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December 27, 2019 Volume 43, Issue 52

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Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the deadline to submit your January 2020 Regulatory Agenda will occur on Thursday, January 2, 2020.

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 2019

Issue#	Rules Due Date	Date of Issue
1	December 26, 2018	January 4, 2019
2	December 31, 2018	January 11, 2019
3	January 7, 2019	January 18, 2019
4	January 14, 2019	January 25, 2019
5	January 22, 2019	February 1, 2019
6	January 28, 2019	February 8, 2019
7	February 4, 2019	February 15, 2019
8	February 11, 2019	February 22, 2019
9	February 19, 2019	March 1, 2019
10	February 25, 2019	March 8, 2019
11	March 4, 2019	March 15, 2019
12	March 11, 2019	March 22, 2019
13	March 18, 2019	March 29, 2019
14	March 25, 2019	April 5, 2019
15	April 1, 2019	April 12, 2019
16	April 8, 2019	April 19, 2019
17	April 15, 2019	April 26, 2019
18	April 22, 2019	May 3, 2019
19	April 29, 2019	May 10, 2019
20	May 6, 2019	May 17, 2019
21	May 13, 2019	May 24, 2019

22	May 20, 2019	May 31, 2019
23	May 28, 2019	June 7, 2019
24	June 3, 2019	June 14, 2019
25	June 10, 2019	June 21, 2019
26	June 17, 2019	June 28, 2019
27	June 24, 2019	July 5, 2019
28	July 1, 2019	July 12, 2019
29	July 8, 2019	July 19, 2019
30	July 15, 2019	July 26, 2019
31	July 22, 2019	August 2, 2019
32	July 29, 2019	August 9, 2019
33	August 5, 2019	August 16, 2019
34	August 12, 2019	August 23, 2019
35	August 19, 2019	August 30, 2019
36	August 26, 2019	September 6, 2019
37	September 3, 2019	September 13, 2019
38	September 9, 2019	September 20, 2019
39	September 16, 2019	September 27, 2019
40	September 23, 2019	October 4, 2019
41	September 30, 2019	October 11, 2019
42	October 7, 2019	October 18, 2019
43	October 15, 2019	October 25, 2019
44	October 21, 2019	November 1, 2019
45	October 28, 2019	November 8, 2019
46	November 4, 2019	November 15, 2019
47	November 12, 2019	November 22, 2019
48	November 18, 2019	December 2, 2019
49	November 25, 2019	December 6, 2019
50	December 2, 2019	December 13, 2019
51	December 9, 2019	December 20, 2019
52	December 16, 2019	December 27, 2019

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1.280	Amendment
1.285	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.130, 10-20.33, and 34-18.20
- 5) A complete Description of the Subjects and Issues Involved: The proposed rules make the following changes to Part 1:
 - Bans all isolated seclusion practices;
 - Time out shall be utilized only when the student's behavior presents an imminent danger of serious physical harm to the student or others and other less restrictive and intrusive measures have been tried and proven ineffective in stopping the imminent danger of serious physical harm.;
 - If time out is utilized, a trained adult must be in the room with the student;
 - Any space used for time out shall remain unlocked;
 - Bans physical restraints that could impair a student's ability to breathe or speak normally, and institutes strict parameters on when physical restraint is allowed;
 - Requires educational entities to submit data to ISBE within 48 hours of any instance of physical restraint or time out;
 - Requires educational entities to document the use of time out and physical restraint on a form created by the State Superintendent. Such form must also be sent to the parents of a student within 24 hours of the time out or physical restraint;
 - Eliminates the option for parents or guardians to waive notification of instances of time out or physical restraint;
 - Creates a complaint procedure for individuals to file complaints related to the use of time out and physical restraint.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1.540	Amendment	43 Ill. Reg. 7389; July 5, 2019

- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Azita Kakvand
Illinois State Board of Education
100 North First Street
Springfield IL 62777-0001

217/782-6510
rules@isbe.net

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

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- 14) Small Business Impact Analysis: None
- 15) This rulemaking was not included on the most recent Regulatory Agenda: This rulemaking was not anticipated at the time the Regulatory Agenda was filed.

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

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

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

SUBPART B: SCHOOL GOVERNANCE

Section

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

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NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

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

SUBPART E: SUPPORT SERVICES

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.700 Requirements for Staff Providing Professional Development
- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs

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- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.783 Requirements for Administrators of Bilingual Education Programs
- 1.790 Substitute Teacher
- 1.792 Short-Term Substitute Teacher
- 1.794 Substitute Teachers; Recruiting Firms
- 1.APPENDIX A Professional Staff Educator Licensure
- 1.APPENDIX B Competency-Based High School Graduation Requirements Pilot Program Criteria for Review
- 1.APPENDIX C Glossary of Terms (Repealed)
- 1.APPENDIX D State Goals for Learning
- 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
- 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
- 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)
- 1.APPENDIX H Guidance and Procedures for School Districts Implementing the Illinois Global Scholar Certificate

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111,

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effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days; emergency amendment to emergency rule at 43 Ill. Adm. Code 14916, effective December 4, 2019, for the remainder of the 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART B: SCHOOL GOVERNANCE

ILLINOIS STATE BOARD OF EDUCATION

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Section 1.280 Discipline

Section 24-24 of the School Code [105 ILCS 5] provides for teachers, other licensed educational employees (except for individuals employed as a paraprofessional educator) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

- a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code .
- b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code and disseminate that policy as provided in Section 10-20.14 of the School Code. Under no circumstance shall the policy authorize the use of time out or physical restraint as a form of discipline or punishment.
- e) ~~Any use of isolated time out or physical restraint permitted by a board's policy shall conform to the requirements of Section 1.285. If isolated time out or physical restraint is to be permitted, the policy shall include:~~
 - 1) ~~the circumstances under which isolated time out or physical restraint will be applied;~~
 - 2) ~~a written procedure to be followed by staff in cases of isolated time out or physical restraint;~~
 - 3) ~~designation of a school official who will be informed of incidents and maintain the documentation required pursuant to Section 1.285 when isolated time out or physical restraint is used;~~
 - 4) ~~the process the district or other administrative entity will use to evaluate any incident that results in an injury that the affected student (or the responsible parent or guardian), staff member, or other individual identifies as serious;~~
 - 5) ~~a description of the alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4); and~~

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- ~~6)~~ ~~a description of the district's or other administrative entity's annual review of the use of isolated time out or physical restraint, which shall include at least:~~
- ~~A) the number of incidents involving the use of these interventions,~~
 - ~~B) the location and duration of each incident,~~
 - ~~C) identification of the staff members who were involved,~~
 - ~~D) any injuries or property damage that occurred, and~~
 - ~~E) the timeliness of parental notification and administrative review.~~

~~c)~~ In addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 1.285 Requirements for the Use of ~~Isolated~~ Time Out and Physical Restraint

~~Time~~~~Isolated time~~ out and physical restraint, as defined in this Section, shall be used only when the student's behavior presents an imminent danger of serious physical harm to the student or others and other less restrictive and intrusive measures have been tried and proven ineffective in stopping the imminent danger of serious physical harm.~~as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others.~~ Neither isolated time out nor physical restraint shall be used ~~in administering discipline to individual students, i.e., as a form of punishment.~~ The use of isolated time out, defined as the involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving, is prohibited.~~Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).~~

- a) "Time"~~Isolated time~~ out" means a behavior management technique for the

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purpose of calming or de-escalation that involves the involuntary monitored separation of a student from classmates with an adult trained under subsection (i) for part of the school day, only for a brief time, in a non-locked setting~~the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. "Time out" does not include a student-initiated or student-requested break, a student-initiated or teacher-initiated sensory break, including a sensory room containing sensory tools to assist a student to calm and de-escalate, an in-school suspension or detention, or any other appropriate disciplinary measure, including a student's brief removal to the hallway or similar environment. The use of isolated time out shall be subject to the following requirements.~~

- 1) Any enclosure used for ~~isolated~~ time out shall:
 - A) meet all of the health/life safety requirements of 23 Ill. Adm. Code 180;
 - B)A) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being placed in time out~~isolated~~ but also the any other individual who is required to accompany that student under this Section; and
 - C)B) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls.~~(including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing); and~~
 - C) ~~be designed to permit continuous visual monitoring of and communication with the student.~~
- 2) If an enclosure used for ~~isolated~~ time out is fitted with a door, the door shall not be locked or physically blocked by furniture or any other inanimate object at any time during the time out. either a steel door or a wooden door of solid-core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.

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- 3) An adult trained under subsection (i) who is responsible for supervising the student ~~must~~shall remain in the same room as the student at all times during the time out~~within two feet of the enclosure.~~
 - 4) A student placed in time out must have reasonable access to food, medication, and toileting facilities. Except in circumstances in which there is a risk of self-injury, a student in time out shall not have his or her clothing removed, including, but not limited to, a belt.~~The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.~~
- b) "Physical restraint" means holding a student or otherwise restricting a student's~~his or her~~ movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control").
 - c) The requirements set forth in subsections (d) through ~~(i)~~(h) of this Section shall not apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5/~~10-20.33~~], "*restraint does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to:*
 - 1) *prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or*
 - 2) *remove a disruptive student who is unwilling to leave the area voluntarily.*
 - d) The use of physical restraint shall be subject to the following requirements and limitations.
 - 1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:

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- A) *the student poses a physical risk to himself, herself, or others,*
 - B) *there is no medical contraindication to its use, and*
 - C) *the staff applying the restraint have been trained in its safe application as specified in subsection (i) ~~(h)(2)~~ of this Section.*
- 2) Physical restraint must end immediately when:
- A) the threat of imminent serious physical harm ends;
 - B) the student indicates that he or she cannot breathe; or
 - C) the restraint is observed to be causing the student severe distress or serious physical harm.
- 3) The staff involved in physically restraining a student must periodically halt the restraint to evaluate if the imminent danger of serious physical harm continues to exist. If the imminent danger of serious physical harm continues to exist, staff may continue to use the physical restraint and the continued use shall not be considered a separate instance of physical restraint.
- 4) A physical restraint shall not impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's ability to speak. If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising adult determines that this freedom appears likely to result in harm to the student or others.
- 5) Time out or physical restraint shall not be used:
- A) as discipline or punishment;
 - B) as convenience for staff;
 - C) as retaliation;

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- D) as a substitute for appropriate educational or behavioral support;
 - E) as a routine safety matter; or
 - F) to prevent property damage in the absence of imminent danger of serious physical harm to the student or others.
- 6) Prone physical restraint is prohibited.
- 7) Supine physical restraint is prohibited, except if all of the following criteria are met:
- A) Before using a supine physical restraint, the school district or other entity serving the student shall review and determine if there are any known medical or psychological limitations that contraindicate the use of a supine restraint.
 - B) The school district or other entity serving the student deems the situation an emergency, defined as a situation in which immediate intervention is needed to protect a student or other individual from imminent danger of causing serious physical harm to himself, herself, or others and less restrictive and intrusive interventions have been tried and proven ineffective in stopping the imminent danger.
 - C) Supine physical restraint is used in a manner that does not restrict or impair a student's ability to breathe or communicate normally, obstruct a student's airway, or interfere with a student's primary mode of communication.
 - D) Supine physical restraints are used only by personnel who have completed required training under subsection (i).
 - E) Supine physical restraints are used only if those interventions are the least restrictive and intrusive interventions to address the emergency and stop the imminent danger of serious physical harm to the student or others. During each incident, one school staff person trained in identifying the signs of distress must be assigned

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to observe and monitor the student during the entire incident. That staff person may not be involved in the physical holding of the student. The number of staff involved in physically restraining the student may not exceed the number necessary to safely hold the student. Staff involved in the restraint must use the least amount of force and the fewest points of contact necessary and must afford the student maximum freedom of movement while maintaining safety.

- F) The supine physical restraint ends immediately when the threat of imminent serious physical harm ends, but in no event shall supine physical restraint last longer than 30 minutes. If, after 30 minutes, the emergency has not resolved or if an additional emergency arises the same school day that meets the standards under this subsection (d)(7), a school administrator, in consultation with a psychologist, social worker, nurse, or behavior specialist, may authorize the continuation of the restraint or an additional supine restraint. No restraint may be continued, nor may additional restraints be applied, unless it is authorized by a school administrator.
- G) If the student is restrained in a supine physical restraint in at least 2 separate instances within a 30-school day period, the school personnel who initiated, monitored, and supervised the incidents shall initiate a Supine Review, which is a review of the effectiveness of the procedures used. If the personnel involved in the restraints do not include a psychologist, social worker, nurse, or behavior specialist, at least one of those staff members must be included in the Supine Review. The Supine Review must include, but is not limited to:
- i) conducting or reviewing a functional behavioral analysis, reviewing data, considering the development of additional or revised positive behavioral interventions and supports, considering actions to reduce the use of restrictive procedures, or, if applicable, modifying the student's individualized educational program or the behavior intervention plan, as appropriate; and

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- ii) reviewing any known medical or psychological limitations that contraindicate the use of a restrictive procedure, considering whether to prohibit that restrictive procedure, and, if applicable, documenting any prohibitions in the student's individualized education program or behavior intervention plan.
- ~~8)2)~~ Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat.
- ~~9)3)~~ Except as permitted by the administrative rules of another State agency operating or licensing a facility in which elementary or secondary educational services are provided (e.g., the Illinois Department of Corrections, the Illinois Department of Juvenile Justice, or the Illinois Department of Human Services), mechanical restraint or chemical restraint, as defined in subsection (d)(13), (i.e., the use of any device other than personal physical force to restrict the limbs, head, or body) shall not be employed.
- ~~10)4)~~ Medically prescribed restraint procedures employed for the treatment of a physical disorder or for the immobilization of a person in connection with a medical or surgical procedure shall not be used as means of physical restraint for purposes of maintaining discipline.
- ~~11)5)~~ Any application of physical restraint shall take into consideration the safety and security of the student. Physical~~Further, physical~~ restraint shall not rely upon pain as an intentional method of control.
- ~~12)6)~~ In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising adult shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.
- 13) Mechanical restraint is prohibited. "Mechanical restraint" means the use of any device or equipment to limit a student's movement or hold a student immobile. "Mechanical restraint" does not include any restraint used to:

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- A) treat a student's medical needs;
 - B) protect a student known to be at risk of injury resulting from lack of coordination or frequent loss of consciousness;
 - C) position a student with physical disabilities in a manner specified in the student's individualized education program, federal Section 504 plan, or other plan of care;
 - D) provide a supplementary aid or service or an accommodation, including, but not limited to, assistive technology that provides proprioceptive input or aids in self-regulation; or
 - E) promote student safety in vehicles used to transport students.
- 14) Chemical restraint is prohibited. "Chemical restraint" means the use of medication to control a student's behavior or restrict a student's freedom of movement. "Chemical restraint" does not include medication that is legally prescribed and administered as part of a student's regular medical regimen to manage behavioral symptoms and treat medical symptoms.
- 7) ~~If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless the supervising adult determines that this freedom appears likely to result in harm to the student or others.~~
- e) Time Limits
- 1) A student shall not be kept in ~~isolated~~ time out for longer than is reasonably therapeutically necessary. No less than once every 15 minutes, an adult trained under subsection (i) must assess whether the student has ceased presenting the specific behavior for which the time out was imposed. , which shall not be for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.

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- 2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing serious physical harm to the student~~himself, herself~~, or others.
- f) Documentation and Evaluation
- 1) In a form and manner prescribed by the State Superintendent, a~~A~~ written record of each episode of ~~isolated~~ time out or physical restraint shall be maintained in the student's temporary record. The school official designated under subsection (j)(3)~~pursuant to Section 1.280(c)(3) of this Part~~ shall also maintain a copy of each of these records. Each record shall include, but is not limited to, all of the following:
 - A) the student's name;
 - B) the date of the incident;
 - C) the beginning and ending times of the incident;
 - D) a description of any relevant events leading up to the incident;
 - E) a description of any interventions used prior to the implementation of ~~isolated~~ time out or physical restraint;
 - F) a description of the incident ~~and~~/or student behavior that resulted in ~~isolated~~ time out or physical restraint;
 - G) a log of the student's behavior in ~~isolated~~ time out or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;
 - H) a description of any injuries (whether to students, staff, or others) or property damage;
 - I) a description of any planned approach to dealing with the student's behavior in the future, including any de-escalation methods or procedures that may be used to avoid the use of time out or

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physical restraint;

- J) a list of the school personnel who participated in the implementation, monitoring, and supervision of ~~isolated~~-time out or physical restraint; and
- K) the date on which parental or guardian notification took place, as required by subsection (g).
- 2) The school official designated under subsection (j)(3)~~pursuant to Section 1.280(e)(3) of this Part~~ shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
- ~~3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.~~
- 3)4) The requirements of this subsection ~~(f)(3)(f)(4)~~ shall apply whenever an episode of ~~isolated~~-time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.
- A) A licensed educator knowledgeable about the use of ~~isolated~~-time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.
- B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
- C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated under subsection (j)(3)~~pursuant to Section 1.280(e)(3) of this Part~~.
- 4)5) When a student experiences~~has first experienced~~ three instances of isolated time out or physical restraint, the school personnel who initiated,

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monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education eligibility, or, for a student already eligible for special education, for a change in program.

- A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.
- B) The notification shall inform the parents or guardians that the student's potential need for special education, ~~or an alternative program, or, for students already eligible for special education, the student's potential need for a change in program,~~ will be considered and that the results of the review will be entered into the temporary student record.
- g) Notification to Parents or Guardians
- 1) A district whose policies ~~allow for on the maintenance of discipline include~~ the use of ~~isolated~~ time out or physical restraint shall notify parents or guardians to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code ~~[105 ILCS 5/10-20.14 and 14-8.05(e)].~~
- 2) If a student is subject to time out or physical restraint, the school must make a reasonable attempt to notify the student's parent or guardian on the same day the time out or physical restraint is imposed.
- 3)2) Within 24 hours after any use of ~~isolated~~ time out or physical restraint, the school district or other entity serving the student shall send the form required under subsection (f)(1) ~~written notice of the incident~~ to the student's parents or guardian, ~~unless the parent has provided the district or other entity with a written waiver of this requirement for notification.~~ The ~~notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with~~

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~~a telephone number to be called for further information.~~

~~h)~~ Report to the State Superintendent

- 1) No later than 2 school days after any use of time out or physical restraint, the school district or other entity serving the student shall, in a form and manner prescribed by the State Superintendent, submit the information required under subsection (f)(1) to the State Superintendent.
- 2) The State Superintendent reserves the authority to require districts to submit the information required under subsection (f)(1) for previous school years.

~~i)~~ Requirements for Training

- 1) Any adult who is supervising a student in time out or who is involved in a physical restraint shall receive at least 8 hours of training annually in the following:
 - A) crisis de-escalation;
 - B) restorative practices;
 - C) identifying signs of distress during physical restraint and time out;
 - D) trauma-informed practices; and
 - E) behavior management practices.
- ~~1)~~ Isolated Time Out

~~Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.~~
- ~~2)~~ Physical Restraint
 - 2)A) Time out or physicalPhysical restraint, as defined in this Section, shall be applied only by individuals who have received annual systematic training

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on less restrictive and intrusive strategies and techniques to reduce the use of time out and physical restraint based on best practices and how to safely use time out and physical restraint when those alternative strategies and techniques have been tried and proven ineffective. This training must include that includes all the elements described in subsection (i)(3) (h)(2)(B) of this Section and must result in the receipt of who have received a certificate of completion or other written evidence of participation. No individual may use time out or physical restraint before receiving the required training and certificate. An individual who applies time out or physical restraint shall use only techniques in which he or she has received prior annual training within the preceding two years, as indicated by written evidence of participation.

3)B) The training required under this Section Training with respect to time out or physical restraint may be provided either by the employer or by an external entity.

A) All persons or entities who provide training must be trained and certified in the:

- i) effective use of less restrictive and intrusive alternatives to prevent imminent danger of serious physical harm to the student or others; and
- ii) safe application of time out and physical restraint when less restrictive and intrusive alternatives have been tried and proven ineffective.

B) The training and shall include, but need not be limited to:

- i) the dangers associated with the use of time out and physical restraint and the need to use interventions that are less restrictive and intrusive to reduce the risk of harm to students;
- ii) appropriate procedures for preventing the need for time out or physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;

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- iii) recognizing and responding appropriately to the antecedent of a student's behavior;
 - iv) recognizing contraindications and other conditions and events that increase risk of death;
 - vii) a description and identification of dangerous behaviors on the part of students that may indicate the need for time out or physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
 - viii) the simulated experience of administering and receiving a variety of time out and physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
 - ix) instruction regarding the effects of time out and physical restraint on the person in restraint or time out~~restrained~~, including instruction on monitoring physical signs of distress and obtaining medical assistance;
 - x) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
 - xi) demonstration by participants of proficiency in administering time out and physical restraint.
- 4)⊖ An individual may provide training to others in a particular method of time out and physical restraint only if he or she has received written evidence of completing training in those techniques that technique that meet~~meets~~ the requirements of this subsection ~~(i)(h)(2)(B) of this Section~~ within the preceding one-year period.
- j) Any use of time out or physical restraint permitted by a board's policy shall include:

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- 1) the circumstances under which time out or physical restraint will be applied;
 - 2) a written procedure to be followed by staff in cases of time out or physical restraint;
 - 3) designation of a school official who will be informed of incidents and maintain the documentation required under this Section when time out or physical restraint is used;
 - 4) the process the district or other entity serving public school students will use to evaluate any incident that results in an injury to the affected student; and
 - 5) a description of the district's or other entity's annual review of the use of time out or physical restraint, which, at a minimum, shall include:
 - A) the number of incidents involving the use of these interventions;
 - B) the location and duration of each incident;
 - C) identification of the staff members who were involved;
 - D) any injuries or property damage that occurred; and
 - E) the timeliness of parental or guardian notification, timelines of agency notification, and administrative review.
- k) Complaint Procedures
- 1) Any parent or guardian, individual, organization, or advocate may file a signed, written complaint with the State Superintendent alleging that a local school district or other entity serving the student has violated this Section. The complaint shall include all of the following:
 - A) the facts on which the complaint is based;
 - B) the signature and contact information for the complainant;

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- C) if known, the names and addresses of the students involved and the name of the school of attendance;
 - D) a description of the nature of the problem, including any facts relating to the problem; and
 - E) a proposed resolution of the problem to the extent known.
- 2) The State Superintendent shall only consider a complaint if it alleges a violation occurring not more than one year prior to the date in which the complaint is received.
- 3) The State Superintendent must issue a written decision to the complainant that addresses each allegation in the complaint and that contains all of the following:
 - A) findings of fact and conclusion;
 - B) the reasons for the State Board of Education's final decision; and
 - C) orders for any action, including technical assistance.
- 4) The complaint procedure under this subsection (k) does not limit, diminish, or otherwise deny the federal and State rights and procedural safeguards afforded to students.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Proposed Actions:
 121.57 Amendment
 121.76 Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 4009 of the Agriculture Act of 2014, this rulemaking requires SNAP households in which lottery or gambling winnings are won in a single game of \$3,500 or more (before taxes or other amounts are withheld) be considered as not categorically eligible in the resource eligibility determination for SNAP. The \$3,500 limit is specific to lottery and gambling winnings. Active SNAP households would lose categorical eligibility if in receipt of these winnings and may be at risk of becoming ineligible for benefits.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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 Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
121.63	Amendment	43 Ill. Reg. 11065; October 11, 2019
121.23	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.24	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.25	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.26	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.160	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.162	Amendment	43 Ill. Reg. 11905; October 18, 2019

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121.163	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.165	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.167	Repealed	43 Ill. Reg. 11905; October 18, 2019
121.170	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.172	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.174	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.176	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.182	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.184	Repealed	43 Ill. Reg. 11905; October 18, 2019
121.186	Repealed	43 Ill. Reg. 11905; October 18, 2019
121.188	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.190	Repealed	43 Ill. Reg. 11905; October 18, 2019
121.50	Amendment	43 Ill. Reg. 14555; December 20, 2019

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand 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 these amendments within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

- 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

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- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because the need for it was unanticipated.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section	
121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)

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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; preemptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; preemptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; preemptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; preemptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; preemptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 14449, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.57 Assets

- a) The value of nonexempt assets shall be considered in determining eligibility only if a household is not categorically eligible (see Section 121.76).
- b) Value of Nonexempt Assets
 - 1) The value of nonexempt assets is the equity value (fair market value less the amount owed), except for prepaid funeral agreements valued over \$1500.
 - 2) The Department considers the following assets in determining eligibility:
 - A) Liquid Assets
 - i) Liquid assets are those properties in the form of cash or other financial instruments that are convertible to cash, such as, but not limited to, cash on hand, money, in checking or savings accounts, credit union accounts, savings certificates, stocks or bonds, lump-sum payments, ~~and~~ prepaid funeral agreements, and cash prize lottery or gambling winnings of \$3,500 or more (before taxes or amounts are withheld) won in a single game.
 - ii) Exempt any retirement funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code. Exempt any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code. Exempt any funds and earnings from an Achieving a Better Life Experience (ABLE) account.
 - B) Nonliquid Assets

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Nonliquid assets are those properties that are not in the form of cash or other financial instruments, such as personal property, licensed vehicles, unlicensed vehicles, buildings, land, recreational properties, and any other property not specifically exempted in Section 121.58.

- C) Assets of Sponsors of Aliens
Consider the assets of the sponsor and the sponsor's spouse who sponsored an alien on or after February 1, 1983 (7 CFR 272.1(g)(54) (2012)) in accordance with Section 121.55.
- D) Prepaid Funeral Agreements
The value of prepaid funeral agreements over \$1500 per person is considered.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART E: HOUSEHOLD CONCEPT

Section 121.76 Categorically Eligible Households

- a) A categorically eligible household is:
 - 1) A household in which all members are authorized to receive TANF or SSI, including SSI cases in recoupment or suspension status. These households are not subject to:
 - A) asset limits (see Section 121.57); or
 - B) gross or net income limits (see Section 121.60 and Section 121.61).
 - 2) A household that receives a TANF funded brochure, Guide to Services, that provides information and referrals to other services for which a household may qualify. This brochure is provided at application and annually thereafter. Through receipt of this TANF funded service, households with an elderly, blind, or disabled member, as defined in Section 121.61(a)(1)(A) through (L), whose total gross income is at or below 200% of the nonfarm income poverty guidelines and for all other

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households whose total gross income is at or below 165% are considered categorically eligible. These categorically eligible households are not subject to:

- A) asset limits (see Section 121.57); or
 - B) net income limits (see Section 121.60).
- b) Categorical eligibility does not apply to the following:
- 1) a household in which a member is disqualified for an Intentional Program Violation or a sanction for failure to comply with work provisions; or
 - 2) any household in which a cash prize lottery or gambling winning of \$3,500 or more (before taxes or other amounts are withheld) is won in a single game.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Unfair Discrimination Based on Sex, Sexual Orientation, Gender Identity or Marital Status
- 2) Code Citation: 50 Ill. Adm. Code 2603
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2603.20	Amendment
2603.35	Amendment
2603.40	Amendment
- 4) Statutory Authority: Implementing Sections 236, 355, 355a, 364, 367 and 424(1) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/236, 355, 355a, 364, 367 and 424(1)].
- 5) A Complete Description of the Subjects and Issues Involved: In June 2019, the Centers for Medicare and Medicaid Services issued a notice of proposed rulemaking to amend federal regulations so as to remove certain protections against gender identity discrimination that previously had been promulgated under Section 1557 of the Patient Protection and Affordable Care Act. See "Nondiscrimination in Health and Health Education Programs or Activities", 84 Fed. Reg. 27846 (proposed Jun. 14, 2019). To ensure that Illinois consumers remain protected against gender identity discrimination relating to their health insurance coverage, the Department has reviewed its applicable regulation on unfair discrimination at 50 Ill. Adm. Code 2603. The following amendments are primarily intended to fill the gaps in those regulatory protections. First, whereas Section 2603.35 currently only applies to group health insurance coverage, these amendments will extend the rule to apply to individual policies, as well. Second, the protections in Section 2603.40 against discrimination in setting premium rates will be amended to apply to gender identity.

Additionally, these amendments delete references in Section 2603.20 to 215 ILCS 5/283 and 296(6) regarding fraternal benefits societies, as those sections of the Illinois Insurance Code have been repealed. In their place, the Department will reference 215 ILCS 5/314.1, which contains a currently applicable preservation of rights for fraternal benefit societies.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Not applicable
- 7) Will this rulemaking replace an emergency rule currently in effect? No

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- 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|---|----|--|
| Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19 th Fl
Chicago IL 60603

312/814-5445 | or | Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/558-0957 |
|---|----|--|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small insurance companies offering accident and health insurance policies.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: The Department determined that the rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because it was not anticipated within that time period.

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NOTICE OF PROPOSED AMENDMENTS

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ff: UNFAIR METHODS OF COMPETITIONPART 2603
UNFAIR DISCRIMINATION BASED ON SEX, SEXUAL ORIENTATION,
GENDER IDENTITY OR MARITAL STATUS

Section	
2603.10	Authority
2603.20	Purpose and Scope
2603.25	Definitions
2603.30	Prohibited Practices
2603.35	Prohibited Gender Identity Discrimination
2603.40	Rates
2603.50	Severability Provision
2603.60	Effective Date (Repealed)

AUTHORITY: Implementing Sections 236, 355, 355a, 364, 367 and 424(1) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Filed May 26, 1976, effective July 1, 1976; codified at 7 Ill. Reg. 896; amended at 39 Ill. Reg. 409, effective July 1, 2015; amended at 44 Ill. Reg. _____, effective _____.

Section 2603.20 Purpose and Scope

The purpose of this Part is to eliminate unfair discrimination based upon sex, gender identity, sexual orientation or marital status in the terms and conditions of insurance contracts and in the underwriting criteria of insurance carriers. This Part shall apply to all companies authorized to do an insurance business in this State of the kind or kinds of business described in Class 1(a), 1(b) or Class 2(a) of Section 4 of the Code, all companies licensed in accordance with the Voluntary Health Services Plans Act [215 ILCS 165], the Health Maintenance Organization Act [215 ILCS 125] and to all Fraternal Benefit Societies licensed in accordance with [Article XVII](#) of the Code [215 ILCS Art. XVII]. This Part shall not affect the rights of fraternal benefit societies as specified in [Section 314.1](#) ~~Sections 283 and 296(6)~~ of the Code.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 2603.35 Prohibited Gender Identity Discrimination

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- a) A company that offers or provides group or individual health insurance coverage plan that is neither a grandfathered plan nor a plan offering excepted benefits shall not discriminate on the basis of an insured's or prospective insured's actual or perceived gender identity, or on the basis that the insured or prospective insured is a transgender person. The discrimination prohibited by this Section includes any of the following:
- 1) discriminatory exclusionary clauses;
 - 2) provisions that exclude from, limit, charge a higher rate for, or deny a claim for coverage of hospital and medical benefits for gender dysphoria if benefits covered by the policy are provided for other medical conditions;
 - 3) cancelling, limiting or refusing to issue or renew an insurance policy on the basis of an insured's or prospective insured's actual or perceived gender identity, or for the reason that the insured or prospective insured is a transgender person;
 - 4) designating an insured's or prospective insured's actual or perceived gender identity, or the fact that an insured or prospective insured is a transgender person, as a preexisting condition for which coverage will be denied or limited;
 - 5) provisions that exclude from, limit, charge a higher rate for, or deny a claim for coverage for the surgical treatments for gender dysphoria; or
 - 6) denying or limiting coverage, or denying a claim, for services due to an insured's actual or perceived gender identity or for the reason that the insured is a transgender person, including, but not limited to, health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the insured is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.
- b) Temporary Exemption for Transitional Small Group Plans. A group plan having fewer than 51 members that was sold before January 1, 2014 and renewed between January 1, 2015 and October 1, 2015 will not be required to comply with the requirements of this Section until after the expiration of the 2015 plan year.

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(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 2603.40 Rates

- a) No insurance company shall place a risk in a rating classification on the basis of sex, sexual orientation or marital status or otherwise differentiate in rates on the basis of sex, sexual orientation or marital status unless that classification or differentiation is based upon expected claim costs and expenses derived by applying sound actuarial principles to relevant and reasonably current company or intercompany studies, claim costs, and expense experience. After July 1, 1979, no company shall charge a differential by sex, sexual orientation or marital status larger than the differential indicated by the criterion stated in this Section.
- b) No insurance company shall use separate rating classifications or otherwise differentiate in rates on the basis of actual or perceived gender identity, or on the basis that the insured or prospective insured is a transgender person, unless the classification or differentiation is based upon expected claim costs and expenses derived by applying sound actuarial principles to relevant and reasonably current company or intercompany studies, claim costs, and expense experience. After July 1, 2020, no company shall charge a differential by actual or perceived gender identity, or by the fact that the insured or prospective insured is a transgender person, that is larger than the differential indicated by the criterion stated in this Section. Nothing in this Section otherwise prohibits a company from recognizing an individual's gender identity to the extent requested by the individual.
- c) An insurer shall, upon request of the Director, justify that ~~any~~the classification or differentiation described in this Section equitably and reasonably reflects differences in expected claim costs and expenses.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Joint Rules of the Board of Higher Education and Illinois Community College Board: Rules on Reverse Transfer of Credit
- 2) Code Citation: 23 Ill. Adm. Code 1502
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1502.10	New Section
1502.20	New Section
1502.30	New Section
1502.40	New Section
1502.50	New Section
1502.60	New Section
1502.70	New Section
- 4) Statutory Authority: Implementing Sections 23(a), (b) and (c) and authorized by Section 23(e) of the Student Transfer Achievement Reform Act [110 ILCS 150].
- 5) Effective Date of Rules: December 11, 2019
- 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 rules is on file in the Illinois Community College Board's office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 7021, June 21, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A phrase was added to Section 1502.30 regarding student eligibility for reverse transfer of credit. The cumulative total of at least 60 credit hours may be completed at the student's current or previously attended postsecondary institutions. The proposed rules included only the previously attended institutions.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rules will provide implementation procedures enabling students to use reverse transfer in Illinois, pursuant to PA 100-824. Reverse transfer means that a former community college student who completed at least 15 hours of coursework at the community college and is now attending a public university may apply for an associate degree using requisite courses earned at the university. Through reverse transfer, these individuals have the potential to "transfer back" university courses that count toward an associate degree and earn that associate degree even while they are in progress to completing the baccalaureate degree.
- 16) Information and questions regarding these adopted rules shall be directed to:

Illinois Community College Board
Attn: Matt Berry
401 East Capitol Avenue
Springfield IL 62701-1711

217/785-7411
fax: 217/524-4981
Matt.berry@illinois.gov

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

ILLINOIS COMMUNITY COLLEGE BOARD

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1502

JOINT RULES OF THE BOARD OF HIGHER EDUCATION AND ILLINOIS COMMUNITY
COLLEGE BOARD: RULES ON REVERSE TRANSFER OF CREDIT

Section

1502.10	Purpose
1502.20	Definitions
1502.30	Student Eligibility
1502.40	Student Request
1502.50	Institutional Responsibilities
1502.60	Community College Determination to Award Degree
1502.70	Voluntary Participation by Others

AUTHORITY: Implementing Sections 23(a), (b) and (c) and authorized by Section 23(e) of the Student Transfer Achievement Reform Act [110 ILCS 150].

SOURCE: Adopted at 43 Ill. Reg. 14993, effective December 11, 2019.

Section 1502.10 Purpose

The purpose of this joint rule is to *foster the reverse transfer of credit for any student who has accumulated at least 15 hours of academic credit at a community college and a sufficient number of hours of academic credit at a State university in the prescribed courses necessary to meet a community college's requirements to be awarded an associate degree.* (Section 23 of the Act)

Section 1502.20 Definitions

"Act" means the Student Transfer Achievement Reform Act [110 ILCS 150].

"Admissions Office" means an office within a community college or State university responsible for recruiting and communicating with new and transfer students.

"Community College" means a public community college in this State. (Section 5

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of the Act)

"Eligible Student" means a student who meets the criteria in Section 1502.30.

"Registrar's Office" means an office within a community college or State university responsible for registering students, keeping academic records, and corresponding with applicants and evaluating their credentials.

"Reverse Transfer of Credit" means the transfer of earned academic credit from a State university to a community college for the purpose of obtaining an associate degree at the community college. (Section 23 of the Act)

"Reverse Transfer Data Sharing Platform" means a national electronic data sharing and exchange platform that meets nationally accepted standards, conventions and practices, such as the National Student Clearinghouse or similar platform.

"Reverse Transfer Agreement" means an institutional agreement between one or more community colleges and a State university to share student transcripts when a student requests a reverse transfer of credit.

"Opt-in" means the student's decision to seek a reverse transfer of credit.

"State University" means a public university in this State. (Section 5 of the Act)

Section 1502.30 Student Eligibility

The reverse transfer of credit option is available to a student who is currently enrolled in a State university and has:

- a) Transferred to the State university from, or previously attended, a community college;
- b) Earned at least 15 credit hours of transferrable course work completed at a community college;
- c) Earned a cumulative total of at least 60 credit hours for transferrable course work successfully completed at the student's current or previously attended postsecondary institutions; and

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- d) Submitted a request to the State university at which the student is currently enrolled.

Section 1502.40 Student Request

A student who meets the eligibility criteria in Section 1502.30 may request a reverse transfer of credit from the State university to the community college previously attended.

- a) The opportunity to opt-in may be taken at enrollment or at any time thereafter while enrolled at the State university. The student shall provide the information required in Section 1502.30 (a), (b) and (c) and authorize the release of his or her transcript information, pursuant to State university procedures.
- b) In the event that the student has earned credit hours at more than one community college or State university, the student shall:
 - 1) Identify the community colleges and State universities at which any credit hours have been earned; and
 - 2) Authorize release of his or her transcript information from the community colleges and State universities to the community college identified for the purpose of earning an associate degree through a reverse transfer of credit.

Section 1502.50 Institutional Responsibilities

- a) Each State university and community college shall make available an opt-in process for the reverse transfer of credit, pursuant to this Part.
- b) Each State university shall notify students who meet the eligibility criteria in Section 1502.30 each academic year. The notification shall include information about the State university's process to reverse transfer of credit.
- c) State universities and community colleges shall comply with the following process:
 - 1) Information about reverse transfer of credit shall, at a minimum, be clearly identified on the institution's Internet website and printed in course catalogs. This information shall also be made available through the

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admissions office and the registrar's office.

- 2) After verifying student eligibility, the student information may be transferred through a reverse transfer data sharing platform or a reverse transfer agreement, or by contacting the institution directly.

Institutions are encouraged to use a Reverse Transfer Data Sharing Platform as a cost-effective method to exchange course level data. Any student information obtained from the platform must be accepted as official documentation of the student record.

- 3) Transcript fees assessed to prepare and send student transcripts to community colleges may be waived to help promote the reverse transfer of credit. Community colleges may waive fees assessed to conduct degree audits and to process graduation applications as part of the reverse transfer of credits.
- 4) After receiving the student information, the community college shall review the information and, if the community college determines the student has earned the credits required to receive an associate degree, may award the associate degree.
- 5) *No later than 30 business days after receiving an application for reverse transfer of credit and all required transcripts, a community college shall notify an applicant if he or she qualifies for an associate degree based on the total earned credits.* (Section 23 of the Act) The community college shall send the same notification to the State university.
- 6) In the event that the community college awards an associate degree pursuant to this Part, the community college shall send a student transcript to the State university. The transcript shall include the award of an associate degree.

Section 1502.60 Community College Determination to Award Degree

In awarding an associate degree, the community college shall evaluate the applicant's course work completed, along with the transfer credit earned, and shall determine whether the associate degree requirements have been met. (Section 23 of the Act) Nothing in this Part affects the ability of the community college to determine the course work required to earn an associate

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degree awarded by that institution.

Section 1502.70 Voluntary Participation by Others

This Part does not preclude private colleges and universities from voluntarily participating in the reverse transfer of credit.

BOARD OF HIGHER EDUCATION

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- 1) Heading of the Part: Joint Rules of the Board of Higher Education and Illinois Community College Board: Rules on Reverse Transfer of Credit
- 2) Code Citation: 23 Ill. Adm. Code 1065
- 3) Section Numbers: Adopted Actions:

There are no Sections listed for Part 1065 because this Part is a joint rule of the Board of Higher Education and Illinois Community College Board. The text of the Part appears at 23 Ill. Adm. Code 1502 and is published by the Illinois Community College Board in this issue of the *Illinois Register*.
- 4) Statutory Authority: Implementing Sections 23(a), (b) and (c) and authorized by Section 23(e) of the Student Transfer Achievement Reform Act [110 ILCS 150].
- 5) Effective Date of Rules: December 11, 2019
- 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 rules is on file in the Board of Higher Education's office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 7018, June 21, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: See the Notice of Adopted Part for the Illinois Community College Board in this issue of the *Illinois Register*.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

BOARD OF HIGHER EDUCATION

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- 15) Summary and Purpose of Rulemaking: The rules will provide implementation procedures enabling students to use reverse transfer in Illinois, pursuant to PA 100-824. Reverse transfer means that a former community college student who completed at least 15 hours of coursework at the community college and is now attending a public university may apply for an associate degree using requisite courses earned at the university. Through reverse transfer, these individuals have the potential to "transfer back" university courses that count toward an associate degree and earn that associate degree even while they are in progress to completing the baccalaureate degree.
- 16) Information and questions regarding these adopted rules shall be directed to:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield IL 62701-1377

217/557-7358
fax: 217/782-8548
helland@ibhe.org

The Part 1065 Source Note of the Rule begins on the next page and the full text of the Rule is identical to the text of the Illinois Community College Board that appears in this issue of the *Illinois Register* on Page 14993. (This Part is a joint rule of the Board of Higher Education and Illinois Community College Board.)

BOARD OF HIGHER EDUCATION

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1065

JOINT RULES OF THE BOARD OF HIGHER EDUCATION AND ILLINOIS COMMUNITY
COLLEGE BOARD: RULES ON REVERSE TRANSFER OF CREDIT

AUTHORITY: Implementing Sections 23(a), (b) and (c) and authorized by Section 23(e) of the Student Transfer Achievement Reform Act [110 ILCS 150].

SOURCE: Adopted at 43 Ill. Reg. 15000, effective December 11, 2019.

(Editor's Note: The text of this Joint Rule appears at 23 Ill. Adm. Code 1502.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2700.10	Amendment
2700.20	Amendment
2700.40	Amendment
2700.50	Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective Date of Rules: January 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, 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*: 43 Ill. Reg. 7966; August 9, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

In Section 2700.20, Definitions, Eligible Noncitizen, minor clarifications were made to added language.

In Section 2700.20, Definitions, the "HEA" definition was re-ordered alphabetically.

In Section 2700.20, Definitions, Resident of Illinois, minor clarifications were made to added language and some text was deleted.

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In Section 2700.40(i), General Applicant Eligibility Requirements, a statutory cite was added for the RISE Act.

In Section 2700.50(e)(2)(A), Determining Applicant Eligibility, formatting was corrected as a result of deleted text.

- 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? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being revised due to legislation (PA 101-21) that created the Retention of Illinois Students & Equity (RISE) Act, which expands financial aid eligibility and was signed into law on June 21, 2019.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2700
GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.15	Incorporations by Reference
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Information
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg.

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10269, effective July 1, 2008; amended at 33 Ill. Reg. 9742, effective July 1, 2009; amended at 34 Ill. Reg. 8543, effective July 1, 2010; amended at 37 Ill. Reg. 9497, effective July 1, 2013; amended at 38 Ill. Reg. 13356, effective July 1, 2014; amended at 39 Ill. Reg. 8390, effective July 1, 2015; amended at 40 Ill. Reg. 1963, effective January 7, 2016; amended at 43 Ill. Reg. 7269, effective July 1, 2019; amended at 43 Ill. Reg. 15003, effective January 1, 2020.

Section 2700.10 Summary and Purpose

- a) The purposes of the Illinois Student Assistance Commission (ISAC) include:
 - 1) Improving postsecondary educational opportunities for eligible students through the centralized administration of Illinois student assistance programs; and
 - 2) Coordinating Illinois student assistance programs with those of the United States Department of Education (ED), when applicable.
- b) This Part establishes general rules and definitions that apply to all student assistance programs administered by ISAC, except to the extent that subsequent Parts may qualify these general provisions. ~~Statutory language is italicized.~~

(Source: Amended at 43 Ill. Reg. 15003, effective January 1, 2020)

Section 2700.20 Definitions

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a 12 month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.3.

"Alternative Loan" – Any educational loan made or purchased by ISAC other than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.), or any other federal statute providing for federal insurance of education loans to borrowers.

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"Applicant" – Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act as a long-term education savings instrument.

"Co-maker" – One of the 2 individuals who are joint borrowers either on a Federal PLUS Loan (parent borrowers) that was certified prior to January 1, 1995 or on any Federal Consolidation loan (married borrowers) and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

"Commission" – The 10 member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947].

"Compound Accreted Value" – An amount equal to the original amount plus an

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investment return accrued to the date of determination at a semiannual compounding rate that is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" – The simultaneous enrollment at 2 or more institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by section 428C of the HEA.

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution provides part of the education program of students enrolled at the eligible institution, as codified in Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among 2 or more eligible institutions only.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at section 472 of the HEA (20 USC 1087*ll*).

"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice

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and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower or endorser (if any) to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Distance Education" – A learning and teaching mode characterized by the separation of place or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"ED" – The acronym for the United States Department of Education.

"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to section 484 of the HEA (20 USC 1091); or a noncitizen or person who is not a permanent resident of the United States, who does not meet the eligibility criteria for federal student assistance pursuant to section 484 of the HEA but who meets all of the following criteria:

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the individual resided with his or her parent or guardian while attending a public or private high school in this State;

the individual graduated from a public or private high school or received the equivalent of a high school diploma in this State;

the individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma in this State;

the individual provides an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so; and

the individual has not established a residence outside of this State.

"Endorser" – A person fitting the definitions found at 34 CFR 682.200 or 34 CFR 685.102(b) who is secondarily liable for the repayment of a federal student loan.

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution asis defined at section 474 of the HEA (20 USC 1087nn) is used to determine a student's eligibility for need based programs administered by ISAC.

"FAFSA" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

"Federal Regulations" – Refers to regulations promulgated by ED and codified at

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34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by section 421 of the HEA, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least 5 years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for 12 or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.2(b).

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Golden Apple Scholars of Illinois" – A private, not-for-profit program under the auspices of the Golden Apple Foundation that recruits, prepares and provides financial assistance to high school graduates to pursue postsecondary education for careers as teachers for particular Illinois schools.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

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"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) that includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

~~"HEA" – The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USC 1070 et seq.~~

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for 6 or more credit hours (but fewer than 12 credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 668.2(b).

"HEA" – The acronym for the Higher Education Act of 1965, as amended (20 USC 1070 et seq.).

"High School Equivalency Certificate" – A certificate received after successfully completing a high school equivalency examination as defined in Section 3-15.12 of the School Code [105 ILCS 5/~~3-15.12~~].

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

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"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that:

provides at least a 2-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, or, a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State; ~~or~~

publicly or privately, not for profit; or

for profit, provided it:

offers degree programs that have been approved by the IBHE for a minimum of 3 years under the Academic Degree Act; ~~and~~

enrolls a majority of its students in these degree programs; and

maintains accredited status with the Higher Learning Commission of the North Central Association of Colleges and Schools.

For otherwise eligible educational organizations that provide academic programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and

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for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/45] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by Section 35 of the Higher Education Student Assistance Act and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).*

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

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"Pell Grant" – A federal gift assistance program administered by ED in accordance with section 401 of the HEA (20 USC 1070a et seq).

"PLUS" – The federal program that provides loans to graduate students or parents of certain undergraduate students, as authorized by section 428B of the HEA (20 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/~~80 through 175~~].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which she/he is applying.

"Regular School Year" – An 8 to 9 month period of time that includes 2 semester terms or 3 quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the ~~Free Application for Federal Student Aid (FAFSA)~~ or the RISE Act application, physically resides within the State of Illinois, and Illinois is his or her true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is his or her true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the

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preceding 2 paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, then the applicant's residency shall be determined in accordance with the following: ~~4 paragraphs.~~

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of Illinois if the applicant physically resided in Illinois for 6 continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within 6 months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout ~~the~~ missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding 2 paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

"RISE Act Application" – The FAFSA substitute application for State student aid and benefits under the Retention of Illinois Students and Equity (RISE) Act that may be used only as an alternative to the FAFSA, when appropriate, and shall be substituted accordingly for the FAFSA when FAFSA is referenced in ISAC rules.

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"RISE Act Application Receipt Date" – The date upon which ISAC receives an applicant's initial RISE Act Application for an academic year. For a paper RISE Act Application sent through the U.S. Postal Service, the postmark date.

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" – An institutional policy that establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to section 484 of the HEA (20 USC 1091).

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program, as authorized by section 428A of the HEA (20 USC 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach physically disabled children or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by sections 427, 428 and 428H of the HEA (20 USC 1078).

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

"Teacher Education Program" – An undergraduate postsecondary course of study that, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent

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(including the Illinois State Board of Education). For a student who has completed less than 4 semesters/6 quarters of postsecondary study, this includes a postsecondary course of study that leads to a teacher education program.

"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by subpart E of 34 CFR 668 and by ISAC's rules.

(Source: Amended at 43 Ill. Reg. 15003, effective January 1, 2020)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.
 - 1) Eligibility for federally-guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:
 - A) Eligibility for federally-guaranteed loans will be reinstated when:
 - i) the debt has been paid in full;
 - ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;

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- iii) the borrower's prior defaulted loan has been rehabilitated, in accordance with 34 CFR 682.405; or
 - iv) the borrower has made payments on a defaulted loan to consolidate that loan in accordance with 34 CFR 682.201.
- B) Borrowers are eligible to use subsections (a)(1)(A)(ii) and (iii) only one time.
- C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least 6 consecutive months or has met the requirements of subsection (a)(1)(A). Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of the applicant's contact with ISAC.
- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C), must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.
- b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USC 1070(b)).
- c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.
- d) An applicant who has received financial assistance based on fraudulent data shall be denied ISAC-administered assistance until full restitution has been made to ISAC for any fraudulently-obtained funds, and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

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- e) Each applicant must submit his/her Social Security Number (SSN).
- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor.
- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester term of full-time payment benefits, the recipient is assessed 6 eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed 4 eligibility units.
 - 2) For each semester term of half-time payment benefits, the recipient is assessed 3 eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed 2 eligibility units.
 - 3) For each semester or quarter term of less than half-time payment benefits, the recipient is assessed one eligibility unit.
 - 4) Sixty eligibility units are the equivalent of payments for 10 semesters/15 quarters of full-time benefits.
 - 5) Forty-eight eligibility units are the equivalent of payments for 8 semesters/12 quarters of full-time benefits.
- i) An applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.37 et seq. [unless contrary to State law \(RISE Act \(P.A. 101-21\)\)](#).
- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) ([ING Grant](#)) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program) ([IVG Grant](#)), an applicant must be maintaining satisfactory academic progress in accordance with the institution's policy.

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- k) Except for ~~ING and IVG Grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program)~~, ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs ~~that~~ who are defined as eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
- l) Except for ~~ING and IVG Grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program)~~, students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits.
- m) For the purpose of determining the timeliness of an individual's application, the postmark date of an application submitted electronically shall be the date on which ISAC receives that individual's submission of complete application data.

(Source: Amended at 43 Ill. Reg. 15003, effective January 1, 2020)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both ISAC and the institution.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate State and federal agencies in the process of reviewing application data. ~~These agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services (USCIS), Illinois Department of Healthcare and Family Services, Illinois Department of Revenue, and Illinois Department of Children and Family Services.~~
- c) Institutions shall determine (in accordance with ISAC's rules or federal regulations) whether an applicant is eligible for ISAC gift assistance based upon enrollment in a particular academic program and the eligibility criteria of the ISAC gift assistance being sought.
- d) Specific eligibility criteria for each ISAC gift assistance program can be found in its respective Section of this Part.

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- e) The institution is required to verify the residency of all applicants to ISAC gift assistance programs for which Illinois residency is a requirement.
- 1) An institution is not required to verify residency if:
 - A) The applicant received payment of a MAP award during the previous academic year; or
 - B) The applicant was enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) for the preceding consecutive 12 months prior to the start of the academic year for which assistance is requested.
 - 2) Notwithstanding the exceptions named in subsection (e)(1), the institution shall verify residency:
 - A) When an applicant has changed dependency status during the academic year to become an independent student; or
 - B) If the institution has any information that indicates the applicant may not be a resident of Illinois.
 - 3) Data from one or more of the documents listed in this subsection (e)(3) may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. The institution may choose to request documents that are in addition to, or instead of, those listed. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant 12 continuous, full months.
 - A) A valid State of Illinois tax return or federal tax transcript
 - B) Illinois high school or college transcript
 - C) Illinois driver's license
 - D) Utility or rent bills in the applicant's (or parent's) name

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- E) Illinois auto registration card
 - F) Residential lease in the applicant's (or parent's) name
 - G) Wage and tax statements (IRS Form W-2)
 - H) Statement of benefits history from the Illinois Department of Healthcare and Family Services
 - I) State of Illinois identification card issued by the Secretary of State
 - J) Statement of benefits from the Illinois Department of Employment Security
 - K) Statement of benefits from the Social Security Administration
 - L) Illinois voter's registration card
 - M) Property tax bill
 - N) IRS Form 1099-Miscellaneous Income Statements
- 4) If an applicant is a resident of Illinois, but the institution cannot document this fact, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)
- f) For all other eligibility criteria, if the institution has any information that indicates that the applicant does not meet the eligibility requirements of ISAC-administered programs, or if an applicant is selected for verification in conjunction with federal student assistance, that applicant shall be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
 - g) By requesting payment for ISAC gift assistance programs, the postsecondary institution is certifying that the applicants are eligible for the assistance being sought.
 - h) If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the

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appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.

- i) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.
- j) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USC 1087kk et seq.), the institution shall retain documentation that demonstrates the appropriateness of the adjustment.
- k) If an institution erroneously certifies an applicant to be eligible, or a student is otherwise determined to be ineligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution.

(Source: Amended at 43 Ill. Reg. 15003, effective January 1, 2020)

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2735.30	Amendment
2735.40	Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].
- 5) Effective Date of Rules: January 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, 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*: 43 Ill. Reg. 7988; August 9, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

In Section 2735.40(b) and (b)(2), Institutional Procedures, the name of the Workforce Investment Act of 1998 was updated to Workforce Innovation and Opportunity Act.
- 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? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being revised due to legislation (PA 101-21) that created the Retention of Illinois Students & Equity (RISE) Act, which expands financial aid eligibility and was signed into law on June 21, 2019.

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

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section

2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.35	Dislocated Workers
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)

2735.APPENDIX A Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. 10043, effective July 15, 2004; amended at 29 Ill. Reg. 9920, effective July 1, 2005; amended at 30 Ill. Reg. 11654, effective July 1, 2006; amended at 36 Ill. Reg. 9432, effective

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July 1, 2012; amended at 37 Ill. Reg. 9528, effective July 1, 2013; amended at 39 Ill. Reg. 8434, effective July 1, 2015; amended at 43 Ill. Reg. 7281, effective July 1, 2019; amended at 43 Ill. Reg. 15025, effective January 1, 2020.

Section 2735.30 Program Procedures

- a) An application for a MAP grant must be submitted annually. An applicant uses the [Free Application for Federal Student Aid \(FAFSA\)](#), ~~form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)~~
- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application that will be kept confidential, regarding income, asset value and non-taxable income.
- c) **Priority Deadline Date for Renewing Applicants**
No later than September 30, the Commission will annually publish a priority deadline date for renewing applicants. *In this subsection (c), renewing applicant means a student attending an institution of higher learning who received a MAP grant during the prior academic year.* [110 ILCS 947/35] Subject to appropriation, a renewing applicant who files by the published priority deadline date shall receive a grant if he or she continues to meet the program's eligibility requirements under this Section. A renewing applicant's failure to apply by the priority deadline date would not disqualify an applicant from receiving a grant if sufficient funding is available to provide awards after that date.
- d) Awards will be announced concurrently, both to students who had not received a MAP award the previous regular school year and to students who did receive a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.
- e) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not received a MAP award for the previous regular school year and to students who did receive a MAP award the previous regular school year.
- f) Corrections to applications received prior to the final suspension of award

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announcements will be processed and announced up to ~~two~~ months after the final suspension date or until the completion of the processing cycle, whichever comes first.

- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.
- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.
- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.
- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
 - 1) maximum award specified at Section 35(c) of the Higher Education Student ~~Assistance~~ Act [110 ILCS 947]; or
 - 2) institution's tuition and mandatory fee charges on file with ISAC.
- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student.
- l) For each credit hour of MAP benefits paid on behalf of the recipient, the recipient will be assessed one MAP paid credit hour toward his or her maximum usage. For each credit hour used, payment will be made to the school on behalf of the recipient in an amount equal to $\frac{1}{15}$ of the student's calculated term award amount, with a minimum of ~~three~~ hours and a maximum of 15 hours paid per term.
- m) A recipient may receive the equivalent of 135 semester credit hours of MAP benefits paid. Eligibility may be extended for one additional term if the recipient has accumulated fewer than 135 MAP paid credit hours but does not have enough

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credit hours of payment remaining for the number of hours for which he or she is enrolled for the term.

- n) A recipient may use ~~no~~ more than 75 MAP paid credit hours while enrolled at the freshman or sophomore level, although doing so may leave the student with insufficient remaining MAP eligibility to apply to all remaining credit hours required for the completion of a baccalaureate degree. ~~Eligibility may be extended for one additional term at the freshman or sophomore level if the recipient has accumulated fewer than 75 MAP paid credit hours, but does not have enough credit hours of payment remaining for the number of hours for which he or she is enrolled for the term. Upon progressing to the junior level or above, the recipient may use the remaining balance of MAP paid credit hours, up to the 135 credit hour maximum.~~
- o) The MAP grant shall not pay for academic programs intended to prepare a student for the high school equivalency certificate or for a high school diploma.
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, graduate-level courses leading to a degree above the baccalaureate level, or noncredit course offerings (except qualifying remedial courses). Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours).
- q) The MAP grant may be used by students repeating previously passed courses for the first time. The MAP grant may not be used for courses that a student has previously passed ~~two~~ or more times.
- r) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- s) MAP paid credit hours are assessed to a recipient whenever MAP funds are disbursed on behalf of the recipient.

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- t) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
- u) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.
- v) If a recipient's academic program involves out-of-state and/or foreign study, subsection (j) applies and enrollment must be in accordance with the following provisions:
 - 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
 - 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
 - 3) An institution shall not request more than ~~2two~~ semesters/~~3three~~ quarters of MAP assistance for any one qualified applicant enrolled on a full-time basis, or ~~4four~~ semesters/~~6six~~ quarters of MAP for an applicant-enrolled on a half-time basis.

(Source: Amended at 43 Ill. Reg. 15025, effective January 1, 2020)

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) In order for applicants to receive additional and specific consideration as a dislocated worker, as defined by the federal Workforce [Innovation and Opportunity Investment](#) Act of 1998 ([29 USC 3102](#)~~P.L. 105-220~~), the institution shall:

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- 1) Verify that the applicant indicated on the FAFSA that he or she is a dislocated worker; and
 - 2) Ensure that the applicant certifies to the institution that he or she is a dislocated worker as defined by the federal Workforce [Innovation and Opportunity Investment Act of 1998](#).
- c) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- d) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the ~~above-referenced~~ programs [listed in this subsection](#).
- e) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
- 1) A prepaid tuition plan is any program ~~that which~~ exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program ~~that which~~ reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (e)(1). The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- f) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.

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- g) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance ~~used to calculate Title IV aid for that student~~. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.
- h) Institutions of higher learning shall submit payment requests to ISAC.
- i) For any institution of higher learning ~~that~~which has concurrent registration opportunities, the following policy pertains:
- 1) The recipient must indicate his/her institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.
 - 3) The amount paid cannot exceed the maximum term award for students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
 - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
 - 5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- j) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(v).
- k) If an announced recipient's credit hour enrollment decreases before the expiration of the tuition refund/withdrawal adjustment period, the institution shall only

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request payment up to the tuition and mandatory fee amount based on the number of credit hours enrolled.

- l) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
- m) MAP grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning ~~10~~ten days prior to the start of classes for the term for which they are requesting payment.
- n) Institutional Processing of Payments
 - 1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
 - 2) Within 30 days after the end of an academic term during which MAP funds were credited to recipients' tuition and mandatory fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:
 - A) The amount of the claim applied to a student's tuition and mandatory fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; ~~or~~

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- B) The amount of the claim applied to a student's tuition and mandatory fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
 - C) The amount of the claim applied to a student's tuition and mandatory fee charges equaled the amount that the student was eligible to receive.
- 3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.
 - 4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the institutions regular school year unless the payment is received after the end of the regular school year. If the payment of claims are made after the end of the regular school year, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.
 - 5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
 - 6) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.
 - 7) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

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(Source: Amended at 43 Ill. Reg. 15025, effective January 1, 2020)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Optometric Education Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2741
- 3) Section Number: 2741.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 65.70 of the Higher Education Student Assistance Act and authorized by Sections 20(f) and 65.70 of the Higher Education Student Assistance Act [110 ILCS 947].
- 5) Effective Date of Rule: January 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this 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*: 43 Ill. Reg. 7999; August 9, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed 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? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being revised due to legislation (PA 101-21) that created the Retention of Illinois Students & Equity (RISE) Act, which expands financial aid eligibility and was signed into law on June 21, 2019.
- 16) Information and questions regarding this adopted rule shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
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The full text of the Adopted Amendment begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2741
OPTOMETRIC EDUCATION SCHOLARSHIP PROGRAM

Section

2741.10	Summary and Purpose
2741.20	Applicant Eligibility
2741.30	Program Procedures
2741.40	Institutional Procedures

AUTHORITY: Implementing Section 65.70 of the Higher Education Student Assistance Act [110 ILCS 947] and authorized by Sections 20(f) and 65.70 of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Adopted at 27 Ill. Reg. 10369, effective July 1, 2003; amended at 37 Ill. Reg. 9540, effective July 1, 2013; amended at 43 Ill. Reg. 15037, effective January 1, 2020.

Section 2741.30 Program Procedures

- a) All applicants must complete and file the [Free Application for Federal Student Aid \(FAFSA\)](#) form that the U.S. Department of Education (ED) designates as an [application for federal student financial aid](#) for the purpose of determining the Expected Family Contribution (EFC), which is used as a selection criterion for this award. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)
- b) A completed ISAC application for the Optometric Education Scholarship Program must be postmarked on or before March 1 immediately preceding the academic year for which the scholarship is being requested in order to receive priority consideration for an award.
- c) A total of ~~10~~^{ten} scholarships shall be awarded each year; ~~2~~^{two} each for eligible applicants in their first year, second year, third year, and fourth year; the remaining ~~2~~^{two} shall be awarded to students in any academic level.

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- d) If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, priority will be given to students demonstrating exceptional merit and who are in financial need based on a combination of the following criteria:
- 1) cumulative grade point averages, prioritized from the highest to the lowest. All grade point averages will be converted to a four-point scale; and
 - 2) EFC, from the lowest to the highest; and
 - 3) recipients of assistance under the Optometric Education Scholarship Program during the previous academic year shall receive first priority consideration provided the student:
 - A) maintains his or her status as a qualified applicant;
 - B) maintains satisfactory academic progress as determined by the institution; and
 - C) submits an application on a timely basis.
- e) If all other criteria are equal, priority consideration will be given to the qualified applicant who submitted his or her completed application on the earliest date.
- f) A recipient may receive the equivalent of 8 semesters/12 quarters of scholarship assistance under this Part.
- g) Scholarship funds are applicable toward ~~two~~ semesters/~~three~~ quarters of full-time study within an academic year.
- h) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.
- i) To the extent necessary to administer this program within the limits of the State appropriation, the Commission may adjust the priority consideration factors established by this Section.

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- j) ISAC shall publish guidelines for the awarding of Optometric Education Scholarships.
- k) Each qualified applicant who is selected to receive an Optometric Education Scholarship shall be notified.
- l) Prior to receiving scholarship assistance for any academic year, the qualified applicant must sign a Practice Agreement/Promissory Note that is submitted to ISAC. The Practice Agreement/Promissory Note shall include the following stipulations:
 - 1) the recipient pledges to practice in Illinois as a licensed optometrist under the Illinois Optometric Practice Act of 1987 for a period of not less than one year for each year of scholarship assistance awarded under this Part;
 - 2) the recipient shall begin practicing optometry in Illinois within one year following completion of the academic program for which the recipient was awarded a scholarship, and shall practice on a continuous basis for the required period of time;
 - 3) if the recipient does not fulfill the requirement to practice optometry in Illinois, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the obligation not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees;
 - 4) the recipient agrees to provide ISAC with evidence of compliance with program requirements;
 - 5) the recipient promises to use the proceeds of the scholarship for educational expenses.
- m) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2741.30(1) during periods in which the recipient:
 - 1) serves, for not more than ~~3~~three years, as a member of the United States Armed Forces;

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- 2) is enrolled full-time in a residency program at an approved institution for one continuous period of time, not to exceed one year, following graduation;
 - 3) is temporarily totally disabled for not more than ~~3~~three years, as established by the sworn affidavit of a qualified physician;
 - 4) cannot fulfill the practice obligation due to his or her death, verified by a certified copy of a death certificate; or
 - 5) cannot fulfill the practice obligation due to his or her disability or incompetency, as established by sworn affidavit of a qualified physician.
- n) No claim for repayment may be filed against the estate of a decedent or incompetent.
- o) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ~~10~~ten years after the scholarship converts to a loan. This ~~10~~ten-year period may be extended if the recipient:
- 1) serves, for not more than ~~3~~three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in a residency program at an approved institution for one continuous period of time, not to exceed one year, following graduation; or
 - 3) is temporarily disabled, for not more than ~~3~~three years, as established by the sworn affidavit of a licensed physician.
- p) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as an optometrist;
 - 2) the date the recipient informs ISAC that she or he does not plan to fulfill the practice obligation; or

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- 3) the day after the latest date upon which the recipient must have begun practicing as an optometrist after completing the education for which the scholarship was awarded.

- q) A recipient shall not be required to repay the amount of the scholarships received if she or he becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a certified death certificate.

(Source: Amended at 43 Ill. Reg. 15037, effective January 1, 2020)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section Number: 2763.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) Effective Date of Rule: January 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this 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*: 43 Ill. Reg. 8006; August 9, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed 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? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being revised due to legislation (PA 101-21) that created the Retention of Illinois Students & Equity (RISE) Act, which expands financial aid eligibility and was signed into law on June 21, 2019.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jackie Eckley

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Agency Rules Coordinator
Illinois Student Assistance Commission
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The full text of the Adopted Amendment begins on the next 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 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section

2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003; amended at 28 Ill. Reg. 9155, effective July 1, 2004; amended at 29 Ill. Reg. 9934, effective July 1, 2005; amended at 30 Ill. Reg. 11678, effective July 1, 2006; amended at 37 Ill. Reg. 9544, effective July 1, 2013; amended at 39 Ill. Reg. 8454, effective July 1, 2015; amended at 42 Ill. Reg. 13641, effective July 1, 2018; amended at 43 Ill. Reg. 15044, effective January 1, 2020.

Section 2763.20 Applicant Eligibility

- a) A qualified applicant shall:
 - 1) be a minority student;
 - 2) be a resident of Illinois;

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- 3) be a citizen or ~~eligible noncitizen permanent resident~~ of the United States;
 - 4) be a high school graduate or a high school equivalency certificate recipient;
 - 5) be enrolled or accepted for enrollment on at least a half-time basis;
 - 6) be a student at an institution of higher learning;
 - 7) be enrolled or accepted for enrollment in a course of study which, upon completion, qualifies the student to be licensed as a preschool, elementary or secondary school teacher by the Illinois State Board of Education, including alternative teacher licensure;
 - 8) if enrolled at the sophomore, junior, senior or graduate level, have earned a cumulative grade point average of 2.5 on a 4.0 scale; and
 - 9) be maintaining satisfactory academic progress as determined by the institution.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764), the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), or the Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 43 Ill. Reg. 15044, effective January 1, 2020)

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- 1) Heading of the Part: AIM HIGH Grant Pilot Program
- 2) Code Citation: 23 Ill. Adm. Code 2766
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2766.30	Amendment
2766.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947/65.100].
- 5) Effective Date of Rules: January 1, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, 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*: 43 Ill. Reg. 6916; June 14, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed 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? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being revised due to legislation (PA 100-1183) that eliminated the previously required return of unexpended program funds each fiscal year.
- 16) Information and questions regarding these adopted rules shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2766
AIM HIGH GRANT PILOT PROGRAM

Section

2766.10	Summary and Purpose
2766.15	Definitions
2766.20	Institutional Applicant Eligibility
2766.30	Program Procedures
2766.40	Institutional Procedures
2766.50	Student Applicant and Recipient Eligibility

AUTHORITY: Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Former Part 2766 repealed at 31 Ill. Reg. 9523, effective July 1, 2007; new Part 2766 adopted by emergency rulemaking at 42 Ill. Reg. 17265, effective September 13, 2018, for a maximum of 150 days; new Part adopted at 43 Ill. Reg. 2263, effective February 1, 2019; amended at 43 Ill. Reg. 15048, effective January 1, 2020.

Section 2766.30 Program Procedures

- a) Each year, in the month of August, ISAC will request from each public university campus the number of undergraduate students who are residents of Illinois and citizens or eligible noncitizens of the U.S. and who were enrolled at that public university campus in the previous academic year.
- b) ISAC will determine for each public university campus its proportionate allocation of appropriated funds for the upcoming academic year using enrollment data provided in subsection (a).
- c) After determining the allocation of the appropriation for each public university campus, ISAC will inform each public university campus of the amount of its available allocation for the upcoming academic year.

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- d) Annually, each public university campus may opt to apply for all or part of its allocation of appropriated funds.
- e) If a public institution does not request all or part of its allocation, ISAC will reallocate those unclaimed funds, using the same methodology as the initial allocation determination, among the remaining universities that have indicated a desire to receive an additional allocation.
- f) In order to receive a disbursement of AIM HIGH funds, the university campus shall complete an application that shall be in a form provided by ISAC and shall include, at a minimum, the following information and documentation:
 - 1) the amount of the allocation the university has claimed for the upcoming academic year;
 - 2) the total university campus funds used to match funds received from ISAC in the previous academic year, if any;
 - 3) the total number of undergraduate students who are residents of Illinois from the previous academic year;
 - 4) all information and certifications that demonstrate eligibility as described in Section 2766.20; and
 - 5) any other information or certifications required by law or the Grant Agreement.
- g) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the completed application is received at ISAC's Springfield office at 500 West Monroe, 3rd Floor, Springfield IL 62704.
- h) A university that does not submit a complete and timely application may not be eligible to receive its allocation. Instead, its share may be distributed by ISAC using the allocation determination methodology in subsection (a) to make the remaining funds available for other universities that filed timely applications and indicate a desire for an additional allocation.

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- i) The total amount of grant funds to be distributed among eligible applicant universities in a given academic year is contingent upon available funding from the previous fiscal year and whether all eligible institutions elect to receive their full allocation.
- j) No funds shall be distributed to the public university campus until all AIM HIGH funds from the previous academic year have been reconciled, including any claimed and unexpended funds that were retained by the public university campus and any awarded funds not used to fund awards in compliance with Section 2766.20 have been returned.
- k) Depending upon the number of academic years and the degree to which the public university campus fails to make its matching requirement or MOE, the university campus may be suspended from participating in AIM HIGH in an academic year, but shall be eligible to regain eligibility in the academic year following the suspension.
- l) When making the determination to reduce an award under Section 2766.20(b)(2) and (3), or suspend a university campus from AIM HIGH for not meeting its matching requirement or MOE under subsection (k), ISAC shall take into account the circumstances that may have contributed to this failure, such as, but not limited to:
 - 1) a reduction in State appropriations to fund the public university campus in that academic year;
 - 2) the number of matching requirements or MOE qualifying awards offered by the public institution, but not accepted by students in that academic year; and
 - 3) the commitment demonstrated by the public university campus to maintaining level tuition and mandatory fees for Illinois residents over multiple academic years.

(Source: Amended at 43 Ill. Reg. 15048, effective January 1, 2020)

Section 2766.40 Institutional Procedures

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- a) In addition to complying with Section 2766.30, the public university campus shall be responsible for administering and making awards to students in compliance with this Section, Section 2766.50 and the policies of the university campus. For its own awards using its AIM HIGH allocation, a public university campus shall:
- 1) *establish the amount of the award based on an individual or broad basis in compliance with Section 2766.50 [110 ILCS 947/65.100];*
 - 2) establish reasonable criteria consistent with eligibility criteria in Section 2766.50;
 - 3) use grant funds solely to fund awards of non-loan financial aid at that university campus during the academic year, not including summer terms;
 - 4) renew the award each year for each student who meets the renewal criteria established by the public university campus, consistent with the renewal eligibility criteria in Section 2766.50, in amounts not less than the amount provided in the student's first year at that university campus;
 - 5) give preference to eligible renewal applicants in any academic year funding is insufficient to award to all eligible applicants;
 - 6) use its best efforts to delegate grant funds amongst a racially diverse range of students and not use a student's race, color, religion, sex (including gender identity, sexual orientation, or pregnancy), national origin, age, disability, or genetic information to disqualify him or her from receiving an AIM HIGH award (see P.A. 100-587 and P.A. 100-1015);
 - 7) post on its website the criteria and eligibility requirements and the amount of the AIM HIGH award and provide that information to ISAC and the Illinois Board of Higher Education (IBHE) to post on their respective websites (www.isac.org and www.ibhe.org);
 - 8) indicate in each initial student award application the renewal criteria for each academic year and not change those criteria for that recipient;
 - 9) make each renewal award contingent upon the availability of funding for the academic year in which the award is used; and

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- 10) reconcile ~~and return~~ the amount of claimed and unexpended AIM HIGH funds that were retained but not used for awards in the academic year for which funds were granted before receiving the distribution of its allocation for the next academic year.
- b) Each institution shall be responsible for meeting its statutorily-mandated matching requirement and MOE to remain eligible for its allocation. (See Sections 2766.15 and 2766.20.)
- c) Annually, on or about the end of each academic year, in a format determined by ISAC, each participating public university campus shall report the following information to ISAC:
 - 1) *the Program's impact on tuition revenue and enrollment goals and increase in access and affordability at the public university campus;*
 - 2) *total funds received by the public university campus under the Program;*
 - 3) *total non-loan financial aid awarded to undergraduate students attending the public university campus;*
 - 4) *total amount of funds matched by the public university campus;*
 - 5) *total amount of claimed and unexpended funds ~~retained~~ refunded to ISAC by the public university campus;*
 - 6) *the percentage of total financial aid, including awards made with matching funds, distributed under the Program by the public university campus; and*
 - 7) *the total number of students receiving awards from the public university campus under the Program including awards made with matching funds and those students' name, date of birth, grade level, race, ethnicity, gender, income level, family size, Monetary Award Program eligibility, Pell Grant eligibility, ZIP code of residence, and the amount of each award and the total cost of attendance for each student after non-loan financial aid. This information shall include unit record data on those students regarding variables associated with the parameters of the public university campus' Program, including, but not limited to, a student's ACT*

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or SAT college admissions test score, high school or university cumulative grade point average, or program of study. [110 ILCS 947/65.100]

(Source: Amended at 43 Ill. Reg. 15048, effective January 1, 2020)

OFFICE OF THE ATTORNEY GENERAL

JANUARY 2020 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Hospital Financial Assistance under the Fair Patient Billing Act (77 Ill. Adm. Code 4500)
- 1) Rulemaking:
- A) Description: The Attorney General intends to propose amendments that will update the federal poverty income guidelines found in Appendix A.
- B) Statutory Authority: Fair Patient Billing Act [210 ILCS 88/27]
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: February 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The proposed amendments may affect small municipalities and not-for-profit corporations that operate hospitals in Illinois by requiring the modification of their forms or software to reflect updated federal poverty income guideline information.
- F) Agency contact person for information:
- David F. Buysse
Deputy Chief, Public Interest Division
Office of the Illinois Attorney General
100 West Randolph Street, 12th Floor
Chicago IL 60601
- 312/814-7236
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Attorney General's Procurement (44 Ill. Adm. Code 1300)
- 1) Rulemaking:

OFFICE OF THE ATTORNEY GENERAL

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- A) Description: The Attorney General Act [15 ILCS 205] was amended by PA 100-801 to require the Attorney General to establish aspirational goals for contract awards for goods and services, not related to contracts for investigations or litigation, that are substantially in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and to annually post the Office's utilization of businesses owned by minorities, women and persons with disabilities during the preceding fiscal year.
- B) Statutory Authority: The Attorney General Act [15 ILCS 205/9]
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: February 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking is not expected to affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:
- Melissa Mahoney
Deputy Chief of Staff, Administration
Office of the Illinois Attorney General
100 West Randolph Street, 12th Floor
Chicago IL 60601
- 312/814-3950
- G) Related rulemakings and other pertinent information: None

CHIEF PROCUREMENT OFFICER FOR THE
ILLINOIS DEPARTMENT OF TRANSPORTATION

JANUARY 2020 REGULATORY AGENDA

a) Part (Heading and Code Citation): Chief Procurement Officer for the Department of Transportation – Contract Procurement; 44 Ill. Admin Code 6

1) Rulemaking:

A) Description: The Chief Procurement Officer for the Department of Transportation (CPO) will propose rulemaking should legislation be enacted by the General Assembly which will affect our rules.

B) Statutory Authority: 30 ILCS 500

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: None scheduled

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses could be affected.

F) Agency contact person for information:

Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield IL 62764

217/558-5434

G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2020 REGULATORY AGENDA

a) Part (Heading and Code Citation): Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Material or Extremely Hazardous Substance (29 Ill. Adm. Code 430)

1) Rulemaking: Proposed Repealer

A) Description: IEMA plans to repeal this regulation because requirements for reporting hazardous spills are included in both 29 Ill. Adm. Code 430 and 29 Ill. Adm. Code 620. IEMA will include any necessary requirements in 29 Ill. Adm. Code 620. Merging the requirements into one regulation will streamline requirements and alleviate public confusion.

B) Statutory Authority: Implementing Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 [42 USC 11004] and authorized by Section 5(e) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(e)] and Section 7 of the Hazardous Materials Emergency Act [430 ILCS 50/7].

C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.

D) Date Agency anticipates First Notice: Summer 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that this rulemaking could alleviate duplicative regulatory burdens for businesses in the State.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
fax: 217/524-3698

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- G) Related rulemakings and other pertinent information: IEMA anticipates amending 29 Ill. Adm. Code 620, Emergency Planning and Community Right-to-Know.
- b) Part (Heading and Code Citation): Emergency Planning and Community Right-To-Know (29 Ill. Adm. Code 620)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA plans to propose amendments to reflect recent changes in federal requirements and to update antiquated references and procedures. IEMA also plans to merge requirements from 29 Ill. Adm. Code 430.
- B) Statutory Authority: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 USC 11001 et seq.) and the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100] and authorized by Section 5(e) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(e)].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Summer 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that this rulemaking could alleviate duplicative regulatory burdens for businesses in the State.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/524-0770
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- G) Related rulemakings and other pertinent information: IEMA also anticipates repealing 29 Ill. Adm. Code 430, merging those requirements into Part 620.
- c) Part (Heading and Code Citation): Administrative Hearings (32 Ill. Adm. Code 200)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA anticipates proposing amendments to IEMA's hearing regulations to identify the CMS Bureau of Administrative Hearings and include hearing procedures for all programs of IEMA and procedures for quashing subpoenas.
- B) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100], Illinois Grant Funds Recovery Act [30 ILCS 705] and the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Summer 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA does not anticipate these entities will be affected unless they have a hearing before IEMA.
- F) Agency contact person for information:

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fax: 217/524-3698

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): General Provisions for Radiation Protection (32 Ill. Adm. Code 310)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA plans to propose amendments to clarify the definition of dosimetry processor to include new technologies, such as direct ion storage, for obtaining and storing dosimetry results. In addition, IEMA is proposing to delete duplicative language.
- B) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This change will benefit all businesses with a radioactive material license by giving them an alternate method of measuring and reporting occupational doses to workers.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- e) Part (Heading and Code Citation): Licensing of Radioactive Material (32 Ill. Adm. Code 330)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA plans to propose an amendment to Section 330.40(d) to remove the exemption for water treatment residuals from this Part. Revised regulations for water treatment residuals will be provided in a new rule being proposed by IEMA.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that businesses, small and some not-for-profit corporations will be affected if they are producing or in possession of water treatment residuals.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: See information regarding the proposal of 32 Ill. Adm. Code 622.
- 2) Rulemaking: Proposed Amendment

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- A) Description: IEMA will propose amendments to Section 330.310 (i)(1) to include sealed sources in the two-year storage restriction for radioactive material that is not being used and Section 330.310(c) to add a time limitation on submittal of information for transfer of ownership for licenses. IEMA needs to have a written request in hand 90 days prior to transfer in order to make sure all the licensing requirements are met and that the new owner is legally bound to adhere to those requirements. IEMA plans to eliminate duplicative language and outdated cross-references.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These proposed amendments may affect these entities if they have licensed radioactive material in storage. The amendment would increase the level of oversight of material and may result in costs for disposal of unwanted material. In addition, these entities may be affected if they transfer ownership of their license. This change will benefit all entities as it ensures that regulatory requirements are met with no delay in production for businesses.
- F) Agency contact person for information:

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- G) Related rulemakings and other pertinent information: The source storage regulation already exists in 32 Ill. Adm. Code 330.220(a)(6) for generally licensed sources.
- f) Part (Heading and Code Citation): Fees for Radioactive Material Licensees (32 Ill. Adm. Code 331)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to add clarifying language to ensure that fees are required unless the licensee has submitted a termination request and disposed of licensed radioactive material prior to September 30th and to ensure consistency of billing with recovery and remediation fees and reciprocity fees. In addition, IEMA will propose an exemption to the reciprocity fee for federal agencies and their prime contractors that provide training to first responders and governmental entities in Illinois.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These proposed amendments could affect small businesses or not-for-profit corporations if they hold a radioactive material license. The effect should be minimal and will help prevent unnecessary billing to the licensee. The fee exemption for federal agencies will be beneficial to small municipalities who receive training as the cost of the fee will not be passed down.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2020 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Licensing Requirements for Source Material Milling Facilities (32 Ill. Adm. Code 332)

1) Rulemaking: Proposed Amendment

A) Description: IEMA is anticipating proposing amendments to Part 332 to allow conditional and restricted release during license termination.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40] and the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.

D) Date Agency anticipates First Notice: Spring/Summer 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: There is only one current licensee under this Part, which does not fall under these categories, and there will not be any future source material milling facilities in Illinois. Therefore, these amendments will not have an effect on these entities.

F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- G) Related rulemakings and other pertinent information: None
- h) Part (Heading and Code Citation): Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA plans to propose amendments to change a reference for obtaining instructions for completing waste manifests from our federal counterparts at U.S. NRC and to change the requirement for securing portable gauges under two locks when not under the control of the licensee to include all portable devices. Recent events have demonstrated that this additional layer of protection is necessary for public health and safety.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses in possession of a portable gauge; however, the cost should be minimal to introduce another lock or locking container into their storage and transportation procedures. This requirement will benefit both the licensee and the public by ensuring the radioactive material is secured from theft, sabotage or loss.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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G) Related rulemakings and other pertinent information: Nonei) Part (Heading and Code Citation): Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill. Adm. Code 350)1) Rulemaking: Proposed AmendmentA) Description: IEMA will propose amendments to Part 350 adding a requirement that devices must be stored and transported under a two lock security system and to allow use of the latest electronic dosimeters based on new technology.B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.D) Date Agency anticipates First Notice: Spring 2020E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses; however, the cost should be minimal to include another lock or locking container into their storage and transportation procedures. This will benefit the licensee and the public by ensuring radioactive material is secured from loss, theft or sabotage. The change to dosimetry will allow licensees to use the latest technology and add other options for their dosimetry needs.F) Agency contact person for information:Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2020 REGULATORY AGENDA

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- G) Related rulemakings and other pertinent information: A similar regulation was adopted in 32 Ill. Adm. Code 340.810(g) for portable gauges.
- j) Part (Heading and Code Citation): Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (32 Ill. Adm. Code 351)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to Part 351 to add a requirement that devices must be stored and transported under a two lock security system and to allow use of the latest electronic dosimeters based on new technology.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses; however, the cost should be minimal to introduce another lock or locking container into their storage and transportation procedures. This requirement will benefit both the licensee and the public by ensuring the radioactive material is secured from theft, sabotage or loss. The change to dosimetry will allow licensees to use the latest technology and add other options for their dosimetry needs.
- F) Agency contact person for information:

Traci Burton

Illinois Emergency Management Agency

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2020 REGULATORY AGENDA

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- G) Related rulemakings and other pertinent information: A similar rule in 32 Ill. Adm. Code 340.810(g) for portable gauges has been in existence since 2007.
- k) Part (Heading and Code Citation): Notices, Instructions and Reports to Workers; Inspections (32 Ill. Adm. Code 400)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to Section 400.120 adding a requirement to maintain records of training for five years so that these can be verified during inspections. The amendment would also clarify that signatures are not required for on-line training if identity can be verified.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This could affect all these entities if they have a radioactive material license with IEMA. They will have to ensure that documented evidence of training is maintained. The effect should be minimal since most licensees already have this in place. It will also allow larger institutions such as universities to use on-line training without securing actual signatures from every user.
- F) Agency contact person for information:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Water Treatment Residuals (32 Ill. Adm. Code 622)

1) Rulemaking: Proposed New Rule

- A) Description: IEMA anticipates proposing a new rule that provides requirements and guidance for entities in possession of water treatment residuals. Currently, requirements for possession of water treatment residuals are located in 32 Ill. Adm. Code 330.40(d) as an exemption to radioactive material licensing. IEMA's anticipated rule amendments will remove the exemption in Section 330.40(d) and replace it with revised requirements in the new Part 622. Part 622 will not require a radioactive material license as long as certain possession and worker safety requirements are met.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Summer 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities and not-for-profit corporations may be affected if they possess water treatment residuals. A radioactive material license will not be required as long as certain possession and worker safety requirements are met. Some of the regulatory burdens such as annual reporting will be eliminated.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
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G) Related rulemakings and other pertinent information: See also information under proposed amendment to 32 Ill. Adm. Code 330.40(d).

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2020 REGULATORY AGENDA

a) Part (Heading and Code Citation): Corporate Governance Annual Disclosure (New Rule), 50 Ill. Adm. Code 630

1) Rulemaking:

A) Description: The proposed new rule will require corporate governance reporting for insurers and provides for the confidential treatment of this information. The NAIC's Corporate Governance Annual Disclosure Model Act (#305) and Corporate Governance Annual Disclosure Model Regulation (#306) will be accreditation standards effective 1/1/2020.

The rule will not impose additional corporate governance rules, standards or procedures on insurance companies, but requires a new disclosure filing to be submitted to the Department by each insurance company that describes the corporate governance structure, policies and practices in use at the company. Regulatory oversight of insurance companies has changed significantly in the past 5 years with more focus on how a company manages itself, and, in particular, how it identifies, assesses and mitigates risks. The filing will assist regulators in fulfilling their oversight responsibilities.

The filing and all attachments are confidential and must be certified by the Chief Executive Officer or Secretary of the insurance company to attest that the insurer has implemented the corporate governance practices described in the filing and that a copy of the filing has been provided to the Board of Directors.

B) Statutory Authority: PA 101-0600; 215 ILCS VIII 1/3

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: January 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: None expected.

F) Agency contact person for information:

Kevin Fry, Chief Operating Officer

ILLINOIS DEPARTMENT OF INSURANCE

JANUARY 2020 REGULATORY AGENDA

Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/782-1756

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Required Procedure for Filing and Securing Approval of Policy Forms, 50 Ill. Adm. Code 916

1) Rulemaking:

A) Description: Section 916.40 will be amended to add prohibitions of filing requirements not mentioned in the Insurance Code that are preventing the Department from performing thorough reviews in regard to parity for mental health/substance use disorders, cancer drug parity, and abortion benefits with maternity care benefits, specifically requiring full policy submissions for all products by prohibiting matrix pages, insert pages, or module filings, as well as, limiting variable language to identifying characteristics only (policy name, member name, policy number, other identifiable information, etc.) Additionally, the amendments will provide clarification regarding form filing consistency and submission requirements in the System for Electronic Rate and Form Filings (SERFF).

B) Statutory Authority: 215 ILCS 5/143(1)

C) Scheduled meeting/hearing dates: None scheduled.

D) Date Agency anticipates First Notice: Spring 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ryan Gillespie
Deputy Director, Health Products

ILLINOIS DEPARTMENT OF INSURANCE

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Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/558-2746

- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1405

- c) Part (Heading and Code Citation): Credit Life and Credit Accident and Health Insurance, 50 Ill. Adm. Code 1051

1) Rulemaking:

- A) Description: This rule provides guidance on the filing of Credit Life Insurance rates. We are seeking to amend the rule to more closely align with Illinois statutes regarding the need for an administrative hearing and to more closely align with the NAIC model regulation.
- B) Statutory Authority: 215 ILCS 5/155.58 and 155.62
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Kevin Fry, Chief Operating Officer
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/782-1756

ILLINOIS DEPARTMENT OF INSURANCE

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- G) Related rulemakings and other pertinent information: Parts 1052 and 1053, related to credit disability insurance and credit premium refunds, are also being amended.
- d) Part (Heading and Code Citation): Credit Accident and Health Insurance, 50 Ill. Adm. Code 1052
- 1) Rulemaking:
- A) Description: This rule provides guidance on the filing of Credit Accident and Health Insurance rates. We are seeking to amend the rule to more closely align with the NAIC model regulation.
- B) Statutory Authority: 215 ILCS 5/155.58 and 155.62
- C) Scheduled meeting/hearing dates: None are currently scheduled.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Kevin Fry, Chief Operating Officer
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767
- 217/782-1756
- G) Related rulemakings and other pertinent information: Parts 1051 and 1053, related to credit disability insurance and credit premium refunds, are also being amended.
- e) Part (Heading and Code Citation): Premium Refunds, 50 Ill. Adm. Code 1053
- 1) Rulemaking:

ILLINOIS DEPARTMENT OF INSURANCE

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- A) Description: This rule provides guidance on premium refunds for decreasing term insurance and level term insurance. We are seeking to amend the rule to more closely align with the NAIC model regulation and to possibly to incorporate it into Part 1051, thereby eliminating the rule altogether.
- B) Statutory Authority: 215 ILCS 5/155.58 and 155.62
- C) Scheduled meeting/hearing dates: None currently scheduled.
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Kevin Fry, Chief Operating Officer
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767
- 217/782-1756
- G) Related rulemakings and other pertinent information: Parts 1051 and 1052, related to credit disability insurance and credit premium refunds, are also being amended.
- f) Part (Heading and Code Citation): Construction and Filing of Life Insurance and Annuity Forms, 50 Ill. Adm. Code Part 1405
- 1) Rulemaking:
- A) Description: Sections 1405.20(b)(1)(B) and 1405.80 will be removed to coincide with proposed revisions to 50 Ill. Adm. Code 916 prohibiting insurers from filing Life and Annuity policies and contracts on a Matrix Insert Page basis. Section 1405.40 will be amended to clarify 215 ILCS 226(1)(b) regarding contestability in annuities, to clarify 215 ILCS 224(1)(d) regarding misstatements of age, add requirements for graded

ILLINOIS DEPARTMENT OF INSURANCE

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death benefit policies, clarify 215 ILCS 5/224(1)(j) regarding payment of the death benefit and further clarify the requirements of Section 1405.40(v)(3) regarding Format - Riders and Endorsements.

- B) Statutory Authority: 215 ILCS 5/143, 5/224, 5/226 and 5/401
- C) Scheduled meeting/hearing dates: None are scheduled.
- D) Date Agency anticipates First Notice: January 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated.

- F) Agency contact person for information:

Michael Chrysler, Deputy Director
Life & Annuities Products
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767-0001

217/558-2744

- G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 916

- g) Part (Heading and Code Citation): Universal Life Insurance, 50 Ill. Adm. Code Part 1411

- 1) Rulemaking:

- A) Description: 50 Ill. Adm. 1411.50(g) is being amended to remove "or Sex" from the heading and text since this language contradicts the language in 215 ILCS 5/224(1)(d).
- B) Statutory Authority: 215 ILCS 5/143, 215 ILCS 5/224 (1)(d) and 215 ILCS 5/401
- C) Scheduled meeting/hearing dates: None are scheduled.

ILLINOIS DEPARTMENT OF INSURANCE

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- D) Date Agency anticipates First Notice: January 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated.
- F) Agency contact person for information:

Michael Chrysler, Deputy Director
Life & Annuities Products
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767-0001

217/558-2744

- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Construction and Filing of Accident and Health Insurance Policy Forms, 50 Ill. Adm. Code 2001

- 1) Rulemaking:
 - A) Description: The Department would like to clarify the use of corporate names in consumer facing documents, marketing materials, and webpages. This will assist consumers in providing better transparency regarding which entity bears the risk of their insurance or HMO plan.
 - B) Statutory Authority: 215 ILCS 5/143
 - C) Scheduled meeting/hearing dates: None
 - D) Date Agency anticipates First Notice: Spring 2020
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

ILLINOIS DEPARTMENT OF INSURANCE

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Ryan Gillespie
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/558-2746

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Infertility Coverage, 50 Ill. Adm. Code 2015

1) Rulemaking:

A) Description: Part 2015 will be amended to be consistent with applicable statutes and recent legislation, and to eliminate redundant language.

B) Statutory Authority: 215 ILCS 5/356m, 215 ILCS 5/401 and 215 ILCS 125/5-3

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: Spring 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Ryan Gillespie
Deputy Director, Health Products
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/558-2746

G) Related rulemakings and other pertinent information: None

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j) Part (Heading and Code Citation): Medical Necessity Criteria for Bundled Treatments of Serious Mental Illness in Children and Young Adults (new rule), 50 Ill. Adm. Code 2035

1) Rulemaking:

A) Description: Under PA 101-0461, the Department must adopt a new rule to define the medical necessity criteria for coordinated specialty care for first episode psychosis treatment, assertive community treatment, and community support team treatment. These are bundled, evidence-based treatments that individual and group health insurance policies and managed care plans will be required to cover for early treatment of a serious mental illness in a child or young adult under age 26. The medical necessity criteria will apply to health insurance coverage offered by a health insurance company or a health maintenance organizations, the program of health benefits under the State Employees Group Insurance Act of 1971, a county providing health insurance coverage for its employees as a self-insurer under the Counties Code, a municipality providing health insurance coverage for its employees as a self-insurer under the Illinois Municipal Code, and a school board providing health insurance protection and benefits for its employees and their dependents under the School Code.

B) Statutory Authority: 5 ILCS 375/6.11; 55 ILCS 5/5-1069.3; 65 ILCS 5/10-4-2.3; 105 ILCS 5/10-22.3f; 215 ILCS 5/356z.33 (as added by PA 101-0461); 215 ILCS 5/401; 215 ILCS 125/5-3

C) Scheduled meeting/hearing dates: None scheduled.

D) Date Agency anticipates First Notice: March 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Kate Morthland
Health Insurance Policy Advisor
Illinois Department of Insurance
320 W Washington St.

ILLINOIS DEPARTMENT OF INSURANCE

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Springfield IL 62767

217/557-7311

- G) Related rulemakings and other pertinent information: The Department is viewing, but has not yet decided, whether it also will be appropriate to amend certain existing rules to be consistent with the new rule: Preferred Provider Programs, 50 Ill. Adm. Code 2051; Managed Care Reform & Patient Rights, 50 Ill. Adm. Code 4520; Health Maintenance Organization, 50 Ill. Adm. Code 4521; and Health Carrier External Review, 50 Ill. Adm. Code 4530.
- k) Part (Heading and Code Citation): Arson Fraud Detection Reporting System, 50 Ill. Adm. Code 2303
- 1) Rulemaking:
- A) Description: Part 2303 will be repealed. The designated data processing organization, Property Insurance Loss Register (PILR), has not existed since the late 1990s. As a result this rule has been unenforceable and the State Fire Marshal has not received any search analysis reports from PILR since that time. The enabling statutes allows, but does not require, the Department to establish a Rule requiring companies to report information to a designated data processing organization. The initial rule was very limited in scope requiring companies to report information "on real estate and/or the personal property contained therein amounting to \$1,000 or more resulting from loss due to fire and lighting or explosion when fires ensues." This rulemaking is simply removing an old unenforceable rule.
- B) Statutory Authority: 215 ILCS 5/155.23 and 401
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Spring 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

ILLINOIS DEPARTMENT OF INSURANCE

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Reid McClintock, Deputy Director
Property and Casualty Products
Illinois Department of Insurance
320 W. Washington St.
Springfield IL 62767

217/558-3952

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Pharmacy Benefit Managers (new rule), 50 Ill. Adm. Code 3145

1) Rulemaking:

A) Description: HB 465 created a new Section in the Illinois Insurance Code, 215 ILCS 5/513b1 et seq. Within the statute it indicates that the Director will establish rules. The Department needs to establish the fee, application and definitions within rule to support statute.

B) Statutory Authority: 215 ILCS 5/513b1 et seq.

C) Scheduled meeting/hearing dates: None

D) Date Agency anticipates First Notice: January 2020

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Kevin Fry, Chief Operating Officer
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767

217/782-1756

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- G) Related rulemakings and other pertinent information: None
- m) Part (Heading and Code Citation): Third Party Prescription Administrators, 50 Ill. Adm. Code 3150
- 1) Rulemaking:
- A) Description: The majority of licenses issued by the Department of Insurance renew on an annual anniversary date. The Department is changing the third party prescription administrator renewal date from a fixed date of April 1 to an annual renewal of one year of the date of issuance to be consistent with other license types.
- B) Statutory Authority: Implementing Sections 512-1, 512-2, 512-3, 512-4, 512-5, 512-6, 512-8, 512-9 and 512-10 of the Illinois Insurance Code [215 ILCS 5].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: January 2020
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Kevin Fry, Chief Operating Officer
Illinois Department of Insurance
320 West Washington St.
Springfield IL 62767
- 217/82-1756
- G) Related rulemakings and other pertinent information: None

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- a) Part (Heading and Code Citation): Permits and General Provisions (35 Ill. Adm. Code 201)
- 1) Rulemaking: No docket presently reserved
- A) Description: Under Section 9.16(n) of the Environmental Protections Act, added by PA 101-22 (eff. June 21, 2019), the Illinois Environmental Protection Agency within 180 days after the effective date of the PA must submit to the Board proposed rules for ambient air testing of ethylene oxide.
- B) Statutory Authority: Implementing Section 9.16(n) and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.16(n), 27, and 28]
- C) Scheduled meeting/hearing dates: The Board has not yet scheduled hearings on the proposal.
- D) Date Agency anticipates First Notice: The second half of calendar year 2020.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Entities that may be affected by these proposed rules would include any source or facility that manages or generates ethylene oxide.
- F) Agency contact person for information: Address written comments concerning the substance of this rulemaking to:
- Don Brown, Clerk
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago IL 60601
- 312/814-3461
don.brown@illinois.gov
- G) Related rulemakings and other pertinent information: None

POLLUTION CONTROL BOARD

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b) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 211)

1) Rulemaking: Docket number R20-12

A) Description: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] requires the Board to adopt rules that are identical-in-substance to exempt from regulation those volatile organic compounds that the United States Environmental Protection Agency (USEPA) has determined are exempt from regulation for ozone due to negligible photochemical reactivity. The Illinois definition of volatile organic material (VOM) lists the federally excluded volatile organic compounds.

USEPA codified the compounds determined by to be exempt from regulation as 40 C.F.R. § 51.100(s). 57 Fed. Reg. 3945 (Feb. 3, 1992). This codified definition includes all the compounds and classes of compounds excluded by USEPA. The Illinois definition of VOM, codified at 35 Ill. Adm. Code 211.7150, corresponds with USEPA's definition.

The Board reserved docket number R20-12 to accommodate any amendments to the 40 CFR 51.100(s) definition of VOM that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois definition of VOM using the identical-in-substance procedure or dismiss docket R20-12, as appropriate.

Section 9.1(e) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2019, the due date for Board adoption of amendments in docket R20-12 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public

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comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-12.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 9.1(e), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 9.1(e) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board will then schedule and conduct at least one public hearing, as required by Section 110(a) of the federal Clean Air Act (42 USC § 7410(a)) for amendment of the Illinois ozone SIP.
- D) Date Agency anticipates First Notice: Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of a chemical compound that is the subject of a proposed exemption or proposed deletion from the USEPA list of exempted compounds.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-12, as follows:

Don Brown, Clerk

POLLUTION CONTROL BOARD

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Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R20-12, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 211 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 9.1(e) of the Environmental Protection Act [415 ILCS 5/9.1(e)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- c) Part (Heading and Code Citation): Definitions and General Provisions (35 Ill. Adm. Code 243)

- 1) Rulemaking: Docket number R20-11

- A) Description: Section 10(H) to the Environmental Protection Act [415 ILCS 5/10(H)] requires the Board to adopt ambient air quality standards that are identical-in-substance to the National Ambient Air Quality Standards (NAAQS) adopted by the United States Environmental

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Protection Agency (USEPA) pursuant to section 109 of the federal Clean Air Act (42 USC § 7409).

USEPA codified the primary and secondary NAAQS at 40 CFR 50, including provisions relative to methods for monitoring ambient air quality for the several contaminants (particulate matter, nitrogen oxides, sulfur oxides, ozone, carbon monoxide, and lead). Various other federal regulations relate to aspects of the NAAQS, such as 40 CFR 53 prescribing the procedure for approval of equivalent and reference methods and 40 CFR 81 designating air quality monitoring regions and setting forth their attainment/non-attainment status.

The Board reserved docket number R20-11 to accommodate any amendments to the federal NAAQS that USEPA may adopt between December 31, 2019 and June 30, 2019.

The Board is presently aware of one pertinent federal action during this update period:

September 13, 2019 (84 Fed. Reg. 48286): USEPA redesignated Williamson County as attainment/unclassifiable for the 2010 primary one-hour NAAQS for sulfur dioxide.

September 26, 2019 (84 Fed. Reg. 50833): USEPA designated a new federal reference method (FRM) for monitoring nitrogen dioxide in ambient air.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois ambient air quality standards using the identical-in-substance procedure or dismiss this docket R20-11, as appropriate.

Section 10(H) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. USEPA adopted an amendment that will require Board action on September 13, 2019, the due date for Board adoption of amendments in docket R19-16 is September 13, 2020.

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To meet a due date of September 13, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by early June 2020. This would be sufficiently in advance of the due date to allow the Board to accept public comments on the proposal for 45 days before acting to adopt any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-11.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 10(H), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 10(H) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. The Board may then schedule and conduct at least one public hearing, if required by Section 110(a) of the federal Clean Air Act (42 USC § 7418) for amendment of the Illinois SIP for any air contaminant, should the Board deem such authorized and required.
- D) Date Agency anticipates First Notice: Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the emission of an air contaminant or precursor to an air contaminant that is the subject of an NAAQS.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-11, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R20-11, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 243 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 10(H) of the Environmental Protection Act [415 ILCS 5/10(H)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- d) Parts (Headings and Code Citations): Sewer Discharge Criteria (35 Ill. Adm. Code 307); Pretreatment Programs (35 Ill. Adm. Code 310)

- 1) Rulemaking: Docket number R20-10

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- A) Description: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] requires the Board to adopt Illinois rules that are identical-in-substance to wastewater pretreatment rules adopted by the United States Environmental Protection Agency (USEPA) under sections 307(a), (b), and (c) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(a), (b), and (c) and 1342(b)(8) and (b)(9)).

The Board has reserved docket number R20-10 to accommodate any amendments to the federal wastewater pretreatment rules, 40 CFR 400 through 499, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose corresponding amendments to the Illinois wastewater pretreatment regulations using the identical-in-substance procedure or dismiss docket R20-10, as appropriate.

Section 13.3 of the Act requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2019, the due date for Board adoption of amendments in docket R20-10 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-10.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13, 13.3, and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 13.3 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of

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the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.

- D) Date Agency anticipates First Notice: Section 13.3 of the Environmental Protection Act [415 ILCS 5/13.3] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the discharge of pollutants into the collection system of a publicly-owned treatment works that is the subject of any federal amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-10, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R20-10, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

POLLUTION CONTROL BOARD

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312/814-6924

michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 307 or 310 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 13.3 of the Environmental Protection Act provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- e) Part (Heading and Code Citation): Primary Drinking Water Standards (35 Ill. Adm. Code 611)

- 1) Rulemaking: Docket number R20-13

- A) Description: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] requires the Board to adopt Illinois rules that are identical-in-substance to update the Illinois drinking water requirements adopted by the United States Environmental Protection Agency (USEPA) under sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a), and 300j-4). The USEPA requirements may amend national primary drinking water regulations (NPDWRs), public notice requirements, restrictions on use of lead in plumbing, and monitoring and recordkeeping requirements.

The Board reserved docket number R20-13 to accommodate any amendments to NPDWRs, 40 CFR 141 through 143, that USEPA may adopt between July 1, 2019 and December 31, 2019.

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By about mid-February 2020, the Board will determine whether USEPA rules require any Board actions required in response. The Board will then propose necessary amendments to the Illinois SDWA primary drinking water regulations using the identical-in-substance procedure or dismiss docket R20-13, as appropriate.

Section 17.5 requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2019, the due date for Board adoption of amendments in docket R20-7 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-7.

- B) Statutory authority: Implementing and authorized by Sections 17, 17.5, and 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

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For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois that owns or operates a "public water supply", as defined by Section 3.28 of the Act, i.e., it has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-13, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R20-13, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 611 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not

POLLUTION CONTROL BOARD

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subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- f) Parts (Headings and Code Citations): RCRA and UIC Permit Programs (35 Ill. Adm. Code 702); UIC Permit Program (35 Ill. Adm. Code 704); Procedures For Permit Issuance (35 Ill. Adm. Code 705); Hazardous Waste Management System: General (35 Ill. Adm. Code 720); Underground Injection Control Operating Requirements (35 Ill. Adm. Code 730)
- 1) Rulemaking: Presently reserved docket number R20-14
- A) Description: Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] requires the Board to adopt Illinois rules that are identical-in-substance to underground injection control (UIC) rules adopted by the United States Environmental Protection Agency (USEPA) under section 1421 of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. § 300h).
- The Board reserved docket number R20-14 to accommodate any amendments to the federal UIC regulations, 40 CFR 144 through 147, that USEPA may adopt between July 1, 2019 and December 31, 2019.
- By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois UIC regulations using the identical-in-substance procedure or dismiss docket R20-14, as appropriate.
- Section 13(c) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2019, the due date for Board adoption of amendments in docket R20-14 would be July 1, 2020.
- To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public

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comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-14.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 13(c) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13(c) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 13(c) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, this rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation in Illinois to the extent the affected entity engages in the underground injection of waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-14, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

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Address questions concerning this regulatory agenda, noting docket number R20-14, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 702, 704, 705, 720, or 730 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- g) Parts (Headings and Code Citations): RCRA AND UIC Permit Programs (35 Ill. Adm. Code 702); RCRA Permit Program (35 Ill. Adm. Code 703); Procedures for Permit Issuance (35 Ill. Adm. Code 705); Hazardous Waste Management System: General (35 Ill. Adm. Code 720); Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721); Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722); Standards Applicable to Transporters of Hazardous Waste (35 Ill. Adm. Code 723); Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724); Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 725); Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726); Land Disposal Restrictions (35 Ill. Adm. Code 728); Standards for Universal Waste

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Management (35 Ill. Adm. Code 733); Hazardous Waste Injection Restrictions (35 Ill. Adm. Code 738); Standards for the Management of Used Oil (35 Ill. Adm. Code 739)

- 1) Rulemaking: Docket number R20-16
 - A) Description: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] requires the Board to adopt Illinois rules that are identical-in-substance to hazardous waste management standards adopted by the United States Environmental Protection Agency (USEPA) to implement sections 3001 through 3005 of Subtitle C of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6921 through 6925).

The Board reserved docket number R20-16 to accommodate any amendments to the federal RCRA Subtitle C program, 40 CFR 148, 260 through 270, 273, and 279, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois federal RCRA Subtitle C-derived hazardous waste regulations using the identical-in-substance procedure or dismiss docket R20-16, as appropriate.

Section 22.4(a) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2019, the due date for Board adoption of amendments in docket R20-14 would be July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by mid-March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-4.

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- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(a), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that engages in the generation, transportation, treatment, storage, or disposal of hazardous waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-16, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R20-16, as follows:

POLLUTION CONTROL BOARD

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Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924

michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 720 through 728, 733, 738, or 739 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- h) Part (Heading and Code Citation): Underground Storage Tanks (35 Ill. Adm. Code 731)

- 1) Rulemaking: Docket number R20-9

- A) Description: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] requires the Board to adopt Illinois rules that are identical-in-substance to underground storage tank (UST) regulations adopted by the United States Environmental Protection Agency (USEPA) pursuant to section 9003 of Subtitle I of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991b (2017)). The mandate specifically excludes federal amendments relating to the design, construction, installation, general operation, release detection, release reporting, release investigation, release confirmation, out-of-service systems, and closure or financial responsibilities for USTs.

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The Board reserved docket number R20-9 to accommodate any amendments to the RCRA Subtitle I regulations, 40 CFR 281 through 283, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois UST regulations using the identical-in-substance procedure or dismiss docket R20-9, as appropriate.

Section 22.4(d) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, on July 1, 2019, the due date for Board adoption of amendments in docket R20-9 is July 1, 2020.

To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-9.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.4(d), and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.4(d) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will cause a Notice of Proposed Amendments to appear in the *Illinois Register*, and it will accept public comments on the proposal for 45

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days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a UST.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-9, as follows:

Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R20-9, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 731 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.4(d) of the Environmental Protection Act [415 ILCS 5/22.4(d)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this

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rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- i) Parts (Headings and Code Citations): Solid Waste (35 Ill. Adm. Code 807); Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810); Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811); Information to Be Submitted in a Permit Application (35 Ill. Adm. Code 812); Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813); Interim Standards for Existing Landfills and Units (35 Ill. Adm. Code 814); Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)

- 1) Rulemaking: Presently reserved docket number R20-15

- A) Description: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] requires the Board to adopt Illinois rules that are identical-in-substance to municipal solid waste landfill (MSWLF) rules adopted by the United States Environmental Protection Agency (USEPA) under sections 4004 and 4010 of Subtitle D of the federal Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6949 and 6949a).

The Board reserved docket number R20-15 to accommodate any amendments to the RCRA Subtitle D MSWLF regulations, 40 CFR 258, that USEPA may adopt between July 1, 2019 and December 31, 2019.

By about mid-February 2020, the Board will determine whether USEPA rules require any Board action in response. The Board will then propose necessary amendments to the Illinois RCRA Subtitle D MSWLF regulations using the identical-in-substance procedure or dismiss docket R20-15, as appropriate.

Section 22.40(a) requires that the Board complete amendments within one year of the date on which USEPA adopted the earliest action upon which the amendments are based. Assuming USEPA adopted an amendment that will require Board action on the first day of the update period, July 1, 2019, the due date for Board adoption of amendments in docket R20-15 would be July 1, 2020.

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To meet a due date of July 1, 2020, the Board would propose amendments and publish a Notice of Proposed Amendments to in the *Illinois Register* by late March 2020. This would allow the Board to accept public comments on the proposal for 45 days before adopting any amendments. Alternatively, if no amendment to the Illinois definition is needed, the Board will promptly dismiss the reserved docket R20-15.

- B) Statutory authority: Implementing and authorized by Sections 7.2, 22.40(a) and 27 of the Environmental Protection Act [415 ILCS 5/7.2, 22.40(a) & 27].
- C) Scheduled meeting/hearing dates: None scheduled at this time. The Board would propose any amendments according to Sections 27 and 28 of the Act [415 ILCS 5/27 & 28]. No hearing is required in identical-in-substance proceedings.
- D) Date Agency anticipates First Notice: Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that this rulemaking is not subject to Section 5-35 of the APA [5 ILCS 100/5-35]. For this reason, the rulemaking is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication, as required by section 7.3(b)(1) of the Environmental Protection Act [415 ILCS 5/7.3(b)(1)] and section 5-40 of the Administrative procedure Act [5 ILCS 100/5-40].

For the reasons above, the Board cannot now anticipate an exact date for publication.

- E) Effect on small business, small municipalities, or not-for-profit corporations: This rulemaking may affect any small business, small municipality, or not-for-profit that engages in the land disposal of municipal solid waste.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking, noting docket number R20-15, as follows:

POLLUTION CONTROL BOARD

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Don Brown, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

Address questions concerning this regulatory agenda, noting docket number R20-15, as follows:

Michael J. McCambridge, Attorney
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago IL 60601

312/814-6924
michael.mccambridge@illinois.gov

- G) Related rulemakings and other pertinent information: No other rulemaking that would affect 35 Ill. Adm. Code 807 or 810 through 815 is now planned. However, if the Board receives a rulemaking proposal under 415 ILCS 5/27 and 28, it may initiate a rulemaking at any time.

Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) [5 ILCS 100/5-35] shall not apply. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules. Rather, the Board will publish a Notice of Proposed Amendments in the *Illinois Register*, and it will accept public comments on the proposal for 45 days after the date of publication.

- j) Parts (Heading and Code Citation): General Provisions (35 Ill. Adm. Code 1420)

- 1) Rulemaking: Docket Number R20-17

- A) Description: The Illinois Environmental Protection Agency (IEPA) filed a proposal on January 10, 2018 to update the Board's rules. The IEPA's filing was prompted by Executive Order 2016-13, which requires each State Agency under the jurisdiction of the Governor to review its regulations to determine which of them are outdated, repetitive, confusing,

POLLUTION CONTROL BOARD

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unnecessary, or harmful to the economy. The Board accepted IEPA's proposal and opened eight additional rulemaking dockets – each one limited to nonsubstantive revisions to a subtitle of the Board's rules – on March 22, 2018. Among them was a docket for Subtitle O, for which IEPA proposed no amendments.

During its review, the Board discovered a specific substantive issue with the definition of "Class 4 etiologic agent". In this rulemaking, the Board considers substantively amending the definition of "Class 4 etiologic Agent" contained in the Board's potentially infectious medical waste (PIMW) regulations, within Subtitle M of the Illinois Administrative Code's Title 35. The PIMW rules regulate the treatment, packaging, labeling, storage, transportation, and disposal of this type of waste, and apply to generators, transporters, and receiving facilities of this waste.

- B) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 & 27].
- C) Scheduled meeting/hearing dates: The Board intends to hold at least two hearings during the public comment period by videoconference in Chicago and Springfield.
- D) Date Agency anticipates First Notice: The Board expects to consider this rulemaking for first notice publication in the *Illinois Register* in the Summer of 2020.
- E) Effect on small business, small municipalities or not-for-profit corporations: This rulemaking may have an effect any small business, small municipality, or not-for-profit corporation that engages in the treatment, packaging, labeling, storage, transportation, and disposal of PIMW.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking to:

Don Brown, Clerk
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago IL 60601

POLLUTION CONTROL BOARD

JANUARY 2020 REGULATORY AGENDA

Address questions concerning this regulatory agenda to:

Chloe Cummings
Pollution Control Board
100 W Randolph, Suite 11-500
Chicago IL 60601

312/814-3665
Chloe.Cummings@Illinois.Gov

- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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