled Positions

SUBPART C: SOLICITING OF EMPLOYEES

Section

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

680.400 Soliciting of Employees

SUBPART D: LETTER SERVICE

Section
680.500 Letter Writing Service

SUBPART E: TELEPHONES

Section
680.600 Employment Agency Telephone Numbers

SUBPART F: COPY OF CONTRACT TO APPLICANT

Section
680.700 Copy of Contract

SUBPART G: STANDARDS OF PRACTICE BY PRIVATE EMPLOYMENT AGENCIES
CONDUCTING A "DOMESTIC AGENCY"

Section
680.800 Definition of "Domestic Agency"
680.810 Applications for Domestic Services
680.820 Requirements of Licensee
680.830 Endorsement of Application
680.840 Verification of References
680.850 Executed Application Forms and Verifications of References
680.860 Referral Slips
680.870 Verification of Qualifications
680.880 Separate Records
680.890 Physical Examination Documentation

SUBPART H: PRIVATE EMPLOYMENT AGENCY LICENSURE

680.1000 Application Fees for Agency Licensure

AUTHORITY: Implementing and authorized by the Private Employment Agency Act [225 ILCS 515].

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted October 22, 1963; amended March 15, 1967; amended January 3, 1977; amended at 3 Ill. Reg. 23, page 84, effective June 9, 1979; amended at 3 Ill. Reg. 34, page 190, effective August 24, 1979; emergency rule at 5 Ill. Reg. 14623, effective January 1, 1982, for a maximum of 150 days; amended and codified at 6 Ill. Reg. 5778, effective April 30, 1982; amended at 25 Ill. Reg. 878, effective January 5, 2001; amended at 42 Ill. Reg. _____, effective _____.

SUBPART H: PRIVATE EMPLOYMENT AGENCY LICENSURESection 680.1000 Application Fees for Agency Licensure

- a) The Department licenses private employment agencies in accordance with Section 1 of the Private Employment Agency Act [225 ILCS 515].

- b) The fee that must be submitted along with a domestic agency's application for licensure is determined by the number of employment counselors that the agency employs. The current fee schedule is:
 - 1) 1 to 2 employment counselors: \$250
 - 2) 3 to 5 employment counselors: \$350
 - 3) 6 to 10 employment counselors: \$400
 - 4) 11 or more employment counselors: \$500

(Source: Added at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 350.250 Proposed Action: Amendment
- 4) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking amends language to delete the requirement for including social security numbers on application and renewal forms, and cleans up language to more closely reflect the language of the ID/DD Community Care Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rule does not create a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Elizabeth Paton
Assistant General Counsel

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Facilities that serve intellectually and developmentally disabled residents.
 - 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: January 2017

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Incidents and Accidents

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.750 Contacting Local Law Enforcement
350.760 Infection Control

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1055 Volunteer Program
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs
350.1088 Language Assistance Services

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services
350.1260 Vaccinations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART G: MEDICATIONS

Section

- 350.1410 Medication Policies and Procedures
- 350.1420 Compliance with Licensed Prescriber's Orders
- 350.1430 Administration of Medication
- 350.1440 Labeling and Storage of Medications
- 350.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Meal Planning
- 350.1860 Therapeutic Diets (Repealed)
- 350.1870 Scheduling Meals
- 350.1880 Menus and Food Records
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 350.2210 Furnishings
- 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

- 350.2610 Applicability of These Standards
- 350.2620 Codes and Standards
- 350.2630 Preparation of Drawings and Specifications
- 350.2640 Site
- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural
- 350.2720 Mechanical Systems
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910	Applicability
350.2920	Codes and Standards
350.2930	Preparation of Drawings and Specifications
350.2940	Site
350.2950	Administration and Public Areas
350.2960	Nursing Unit
350.2970	Living, Dining, Activities Rooms
350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements
350.3010	Structural
350.3020	Mechanical Systems
350.3030	Plumbing Systems
350.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

350.3210	General
350.3220	Medical and Personal Care Program
350.3230	Restraints (Repealed)
350.3240	Abuse and Neglect
350.3250	Communication and Visitation
350.3260	Resident's Funds
350.3270	Residents' Advisory Council
350.3280	Contract With Facility
350.3290	Private Right of Action
350.3300	Transfer or Discharge
350.3310	Complaint Procedures
350.3320	Confidentiality
350.3330	Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section

350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section

350.4210	Day Care in Long-Term Care Facilities
----------	---------------------------------------

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at 30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. 19224, effective November 23, 2010; amended at 35 Ill. Reg. 3461, effective February 14, 2011; amended at 39 Ill. Reg. 5490, effective March 25, 2015; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 350.250 Ownership Disclosure

- a) *As a condition of the issuance or renewal of the license of any facility, the applicant shall file a statement of ownership. The applicant shall ~~update~~ notify the Department of any change in the information required in the statement of ownership within ~~10~~ days ~~after~~ of ~~any~~ the change. (Section 3-207(a) of the Act)*
- b) The statement of ownership shall include the following:
- 1) The name, address, telephone number, occupation or business activity, business address and business telephone number of the person who is the owner of the facility and every person who owns the building in which the facility is located, if other than the owner of the facility, that is the subject of the application or license;~~The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number~~
 - 2) If the owner is a partnership or corporation, the name of every partner and stockholder of the owner (3-207(b) of the Act);
 - 3) The~~and the~~ percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity designated as the operator/licensee of the facility which is the subject of the application or license;
 - 4) The name, address, ~~Social Security Number,~~ telephone number, occupation or business activity, business address, business telephone number and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

more in the legal entity that owns the building in which the operator/licensee is operating the facility which is the subject of the application or license; and

- 53) *The name and address of any facility, wherever located, any financial interest that is owned by the applicant, if the facility were required to be licensed if it were located in this State~~in which any applicant has any ownership interest.~~ (Section 3-207(b) of the Act)*

(Source: Amended at 42 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1650.3010	Amendment
1650.3015	Amendment
1650.3017	Amendment
1650.3020	Amendment
1650.3030	Amendment
1650.3035	Amendment
1650.3040	Amendment
1650.3045	Amendment
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16].
- 5) A Complete Description of the Subjects and Issues Involved: The amendments reflect the TRS board of trustees' recent decision to delegate authority to staff to select investment managers, with the board retaining its fiduciary role to monitor and supervise staff and investment manager performance.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Cynthia M. Fain
Senior Legal Counsel
Teachers' Retirement System
2815 West Washington,
P. O. Box 19253
Springfield IL 62794-9253

217/753-0375

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

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill
- 1650.486 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney
- 1650.540 Conservators/Guardians
- 1650.550 Presumption of Death
- 1650.560 Benefits Payable on Death
- 1650.561 Valid Beneficiary Designations
- 1650.570 Survivors' Benefits
- 1650.571 Payment of Monthly Survivor Benefits to a Trust
- 1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
- 1650.580 Evidence of Eligibility
- 1650.590 Comptroller Offset
- 1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section

- 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section

- 1650.610 Staff Responsibility
- 1650.620 Right of Appeal
- 1650.630 Form of Written Request
- 1650.635 Presiding Hearing Officer – Duties and Responsibilities
- 1650.640 Prehearing Procedure
- 1650.641 Claims Hearing Committee Hearing Packet
- 1650.650 Hearing Procedure
- 1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section

- 1650.710 Amendments

SUBPART J: RULES OF ORDER

Section

- 1650.810 Parliamentary Procedure

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: PUBLIC RECORD REQUESTS

Section

- 1650.910 Summary and Purpose (Repealed)
- 1650.920 Definitions (Repealed)
- 1650.930 Submission of Requests
- 1650.940 Form and Content of FOIA Requests (Repealed)
- 1650.950 Appeal of a Denial (Repealed)
- 1650.960 Executive Director's Response to Appeal (Repealed)
- 1650.970 Response to FOIA Requests (Repealed)
- 1650.980 Inspection of Records at System Office
- 1650.990 Copies of Public Records
- 1650.995 Materials Immediately Available

SUBPART L: BOARD ELECTION PROCEDURES

Section

- 1650.1000 Nomination of Candidates
- 1650.1001 Elections Date/Election Day – Defined
- 1650.1010 Petitions
- 1650.1020 Eligible Voters
- 1650.1030 Election Materials
- 1650.1040 Marking of Ballots
- 1650.1050 Return of Ballots
- 1650.1060 Observation of Ballot Counting
- 1650.1070 Certification of Ballot Counting
- 1650.1080 Challenges to Ballot Counting
- 1650.1090 Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1650.1110 Definitions
- 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1650.1112 Requirements for a Valid QILDRO Calculation Order
- 1650.1113 Required Forms
- 1650.1114 Filing a QILDRO or a Calculation Order with the System
- 1650.1115 Benefits Affected by a QILDRO

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1650.1116 Effect of a Valid QILDRO
- 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1650.1118 Alternate Payee's Address
- 1650.1119 Electing Form of Payment
- 1650.1120 Automatic Annual Increases
- 1650.1121 Reciprocal Systems QILDRO Policy Statement (Repealed)
- 1650.1122 Providing Benefit Information for Divorce Purposes
- 1650.1123 Suspension and Expiration of a QILDRO
- 1650.1124 Income Tax Reporting
- 1650.1125 Lump-Sum Death Benefit Allocation to Alternate Payee

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section

- 1650.1200 Payroll Deduction Program Guidelines (Repealed)
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program (Repealed)
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations (Repealed)
- 1650.1203 Payroll Deduction Program – Full Time Employment Defined (Repealed)
- 1650.1204 Payroll Deduction Program – Disability Defined (Repealed)
- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance (Repealed)

SUBPART O: RETIREMENT BENEFITS

Section

- 1650.2900 Excess Benefit Arrangement

SUBPART P: COMPETITIVE SELECTION PROCEDURES
FOR INVESTMENT SERVICES

Section

- 1650.3000 Summary and Purpose
- 1650.3005 Definitions
- 1650.3010 Public Markets Manager Database
- 1650.3015 Emerging Investment Managers
- 1650.3017 Candidate Profile for Investment Manager Searches
- 1650.3020 Public Market Searches
- 1650.3025 Small and Mid Cap Equity Searches
- 1650.3030 Private Market and Commingled Fund Searches

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

1650.3032	Co-Investment Opportunities
1650.3035	Private Market Real Estate Separate Account Searches
1650.3040	Consultant Searches
1650.3045	Evaluation by Investment Committee

SUBPART Q: PLAN QUALIFICATION

Section

1650.3100	Summary and Purpose
1650.3105	Exclusive Benefit Rule
1650.3110	USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance
1650.3115	Required Minimum Distributions
1650.3120	Federal Contribution and Benefit Limitations
1650.3125	Mortality Tables and Interest Rates

SUBPART R: TIER II MEMBERS AND ANNUITANTSSection

<u>1650.3200</u>	<u>Definitions</u>
<u>1650.3220</u>	<u>Automatic Increase in Tier II Disability Benefits</u>
<u>1650.3221</u>	<u>Tier II Disability Retirement Annuity Final Average Salary</u>
<u>1650.3222</u>	<u>Tier II Disability Retirement Annuity Calculation</u>
<u>1650.3230</u>	<u>Contributions for Tier II Members with Reciprocal Earnings</u>

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013; amended at 38 Ill. Reg. 21239, effective October 21, 2014; amended at 39 Ill. Reg. 5259, effective March 20, 2015; amended at 39 Ill. Reg. 14989, effective October 30, 2015; amended at 40 Ill. Reg. 14099, effective September 28, 2016; amended at 41 Ill. Reg. 718, effective January 11, 2017; amended at 41 Ill. Reg. 14256, effective November 8, 2017; amended at 42 Ill. Reg. _____, effective _____.

SUBPART P: COMPETITIVE SELECTION PROCEDURES
FOR INVESTMENT SERVICES**Section 1650.3010 Public Markets Manager Database**

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- a) The consultant makes use of an industry database (Manager Database) containing institutional quality firms that are registered investment managers. No fee is required to participate in the Manager Database.
- b) The Manager Database serves as the primary pool from which the System identifies candidates for public market investment manager searches.
- c) To be considered in a public market search, all interested investment managers not currently in the Manager Database should ensure that all required information has been submitted to the Manager Database prior to the screening dates specified in the candidate profiles described in Sections 1650.3017, 1650.3020 and 1650.3025. Should a search be conducted for which a developed database does not exist or is incomplete, investment managers may also submit or be requested to submit a written Request for Information (RFI).
- d) The consultant's contact information is available on the TRS website (<https://www.trsil.orgtrs.illinois.gov>).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1650.3015 Emerging Investment Managers

- a) The System's Emerging Manager Program is broadly available across all asset classes. The program is open to any firm meeting the definition of "emerging investment manager" as defined in Section 1-109.1(4) of the Illinois Pension Code and to any other younger, growing investment firms with smaller asset bases and developing track records. Any firm interested in participating in the Emerging Manager Program may submit the appropriate questionnaire provided on the TRS website (<https://www.trsil.orgtrs.illinois.gov>). All responses are reviewed by staff and included in the System's emerging manager database.
- b) Staff screens the System's database for emerging manager candidates across all asset classes and actively pursues other potential candidates not included within the database through industry participation and other networking channels.
- c) Based on review of the database and submitted questionnaires, staff meets to identify managers that appear to have the highest probability of success over the next three to five years and the potential for graduation from the Emerging Manager Program into the main portfolio.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- d) Staff and the consultant conduct in-person interviews of managers at the System's offices or an alternate location agreed upon by the System and the manager.
- e) Following favorable results of the in-person interviews, staff identifies finalist firms for on-site due diligence at the candidate firm's offices. On-site visits and finalist recommendations must be approved by the applicable Oversight Committee.
- f) After on-site due diligence is completed, staff initiates fee and contract negotiations with the finalist firms. All contracts and related documentation relative to hiring an investment manager, including any open items relating to fee or contract terms, must~~should~~ be disclosed and negotiated in final form prior to final commitment.~~Investment Committee consideration. Any open items relating to fee and contract negotiation must be disclosed prior to Investment Committee consideration.~~
- g) Any finalist firm that successfully passes staff due diligence review (including approval of the applicable Oversight Committee) and fee and contract negotiations is eligible for final commitment from staff and may be invited to present~~presented~~ to the Investment Committee ~~for consideration.~~

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1650.3017 Candidate Profile for Investment Manager Searches

- a) The candidate profile described in this Subpart P is a customized written document prepared by staff ~~with Board approval~~ that specifically defines the detailed requirements of a given investment manager search and the investment manager qualifications and characteristics that are sought in the particular search.
- b) To ensure accessibility to the public, whenever an investment manager search is initiated, the candidate profile document is posted to the TRS website. To ensure global transparency, all investment manager searches are available on the Illinois Procurement Policy Board website via a link to the TRS website.
- c) The candidate profile document delineates all relevant information and metrics particular to the given search. The information and metrics are specific to each manager search, and customized based on the necessary qualifications for the

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

search. Evaluation criteria and minimum qualifications will generally be comprised of the following:

- 1) Manager style;
- 2) Manager type;
- 3) Minority investment manager inclusion;
- 4) Amount to be allocated;
- 5) Investment vehicles;
- 6) Process for identification of candidates;
- 7) Process for selection of semi-finalist candidates;
- 8) Process for selection of finalists;
- 9) Minimum asset requirement;
- 10) Minimum professional investment experience;
- 11) Stability of professional staff;
- 12) Geographic location;
- 13) Involvement with other business;
- 14) Financial well-being of firm;
- 15) Long range plan;
- 16) Investment style;
- 17) Investment research;
- 18) Minimum performance record;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 19) Performance preferred attributes;
- 20) Performance comparisons;
- 21) Client communications and rapport;
- 22) Fees;
- 23) Compliance with Illinois State law and divestment restrictions; and
- 24) Manager guidelines and investment management agreement.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1650.3020 Public Market Searches

- a) The Board authorizes the System's asset allocation targets and asset class~~investment manager~~ structure by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120]. Staff may initiate searches as necessary to implement the System's asset allocation and/or ~~fill vacancies within the~~ manager structure.
- b) At each meeting of the Investment Committee, staff will notify the Board of search activity, including any new manager search, the status of all existing searches,~~and~~ the outcome of all completed searches.
- c) With the initiation of a search, staff, working with the consultant, prepares a written candidate profile that lists specific requirements for each search, as described in Section 1650.3017. The candidate profile identifies specific quantitative and qualitative factors, such as:
 - 1) Minimum assets under management;
 - 2) Minimum track record;
 - 3) Risks relative to benchmarks;
 - 4) Return relative to benchmarks over various time periods;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 5) Size and tenure of professional staff;
 - 6) Investment strategy and process; and
 - 7) Organizational stability and strength.
- d) The candidate profile is posted on the TRS website to allow all interested candidates to review the search criteria and understand how to participate in the search.
 - e) The candidate profile identifies a specific screening period during which the consultant will screen the Manager Database or other candidate information to identify all managers meeting the criteria of the candidate profile.
 - f) During the screening period identified in the candidate profile, staff and the consultant identify ~~and rank~~ all candidates in the Manager Database that meet the quantitative criteria specified in the candidate profile.
 - g) Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, that meet the minimum criteria of the search will be identified and the most promising emerging manager candidates will be included in the selection process described in this Section.
 - h) Staff and the consultant further refine the candidate list to identify semi-finalist firms that, based on criteria in the candidate profile, appear to have the highest probability of success over the next three to five years. In the event more information is necessary to narrow the semi-finalist list, a standardized Request for Information (RFI) may be issued to the pool of eligible semi-finalists to facilitate further in-depth analysis by staff and the consultant. Semi-finalists in this case are selected from the RFI submissions.
 - i) Staff conducts in-person interviews of semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the firm. Semi-finalist candidates must be approved by the applicable Oversight Committee.
 - j) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

Due diligence meetings and finalist recommendations must be approved by the applicable Oversight Committee.

- k) Following favorable due diligence review and successful contract and fee negotiations, a finalist candidate is, or candidates are, presented to the applicable Oversight Committee for final approval.
- l) ~~With approval from the applicable Oversight Committee, staff will present the recommendation to the Investment Committee Chair and/or Vice Chair.~~ Documentation to the ~~applicable Oversight Committee Chair~~ will include a timeline of the search process, a summary of that process, and confirmation that the search was conducted in accordance with TRS policy.
- m) With approval of the ~~applicable Oversight Committee Investment Committee Chair and/or Vice Chair~~, staff is authorized to implement the recommendation.
- n) At the next scheduled meeting of the Investment Committee following the ~~commitment completion of any search~~, staff will provide the Committee a ~~full~~ report of ~~commitment activity the search process, including a summary of the search criteria and candidate firms. The Investment Committee and Board will provide final ratification for the long term selection of the investment manager.~~
- o) If any eligible managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, meet the minimum criteria of the search, the most qualified emerging candidate will be invited to present as a finalist to the Investment Committee at its next scheduled meeting.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1650.3030 Private Market and Commingled Fund Searches

- a) Funds and managers are opportunistically reviewed as they are available in the market based on the System's tactical plans and quality of the fund's or manager's team, process and strategy.
- b) Each year, staff, working with the consultants, prepare tactical plans for private market investments to the Investment Committee. The annual tactical plans establish allocation targets for opportunistic investments within the private equity, real estate, and ~~diversifying strategies absolute return~~ asset classes for the

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

upcoming year. Tactical plans also establish investment guidance for segments of the System's real ~~assets~~return and ~~global~~fixed-income asset classes.

- c) Summaries of the System's annual tactical plans are posted on the TRS website (<https://www.trsil.org/trs.illinois.gov>) following Board approval. Investment focus for the fiscal year is specified in the annual tactical plan summaries for all interested funds and managers to review.
- d) Funds and managers interested in participating in the System's alternative investment program and meeting the investment focus specified in the annual tactical plans may identify themselves to the System or its consultants via email, as instructed on the TRS website.
- e) Over the course of the tactical plan period, staff reviews all information received from funds and managers that best position the System's investment portfolio for its intended strategic allocation targets.
- f) Staff eliminates any investment opportunities that fail to meet the System's qualitative requirements and/or do not fit into a strategic allocation defined in the annual tactical plans.
- g) Any fund or manager meeting the criteria set forth in the annual tactical plan and deemed to be a complementary fit to the portfolio may be invited to interview with staff in person or via conference call.
- h) Following favorable interview results and staff research into the fund offering or manager, the fund or manager ~~may be~~ asked to complete the System's standardized comprehensive due diligence questionnaire.
- i) Following continued favorable review, staff proceeds with formal due diligence meetings, typically at the candidate firm's offices. Any recommendation for due diligence meetings must be approved by the applicable staff Oversight Committee.
- j) After due diligence is completed, staff initiates fee and contract negotiations with the finalist firm. All contracts and related documentation relative to hiring a fund or manager, including any open items relating to fee or contract terms, must ~~should~~ be disclosed and negotiated in final form prior to final ~~commitment~~Investment Committee consideration. Disclosure must be made to

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

~~the Investment Committee prior to consideration in the event of any contractual issues still under negotiation.~~

- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the applicable Oversight Committee. With applicable Oversight Committee approval, staff is authorized to implement the recommendation~~Investment Committee for consideration.~~
- l) At the next scheduled meeting of the Investment Committee following the commitment, staff will provide the Committee a report of commitment activity.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1650.3035 Private Market Real Estate Separate Account Searches

- a) Each year, staff, working with the consultants, prepares an annual tactical plan for the management and allocation of the System's real estate portfolio. The tactical plan establishes investment guidelines, including the allocation to TRS' separate account advisors. The Board approves the annual tactical plan~~authorizes searches for new or replacement private market real estate separate account managers~~ by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120].
- b) Staff may initiate searches as necessary to implement the System's real estate tactical plan and/or fill vacancies within the manager structure.~~The Board's vote authorizing a search is reported in the System's press release issued to the financial press and posted on the TRS website (trs.illinois.gov) as soon as possible and no later than two business days following conclusion of the Board meeting.~~
- c) Following ~~Board~~ authorization by the applicable Oversight Committee, staff, working with the consultant, prepares a standardized Request for Information (RFI) that lists specific requirements for ~~the each~~ search. The RFI identifies specific quantitative and qualitative factors, such as:
- 1) Minimum assets under management;
 - 2) Minimum track record;
 - 3) Risks relative to benchmarks;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 4) Return relative to benchmarks over various time periods;
 - 5) Size and tenure of professional staff;
 - 6) Investment strategy and process; and
 - 7) Organizational stability and strength.
- d) The RFI is posted on the TRS website (<https://www.trsil.org>) to allow all interested candidates to review the search criteria and understand how to participate in the search.
 - e) The RFI identifies a specific timeline for interested candidates to submit their responses to the RFI.
 - f) Following the RFI deadline, staff and the consultant identify and rank all candidates' submissions that meet the quantitative criteria specified in the RFI.
 - g) Staff and the consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, that meet the minimum criteria of the search will be identified and the most promising emerging manager candidates will be included in the selection process described in this Section.
 - h) Staff and the consultant further refine the candidate list to identify semi-finalist firms that, based on criteria in the RFI, appear to have the highest probability of success over the next three to five years.
 - i) Staff conducts in-person interviews of semi-finalist firms at the System's offices or an alternate location agreed upon by the System and the firm. Semi-finalist candidates must be approved by the applicable Oversight Committee.
 - j) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate firm's offices. Due diligence meetings and finalist recommendations must be approved by the applicable Oversight Committee.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the ~~Oversight~~Investment Committee for consideration.
- l) At the next scheduled meeting of the Investment Committee following the commitment, staff will provide the Committee a report of commitment activity.
- m) If any eligible emerging managers, as defined in Section 1-109.1(4) of the Illinois Pension Code, meet the minimum criteria of the search, the most qualified emerging manager candidate will be invited to present as a finalist to the Investment Committee.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1650.3040 Consultant Searches

- a) In accordance with Section 1-113.14(d) of the Illinois Pension Code, investment consultants may serve for a maximum five-year term. Any incumbent consultant is eligible to submit a proposal for the new engagement.
- ba) Staff may initiate a~~The Board authorizes every search for a new or replacement consultant~~ to provide general or specialty investment consulting services to the System through a formal Request for Proposal (RFP) process, by recorded vote in a business meeting of the Board conducted in accordance with the Open Meetings Act [5 ILCS 120].
- b) The Board's vote authorizing a search is reported in the System's press release issued to the financial press and posted on the TRS website (trs.illinois.gov) as soon as possible and no later than two business days following conclusion of the Board meeting.
- c) Following initiation of a search~~Board authorization~~, staff prepares an a-Request for Proposal (RFP) containing the following information:
- 1) The type of services required;
 - 2) An estimate of when and for how long the services will be required;
 - 3) The contract to be used;

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 4) The date and time by which proposals must be submitted; and
 - 5) A statement of the information the proposal must contain.
- d) The RFP is posted on the TRS website (<https://www.trsil.org>) to allow any interested candidate to review the search criteria. The RFP notice posted on the TRS website summarizes the services sought, tells how and where to submit proposals, specifies the deadline for submitting proposals, and tells when and where proposals will be publicly opened and how to obtain paper copies of the RFP.
 - e) Proposals submitted in response to an RFP must comply with all requirements set forth in the RFP and submitted within the time frame specified in the RFP. Proposals are date and time stamped upon receipt. Proposals that arrive late for any reason will not be considered.
 - f) Proposals are publicly opened at the date and time specified on the TRS website. Staff reviews all proposals timely received to ensure all required information is included. Proposal information is publicly available following execution of a contract with the successful firm.
 - g) Staff identifies and ranks all proposals meeting all minimum qualifications specified in the RFP to identify semi-finalist firms.
 - h) Staff conducts in-person interviews of semi-finalist firms at the System's offices or alternate location agreed upon by the System and the firm.
 - i) Following favorable results of the in-person interviews, staff identifies finalist firms for formal due diligence meetings, typically at the candidate ~~firms'~~ firm's offices.
 - j) After due diligence is completed, staff initiates fee and contract negotiations with finalist firms. All contracts and related documentation relative to hiring a consultant must be negotiated in final form prior to Investment Committee consideration. Contracts for consultant services may not exceed five years in duration.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- k) Any finalist firm that successfully passes due diligence review and fee and contract negotiations is presented to the Investment Committee for consideration.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 1650.3045 Evaluation by Investment Committee

- a) The Investment Committee ensures that the decision and process to hire a particular investment manager or consultant, or to approve a specific investment, is well-reasoned, thoroughly considered and prudent.
- b) The Investment Committee ~~may review~~ reviews written supporting documentation to assure the greatest possible disclosure of all relevant issues; that the search process, investment sourcing and related due diligence was fair; and that the screening process was consistently applied.
- c) Upon approval by the Investment Committee, any recommendation to hire a particular investment manager or consultant, or to approve a specific investment, is submitted to the Board for decision.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Number: 302.410 Adopted Action:
Amendment
- 4) Statutory Authority: 20 ILCS 505/4
- 5) Effective Date of Rule: January 11, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain and incorporation by reference? No
- 8) A copy of the adopted rulemaking is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed Rules published in the *Illinois Register*: 41 Ill. Reg. 2709; March 3, 2017
- 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 required.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
302.20	Amendment	41 Ill. Reg. 1863; February 7, 2017
- 15) Summary and Purpose of Rulemaking: The Department amended this Part to satisfy *BH* consent decree requirements which include an additional permanency option for the youth in care of the Department of Children and Family Services. The amendments

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

include lowering from 14 to 12 the age at which a child is eligible for the State funded option of Subsidized Guardianship. Children 12 and older who have been placed with an unlicensed relative caregiver or a licensed non-relative are now eligible for the State Funded Option of Subsidized Guardianship (as are their younger siblings who have been placed with the same caregiver) when they are ineligible for KinGAP.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65-D
Springfield IL 62701-1498

217/524-1983
TTY: 217/524-3715
fax: 217/557-0692
cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.365	Mental Health Services (Repealed)
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Behavioral Health Services
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program
302.410	Subsidized Guardianship (KinGap)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
302.530	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005; amended at 30 Ill. Reg. 2323, effective February 2, 2006; amended at 32 Ill. Reg. 11611, effective July 10, 2008; emergency amendment at 33 Ill. Reg. 14310, effective October 1, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 3248, effective February 26, 2010; emergency amendment at 34 Ill. Reg. 13182, effective September 1, 2010, for a maximum of 150 days; emergency expired January 28, 2011; amended at 35 Ill. Reg. 2899, effective February 8, 2011; amended at 35 Ill. Reg. 8204, effective May 15, 2011; amended at 36 Ill. Reg. 4048, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19427, effective March 5, 2012; amended at 40 Ill. Reg. 693, effective December 31, 2015; amended at 40 Ill. Reg. 7721, effective May 16, 2016; amended at 42 Ill. Reg. 2027, effective January 11, 2018.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Section 302.410 Subsidized Guardianship (KinGap)

- a) **General Provisions**
The subsidized guardianship program (KinGap) implements provisions of 42 USC 673 that allow the State to enter into guardianship agreements to provide assistance payments to grandparents and other relatives who have assumed the legal guardianship of children for whom they have cared as a licensed foster parent and for whom they have committed to care on a permanent basis. The program offers a subsidized private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out. Guardianship is governed by the Illinois Probate Act [755 ILCS 5] and the Illinois Juvenile Court Act [705 ILCS 405]. A licensed relative foster parent caring for a child determined to be eligible for the subsidized guardianship program shall be made aware of the availability of subsidized guardianship and the types of assistance available. The subsidized guardianship agreement must be signed prior to the transfer of guardianship.
- b) **Subsidized Guardianship Agreement**
The type, amount and duration of subsidized guardianship shall be agreed to in writing by the Department and the subsidized guardian prior to the transfer of guardianship and shall be set forth in the subsidized guardianship agreement, which shall be binding on the parties to the agreement. The agreement shall also stipulate that the agreement shall remain in effect regardless of the state where the subsidized guardian resides currently or in the future and shall contain provisions for the protection of the interests of the child in cases in which the subsidized guardian and child move to another state while the agreement is in effect. The amounts of ongoing subsidized guardianship payments are subject to change based on changes in State or federal law regarding adoption assistance payments. Subsidized guardians may refuse any or all payments offered by the Department. The child for whom guardianship is transferred and for whom the guardian is receiving a subsidy shall receive only those services and/or payments specified in the subsidized guardianship agreement. The child may require services in the future that are not currently being provided for pre-existing physical, emotional or mental health needs or risk factors. Any pre-existing conditions must be described in the subsidized guardianship agreement to be eligible for assistance through the Adoption Assistance Program at a future date. Assistance cannot be granted for services for pre-existing conditions if the conditions are not listed in the subsidized guardianship agreement. The subsidized guardianship agreement

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

must be signed, and a copy of the signed agreement must be provided to the prospective guardian, prior to the transfer of guardianship.

c) Eligibility Criteria

1) Eligibility for Subsidized Guardianship under KinGap

A) For a child to qualify for subsidized guardianship under KinGap, the following criteria must be met:

- i) the child must have been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare and the best interest of the child; and
- ii) the child must be eligible for foster care maintenance payments while residing for at least 6 consecutive months in the home of a licensed prospective relative guardian immediately prior to the establishment of the guardianship; and
- iii) the prospective relative guardian must have been a licensed foster parent for at least the consecutive 6 month period that the child has been in his/her home immediately prior to the establishment of the guardianship; and
- iv) ~~return~~~~being returned~~ home or ~~adoption~~~~adopted~~ are not appropriate permanency options for the child; and
- v) the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and
- vi) with respect to a child who has attained 14 years of age, the child has been consulted and the child has agreed to the guardianship arrangement.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- B) A sibling of an eligible child, who is placed with the same relative as the eligible child under a kinship guardianship agreement, when DCFS and the relative guardian agree that the placement is appropriate, also qualifies for subsidized guardianship under KinGap.
- 2) Eligibility for the State Funded Option of Subsidized Guardianship
- A) For a child to qualify for the State Funded Option of Subsidized Guardianship, the following criteria must be met:
- i) ~~A)~~ the child does not qualify for subsidized guardianship under KinGap;
- ii) the child is 12~~14~~ years of age or older; and
- iii) ~~B)~~ the child has lived with an unlicensed relative caregiver or a licensed non-relative for at least the 6 consecutive month period prior to the establishment of the guardianship and meets the following:
- i) the child was removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare and best interest of the child; and
 - ii) the child was eligible for foster care maintenance payments while residing for at least 6 consecutive months in the unlicensed home of relative or licensed non-relative home immediately prior to establishing guardianship; and
 - iii) the prospective non-relative guardian has been a licensed foster parent for at least the consecutive 6 month period immediately prior to the establishment of the guardianship; and

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- iv) ~~return~~~~being returned~~ home or ~~adoption~~~~adopted~~ are not appropriate permanency options for the child; and
- v) the child demonstrates a strong attachment to the prospective guardian and the prospective guardian has a strong commitment to caring permanently for the child; and
- vi) the child has been consulted and has agreed to the guardianship arrangement.

B) A younger sibling of a child eligible for the State funded option of subsidized guardianship who is placed with the same unlicensed relative or licensed non-relative as the eligible child, when DCFS and the unlicensed relative or licensed non-relative guardian agree that the placement is appropriate, also qualifies for the State funded option of subsidized guardianship.

- d) Determination Whether Subsidized Guardianship under ~~the KinGap Program~~ is in the Best Interests of the Child
- 1) Prior to approving a subsidized guardianship arrangement for a child, the Department shall determine whether subsidized guardianship is in the best interests of the child. In making this determination, the Department shall consider all relevant factors, including but not limited to:
 - A) the wishes of the child's prospective subsidized guardian and the guardian's demonstrated ability to provide care that meets the special needs of the child, if any;
 - B) the wishes of the child under the age of 14 or the consent of the child, if over age 14;
 - C) the interaction and interrelationship between the child and the prospective subsidized guardian;
 - D) the child's adjustment to the present home, school and community;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- E) the child's need for stability and continuity of relationship with the prospective subsidized guardian; and
 - F) the mental and physical health of all individuals involved.
- 2) The Department shall ensure that the subsidized guardianship arrangement is safe and suitable placement by means of a safety checks, which shall include a CANTS/SACWIS and LEADS check.
- e) Types of Assistance
A child meeting the eligibility criteria for subsidized guardianship is entitled to the following types of assistance:
- 1) Non-recurring Expenses
Payment for non-recurring expenses associated with obtaining legal guardianship for the child subject to the maximum of up to \$2000 per child.
 - 2) Ongoing Monthly Payments
 - A) An ongoing monthly payment to be determined through the discussion and negotiation process between the prospective guardian and the Department based on the needs of the child and the circumstances of the family. This payment should combine with the guardian's resources to cover the ordinary and special needs of the child. This payment shall not exceed the amount the child receives in his or her current foster family home upon transfer of guardianship. The ongoing monthly payment shall only be issued to one custodial caregiver identified as payee in the assistance agreement, and this person shall be the designated authority for the purpose of service provision. In the event that there is a change in the custodial status of the child, the Department shall be notified. If a change in payee is necessary, notification shall be sent to the Department in writing with the supporting legal documentation attached. The ongoing monthly payment may be adjusted for any benefits the child will continue to receive, such as Social Security, Veteran's benefits, railroad retirement or black lung benefits. Supplemental Security Income (SSI) benefits shall not be considered in determining the ongoing

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

monthly payment amount. When the child is SSI-eligible following the transfer of guardianship, the guardian shall tell the Social Security Administration the amount of the ongoing monthly payment that they are receiving. The Social Security Administration may reduce the SSI payment dollar for dollar as the receipt of SSI is based on income.

- B) Although eligibility for a subsidy under the subsidized guardianship program shall be determined regardless of the financial circumstances of the prospective subsidized guardian, the types and amounts of assistance under each subsidized guardianship agreement shall be determined by the Department in the same manner as described for adoption assistance in Section 302.310(c) ~~of this Part~~.
- 3) A Medicaid card.
 - 4) Needs Not Payable through Other Sources
A child meeting the eligibility criteria for subsidized guardianship entitled to the types of assistance outlined in subsections (e)(1), (2) and (3) may also apply for the following types of assistance:
 - A) Physical, emotional and mental health needs not payable through insurance or public resources (e.g., other State or community funded programs) that are associated with, or result from, a condition whose onset has been established as occurring prior to the transfer of guardianship. Payment shall not be made until the Department has been notified in writing that the services will begin and has approved the requested services, and a contract (when applicable) has been executed. The Department's reimbursement shall be limited to what is usual, customary and reasonable based on Medicaid-eligible service rates in the community as determined by the Department.
 - B) The Department will not pay for physical, emotional, medical, mental health or psychological services or treatment for a pre-existing condition or risk factors unless the pre-existing condition, service or risk factor is included in the subsidized guardianship agreement.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 5) **Therapeutic Day Care**
Therapeutic day care is available only for children who are determined to have a disability that requires special education services through an Individualized Education Plan (IEP), an Individual Family Service Plan (IFSP), or a 504 Educational Special Needs Plan and is not fundable through another source. Specific therapeutic interventions must be provided as an integral part of the day care programming. Payment for therapeutic day care shall not be made until the Department has been notified in writing that those services will begin and has approved the requested services, and a contract has been executed (when applicable).
 - 6) **Employment Related Day Care**
Payment may be made for day care for children under the age of 3 years if the guardian is employed or in a training program that will lead to employment. Payment for day care services shall end on the child's third birthday. This day care payment cannot be used in addition to therapeutic day care.
 - 7) **College Scholarships and the Education and Training Voucher Program**
Children who are receiving subsidized guardianship assistance may apply for a 4-year college scholarship awarded by the Department on a competitive basis. A limited number of scholarships is awarded by the Department each year to high school or high school equivalent graduates. Youth who enter into subsidized guardianship or are adopted from foster care after attaining age 16 are eligible to enter the Education and Training Voucher (ETV) Program.
- f) **Responsibilities of the Subsidized Guardian**
Subsidized guardians are responsible for the following:
- 1) ensuring that parents have the opportunity to visit their children in accordance with the provisions/orders of the court; and
 - 2) notifying the Department no later than 30 days after any one of the following occurrences:
 - A) the child is no longer the legal responsibility of the guardian;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- B) the guardian no longer financially supports the child;
 - C) the child graduates from high school or equivalent;
 - D) there is a change of residential address or mailing address of the guardian or the child;
 - E) the child dies;
 - F) the child becomes an emancipated minor;
 - G) the child marries;
 - H) the child enlists in the military;
 - I) the mental or physical incapacity of the guardian prevents the guardian from discharging the responsibilities necessary to protect and care for the child;
 - J) the custodial status of the child changes; or
 - K) the guardianship is vacated.
- g) Department Responsibilities
- 1) The Department shall ensure that members of sibling groups are placed together, unless there is an explicit determination that they should not be placed together for the reasons described in 89 Ill. Adm. Code 301 (Placement and Visitation Services).
 - 2) The Department shall explain in the child's service plan the following:
 - A) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
 - B) the reasons for any separation of siblings during placement;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- C) the reasons why a permanent placement with a fit and willing relative through a subsidized guardianship assistance arrangement is in the child's best interests;
 - D) the ways in which the child meets the eligibility requirements for a subsidized guardianship assistance payment;
 - E) the efforts the agency has made to discuss adoption with the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons not to pursue; and
 - F) the efforts made by the Department to discuss with the child's parent or parents the subsidized guardianship assistance arrangement, or the reasons why the efforts were not made.
- 3) The Department shall offer short-term support services for foster care and relative home providers prior to and during subsidized guardianship. Services will include preliminary screening, assessment, assistance in applying for subsidized guardianship, and payment of one time only court costs and legal fees, if required.
 - 4) The Department shall ensure that an orientation is provided to the caregiver's family to ensure that all family members understand the benefits and responsibilities of all the participants in the subsidized guardianship arrangement.
 - 5) The Department shall ensure that each guardian has access to post-guardianship staff to respond to requests for information and assistance.
 - 6) The Department shall ensure that all guardians are aware of their right to appeal service decisions with which they may disagree under 89 Ill. Adm. Code 337 (Service Appeal Process).
 - 7) The Department shall accept custody of the child in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5] if the guardian

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

does not care for the child to the extent the child's health or well-being is endangered.

- h) **Periodic Reviews**
Periodic reviews are annual re-certifications that are required for children in guardianship homes to maintain their eligibility for the Title XIX Medicaid Program. The Department shall conduct periodic reviews to confirm that the child remains eligible for a Medicaid card. The guardians will receive written notice of the review, and response from the guardians to this notice is a requirement.
- i) **Termination of Payments**
Payments for subsidized guardianship assistance shall terminate when the Department has determined that any one of the following has occurred:
- 1) when the terms of the subsidized guardianship agreement are fulfilled;
 - 2) the guardian has requested that the payment permanently stop;
 - 3) the guardian is no longer financially supporting the child;
 - 4) the child becomes an emancipated minor;
 - 5) the child marries;
 - 6) the child enlists in the military;
 - 7) the child reaches age 18; a child 18 years of age graduates from high school or equivalent or reaches age 19, whichever occurs first; or a child who has a physical, mental or emotional disability that was documented prior to the 18th birthday reaches age 21;
 - 8) the guardian dies;
 - 9) the guardianship is vacated; or
 - 10) the child dies.

(Source: Amended at 42 Ill. Reg. 2027, effective January 11, 2018)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Standards of Service and Customer Credits for Electing Providers and Competitive Non-Electing Providers
- 2) Code Citation: 83 Ill. Adm. Code 737
- 3) Section Number: 737.430 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1].
- 5) Effective Date of Rule: January 12, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 3075; March 17, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No changes have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes have been requested.
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Part 737 applies to certain local exchange services, and the rulemaking removes two reporting requirements from Section 737.430 as unnecessary: one in subsection (a)(3) for outages isolating mobile switching centers (MSC) from 9-1-1 service, and one in subsection (d) for certain outages resulting in the physical staffing of 9-1-1 call boxes. Mobile switching centers are part of cellular/mobile telecommunications networks and are not used to provide local exchange services, the

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

subject matter of Part 737. Inclusion of the MSC reporting requirement in Part 737 is therefore superfluous. With regard to the second change, Section 737.430(d) requires the reporting of outages affecting 9-1-1 service in accordance with Part 725, Standards of Service Applicable to 9-1-1 Emergency Systems. Part 725 has been amended, however, to eliminate the requirement that 9-1-1 call boxes be physically staffed. In light of that amendment, the reference in Section 737.430(d) to reporting outages that result in the physical staffing of 9-1-1 call boxes is no longer needed.

- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 737

STANDARDS OF SERVICE AND CUSTOMER CREDITS FOR ELECTING PROVIDERS
AND COMPETITIVE NON-ELECTING PROVIDERS

SUBPART A: GENERAL

Section

- 737.100 Application of Part
- 737.110 Definitions
- 737.120 Waiver
- 737.130 Reporting

SUBPART B: STANDARDS OF QUALITY OF SERVICE

Section

- 737.200 Service Quality for Basic Local Exchange Service
- 737.220 Calculation of Performance Data for Installation
- 737.230 Calculation of Performance Data for Out-of-Service Conditions
- 737.240 Calculation of Performance Data for Missed Installation or Repair Appointments
- 737.250 Calculation of Performance Data for Trouble Reports

SUBPART C: CUSTOMER CREDITS

Section

- 737.300 Customer Credits for Basic Local Exchange Service Violations

SUBPART D: SAFETY OF SERVICE EQUIPMENT AND FACILITIES

Section

- 737.400 Safety
- 737.410 Emergency Operations
- 737.420 Incorporation of National Codes and Standards
- 737.430 Network Outages and Notification
- 737.440 Interoffice Trunks
- 737.450 Central Office Administrative Requirements

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

SUBPART E: BOUNDARIES

Section

737.500	Map Requirements
737.510	Map Specifications
737.520	Changes to Existing Boundaries
737.530	Service Outside Exchange Boundaries
737.540	Map Maintenance

SUBPART F: CONSTRUCTION AND MAINTENANCE

Section

737.600	Construction and Maintenance
737.610	Maintenance of Plant and Equipment
737.620	Network Interface
737.630	Transmission Requirements

AUTHORITY: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1].

SOURCE: Adopted at 36 Ill. Reg. 15022, effective October 1, 2012; amended at 39 Ill. Reg. 364, effective December 22, 2014; amended at 42 Ill. Reg. 2042, effective January 12, 2018.

SUBPART D: SAFETY OF SERVICE EQUIPMENT AND FACILITIES

Section 737.430 Network Outages and Notification

- a) Each Local Provider shall inform the Commission verbally or via e-mail of any service interruption exceeding 30 minutes duration caused by a complete or partial central office failure or complete or partial isolation of an exchange due to toll circuit failure, including cut cables. A reportable outage is any one of the following occurrences with duration, unless otherwise specified, of at least 30 minutes affecting more than 50% of the customers and affecting more than 100 access lines in the affected exchange:
 - 1) Toll isolation;
 - 2) Loss of dial tone;

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 3) One or more end offices ~~or MSC switches~~ or host/remote clusters is isolated from 9-1-1 service;
 - 4) There is loss of ANI/ALI processing; or
 - 5) Simplex conditions exceed 5 days.
- b) The notification shall be made via telephone call to (217)558-6166 or via e-mail at the outage notification e-mail address posted on the Commission's website and shall consist of the following information:
- 1) Affected Area Code/Prefix
 - 2) Exchange name
 - 3) Local Provider name
 - 4) Cause of interruption
 - 5) Outage date and time
 - 6) Restoral date and time
 - 7) Effect on 9-1-1 service
 - 8) Name and number of persons reporting the service interruption.
- c) A follow-up written report shall be filed within 30 days, either via U.S. Postal Service, facsimile or e-mail.
- d) All outages affecting 9-1-1 services shall be reported in accordance with 83 Ill. Adm. Code 725, Standards Applicable to 9-1-1 Emergency Systems. ~~In particular, any cut cables or loss of host remote links that result in the physical staffing of 9-1-1 call boxes are to be reported as soon as possible.~~
- e) Whenever it is necessary to interrupt customer service for the purpose of working on the distribution system or central office equipment, the work should be completed with minimal customer impact. The Local Provider shall use reasonable efforts to notify in advance public service customers (e.g., 9-1-1

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

entities, police, fire, hospitals) it reasonably believes may be most seriously affected by the interruption. Any customer credits for interrupted service shall be made pursuant to Section 737.300.

- f) The requirements of this Section apply to a Local Provider only to the extent that it owns and/or operates the network facilities and/or equipment that results in an interruption or outage.

(Source: Amended at 42 Ill. Reg. 2042, effective January 12, 2018)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Presubscription
- 2) Code Citation: 83 Ill. Adm. Code 773
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
773.5	Repealed
773.10	Repealed
773.100	Repealed
773.120	Repealed
773.140	Repealed
773.145	Repealed
773.150	Repealed
- 4) Statutory Authority: Implementing Section 13-506.2 and authorized by Section 10-101.1 of the Public Utilities Act [220 ILCS 5/13-506.2 and 10-101.1].
- 5) Effective Date of Repealer: January 12, 2018
- 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 repealer, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 3081; March 17, 2017
- 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 changes were required.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

15) Summary and Purpose of Rulemaking: "Presubscription" is the process by which a telephone customer may designate an interexchange carrier (or long distance carrier) to use for long distance calls, allowing the customer to make those calls with the designated carrier without needing to dial an access code. Part 773 requires each local exchange carrier to provide presubscription and to notify customers of their presubscription rights, and the Part contains other requirements related to presubscription. In December 2015 the Federal Communications Commission entered an order granting local exchange carriers forbearance from the FCC's own presubscription rules, however. Presubscription requirements were established in the aftermath of the breakup of the Bell System, but the dramatic changes that have occurred in telephone service and in the long distance market since the requirements were originally imposed have considerably undermined, if they have not eliminated, the rationale for presubscription, as the FCC observed in its order. Repeal of Part 773 is consistent with the mandate in Section 13-512 of the Public Utilities Act that the Commission modify or repeal regulations that are no longer in the public interest because of the reasonable availability of competitive telecommunications services. With the high level of competition in the telecom market, the widespread bundling of local exchange and interexchange services, and the "grandfathering" in federal rules and regulations requiring the continuation of presubscription for customers who have separate local exchange and interexchange providers, the effect of the rulemaking on customers is expected to be minimal.

16) Questions or requests for information about these adopted rules shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Human Rights Authority
- 2) Code Citation: 59 Ill. Adm. Code 310
- 3) Section Number: 310.50 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].
- 5) Effective Date of Rule: January 11, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rulemaking does not include incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Guardianship and Advocacy Commission's Chicago office and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register: 41 Ill. Reg. 7749; July 7, 2017
- 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 requested.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking will allow the Human Rights Authority to electronically document all complaints and eliminate the duplicative and wasteful procedure of also recording complaints on written forms.

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENT

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

Kenya A. Jenkins-Wright
General Counsel
Guardianship and Advocacy Commission
160 N. LaSalle, S-500
Chicago IL 60601

312/793-5900
TTY: 866/333-3362
email: kenya.jenkins-wright@illinois.gov
fax: 312/793-4311

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

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSIONPART 310
HUMAN RIGHTS AUTHORITY

Section	
310.10	Authority and Purpose
310.20	General Provisions
310.30	Membership and Organization
310.40	Meetings
310.50	Complaints
310.60	Investigations
310.70	Recommendations and Findings
310.80	Confidentiality
310.90	Limitations

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act [20 ILCS 3955].

SOURCE: Adopted at 5 Ill. Reg. 13223, effective November 13, 1981; codified at 7 Ill. Reg. 12866; amended at 10 Ill. Reg. 7778, effective April 30, 1986; amended at 24 Ill. Reg. 13029, effective August 21, 2000; amended at 25 Ill. Reg. 5628, effective May 1, 2001; amended at 26 Ill. Reg. 8828, effective June 11, 2002; amended at 42 Ill. Reg. 2050, effective January 11, 2018.

Section 310.50 Complaints

- a) Recording Complaints
Every complaint received by a regional authority shall be recorded in the Human Rights Authority's database on forms prescribed by the Commission (GAC 400).
- b) Disposition of Complaints
 - 1) Acceptance
Except as provided in subsection (c) ~~below~~, a decision to investigate a complaint shall be made upon the majority vote of the members in attendance and constituting a quorum at a regularly scheduled or special meeting.

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 2) Non-Acceptance
If a regional authority determines that a complaint does not involve the rights of an eligible person or that a complaint is frivolous, the regional authority shall not open the investigation.
- 3) Postponement
 - A) If the regional authority determines that its investigation of a complaint would jeopardize pending employment, disciplinary or criminal proceedings, the regional authority's investigation shall be postponed until the proceeding is concluded.
 - B) If the regional authority determines that a conflict of interest exists for that regional authority under Section 310.90(f) ~~of this Part~~, the regional authority's investigation shall be postponed until the Commission authorizes another regional authority to conduct the investigation pursuant to Section 310.60(b) ~~of this Part~~.
- c) Emergency Complaints
If it appears necessary for the welfare or protection of the rights of an eligible person, a regional authority may conduct an investigation with the approval of the chairperson and two other members of the regional authority. A proposed investigation shall be presented for ratification by a majority vote of the members present and constituting a quorum at the next regularly scheduled or special meeting.
- d) Notice to Complainant
A regional authority shall provide a written notice to the complainant that states:
 - 1) a brief summary of the complaint and number assigned to it;
 - 2) whether the regional authority will conduct an investigation; or
 - 3) whether the regional authority will not conduct an investigation, and the reasons for that decision.
- e) Complainants Confidentiality
The regional authority shall keep each complainant's name confidential from outside sources. If a member of the public or an outside agency requests the name

ILLINOIS GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF ADOPTED AMENDMENT

of the complainant, the regional authority shall forward that request to the complainant who shall make the decision regarding disclosure.

(Source: Amended at 42 Ill. Reg. 2050, effective January 11, 2018)

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Payments Remitted on Behalf of a Pension Fund
- 2) Code Citation: 74 Ill. Adm. Code 295
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
295.100	New Section
295.200	New Section
295.300	New Section
295.400	New Section
295.500	New Section
295.600	New Section
295.700	New Section
295.800	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 3-125, 4-118, 5-168, 6-165, 7-172.1, 8-173, 9-184.5, 10-107.5, 11-169, 12-149.5, 13-503.5, and 22-104 of the Illinois Pension Code [40 ILCS 5] and authorized by Section 21 of the State Comptroller Act [15 ILCS 405].
- 5) Effective Date of Rules: January 11, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any incorporation by reference, is on file in the State Comptroller's office at 325 West Adams, Springfield, Illinois 62704 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 10228; July 28, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Clarification was provided on the scope of the remittance to clearly reflect the authorizations provided within the Pension Code which distinguish between remittances from payments of State funds to various municipalities and remittances from grants of State funds to the City of Chicago. Additionally, technical revisions were made throughout the rule.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: PAs 96-1495, 99-8, and 100-23 provide that upon certification to the Illinois State Comptroller of delinquent payments from a unit of local government owed to a pension fund or retirement plan, the Comptroller shall reduce any state funds payable to the unit of local government and divert payment of the certified amounts to the pension fund or retirement plan owed the delinquent payments. These rules outline the procedures for this process.
- 16) Information and questions regarding these adopted rules shall be directed to:

Whitney Rosen
General Counsel
Illinois State Comptroller
325 West Adams
Springfield IL 62704

217/782-6000

The full Text of the Adopted Rules begin on the next page:

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLER

PART 295

PAYMENTS REMITTED ON BEHALF OF A PENSION FUND

Section

295.100	Foreward
295.200	Definitions
295.300	Notification of a Fund's Claim Under Applicable Sections of the Code
295.400	Warrants Subject to Remittance
295.500	Processing a Certification Under Applicable Sections of the Code
295.600	Ascertaining the Amount Due and Payable to the Claimant
295.700	Notification of the Comptroller's Exercise of Remittance
295.800	Record Retention

AUTHORITY: Implementing and authorized by Sections 3-125, 4-118, 5-168, 6-165, 7-172.1, 8-173, 9-184.5, 10-107.5, 11-169, 12-149.5, 13-503.5 and 22-104 of the Illinois Pension Code [40 ILCS 5] and authorized by Section 21 of the State Comptroller Act [15 ILCS 405].

SOURCE: Adopted at 42 Ill. Reg. 2055, effective January 11, 2018.

Section 295.100 Foreward

This Part is adopted for the purpose of establishing procedures for remitting certified amounts delinquent to claimants in accordance with Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 22 of the Illinois Pension Code.

Section 295.200 Definitions

As used in this Part, unless the context indicates otherwise, the following terms shall have the meanings specified:

"Act" means the "State Comptroller Act" [15 ILCS 405].

"Applicable Sections of the Code" means Code Sections 3-125, 4-118, 5-168, 6-165, 7-172.1, 8-173, 9-184.5, 10-107.5, 11-169, 12-149.5, 13-503.5 and 22-104.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

"Certified Amount Delinquent" means the amount of delinquent payments certified by a claimant pursuant to applicable Sections of the Code and this Part.

"Chief Executive Officer" means the President of the Board of Trustees of the fund or retirement plan.

"Claimant" means a pension fund or retirement plan authorized by the Code (i.e., Chicago and downstate police, firefighters and municipal employees, Cook County employees, and various other local government employees) to certify amounts delinquent and claim remittance under applicable Sections of the Code.

"Claim Eligible to be Remitted" means an amount authorized by applicable Sections of the Code to be remitted by the Comptroller that represents fund contributions certified by a claimant as delinquent.

"Code" means the Illinois Pension Code [40 ILCS 5].

"Comptroller" means the Comptroller of the State of Illinois or any employee of the Office of the Comptroller authorized by the Comptroller to perform the functions and duties required by the Act, the Code or this Part.

"Gross Amount of the Warrant" means that amount of money for which a State agency has authorized the Comptroller to order the payment.

"Payee" means any person who will receive payment in the form of a warrant from the Comptroller, as identified by the Government Unit Code or Federal Employer's Identification Number (FEIN) within a statement of notification under Section 295.300.

"Payee Subject to the Remittance" means the payee of any warrant from which the Comptroller has reduced a claim eligible to be remitted.

"Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, unit of local government or any other organization.

"Received a Voucher" means that point in time when the Comptroller has physically received the voucher in-house and has date-stamped the voucher.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

"Remittance" means a contrary claim or demand by which a given person's claim to a warrant of the Comptroller may be lessened or cancelled.

Section 295.300 Notification of a Fund's Claim Under Applicable Sections of the Code

- a) A claimant seeking remittance under applicable Sections of the Code shall notify the Comptroller in accordance with this Section.
- b) The Comptroller will not process a remittance under applicable Sections of the Code until the Comptroller has received a statement of notification from a claimant certifying that the certified amount delinquent has been established through notice and opportunity to be heard.
- c) For purposes of the applicable Sections of the Code and this Part, "statement of notification" of a claim eligible to be remitted shall be deemed to occur when the claimant in favor of which the claim has arisen has certified and submitted to the Comptroller the following information:
 - 1) the name and FEIN or Government Unit Code for the person against whom the claim exists;
 - 2) the certified amount delinquent then due and payable to the fund;
 - 3) the reason why there is an amount due to the fund;
 - 4) the time period to which the claim is attributable;
 - 5) a description of the type of notification given to the person against whom the claim exists and the type of opportunity to be heard afforded that person;
 - 6) a statement as to the outcome of any hearings or other proceedings held to establish the claim, or a statement that no hearing was requested; and
 - 7) the date of the final determination of the claim.
- d) The statement of notification shall be certified by the claimant's Chief Executive Officer. The authority to execute the statement of claim required by this Section may be delegated to a responsible person or persons. This delegation of authority

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

shall be made on forms provided by the Comptroller and shall contain a signature sample of the persons to whom the delegation is made.

- e) A claimant that has submitted a claim to be remitted must notify the Comptroller as soon as possible, but in no case later than 30 days, after receiving notice of a change in the status of a claim. A change in status may occur when payments are received through other collection methods.

Section 295.400 Warrants Subject to Remittance

- a) Except as prohibited by federal statute, federal regulation or State statute, the Comptroller shall remit the amount the claimant certifies as delinquent from any warrant payable to the payee subject to remittance. Warrants subject to remittance are either:
 - 1) from proportions of payments of State funds to the payee, when the claim is made pursuant to Code Section 3-125, 4-118, 7-172.1, 9-184.5, 10-107.5, 12-149.5, 13-503.5, or 22-104; or
 - 2) from proportions of grants of State funds to the payee, when the claim is made pursuant to Code Section 5-168, 6-165, 8-173, or 11-169.
- b) A settlement payment by the State or any of its agencies to release any pending or potential claim against the State is eligible to be remitted. Settlement payments subject to remittance are either:
 - 1) from proportions of payments of State funds to the payee, when the claim is made pursuant to Code Section 3-125, 4-118, 7-172.1, 9-184.5, 10-107.5, 12-149.5, 13-503.5, or 22-104; or
 - 2) from proportions of grants of State funds to the payee, when the claim is made pursuant to Code Section 5-168, 6-165, 8-173, or 11-169.

Section 295.500 Processing a Certification Under Applicable Sections of the Code

This Section governs the processing of a certification under applicable Sections of the Code.

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

- a) Before making a remittance, the Comptroller shall review the statement of notification provided by the claimant notifying the Comptroller of the certified amounts delinquent.
- b) The Comptroller shall charge the State agency that submits a voucher against which a remittance is applied for the eligible amount of the voucher submitted. The Comptroller shall draw a warrant on the treasury or on other funds held by the State Treasurer in the amount of the claim eligible to be remitted and deposit that warrant into the State Offset Claims Fund. The State Offset Claims Fund is a trust fund established and administered by the Comptroller for the deposit of monies from a person's warrant pursuant to an offset and the subsequent payment of monies back to either the State agency requesting the offset or the original payee. The State Offset Claims Fund shall be used for the Comptroller's deposit of monies back to either the payee subject to the remittance or the claimant. If, after 60 days have elapsed from the date the Comptroller gives notice of the remittance as prescribed in Section 295.600(a), no protest is made by the payee subject to the remittance, the Comptroller shall issue a warrant on the State Offset Claims Fund for the amount of that deposit to the claimant entitled to the remittance. If a protest conforming to the requirements of Section 295.600(b) is made, the Comptroller shall not issue the warrant to the claimant until the Comptroller ascertains the amount due and payable as provided in Section 295.600(c).
- c) If the Comptroller receives a proper statement of notification for a remittance after he or she has drawn a warrant, the Comptroller shall, if feasible, reprocess the warrant in order that the remittance provided for in this Part may be implemented.
- d) If the amount of the claim eligible to be remitted is less than the amount to which the payee is entitled, the Comptroller shall draw a warrant for the balance of the amount of the voucher against which the Comptroller has made the remittance and shall issue that warrant to the payee subject to the remittance.

Section 295.600 Ascertaining the Amount Due and Payable to the Claimant

- a) Upon processing a claim eligible to be remitted, the Comptroller shall, as soon as is practicable, give notice in writing to the payee subject to remittance. The notice shall:

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

- 1) state that a claimant has certified amounts delinquent and claims remittance under applicable Sections of the Code against a warrant on funds held by the State Treasurer that is now or that may become payable to the payee subject to remittance;
 - 2) identify the claimant seeking remittance and the reason for the remittance; and
 - 3) inform the payee that, if he or she does not owe any or all of the amount claimed to be due and payable to the claimant, the payee may, within 60 days after the Comptroller gives notice, make a written protest as prescribed in subsection (b). The notice to the payee shall be deemed to have been given if the notice is enclosed in a envelope plainly addressed to the payee, United States postage fully prepaid, and deposited in the United States mail. For purposes of this Section, the date "the Comptroller gives notice" shall mean the date of withholding, as indicated by the date on the written notice sent to the person subject to offset.
- b) Persons wishing to make a protest of the claim eligible to be remitted shall, within 60 days after the Comptroller gives notice as prescribed in subsection (a), notify the Comptroller in writing of:
- 1) the reasons for contesting the claim;
 - 2) the amount, if any, that the payee acknowledges to be due and payable to the claimant; and
 - 3) any other information that will enable the Comptroller to determine the amount, if any, that is due and payable to the claimant.
- c) Upon receipt of a timely protest, the Comptroller shall determine the amount due and payable to the claimant. This determination shall be made in light of all information relating to the transaction in the possession of the Comptroller and any other information the Comptroller may reasonably request and obtain from the claimant and the payee subject to remittance.
- d) If the Comptroller requests information from the claimant, the claimant shall respond within 90 days after the Comptroller's request. The Comptroller may

OFFICE OF THE COMPTROLLER

NOTICE OF ADOPTED RULES

grant a claimant an additional 90 day extension of time to respond for the following reasons:

- 1) the claimant is actively pursuing further investigation;
 - 2) the matter is in settlement negotiations; or
 - 3) other good cause shown by the claimant.
- e) From the deposit into the State Offset Claim Fund made pursuant to Section 295.500, the Comptroller shall issue a warrant to the claimant for the amount found due and payable to the claimant. Any balance of that deposit shall be returned to the payee subject to remittance.

Section 295.700 Notification of the Comptroller's Exercise of Remittance

Whenever the Comptroller exercises her or his authority under the applicable sections of the Code and this Part, the payee subject to remittance and the agency that originated the voucher shall be sent a copy of the voucher against which the remittance was made, or a written statement obtaining all relevant information from the voucher. The written statement shall include the reason for the remittance and shall indicate the amount of money deducted. The payee subject to remittance and the agency originating the voucher shall receive a copy of the written statement; however, the agency may waive its right to receive the written statement and the voucher. At the request of the claimant, the Comptroller shall notify the State agency, by letter or other means, of the remittance, including the amount of money remitted.

Section 295.800 Record Retention

The Comptroller shall retain a copy of the statement of notification prescribed in Section 295.600 in accordance with the State Records Act [5 ILCS 160] and the State Comptroller Act [15 ILCS 405].

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3) Section Number: 2775.80 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Rule: January 16, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 11713; September 22, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: ISAC found another reference to the procurement bulletin board Section 2775.80 (d)(5) that needed to be removed.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and purpose of Rulemaking: Effective August 9, 2017 the Illinois Procurement Code [30 ILCS 500] was amended to exclude purchases of goods and services using the private funds of the Illinois Prepaid Tuition Trust Fund. The amendment became effective immediately upon the Governor's signature. Therefore, in order to be compliant

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

with ISAC's administrative rules governing procurement, the rules require the immediate removal of any reference to the Illinois Procurement Code.

- 16) Information and questions regarding the adopted rule shall be directed to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

847/948-8500, ext. 18032
email: lynn.hynes@illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2775

ILLINOIS PREPAID TUITION PROGRAM

Section	
2775.10	Summary and Purpose
2775.20	Definitions
2775.30	Participant Eligibility
2775.40	Program Procedures
2775.50	Contract Terms and Conditions
2775.60	Scholarships, Grants or Monetary Assistance
2775.70	Disclosure
2775.80	Investment Services Procurement

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. 8410, effective July 1, 2001; amended at 26 Ill. Reg. 10043, effective July 1, 2002; amended at 28 Ill. Reg. 9177, effective July 1, 2004; amended at 29 Ill. Reg. 9954, effective July 1, 2005; amended at 32 Ill. Reg. 10349, effective July 1, 2008; amended at 35 Ill. Reg. 3538, effective February 16, 2011; amended at 36 Ill. Reg. 9444, effective July 1, 2012; amended at 37 Ill. Reg. 9554, effective July 1, 2013; amended at 39 Ill. Reg. 9588, effective July 1, 2015; emergency amendment at 40 Ill. Reg. 13029, effective August 29, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 16811, effective January 1, 2017; emergency amendment at 41 Ill. Reg. 11715, effective September 8, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 2064, effective January 16, 2018.

Section 2775.80 Investment Services Procurement

- a) **Summary and Purpose**
Effective January 1, 2015, Public Act 98-1022 amended the Illinois Pension Code and the Illinois Prepaid Tuition Act, imposing duties on the Program designed to increase racial, ethnic and gender diversity of investment fiduciaries and Investment Managers by requiring investment boards subject to the Pension Code

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

and the Program to establish diversity goals. This Section has been created in order to effectuate those goals and other procurement methodology. This Part complies with the provisions of Public Act 98-1022 and the Illinois Prepaid Tuition Act to ensure investment transparency and objective consideration of potential investment services providers in conformance with the fiduciary duties imposed by those laws. The procurement of all investment services and fiduciaries by the Program will be conducted in accordance with the ~~Illinois Procurement Code [30 ILCS 500]~~ and the ~~additional~~ competitive selection procedures set forth in this Section.

b) Manager Database

- 1) The Manager Database serves as the primary pool from which the Program identifies candidates for Investment Manager searches.
- 2) To be considered in a search, all interested Investment Managers not currently in the Manager Database should ensure that all required information has been submitted to the Manager Database prior to the screening dates specified in the candidate profiles described in subsection (c)(3). Should a search be conducted for which a developed database does not exist or is incomplete, Investment Managers may be requested to submit a written Request for Information (RFI).
- 3) No fee is required to participate in the Manager Database. It is essential that all interested parties are able to enter required information into the database. Investment Managers should contact the Consultant for assistance with the database and should contact Staff regarding any unresolved issues or concerns related to the Manager Database submission for a Fund related search. Contact information for the Consultant and Staff will be available on the Program's website.

c) Investment Manager Searches

- 1) The Commission authorizes the Program's asset allocation targets and Investment Manager structure by recorded vote in a business meeting of the Commission conducted in accordance with the Open Meetings Act [5 ILCS 120]. Staff may initiate searches as necessary to implement the Program's asset allocation and/or fill vacancies within the manager structure.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 2) At each meeting of the Investment Committee, Staff will notify the Committee of any new manager search, the status of all existing searches and the outcome of all completed searches.
- 3) With the initiation of a search, working with the Consultant, a written candidate profile that lists specific requirements and the process for each search shall be prepared. The candidate profile identifies specific quantitative and qualitative factors, such as:
 - A) minimum assets under management;
 - B) minimum track record;
 - C) risks relative to benchmarks;
 - D) return relative to benchmarks over various time periods;
 - E) size of the candidate's professional staff and tenure of the individual members of that staff;
 - F) investment strategy and process; and
 - G) organizational stability and strength.
- 4) The candidate profile is posted on the Program website to allow all interested candidates to review the search criteria and understand how to participate in the search.
- 5) The candidate profile identifies a specific screening period during which the Consultant will screen the Manager Database or other candidate information to identify all managers meeting the criteria of the candidate profile.
- 6) During the screening period identified in the candidate profile, Staff and the Consultant identify all candidates that meet the quantitative criteria specified in the candidate profile. Staff shall evaluate the efficacy of the screening process and initiate corrective action, if necessary.
- 7) Staff and the Consultant review the candidate list to eliminate any managers that fail to meet qualitative screens. All minority Investment

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Managers, as defined in Section 1-109.1(9) of the Code, that meet the minimum criteria of the search will be identified and the most qualified minority Investment Manager candidates will be included in the selection process described in this Section.

- 8) Staff and the Consultant further refine the candidate list to identify semifinalist firms that, based on criteria in the candidate profile, appear to have the highest probability of success over the next three to five years. In the event more information is necessary to narrow the semifinalist list, a standardized RFI may be issued to the pool of eligible semifinalists to facilitate further in-depth analysis by Staff and the Consultant. Semifinalists, in this case, are selected from the RFI submissions.
 - 9) Staff conducts in-person interviews of semifinalist firms at the Program's offices or an alternate location agreed upon by the Program and the firm.
 - 10) Following favorable results of the in-person interviews, Staff identifies finalist firms for formal due diligence meetings.
 - 11) Following favorable due diligence review, a recommendation is presented to the Investment Committee for provisional approval. Staff will provide the Committee with a full report of the search process, including a summary of the search criteria and candidate firms, as well as the diversity disclosures required by Section 1-113.21 of the Code.
 - 12) If any eligible managers, as defined in Section 1-109.1(9) of the Code, meet the minimum criteria of the search, the most qualified minority Investment Manager candidates will be invited to present as a finalist to the Investment Committee.
 - 13) The Investment Committee decision is subject to final approval at the next meeting of the Commission.
- d) Consultant or Custodian Searches
- 1) The Commission authorizes every search for a new or replacement Consultant or Custodian by recorded vote in a business meeting of the Commission conducted in accordance with the Open Meetings Act [5 ILCS 120].

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 2) Following Commission authorization, Staff prepares a Request for Proposal (RFP) containing, but not limited to, the following information:
 - A) the type of services required;
 - B) an estimate of when and for how long the services will be required;
 - C) the date and time by which proposals must be submitted; and
 - D) a statement of the information the proposal must contain.
- 3) The RFP is ~~posted in the Illinois Procurement Bulletin and may also be posted~~ [online on the Program website](#) to allow any interested candidate to review the search criteria. The RFP notice summarizes the services sought, tells how and where to submit proposals, specifies the deadline for submitting proposals, and tells when and where proposals will be publicly opened.
- 4) Proposals submitted in response to an RFP must comply with all requirements set forth in the RFP and must be submitted within the time frame specified in the RFP. Proposals are date and time stamped upon receipt. Proposals that arrive late for any reason will not be considered.
- 5) Proposals are publicly opened at the date and time specified in the RFP ~~and online and the Illinois Procurement Bulletin and may also be found on~~ [the Program website](#). Staff reviews all proposals that are timely received to ensure that all required information is included. Proposal information is publicly available following execution of a contract with the successful firm.
- 6) Staff identifies and ranks all proposals meeting all minimum qualifications specified in the RFP to identify semifinalist firms.
- 7) Staff conducts in-person interviews of semifinalist firms at the Program's offices or alternate location agreed upon by the Program and the firm.
- 8) Following favorable results of the in-person interviews, Staff identifies finalist firms for formal due diligence meetings.
- 9) Following favorable due diligence review, a recommendation is presented

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

to the Investment Committee for provisional approval. Staff will provide the Committee with a full report of the search process, including a summary of the search criteria and candidate firms, as well as the diversity disclosures required by Section 1-113.21 of the Code.

- 10) The Investment Committee decision is subject to final approval at the next meeting of the Commission.
- e) Evaluation by Investment Committee
- 1) The Investment Committee ensures that the decision and process to hire a particular investment services provider is well-reasoned, thoroughly considered and prudent.
 - 2) The Investment Committee reviews written supporting documentation to assure the disclosure of all relevant issues; that the search process, investment sourcing and related due diligence was fair; and that the screening process was consistently applied.
 - 3) Upon approval by the Investment Committee, any recommendation to hire a particular investment services provider is submitted to the Commission for approval.
- f) Disclosures to be Considered Prior to Award
- 1) Prior to the award of a contract, an Investment Advisor, Consultant or Private Market Fund must make disclosures regarding its diversity pursuant to Section 1-113-21 of the Code.
 - 2) The disclosures required by this Section shall be considered, within the bounds of financial and fiduciary prudence, prior to the awarding of a contract, oral or written, for Investment Advisor, Consultant or commitment to a Private Market Fund.
- g) Fiduciary Obligation
- All participants in the selection process for investment services shall conduct their responsibilities with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person familiar with these matters and acting in a like capacity would use in the conduct of an activity of like character and purpose. All conduct must be solely in the interest of the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

participants and beneficiaries of the Fund.

(Source: Amended at 42 Ill. Reg. 2064, effective January 16, 2018)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

- 1) Heading of the Part: Business Corporation Act
- 2) Code Citation: 14 Ill. Adm. Code 150
- 3) Section Number: 150.315 Emergency Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Business Corporations Act [805 ILCS 5].
- 5) Effective Date of Rule: January 9, 2018
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire May 27, 2018 or upon adoption of the permanent rule, whichever comes first.
- 7) Date Filed with Index Department: January 9, 2018
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Department's Springfield office and is available for public inspection.
- 9) Reason for Emergency: PA 100-571 was signed by the Governor on December 20, 2017 with an immediate effective date. Emergency rules are necessary as evidenced by PA 100-571, which provided that certain fees be reduced immediately. Therefore, authority is needed to refund the overpayment of or excess fees received by the Department from the Corporate Franchise Tax Refund Fund, in conjunction with the reduction of fees contemplated by PA 100-571 and Emergency Rule 178.60.
- 10) Complete Description of the Subjects and Issues Involved: PA 100-571 was signed by the Governor on December 20, 2017 with an immediate effective date. Emergency rules are necessary as evidenced by PA 100-571, which provided that certain fees be reduced immediately. Therefore, authority is needed to refund the overpayment of or excess fees received by the Department from the Corporate Franchise Tax Refund Fund, in conjunction with the reduction of fees contemplated by PA 100-571 and Emergency Rule 178.60.
- 11) Are there any other rulemakings pending on this Part? Yes

Section: Proposed Action: Illinois Register Citation:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

150.315 New Section 42 Ill. Reg. 708; January 12, 2018

- 12) Statement of Statewide Policy Objective: The emergency rule does not require expenditures by units of local government.
- 13) Information and questions regarding this emergency rule shall be directed to:

Terry McConville
Assistant General Counsel
100 W. Randolph St., #5-400
Chicago IL 60601

312/814-2201
tmconville@ilsos.net

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

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 150
BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section	
150.10	Applicability
150.20	Definitions
150.30	Right to Counsel
150.40	Appearance of Attorney
150.50	Special Appearance
150.60	Substitution of Parties or Attorneys
150.70	Commencement of Action; Notice of Hearing
150.80	Motions
150.90	Form of Papers
150.100	Conduct of Hearings
150.110	Orders
150.120	Record of Hearings
150.130	Invalidity

SUBPART B: SALE AND RELEASE OF INFORMATION

Section	
150.200	Annual List of Corporations
150.210	Monthly List of Corporations
150.220	Daily List of Corporations
150.230	Computer Access to Information
150.240	Abstracts of Corporate Record
150.250	Invalidity

SUBPART C: ERRORS, REFUNDS, CORRECTIONS,
ADJUSTMENTS, OBJECTIONS, AND OTHER RELIEF

Section	
150.300	Errors or Defects

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

150.305 Financial Data as Support Documentation
150.310 Invalidity
[150.315 Overpayments](#)
[EMERGENCY](#)

SUBPART D: NAMES

Section
150.400 Preliminary Determination of Availability
150.405 Final Determination of Availability
150.410 Response as to Basis of Unavailability
150.415 Reconsideration Procedure
150.420 Effect of Final Determination
150.425 Applicability
150.430 Availability of Names: Statutory Requirements
150.435 Standards – Conflicting Names
150.440 Distinguishable – Defined
150.445 Matters Not Considered
150.450 Differences
150.455 Surnames
150.460 Alphabet Names
150.465 Government Affiliation
150.470 Restricted and Professional Words
150.475 Acceptable Characters of Print
150.480 Invalidity
150.485 Improper Names

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section
150.500 Preamble
150.510 Manner of Service
150.520 Place of Service
150.530 Payment of Fees
150.540 Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

150.600	Payment of Fees, Franchise Tax and License Fee
150.610	Definitions
150.620	Annual Report
150.621	Confidentiality of Annual Report Financial Data
150.630	Shares Having a Par Value
150.631	Amended Annual Report
150.640	Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section	
150.700	Interpretive Comments Applicable Generally
150.705	Paid-In Capital
150.710	Advice to the Public
150.720	Incorporating Licensed Professionals
150.725	Corporation Acting as an Incorporator
150.730	Business Hours
150.735	Electronic Filing

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5].

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302, effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 Ill. Reg. 7783, effective May 15, 1994; amended at 20 Ill. Reg. 7026, effective May 8, 1996; amended at 21 Ill. Reg. 16173, effective December 1, 1997; amended at 27 Ill. Reg. 550, effective December 27, 2002; amended at 28 Ill. Reg. 3504, effective February 3, 2004; amended at 29 Ill. Reg. 14047, effective September 1, 2005; amended at 30 Ill. Reg. 12961, effective July 11, 2006; amended at 31 Ill. Reg. 9469, effective July 16, 2007; amended at 32 Ill. Reg. 12039, effective July 16, 2008; emergency amendment at 42 Ill. Reg. 807, effective December 29, 2017, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 2073, effective January 9, 2018, for the remainder of 150 days.

SUBPART C: ERRORS, REFUNDS, CORRECTIONS,
ADJUSTMENTS, OBJECTIONS, AND OTHER RELIEF

Section 150.315 Overpayments
EMERGENCY

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

Excess fees received by the Department in the months of November and December, 2017, due to the reduction of fees pursuant to P.A. 100-0571, shall be refunded from the Corporate Franchise Tax Refund Fund (see 805 ILCS 5/15.97), subject to the discretion of the Secretary of State.

(Source: Added by emergency rulemaking at 42 Ill. Reg. 807, effective December 29, 2017, for a maximum of 150 days; amended by emergency rulemaking at 42 Ill. Reg. 2073, effective January 9, 2018, for the remainder of the 150 days)

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 42, Issue 4 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

89 - 402	.....	1942
89 - 403	.....	1957
89 - 404	.....	1970
35 - 264	.....	1981
68 - 680	.....	1987
77 - 350	.....	1992
80 - 1650	.....	2005

ADOPTED RULES

89 - 302	1/11/2018	2027
83 - 737	1/12/2018	2042
83 - 773	1/12/2018	2048
59 - 310	1/11/2018	2050
74 - 295	1/11/2018	2055
23 - 2775	1/16/2018	2064

EMERGENCY RULES

14 - 150	1/9/2018	2073
----------	----------------	------

ORDER FORM

<input type="checkbox"/> Print Version of the Illinois Register <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register (1977 – 2004) Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Yearly Index Cumulative/Sections Affected Indices (Current Year)	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.)	\$ 2.00
TOTAL AMOUNT OF ORDER	\$ _____

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.) Card #: _____ Expiration Date: _____ Signature: _____

Send Payment To: Secretary of State E-mail: eAdministrativeCode@ilsos.net
 Department of Index Phone: (217) 782-7017
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com