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July 23, 2021 Volume 45, Issue 30

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2021

Issue#	Rules Due Date	Date of Issue
1	December 21, 2020	January 4, 2021
2	December 28, 2020	January 8, 2021
3	January 4, 2021	January 15, 2021
4	January 11, 2021	January 22, 2021
5	January 19, 2021	January 29, 2021
6	January 25, 2021	February 5, 2021
7	February 1, 2021	February 16, 2021
8	February 8, 2021	February 19, 2021
9	February 16, 2021	February 26, 2021
10	February 22, 2021	March 5, 2021
11	March 1, 2021	March 12, 2021
12	March 8, 2021	March 19, 2021
13	March 15, 2021	March 26, 2021
14	March 22, 2021	April 2, 2021
15	March 29, 2021	April 9, 2021
16	April 5, 2021	April 16, 2021
17	April 12, 2021	April 23, 2021
18	April 19, 2021	April 30, 2021
19	April 26, 2021	May 7, 2021
20	May 3, 2021	May 14, 2021
21	May 10, 2021	May 21, 2021
22	May 17, 2021	May 28, 2021

23	May 24, 2021	June 4, 2021
24	June 1, 2021	June 11, 2021
25	June 7, 2021	June 18, 2021
26	June 14, 2021	June 25, 2021
27	June 21, 2021	July 2, 2021
28	June 28, 2021	July 9, 2021
29	July 6, 2021	July 16, 2021
30	July 12, 2021	July 23, 2021
31	July 19, 2021	July 30, 2021
32	July 26, 2021	August 6, 2021
33	August 2, 2021	August 13, 2021
34	August 9, 2021	August 20, 2021
35	August 16, 2021	August 27, 2021
36	August 23, 2021	September 3, 2021
37	August 30, 2021	September 10, 2021
38	September 7, 2021	September 17, 2021
39	September 13, 2021	September 24, 2021
40	September 20, 2021	October 1, 2021
41	September 27, 2021	October 8, 2021
42	October 4, 2021	October 15, 2021
43	October 12, 2021	October 22, 2021
44	October 18, 2021	October 29, 2021
45	October 25, 2021	November 5, 2021
46	November 1, 2021	November 12, 2021
47	November 8, 2021	November 19, 2021
48	November 15, 2021	November 29, 2021
49	November 22, 2021	December 3, 2021
50	November 29, 2021	December 10, 2021
51	December 6, 2021	December 17, 2021
52	December 13, 2021	December 27, 2021
53	December 20, 2021	December 31, 2021

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Numbers: Proposed Actions:
 300.230 Amendment
 300.3210 Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Task 010 of the Implementation Plan Amendment for the Colbert v. Pritzker Consent Decree for fiscal year 2021 by requiring that all Cook County skilled nursing and intermediate care facilities with Colbert Class Members display posters at their facility to inform residents of their right to be free from retaliation, should the residents decide that they want to live in a community-based setting (as opposed to staying in the institutional facility). The rulemaking also addresses Task 08 of the Implementation Plan Amendment by requiring Cook County facilities to provide appropriate supports and services to residents to promote a transition to independent living.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? 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 proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
300.110	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.330	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.340	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.660	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.661	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.663	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.696	Amendment	45 Ill. Reg. 4778; April 16, 2021

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

300.1060	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.1450	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.1610	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.1620	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2040	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2810	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2820	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2920	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2940	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3020	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3130	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3140	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3210	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3240	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3250	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3300	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3320	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.TABLE C	Repealed	45 Ill. Reg. 4778; April 16, 2021

11) Statement of Statewide Policy Objective: This rulemaking will 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 this rulemaking within 45 days after this issue of the *Illinois Register* to:

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield IL 62701

217/782-1159
dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for-profit-corporations effected: Skilled nursing and intermediate care facilities in Cook County.
 - B) Reporting, bookkeeping or other procedures required for compliance: Facilities will be required to post a Department-provided poster in a public place within the facility.
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
 - 62 Health Care and Social Assistance
 - B) Categories that the agency reasonably believes the rulemaking will impact, including:
 - ii. regulatory requirements;
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2021

The full text of the Proposed Amendments is identical to that of the text of the Emergency Amendments for this Part, and begins in this issue of the *Illinois Register* on page 9498.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Secretary of State Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 2000
- 3) Section Number: 2000.2020 Proposed Action: Amendment
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500].
- 5) A Complete Description of the Subjects and Issues Involved: We are raising the small purchase threshold to meet the level set by other constitutional officers and to streamline and make more effective our procuring of small purchases.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: No expenditures by units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

pwright@ilsos.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This amendment has no effect 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 we did not anticipate the filing of this amendment:

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXV: SECRETARY OF STATE

PART 2000
SECRETARY OF STATE STANDARD PROCUREMENT

SUBPART A: GENERAL

Section	Title
2000.01	Title
2000.05	Policy
2000.08	Illinois Procurement Code
2000.10	Application
2000.15	Definition of Terms Used in This Part
2000.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	Rules
2000.525	Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	Conduct and Oversight of Procurements
2000.1005	Conduct and Oversight of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	Illinois Procurement Bulletin
2000.1510	Illinois Procurement Bulletin
2000.1560	Supplemental Notice
2000.1570	Error in Notice
2000.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 2000.2005 General Provisions
- 2000.2010 Competitive Sealed Bidding
- 2000.2012 Multi-Step Sealed Bidding
- 2000.2015 Competitive Sealed Proposals
- 2000.2020 Small Purchases
- 2000.2025 Sole Economically Feasible Source Procurement
- 2000.2030 Emergency Procurements
- 2000.2035 Competitive Selection Procedures for Professional and Artistic Services
- 2000.2036 Other Methods of Source Selection
- 2000.2037 Tie Bids and Proposals
- 2000.2038 Mistakes
- 2000.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 2000.2043 Suppliers
- 2000.2044 Vendor List/Required Use
- 2000.2045 Prequalification
- 2000.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 2000.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

- 2000.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section

- 2000.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

2000.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section

2000.2560 Prevailing Wage
2000.2570 Equal Employment Opportunity; Affirmative Action
2000.2580 Subcontractors

SUBPART L: CONTRACT PRICING

Section

2000.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section

2000.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

2000.4000 Applicability
2000.4005 Requests for Space/Department Responsibilities
2000.4010 General Acquisition Procedures
2000.4015 Acquisition of Leases by RFI
2000.4020 Leases Acquired by Other Methods
2000.4025 Renewal or Extension of Lease in Effect Prior to July 1, 1998
2000.4030 Renewal of Leases Entered into After July 1, 1998
2000.4035 Purchase Options
2000.4040 Lease Administration
2000.4045 Emergency Lease Procurement

SUBPART O: PREFERENCES

Section

2000.4505 Procurement Preferences
2000.4510 Resident Bidder Preference

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 2000.4530 Correctional Industries
- 2000.4535 Sheltered Workshops for the Disabled
- 2000.4540 Gas Mileage
- 2000.4545 Small Business
- 2000.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

- Section
- 2000.5013 Conflicts of Interest
- 2000.5015 Negotiations for Future Employment
- 2000.5020 Exemptions
- 2000.5030 Revolving Door
- 2000.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
- 2000.5037 Vendor Registration, Certification and Prohibition on Political Contributions
- 2000.5039 Procurement Communication Reporting Requirement

SUBPART Q: CONCESSIONS

- Section
- 2000.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 2000.5510 Complaints Against Vendors or Subcontractors
- 2000.5520 Suspension
- 2000.5530 Resolution of Contract Controversies
- 2000.5540 Violation of Statute or Rule
- 2000.5550 Protests
- 2000.5555 Hearings and Decisions

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 2000.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section

- 2000.6500 General
2000.6510 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

- 2000.7000 Severability
2000.7010 Government Furnished Property
2000.7015 Inspections
2000.7020 Records and Audits
2000.7025 Written Determinations
2000.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 12208, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20306, effective November 9, 1998; emergency amendment at 23 Ill. Reg. 5911, effective April 30, 1999, for a maximum of 150 days; emergency expired September 26, 1999; amended at 23 Ill. Reg. 13953, effective November 8, 1999; amended at 35 Ill. Reg. 4629, effective March 3, 2011; recodified Title header at 39 Ill. Reg. 5903; amended at 39 Ill. Reg. 11100, effective July 24, 2015; amended at 40 Ill. Reg. 13954, effective September 23, 2016; amended at 43 Ill. Reg. 6185, effective May 9, 2019; amended at 43 Ill. Reg. 8944, effective August 2, 2019; amended at 43 Ill. Reg. 11680, effective September 24, 2019; amended at 45 Ill. Reg. _____, effective _____.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 2000.2020 Small Purchases

- a) Application
- 1) Procurements of ~~\$100,000~~\$80,000 or less for supplies or services, other than professional and artistic, and ~~\$100,000~~\$80,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- b) In determining whether a contract is under the limit, ~~the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized.~~ The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

ILLINOIS STATE POLICE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Use of Force Reporting
- 2) Code Citation: 20 Ill. Adm. Code 1244
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1244.10	New Section
1244.20	New Section
1244.30	New Section
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Uniform Crime Reporting Act [50 ILCS 709/5-11 and 50 ILCS 709/5-12(8)].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed regulations implement the Use of Force Reporting requirements of Section 5 of the Uniform Crime Reporting Act (50 ILCS 709/5-11 and 50 ILCS 709/5-12(8)) by establishing requirements and procedures for Illinois law enforcement agencies to report Use of Force incidents to the Illinois State Police (ISP) for forwarding to the FBI Use of Force National Database. The ISP will leverage the Illinois Uniform Crime Reporting (I-UCR) data collection technical infrastructure to enhance efficiency.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rules will not require a local government to establish, expend, 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: Interested persons may comment to:

Ms. Maureen B. McCurry

ILLINOIS STATE POLICE

NOTICE OF PROPOSED RULES

Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield IL 62703

217/782-7658

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2021

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

ILLINOIS STATE POLICE

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

CHAPTER II: ILLINOIS STATE POLICE

PART 1244

USE OF FORCE REPORTING

Section

- 1244.10 Introduction – FBI National Use of Force Database
1244.20 Purpose
1244.30 Reporting Use of Force to the Department

AUTHORITY: Implementing and authorized by Section 5 of the Uniform Crime Reporting Act [50 ILCS 709/5-11 and 50 ILCS 709/5-12(8)].

SOURCE: Adopted at 45 Ill. Reg. _____, effective _____.

Section 1244.10 Introduction - FBI National Use of Force Database

- a) In 2015, the Federal Bureau of Investigation (FBI) created the National Use of Force Data Collection in partnership with law enforcement agencies to provide nationwide statistics on law enforcement Use of Force incidents. The FBI began collecting this data from law enforcement agencies on January 1, 2019.
- b) The data collection includes National level statistics on law enforcement Use of Force incidents and basic information related to the circumstances, subjects, and officers involved.

Section 1244.20 Purpose

The purpose of this Part is to provide requirements and procedures for Illinois law enforcement agencies to report Use of Force incidents to the Illinois State Police (ISP) for forwarding to the FBI Use of Force National Database. The ISP will leverage the Illinois Uniform Crime Reporting (I-UCR) data collection technical infrastructure to enhance efficiency.

Section 1244.30 Reporting Use of Force to the Department

- a) All Illinois law enforcement agencies shall submit to the ISP on a monthly basis a report on Use of Force, in a form and manner prescribed by ISP, utilizing the

ILLINOIS STATE POLICE

NOTICE OF PROPOSED RULES

Illinois National Incident-Based Reporting *System (NIBRS)* Repository. The report shall include any action that resulted in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person.

- 1) For the purpose of this data collection, the definition of serious bodily injury is based, in part, on Title 18 United States Code, Section 2246 (4): The term "'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty."
- 2) The Use of Force reports submitted by all Illinois law enforcement agencies to the ISP shall include information required in the most current FBI Use of Force specifications.
- 3) In the event an Illinois law enforcement agency has no Use of Force incidents to report in a given month, the agency shall submit a zero report for that particular month by the 15th day of the following month.
- 4) The ISP shall submit such reports on a monthly basis to the FBI National Use of Force Database in the form and manner prescribed by FBI.

OFFICE OF THE STATE TREASURER

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 650
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
650.115	Amendment
650.210	Amendment
650.220	Amendment
650.310	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and implementing Section 17.1 of the State Treasurer Act [15 ILCS 505/17.1].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the existing rules based on changes in office locations and updates the table of contents for rules of the Office of the Treasurer.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Laura J. Duque
General Counsel

OFFICE OF THE STATE TREASURER

NOTICE OF PROPOSED AMENDMENTS

Illinois State Treasurer
100 W. Randolph St, Suite 15-600
Chicago IL 60601

217/720-0991
LDuque@illinoistreasurer.gov

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2021

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

OFFICE OF THE STATE TREASURER

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER VII: TREASURER

PART 650
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: ORGANIZATION

Section	
650.105	Introduction
650.110	Office of the Treasurer
650.115	Office of the Treasurer – Locations
650.120	Office of the Treasurer – General Division of Responsibilities

SUBPART B: PUBLIC INFORMATION

Section	
650.205	Introduction
650.210	Comments to the Office of the Treasurer
650.215	Freedom of Information Act
650.220	Requests for Rules of the Office of the Treasurer

SUBPART C: RULES

Section	
650.305	Introduction
650.310	Administrative Rules – Table of Contents

SUBPART D: RULEMAKING PROCEDURES

Section	
650.405	Introduction
650.410	Rulemaking Procedures
650.APPENDIX A	Organizational Chart
650.APPENDIX B	Chart of Rulemaking Procedures

OFFICE OF THE STATE TREASURER

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and implementing Section 17.1 of the State Treasurer Act [15 ILCS 505/17.1].

SOURCE: Adopted at 36 Ill. Reg. 14445, effective September 10, 2012; amended at 45 Ill. Reg. _____, effective _____.

SUBPART A: ORGANIZATION

Section 650.115 Office of the Treasurer – Locations

The main office of the Treasurer is located at the Illinois Statehouse, Room 219203, in Springfield, Illinois 62706. The principal branch office is located at One East Old State Capitol Plaza, Springfield, IL 62701400 W. Monroe Street, Springfield IL 62704. The Chicago branch office is located in the James R. Thompson Center, 100 West Randolph, Suite 15-600, Chicago, Illinois. The Treasurer maintains other offices, principally for internal operations of the Treasurer. A list of all current offices is available upon request.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART B: PUBLIC INFORMATION

Section 650.210 Comments to the Office of the Treasurer

Members of the public who desire to make any submission, comment, request or objection regarding any program, policy or activity of the Office of the Treasurer may do so verbally by calling main office~~Constituent Services~~ at (866) 458-7327~~(217)782-2211~~ or, if submitting a request pursuant to the Freedom of Information Act (5 ILCS 140), writing to either foia@illinoistreasurer.gov or:

FOIA Officer
Office of the Illinois State Treasurer
One East Old State Capitol Plaza Illinois State House, Room 203
Springfield, Illinois 62701~~62706~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 650.220 Requests for Rules of the Office of the Treasurer

OFFICE OF THE STATE TREASURER

NOTICE OF PROPOSED AMENDMENTS

The rules of the Office of the Treasurer are part of the Illinois Administrative Code and can be found on the website of the Illinois General Assembly at www.ilga.gov. Members of the public who desire to make a request for a copy of any of the Administrative Rules of the Office of the Treasurer can make that request in writing to the following:

Rules Coordinator
Illinois State House, Room [219203](#)
Springfield, Illinois 62706

(Source: Amended at 45 Ill. Reg. _____, effective _____)

SUBPART C: RULES

Section 650.310 Administrative Rules – Table of Contents

The Administrative Rules of the Office of the Treasurer are as follows:

[Achieving a Better Life Experience \(ABLE\)](#)
[Account Program](#) 74 Ill. Adm. Code 722

Access to Records of the Office of the
Illinois State Treasurer2 Ill. Adm. Code 651

Americans With Disabilities Act
Grievance Procedure4 Ill. Adm. Code 350

[Banking and Automated Teller Machine Services](#) 74 Ill. Adm. Code 600

Capital Crimes Litigation Trust Fund74 Ill. Adm. Code 725

Classification and Pay 80 Ill. Adm. Code 610

[College Savings Pool](#) 23 Ill. Adm. Code 2500

Conditions of Employment 80 Ill. Adm. Code 630

Disbursements of Funds – Special Handling 74 Ill. Adm. Code 710

[E-Pay Program](#) 74 Ill. Adm. Code 735

OFFICE OF THE STATE TREASURER

NOTICE OF PROPOSED AMENDMENTS

General Provisions of Employment 80 Ill. Adm. Code 640

Home Ownership Made Easy Act 74 Ill. Adm. Code 750

Hospital Basic [Services](#) Preservation Act 74 Ill. Adm. Code 755

Illinois Public Treasurers' Investment Pool
for Public Treasurers in the State of Illinois 74 Ill. Adm. Code 740

Illinois State Treasurer and Office of Banks
and Real Estate Joint Rules Governing the
Uniform Disposition of Unclaimed Property Act 74 Ill. Adm. Code 761

Investment Programs 74 Ill. Adm. Code 720

Joint Rules of the Treasurer and
Comptroller: Extensions of Time for
the Deposit of Funds into the State Treasury 74 Ill. Adm. Code 700

Merit and Fitness 80 Ill. Adm. Code 620

~~Organization, Public Information, Rules,
Rulemaking Procedures, and
Organization Other Required Rules~~ 2 Ill. Adm. Code 650

Procurement 44 Ill. Adm. Code 1400

[Revised Uniform Unclaimed Property Act](#) 74 Ill. Adm. Code 760

[Rules for Charitable Trust Stabilization Committee](#) 74 Ill. Adm. Code 650

[Rules of Practice in Administrative Hearings](#) 74 Ill. Adm. Code 730

[Secure Choice Savings Program](#) 74 Ill. Adm. Code 721

[Technology Development Account \(TDA\) Program](#) 74 Ill. Adm. Code 719

[Transfers Between Accounts Within a Fund Held](#)

OFFICE OF THE STATE TREASURER

NOTICE OF PROPOSED AMENDMENTS

By the State Treasurer74 Ill. Adm. Code 275
Uniform Disposition of Unclaimed Property Act 74 Ill. Adm. Code 760

(Source: Amended at 45 Ill. Reg. _____, effective _____)

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Organization, Public Information, Procedures, and Rulemaking
- 2) Code Citation: 2 Ill. Adm. Code 3500
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
3500.325	Repealed
3500.350	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].
- 5) A Complete Description of the Subjects and Issues Involved: The amendments remove the Commission's conflict of interest policy and changes to Convicted Person's Procedural Safeguards and Privileges originally adopted at 44 Ill. Reg. 13427, effective July 29, 2020. It is the Commission's intent to now adopt these changes through the proposed rulemaking process.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any proposed rulemakings to this Part pending? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Rob Olmstead
Illinois Torture Inquiry and Relief Commission
100 West Randolph Street
Suite 5-100
Chicago IL 60601

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

312/814-1094

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking has no impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the need for it was unanticipated.

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

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER LXV: TORTURE INQUIRY AND RELIEF COMMISSION

PART 3500

ORGANIZATION, PUBLIC INFORMATION, PROCEDURES AND RULEMAKING

SUBPART A: ORGANIZATION

Section	
3500.10	Commission Members
3500.20	Chair of the Commission
3500.30	Terms of Members
3500.40	Compensation and Expenses
3500.50	Director
3500.60	Other Staff

SUBPART B: PUBLIC INFORMATION

Section	
3500.210	Commission Records

SUBPART C: PROCEDURES

Section	
3500.310	Meetings
3500.320	Quorum
3500.325	Conflicts of Interest (Repealed)
3500.330	Claim of Torture
3500.340	Initial Screening of Claim Form
3500.350	Wavier of Convicted Person's Procedural Safeguards and Privileges
3500.360	Informal Inquiry and Summary Dismissal
3500.370	Summary Referral (Repealed)
3500.375	Formal Inquiry
3500.380	Evidentiary Proceedings Before the Commission
3500.385	Decisions
3500.386	Factors Considered in Decisions
3500.390	Notification of Crime Victim
3500.395	Commission Reports to General Assembly and Governor

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: RULEMAKING

Section
3500.410 Adoption of Rules

AUTHORITY: Implementing and authorized by the Illinois Torture Inquiry and Relief Commission Act [775 ILCS 40].

SOURCE: Adopted at 35 Ill. Reg. 15125, effective August 25, 2011; amended at 38 Ill. Reg. 18988, effective September 19, 2014; amended at 41 Ill. Reg. 3941, effective March 17, 2017; amended at 44 Ill. Reg. 13427, effective July 29, 2020; emergency amendment at 44 Ill. Reg. 16543, effective September 25, 2020, for a maximum of 150 days; emergency rule expired February 21, 2021; amended at 45 Ill. Reg. _____, effective _____.

SUBPART C: PROCEDURES

Section 3500.325 Conflicts of Interest (Repealed)

- a) ~~A Commissioner shall disqualify himself or herself from an investigation or a proceeding where his or her impartiality might reasonably be questioned, including but not limited to the following instances:~~
- ~~1) The Commissioner has a personal bias or prejudice concerning a party or the party's lawyer;~~
 - ~~2) The Commissioner has personal knowledge of disputed evidentiary facts concerning the matter in controversy; "Personal knowledge" does not include facts learned pursuant to official duties as a Commissioner or agent of the Commission. A "disputed evidentiary fact" does not include facts generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.~~
 - ~~3) The Commissioner or staff member served as a lawyer in the matter in controversy, or took actions in the matter in controversy that were covered by the attorney-client privilege and the privilege was held by the claimant or the state;~~
 - ~~4) The Commissioner served as a law enforcement agent investigating the matter in controversy; the duty to recuse does not extend to investigation~~

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~undertaken as part of official TIRC duties to investigate or adjudicate a TIRC claim.~~

- 5) ~~The Commissioner advocated, as an attorney or otherwise, for or against the claimant or the state in the matter in controversy;~~
- 6) ~~The Commissioner served as a lawyer for a co-defendant of the claimant in the matter in controversy;~~
- 7) ~~The Commissioner could reasonably expect to be called as a material witness in the matter in controversy should an evidentiary hearing be held in any court of competent jurisdiction; the duty to recuse does not extend to knowledge gained as part of official TIRC duties to investigate or adjudicate a TIRC claim.~~
- 8) ~~Within the three years before a proceeding is considered before the Commission, the Commissioner was in the private practice of law with a law firm that currently represents or previously represented the claimant in the proceedings before TIRC;~~
- 9) ~~The Commissioner has an economic interest in the matter in controversy or the Commissioner knows that the Commissioner's spouse, parent, child, or member of the Commissioner's family residing with the Commissioner has an economic interest in the proceeding, or has anything other than a *de minimis* interest that could be substantially affected by the proceeding;~~
- 10) ~~The Commissioner or the Commissioner's spouse or any person within the third degree of relationship to either of them is:~~
 - A) ~~a party or former party to the proceeding;~~
 - B) ~~acting or has acted as a lawyer in the proceeding;~~
 - C) ~~is known to the Commissioner to have more than a *de minimis* interest in the proceeding that could be substantially affected by the proceeding; or~~
 - D) ~~is, to the Commissioner's knowledge, likely to be a material witness in the proceeding. For purposes of this sub-subsection,~~

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~"third degree of relationship" is defined as a great grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great grandchild, nephew or niece.~~

- b) ~~For purposes of sub-section (a) above, the "matter in controversy" includes but is not limited to the investigation of, prosecution of, defense of or adjudication of the claimant or his case in the underlying criminal investigation and court proceedings. It also includes the investigation of, prosecution of, defense of or adjudication of the claimant or his case in any civil lawsuit directly related to the underlying criminal investigation and court proceedings.~~
- e) ~~A Commissioner recusing himself or herself from a proceeding shall notify the Chair or Executive Director expeditiously after a conflict of interest is recognized so that other administrative arrangements may be made.~~
- d) ~~A Commissioner recusing himself or herself from a vote on a proceeding shall publicly announce his or her recusal prior to the vote. If the recusal occurs in closed session, the recusing Commissioner shall publicly announce the recusal at the first public meeting to consider the matter in controversy. An explanation of the reason for the recusal is encouraged but not required.~~

(Source: Repealed at 45 Ill. Reg. _____, effective _____)

Section 3500.350 Waiver of Convicted Person's Procedural Safeguards and Privileges

- a) If the Director determines that the Claim Form satisfies the requirements of the initial screening, the Director, or his or her designee, will obtain a properly signed and witnessed Waiver Form (see 20 Ill. Adm. Code 2000.Appendix C) from the convicted person before proceeding further.
- b) The *convicted person* must sign a written waiver in which the *convicted person* waives his or her procedural safeguards and privileges, including but not limited to the right against self-incrimination under the United States Constitution and the Constitution of the State of Illinois, only as those safeguards and privileges pertain to the offense for which the person was convicted and with respect to which the person is claiming torture. The convicted person must also agree to cooperate fully with the Commission and agree to provide full disclosure regarding the torture inquiry. The waiver does not apply to matters unrelated to a convicted person's claim of torture. [775 ILCS 40/40(b)]

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- c) *The convicted person has the right to advice of counsel before the execution of the waiver and, if a formal inquiry is initiated, throughout the duration of the formal inquiry. If counsel represents the convicted person, the convicted person's counsel must be present at the signing of the waiver. [775 ILCS 40/40]*
- d) If the convicted person is not represented by counsel, the Commission Chair shall determine if the person is indigent and, if so, enter an order providing for the appointment of counsel for the purpose of advising on the waiver and representing the convicted person throughout the remainder of the proceedings upon the claim at any waiver or interview session with the Commission. Appointment may be of a volunteer attorney acting in a pro bono capacity or paid for by TIRC. [775 ILCS 40/40] The determination of indigency shall be made by having the convicted person complete and send to the Director an Application for Appointed Counsel Based Upon Indigency contained in 20 Ill. Adm. Code 2000.Appendix G. The Director shall furnish an Application to the convicted person upon request. The Director shall forward a properly completed Application to the Chair for purpose of making the decision regarding indigency.
- e) ~~Appointment of counsel for the claimant shall be only for the purpose of advising the claimant on any waiver forms and representing the claimant during any initial waiver/interview sessions necessary to secure the Waiver Form and initially interview the claimant, as well as for any necessary subsequent communication directly relating to the initial waiver/interview session. However, it is permissible for the appointed counsel to continue, at his or her discretion, to continue to represent the claimant for TIRC and other purposes on an unappointed basis.~~
- e~~f~~) If the convicted person refuses to sign the Waiver Form, the Director shall recommend to the Commission that the claim of torture be dismissed. The Commission shall vote to accept or reject the Director's recommendation by majority vote of the voting members appointed. At least 4 votes are required to accept a recommendation to dismiss a claim.
- f~~g~~) If the Director determines that the Waiver Form has been properly signed and witnessed, the claim shall proceed to Informal Inquiry under Section 3500.360.
- h) ~~If a claimant is represented by counsel, contact with the claimant by the Commission shall be governed by Illinois Rule of Professional Conduct 4.2. If, after a claimant has signed the Waiver Form, it becomes necessary to re-interview~~

TORTURE INQUIRY AND RELIEF COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~an unrepresented, indigent claimant about substantive factual matters or to obtain additional waivers, counsel for an indigent claimant shall again be appointed for that purpose. Additional contact between the unrepresented, indigent claimant and the Commission about clerical or insubstantial matters may be conducted without reappointing counsel.~~

(Source: Amended at 45 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Rules of the Capital Development Board
- 2) Code Citation: 2 Ill. Adm. Code 1650
- 3) Section Number: 1651.TABLE A Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].
- 5) Effective Date of Rule: July 6, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the Capital Development Board's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: This rulemaking is adopted pursuant to Section 5-15 of the Illinois Administrative Procedures Act (IAPA) [5 ILCS 100/5-15], so the Board was not required to publish this Part as a proposed rulemaking under Section 5-40 of the IAPA.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? This rulemaking is adopted pursuant to Section 5-15 of the IAPA, so it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between Proposal and Final Version: This rulemaking is adopted pursuant to Section 5-15 of the IAPA, so it is not subject to First Notice or to Second Notice review by JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? This rulemaking is adopted pursuant to Section 5-15 of the IAPA, so it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: This rulemaking updates the current organization chart in compliance with Section 5-15(a)(1) of the Illinois Administrative Procedure Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Lauren Noll
Capital Development Board
401 South Spring Street
3rd Floor Stratton Building
Springfield IL 62706

217/782-0700
217/524-0565

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VII: CAPITAL DEVELOPMENT BOARDPART 1650
RULES OF THE CAPITAL DEVELOPMENT BOARD

SUBPART A: ORGANIZATION

Section

1650.110	General
1650.210	Absence or Disability of Executive Director or Acting Executive Director
1650.310	Organization
1650.410	Rulemaking Procedures

SUBPART B: ILLINOIS BUILDING AUTHORITY

Section

1650.1010	Statutory Authority
1650.1020	Operating Budget (Repealed)
1650.1030	Funds (Repealed)
1650.1040	Insurance (Repealed)
1650.1050	Notice to Treasurer (Repealed)
1650.1060	Severability (Repealed)

1650.TABLE A Organization Chart

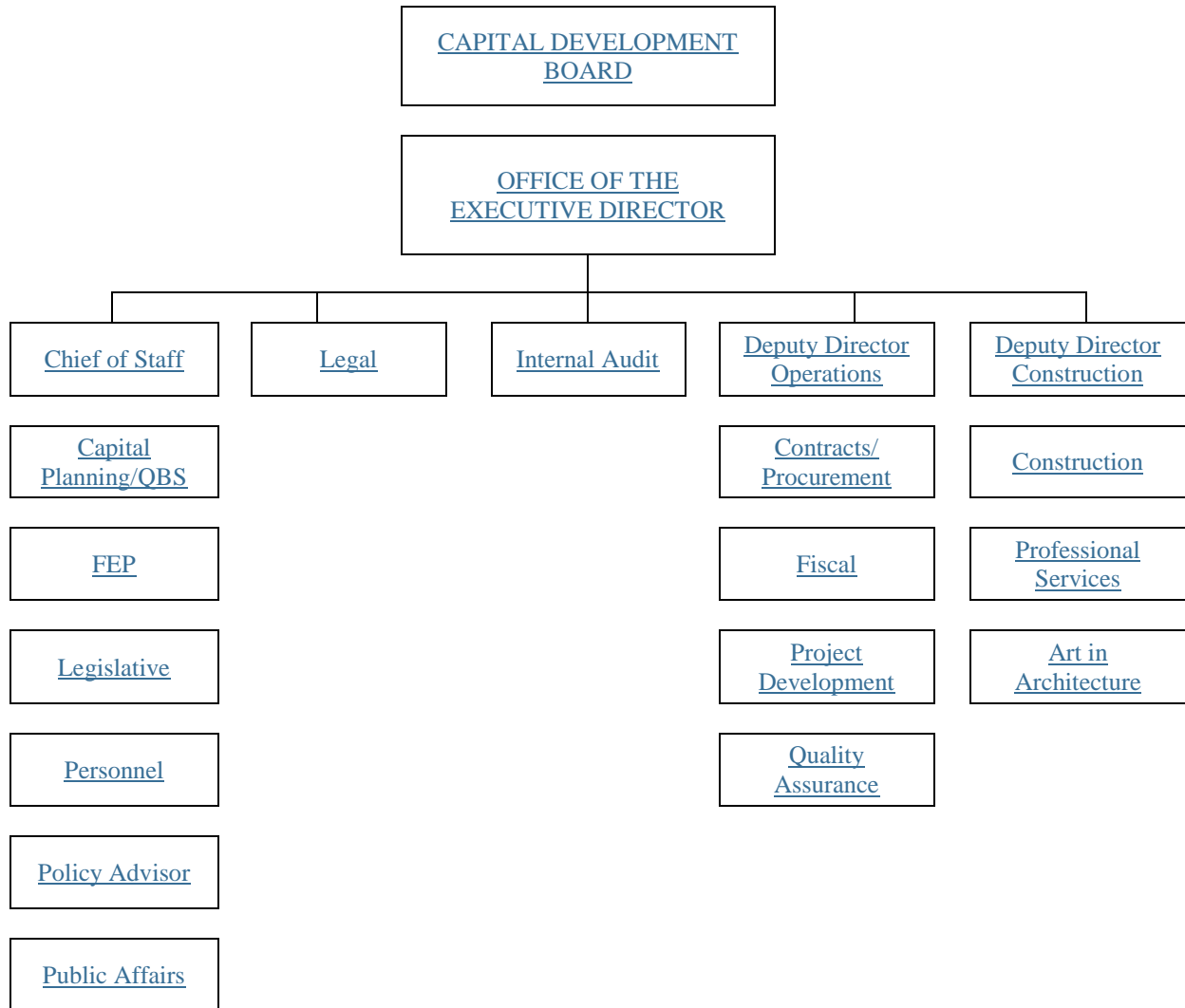
AUTHORITY: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20291, effective October 1, 1984; amended at 16 Ill. Reg. 13237, effective August 13, 1992; amended at 20 Ill. Reg. 9917, effective July 16, 1996; amended at 23 Ill. Reg. 6421, effective May 12, 1999; amended at 42 Ill. Reg. 8819, effective May 17, 2018; amended at 45 Ill. Reg. 9412, effective July 6, 2021.

CAPITAL DEVELOPMENT BOARD

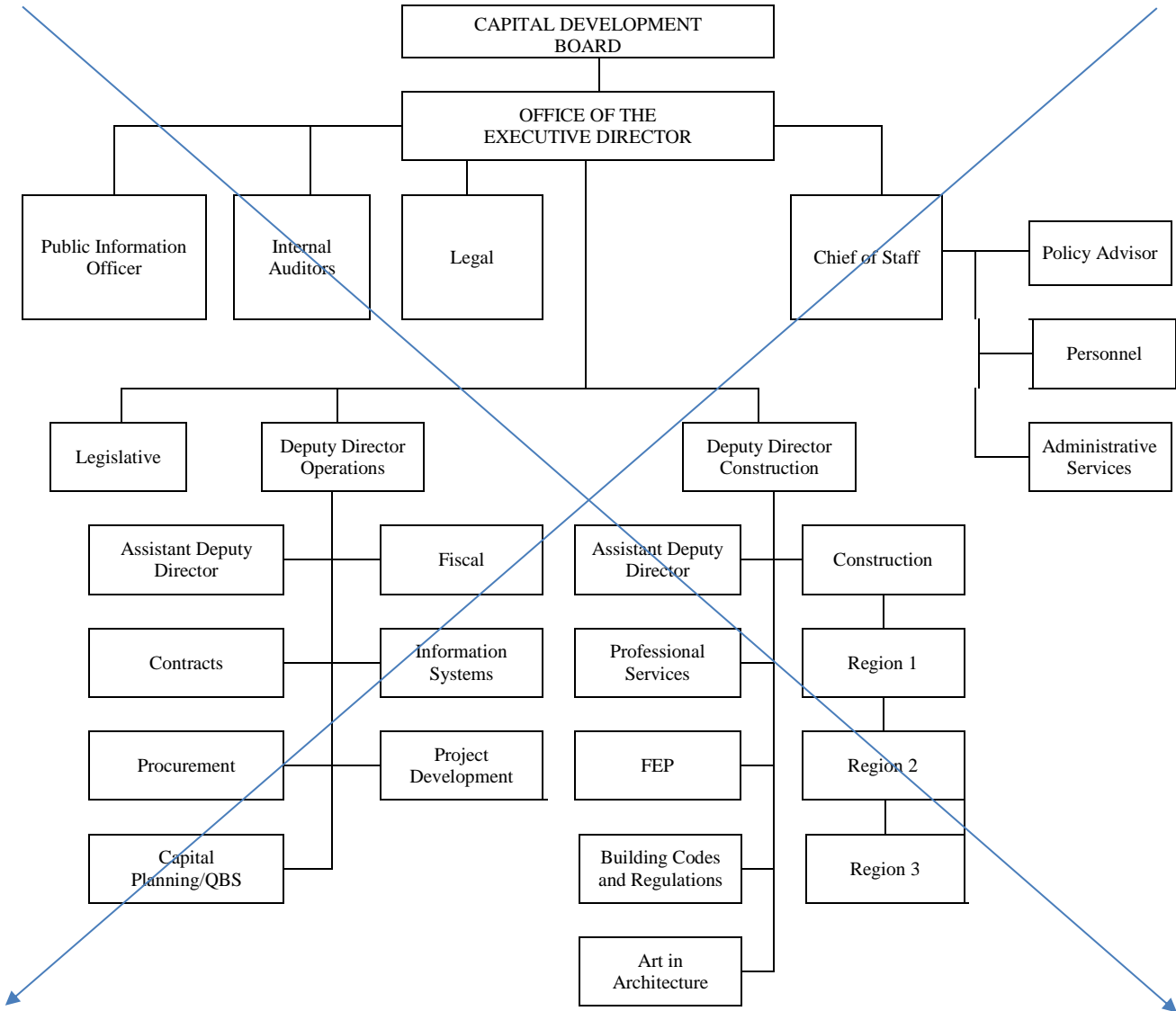
NOTICE OF ADOPTED AMENDMENT

Section 1650.TABLE A Organization Chart



CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED AMENDMENT



(Source: Amended at 45 Ill. Reg. 9412, effective July 6, 2021)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program
- 2) Code Citation: 14 Ill. Adm. Code 700
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
700.20	Amendment
700.50	Amendment
700.60	Amendment
700.80	Amendment
700.90	Amendment
700.100	Amendment
700.120	Amendment
- 4) Statutory Authority: Implementing the changes to Section 605-1047 and authorized by Sections 605-1047(a), 605-1047(c), 605-1047(e)(4) of the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program [20 ILCS 605/605-1047].
- 5) Effective Date of Rules: July 9, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any 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*: 45 Ill. Reg. 2552; March 5, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Changes to citations were made to incorporate a modification to Local CURE Support Program statute section number from 20 ILCS 605/605-1045 to 20 ILCS 605/605-1047. These statute number changes were included in the FY2022 Budget Implementation Act, P.A. 102-0016, Section 3-15.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The final rules amendment extends by a year, until January 31, 2022, the time by which local governments may seek reimbursements for funds through the Local CURE Support Program, and provide the Department the necessary flexibility to administer the program in alignment with this change and any future changes to the applicable federal and state statutes. The final rules amendment also allows counties and certified local public health departments the ability to transfer some or all of the allotments between these local governments as needed to ensure full utilization of funds. Finally, the amendment realigns the funding allotments with the actual needs of the local governments.
- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield IL 62701

jolene.clarke@illinois.gov

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITYPART 700
LOCAL CORONAVIRUS URGENT REMEDIATION EMERGENCY
(OR LOCAL CURE) SUPPORT PROGRAM

Section	
700.10	Purpose
700.20	Definitions
700.30	GATA Requirements
700.40	Local Government Eligibility Requirements
700.50	Restrictions on the Use of Program Funds
700.60	Eligible and Ineligible Costs for Incurred Expenses
700.70	Third Party Administrator
700.80	Allocations to Units of Local Government
700.90	Certification Process for Allocations Based on Proportionate Population
700.100	Process for Reimbursement Requests Under Section 700.80(c)
700.110	Monitoring and Records Retention
700.120	Economic Support Payments Grants Program

AUTHORITY: Implementing Section 605-1045, and authorized by Sections 605-1045(a), 605-1045(c) of, the Department of Commerce and Economic Opportunity Law [20 ILCS 605/605-1045].

SOURCE: Emergency rules adopted at 44 Ill. Reg. 11824, effective July 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 13761, effective August 10, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 17753, effective October 26, 2020, for the remainder of the 150 days; emergency rule as amended expired November 28, 2020; adopted at 45 Ill. Reg. 656, effective December 23, 2020; emergency amendment at 45 Ill. Reg. 2703, effective February 17, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 9417, effective July 9, 2021.

Section 700.20 Definitions

The following definitions are applicable to the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

"Administrative expenses" means costs associated with the administrative work necessary due to the COVID-19 public health emergency, including, but not limited to, costs related to managing the Local CURE Program and developing and managing an Economic Support Payments Grant.

"Administrative compliance expenses" means administrative expenses that are related to eligible uses of funds under the Local CURE Program (see Sections 700.50(a) and 700.60) and are necessary for a local government to comply with the requirements of the CARES Act or Local CURE Program. These expenses would include, for example, a reasonably proportionate share of the expenses incurred to comply with the Single Audit Act (31 USC 7501 through 7507) and for reporting and recordkeeping requirements imposed by the CARES Act or Local CURE Program.

"Business" means a for-profit enterprise or non-profit organization lawfully conducting business in Illinois. This term does not include any business that is prohibited from receiving funds under section 5001(b) of the CARES Act.

"Business Interruption Grant Program" or "BIG Program" means the financial assistance program funding opportunities administered by the Department and implemented in 14 Ill. Adm. Code 690. (See 20 ILCS 605/605-1050.)

"Business participant" means the business that receives financial assistance under the economic support payments grant program.

"CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act ([42 USC 801](#))~~(P.L. 116-136)~~.

"Certified Public Health Department" means a unit of local government that is a local public health department certified by the Illinois Department of Public Health.

"Cost of business interruption" means the following costs incurred during the allowed time period set forth in the Local CURE Program and posted on the Department's website~~between March 1, 2020 and December 30, 2020:~~

decreases in revenue caused by closing or limiting access to the business establishment to comply with COVID-19 prevention directives or to

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

otherwise prevent the spread of COVID-19 within the business establishment;

decreases in revenue caused by decreased customer demand as a result of the COVID-19 emergency; or

other revenue reductions approved for reimbursement from the CRF by the U.S. Department of the Treasury.

"COVID-19" means the novel coronavirus disease deemed COVID-19 by the World Health Organization on February 11, 2020 [20 ILCS 605/605-1045(d)(1)].

"CRF" means the Coronavirus Relief Fund established by the CARES Act.

"Department" means the Department of Commerce and Economic Opportunity.

"Disproportionately impacted area" means those ZIP Codes most severely affected by the COVID-19 Crisis, to be determined based on positive COVID-19 case per capita rates, and high rates in at least one of the following poverty-related categories relative to other ZIP Codes within their region:

share of population consisting of children age 6 to 17 in households with income less than 125% of the federal poverty level (FPL);

share of population consisting of adults over age 64 in households with income less than 200% FPL;

share of population in household with income less than 150% FPL; and

share of population consisting of children ages 5 and under in households with income less than 185% FPL.

"Economic Support Payments Grants" means grants applied for and issued to units of local government under Sections 700.80(e) and 700.120 to provide financial support to businesses that have experienced interruption of business attributable to the COVID-19 public health emergency.

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708].

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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"GATA Rule" means 44 Ill. Adm. Code 7000.

"Incurred":

in relation to expenses for funding allotments received by local governments under Section 700.80(a), (b) or (c), means services were performed for or goods were received by units of local government to respond directly to the COVID-19 public health emergency.

in relation to the Economic Support Payments Grants Program, means:

expenditures by the local government associated with economic support in connection with the COVID-19 public health emergency; or

in reference to businesses, the cost of business interruption ~~between March 1, 2020 and December 30, 2020~~ due to the COVID-19 public health emergency during the allowed time period for incurring costs set forth in the Local CURE Program and posted on the Department's website.

"LGDF formula" means the Local Government Distributive Fund formula established by the Illinois Department of Revenue.

"Local CURE Program" means the Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program (see 20 ILCS 605/605-1045).

"Local government" or "unit of local government" means any unit of local government as defined in Article VII, Section 1 of the Illinois Constitution [20 ILCS 605/605-1045(d)(2)].

"Local Health Protection Grant Program formula" means the methodology established by the Illinois Department of Public Health (see 77 Ill. Adm. Code 615.210).

"Necessary expenditure" means an expenditure of funds that is eligible for reimbursement from CRF and necessary to:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

respond to the COVID-19 public health emergency, including, but not limited to, expenditures incurred to allow local governments to respond directly to the emergency, such as by addressing medical or public health needs of the local governments or local businesses; or

reimburse the cost of business interruption.

"Non-profit organization" means an organization that is registered as a non-profit corporation with the Illinois Secretary of State.

"Participating" means that a municipality, county, certified local public health department or other local government, as applicable, is receiving Local CURE Program allotments under Section 700.80(a), (b) or (c).

"Public health employees" means:

local government employees involved in providing:

medical and other health services to patients, including supervisory personnel, and including medical staff assigned to schools, prisons, and other such institutions; or

other support services essential for patient care (e.g., laboratory technicians); and

employees of public health departments who:

are directly engaged in matters related to public health; or

serve as related supervisory personnel.

"Public safety employees" means local government employees, including police officers, sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support public safety employees, such as dispatchers and supervisory personnel.

"Qualifying business" means a business or organization that experienced or is experiencing business interruption due to the COVID-19 public health emergency and for which provision of financial assistance under the Economic Support

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

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Payments Grants Program is eligible for reimbursement as prescribed by section 601(a) of the Social Security Act (42 USC) as added by section 5001 of the CARES Act, or other federal legislation addressing the COVID-19 emergency. A qualifying business includes self-employed individuals and independent contractors.

"Restore Illinois Plan" means the framework announced by the Governor of the State of Illinois to safely reopen Illinois in 5 phases, with any modifications to that plan.

"Substantially dedicated use" means the payroll and benefits expenses for local government employees whose services were focused on mitigating or responding to the COVID-19 public health emergency. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to COVID-19. The full amount of payroll and benefits expenses of substantially dedicated local government employees are eligible for reimbursement under the Local CURE Program. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to COVID-19 are also included. In accordance with guidance from the U.S. Department of the Treasury, a local government may presume that public health employees and public safety employees meet the substantially dedicated use test unless the chief executive (or equivalent) of the local government determines that specific circumstances indicate otherwise. Thus, if this presumption applies, all work performed by public health and public safety employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020.

"Substantially different use" means costs that include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget, but that, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. A public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner. Included within the category of substantially different uses are payroll and benefits expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

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"Third party administrator" means a service provider selected by the Department to provide operational assistance with the administration of the Local CURE Program [20 ILCS 605/605-1045(d)(3)].

(Source: Amended at 45 Ill. Reg. 9417, effective July 9, 2021)

Section 700.50 Restrictions on the Use of Program Funds

- a) The Local CURE Program expenditures must follow the requirements of the CARES Act. Accordingly, payments to local governments under the Local CURE Program may only be used to cover costs that:
- 1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
 - 2) Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the local government; and
 - 3) Were incurred during the allowed time period set forth in the Local CURE Program statute [20 ILCS 605/605-1045] and posted on the Department's website.~~Were incurred during the period that begins on March 1, 2020 and ends December 30, 2020, except that, with prior approval by the Department, administrative compliance expenses may be incurred after December 30, 2020 but prior to February 28, 2021, to the extent permitted by U.S. Department of the Treasury guidance, if they relate to eligible expenses (see Sections 700.50(a)(1) and (2) and 700.60) incurred by December 30, 2020.~~
- b) ~~The deadline set forth in subsection (a)(3) will be extended by the Department, in accordance with the IAPA, if the CARES Act is amended and authorizes a subsequent deadline or the U.S. Department of the Treasury guidance is amended at a later date.~~
- be) The uses of program funds set forth in subsection (a) will be modified by the Department, in accordance with the IAPA, if:

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- 1) the CARES Act, or the U.S. Department of the Treasury guidance, or other applicable federal law authorizes ~~is amended to authorize~~ different categories of eligible uses that affect the administration of the Local CURE Program;
- 2) eligible uses are consistent with the applicable State laws; and
- 3) Local CURE Program funds remain unspent at the time of the changes in the eligible uses of funds.

(Source: Amended at 45 Ill. Reg. 9417, effective July 9, 2021)

Section 700.60 Eligible and Ineligible Costs for Incurred Expenses

- a) Funding Allotments Under Section 700.80(a), (b) and (c)
 - 1) Eligible incurred expenses for funding allotments received under Section 700.80(a), (b) and (c) include the following five categories of costs and meet the restrictions on use of Local CURE Program funds (see Section 700.50):
 - A) Medical expenses, including, but not limited to, expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, costs of providing COVID-19 testing, and emergency medical response expenses;
 - B) Public health expenses, including, but not limited to, expenses for communication and enforcement by local governments of public health orders related to COVID-19;
 - C) Payroll expenses for public safety, public health, health care, human services, and similar employees whose services were substantially dedicated to mitigating or responding to COVID-19;
 - D) Expenses for actions taken to facilitate compliance with COVID-19 related public health measures, including purchases by local governments to implement public health recommendations at local businesses; and

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- E) Any other COVID-19 related expenses reasonably necessary to the function of government that satisfy the Local CURE Program eligibility criteria (see Section 700.40), including, but not limited to, administrative expenses. Local governments must document how expenses are related to COVID-19.
- 2) Ineligible costs for incurred expenses by local governments for funding allotments received under Section 700.80(a), (b) and (c) include the following:
- A) Governmental revenue shortfall replacement, unless applicable federal law or guidance allows for these expenses;
 - B) Damages covered by insurance;
 - C) Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency or whose work is not an eligible administrative expense;
 - D) Expenses associated with the provision of economic support in connection with COVID-19, except for eligible administrative expenses;
 - E) Reimbursement to donors for donated items or services;
 - F) Workforce bonuses other than hazard pay or overtime;
 - G) Severance pay;
 - H) Legal settlements;
 - I) Indirect costs; and
 - J) Incurred expenses that have been or will be reimbursed through another State or federal funding opportunity.
- b) Economic Support Payments Grants under Sections 700.80(e) and 700.120

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- 1) The following business types are excluded from receiving funding from Economic Support Payments Grants:
 - A) a private club or business that limits membership for reasons other than capacity;
 - B) a government-owned business entity (except for businesses owned or controlled by a Native American tribe);
 - C) a business that derives at least 33% of its gross annual revenue from legal gambling activities, unless, subject to the Department's approval, the business is a restaurant with gaming terminals;
 - D) a business engaged in pyramid sales, in which a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or
 - E) payday lenders.
- 2) A business shall be ineligible to receive funding through an Economic Support Payments Grant if it:
 - A) is delinquent on payment of any State of Illinois tax obligation;
 - B) is engaged in a business that is unlawful under Illinois or federal law;
 - C) has already received assistance, or notice of award of assistance, under the BIG Program;
 - D) is on the federal System for Award Management excluded parties list; or
 - E) does not meet any other eligibility criteria established in a financial assistance application.
- 3) Eligible incurred expenses for the Economic Support Payments Grants must meet the restrictions on the use of Local CURE Program funds (see Section 700.50) and reimburse the cost of business interruption.

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- 4) Ineligible expenditures under the Economic Support Payments Grants include:
- A) expenses that have been or will be reimbursed under any State, local, or federal program, such as expenses or losses that were reimbursed by a loan forgiven under the CARES Act's Paycheck Protection Program;
 - B) damages covered by insurance;
 - C) expenditures prohibited by section 5001(b) of the CARES Act;
 - D) reimbursement to donors for donated items or services;
 - E) workforce bonuses other than hazard pay or overtime;
 - F) severance pay;
 - G) legal settlements;
 - H) indirect costs;
 - I) administrative expenses of the local government, except that administrative expenses related to the Economic Support Payments Grants may be reimbursed only through funding received by the local governments under Section 700.80(a); and
 - J) any other expense not reasonably incurred due to the COVID-19 emergency.
- c) The categories of eligible and ineligible expenditures set forth in this Section will be modified by the Department, in accordance with the IAPA, if:
- 1) the CARES Act, or the U.S. Department of the Treasury guidance, or other applicable federal law authorizes ~~is amended to authorize~~ different eligible expenditures that affect the administration of the Local CURE Program;

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- 2) [expenditures are consistent with the applicable State laws; and](#)
- 3) [Local CURE Program funds remain unspent at the time of such changes in the eligible uses of funds.](#)

(Source: Amended at 45 Ill. Reg. 9417, effective July 9, 2021)

Section 700.80 Allocations to Units of Local Government

- a) A portion of the funds (80%) appropriated for the Local CURE Program will be allotted to municipalities and counties based on proportionate population. In consultation with the Illinois Department of Revenue, the method of distribution for this allotment will be utilizing the LGDF formula.
- b) A portion of the funds (5%) appropriated for the Local CURE Program will be allotted to Certified Local Public Health Departments based on the Illinois Department of Public Health's State Fiscal Year 2020 Local Health Protection Grant program formula that is based on proportionate population and poverty rates within the jurisdiction.
- c) A portion of the funds (~~6%~~^{8%}) appropriated for the Local CURE Program will be allotted for units of local government eligible to receive financial support under this Part, that do not qualify for an allotment under subsection (a) or (b). These units of local government can apply for reimbursement for eligible Local CURE Program expenses up to an amount of county allotment set by the Department, based on a funding availability. The Department will allot funds on a per capita basis by county. Applications may be submitted for a pro rata share with preference going to units of local government located or serving a disproportionately impacted area. [If additional funds remain in the portion of funds described in this subsection \(c\) after the application process has been completed and funds have been allocated, the Department may provide an additional allotment to those local governments that have received their entire initial allotment as of January 31, 2021 and request a need for additional funds. If, by June 30, 2021, local governments that received allotments under this subsection \(c\) have not submitted requests for reimbursement for the entirety of the allotments, the Department may, at its option, either reallocate the unused portion of the allotments to other local governments that have received funding under this subsection \(c\) and have a need for additional funds, or the Department may host a new application to distribute the unused funds pursuant to the](#)

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procedures set forth in Section 700.100. Units of local government that qualify for an allotment under subsection (a) or (b) cannot receive an ~~additional~~ allotment under this subsection (c).

- d) The Local CURE Program allotments described in this Section are contingent upon and subject to the availability of sufficient appropriated funds. ~~Funding allotments assigned to, or requested by, local governments in need of funds under subsections (a), (b) and (c), but for which reimbursement has not been sought in accordance with the deadlines set forth in Sections 700.90 and 700.100, may be forfeited, and additional funding distributed to other local governments in need of funds under subsections (a), (b) and (c). The Department will reallocate funds that are forfeited only within the same category or subcategory of funding from which the allotment originated under subsection (a), (b) or (c), respectively, if there are local governments that are in need of additional eligible funds in the originating allotment category or subcategory. For allotments issued to municipalities and counties under subsection (a), the first \$15 million of funds forfeited from the municipalities and counties will be reallocated to the Economic Support Payments Grants Program (Sections 700.80(e) and 700.120). For any remaining amounts of allotments forfeited from municipalities and counties that received funding under subsection (a), funds forfeited from a municipality will be reallocated to other municipalities and funds forfeited from counties will be reallocated to other counties, to the extent there are local governments that are in need of additional eligible funds within the respective municipality or county subcategory, as applicable. In the event that there are more funds forfeited within an allotment category or subcategory (see subsection (a), (b) or (c)) than additional eligible funding requested from local governments within that allotment category or subcategory, forfeited funds may be reallocated to another allotment category or subcategory for which there are local governments in need of eligible funding. The Local CURE Program allotments described in this Section 700.80 are contingent upon and subject to the availability of sufficient appropriated funds.~~
- e) A portion of the funds (~~9%7%~~) appropriated for the Local CURE Program will be allocated by the Department as follows:
- 1) ~~8%6%~~ will be allocated for Economic Support Payments Grants, on a reimbursement basis, to eligible municipalities and counties (see Section 700.40(b)) for distribution to qualifying businesses within their jurisdiction to cover *necessary expenditures incurred due to the public*

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health emergency of COVID-19 [20 ILCS 605/605-1045(f)(1)] (see Section 700.120); and

- 2) 1% will be allocated for the costs of the Department associated with the administration of the Local CURE Program, including the third party administrator contract fee.

(Source: Amended at 45 Ill. Reg. 9417, effective July 9, 2021)

Section 700.90 Certification Process for Allocations Based on Proportionate Population

- a) Eligible local governments, as defined in Section 700.40, will be notified by the Department or third party administrator regarding their maximum allotment based on proportionate population, as described in Section 700.80(a) and (b). A local government does not need to register or be pre-qualified with the GATA Grantee Portal.
- b) Notification of Allotment
 - 1) The notification of allotment will contain a certification form for the local government to complete. The local government will be required to certify, among other things, that, as a recipient of financial support under the Local CURE Program, the local government will:
 - A) use the funds in accordance with the requirements of the Local Cure Program;
 - B) provide access to financial records in accordance with the prescribed audit (see Section 700.30(b)(3)) and record retention (see Section 700.110) requirements;
 - C) only request reimbursement for expenses related to the COVID-19 public health emergency;
 - D) repay to the Department any funds received but not used for the purposes of the Local CURE Program;

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- E) not seek reimbursement for incurred expenses (see Section 700.50) that have been or will be reimbursed through another State or federal funding opportunity;
 - F) comply with all applicable federal and State laws and rules;
 - G) include Local CURE funding in the applicable financial statement and/or audit of the unit of local government;
 - H) not seek reimbursement for costs paid to an entity on the federal or State debarred and suspended list; and
 - I) state whether it intends to spend the full allotment.
- 2) Units of local government may also be required to complete additional documents required by the Illinois Comptroller and State Treasurer to disburse funds.
- c) Completed certification materials must be signed by the local government's authorized representative and received by the Department, or the Department's authorized third party administrator.
- d) Funds will be paid on a reimbursement basis for eligible costs incurred by units of local government. After the local government submits its completed certification to the Department or the third party administrator, the local government may request funds up to the amount of the stated allotment provided in the notification. To request funds, the local government must submit to the Department or third party administrator:
- 1) a report certifying the costs, as required by 2 CFR 200.415, and providing the categories set forth in the U.S. Department of the Treasury Office of Inspector General reporting requirements for which reimbursement is sought and the amounts within each category. Local governments shall organize their expenditures by month and expenditure type as follows:
 - A) Payroll for public health and public safety employees;
 - B) Budgeted personnel and services diverted to a substantially different use;

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- C) COVID testing and contact tracing;
 - D) Expenses associated with the issuance of tax anticipation notes;
 - E) Food programs;
 - F) Nursing home assistance;
 - G) Personal protective equipment;
 - H) Improvement of telework capabilities of public employees;
 - I) Medical expenses;
 - J) Public health expenses;
 - K) Facilitation of distance learning;
 - L) Administrative expenses;
 - M) Housing support;
 - N) Unemployment Benefits;
 - O) Workers' Compensation; and
 - P) Expenditures organized by subcategories for eligible costs (see Section 700.60(a)(1)) not listed in this subsection (d)(1);
- 2) information regarding whether the local government intends to use its full allotment of funds and whether the local government anticipates additional Local CURE Program eligible costs, incurred by December 30, 2020, that exceed the local government's allotment;
 - 3) support documents for the incurred expenses to demonstrate that the costs meet the eligible expense requirements;
 - 4) proof of payment of the expenses; and

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- 5) documentation regarding how expenses are necessary and related to COVID-19.
- e) The Department or third party administrator will review the documents submitted to ensure the costs are allowed by the Local CURE Program and within the assigned allocation. If the costs submitted are approved, the Department will then process the reimbursement request and disburse funds to the local government pursuant to the payment procedures of the Illinois State Comptroller and State Treasurer.
- f) A Certified Local Public Health Department may, at its option, voluntarily transfer all, or a portion of, its allotment to the county or counties in which it is located as long as the county or counties are eligible under Section 700.40. To transfer all, or a portion of, an allotment, a Certified Local Public Health Department must submit to the Department or its third party administrator all relevant documentation, including, but not limited to, a copy of an executed intergovernmental agreement between the local governments, that demonstrates agreement to the transfer of the allotment by the appropriate authorized personnel of both the Certified Local Public Health Department and the county or counties, as applicable. If, after reviewing the documentation, the Department approves the allotment transfer, each county receiving an allotment transfer must complete and submit a supplemental certification that includes the additional allotment amount. The county or counties receiving the transfer of funds may then request the additional funds as set forth in this Section.
- g) A county may, at its option, voluntarily transfer all or a portion of its allotment to the Certified Local Public Health Departments serving that county as long as the Certified Local Public Health Departments are eligible under Section 700.40. To transfer all or a portion of an allotment, a county must submit to the Department or its third party administrator all relevant documentation, including, but not limited to, a copy of an executed intergovernmental agreement between the local governments, that demonstrates agreement to the transfer of the allotment by the appropriate authorized personnel of both the Certified Local Public Health Departments and the county. If, after reviewing the documentation, the Department approves of the allotment transfer, each Certified Local Public Health Department receiving an allotment transfer must complete and submit a supplemental certification that includes the additional allotment amount. The Certified Local Public Health Departments receiving the transfer of funds may

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then request the additional funds as set forth in this Section.

- h) On or around November 1, 2020, the Department, or its third party administrator, will send a notice to each local government participating in the Local CURE Program indicating that the local government must report by December 1, 2020, in detail, how the remainder of the allotment, not to exceed the amount within the certification, will be utilized for necessary and eligible expenditures through December 30, 2020. The local government also must detail in its report any anticipated eligible expenses through December 30, 2020 in excess of the local government's initial allotment. Finally, the local government will be asked to report on any anticipated administrative compliance expenses that it may incur after December 30, 2020 but prior to February 28, 2021. The Department or its third party administrator will provide follow-up and technical support to the local government to communicate the steps of this report ~~and its results.~~
- g) ~~If, by December 1, 2020, a local government does not submit the report required by subsection (f) to the Department, or the detailed report submitted reveals that some or all of the allotment will not be utilized by the local government, the Department will redirect, in accordance with Section 700.80(d), the projected unspent balance to other eligible local governments, within the same allotment category or subcategory, that have reported to the Department a need for additional funds reimbursement. The Department will not redirect an allotment for which a local government has submitted definitive plans to use its allotted funds through December 30, 2020.~~
- ih) January 31, ~~2022~~2021 is the deadline for local governments that receive allotments of funds ~~as described in Section 700.80(a) and (b) prior to February 1, 2021~~ to submit requests for reimbursement for costs incurred to the Department's third party administrator for review. ~~All unclaimed allotments as of February 1, 2021 will be redirected, in accordance with Section 700.80(d), to the Economic Support Payments Grants Program and to local governments that have expressed remaining needs. The local governments that receive additional allotments on or after February 1, 2021 must submit all reimbursement requests to the Department's third party administrator no later than February 28, 2021.~~
- ji) All requests for reimbursement will be processed, and vouchers will be issued by the Department and/or the third party administrator, on or before March 31, ~~2022~~2021.

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- kj) The deadlines set forth in this Section 700.90 will be extended by the Department, in accordance with the IAPA, if:
- 1) the CARES Act, or the U.S. Department of the Treasury guidance, or other applicable federal law authorizes ~~is amended to authorize~~ a subsequent deadline; ~~and if~~
 - 2) the extension is consistent with the applicable State laws; and ~~-~~
 - 3) any Local CURE Program funds remain unspent at the time of the deadline extension.
- lk) Local governments are expected to engage with the Department and/or the third party administrator on an ongoing basis, with updates and reports on their future needs for the unspent balances of their allotment, as well as additional anticipated Local CURE Program eligible expenditures in excess of the allotment received.

(Source: Amended at 45 Ill. Reg. 9417, effective July 9, 2021)

Section 700.100 Process for Reimbursement Requests Under Section 700.80(c)

- a) For local governments that are applying for Local CURE Program funds pursuant to Section 700.80(c), the Department will announce funding availability and request procedures on its website as funding becomes available. A request must be completed, signed by the local government's authorized representative, and received by the Department or its third party administrator by the deadline to be set by the Department.
- b) Local governments chosen to receive funds shall, in the certification form provided by the Department, certify, among other things, that, as a recipient of financial support under the Local CURE Program, the local government will:
 - 1) use the funds in accordance with the requirements of the Local CURE Program;
 - 2) only request reimbursement for expenses related to the COVID-19 public health emergency;

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- 3) repay to the Department any funds received but not used for the purposes of the Local CURE Program;
 - 4) not seek reimbursement for incurred expenses (see Section 700.50) that have been or will be reimbursed through another State or federal funding opportunity;
 - 5) provide access to financial records in accordance with audit and record retention requirements;
 - 6) include Local CURE funding in the applicable financial statement and/or audit of the local government;
 - 7) not seek reimbursement for costs paid to an entity on the federal or State debarred and suspended list; and
 - 8) comply with all applicable federal and State laws and rules.
- c) In addition to the certification, to receive funds the local government must submit to the Department or third party administrator:
- 1) a report certifying its costs as required by 2 CFR 200.415, detailing the categories set forth in the U.S. Department of the Treasury Office of Inspector General reporting requirements for which reimbursement is sought and the amounts within each category. Local governments shall organize their expenditures by month and expenditure type as follows:
 - A) Payroll for public health and public safety employees;
 - B) Budgeted personnel and services diverted to a substantially different use;
 - C) COVID testing and contact tracing;
 - D) Expenses associated with the issuance of tax anticipation notes;
 - E) Food programs;
 - F) Nursing home assistance;

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- G) Personal protective equipment;
 - H) Improvement of telework capabilities of public employees;
 - I) Medical expenses;
 - J) Public health expenses;
 - K) Facilitation of distance learning;
 - L) Administrative expenses;
 - M) Housing support;
 - N) Unemployment Benefits;
 - O) Workers' Compensation; and
 - P) Expenditures organized by subcategories for eligible costs (see Section 700.60(a)(1)) not listed in this subsection (c)(1);
- 2) information regarding whether the local government intends to use its full allotment of funds and whether the local government anticipates additional Local CURE Program eligible costs, incurred by December 30, 2020, that exceed the local government's allotment;
 - 3) support documents for the expenses incurred in compliance with Section 700.60 that will demonstrate the costs meet the eligible expense requirements;
 - 4) proof of payment of the expenses for which reimbursement is sought; and
 - 5) documentation regarding how expenses are necessary and related to COVID-19.
- d) The Department or third party administrator will review the reimbursement request and documents submitted to ensure the costs are allowed by the Local CURE Program and are within the assigned allocation. If the costs submitted are

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approved, the Department will then process the reimbursement request and disburse funds to the local government pursuant to the payment procedures of the Illinois Comptroller and State Treasurer.

- e) Local governments receiving allotments pursuant to Section 700.80(c) shall follow the reporting procedures and deadlines set forth in Section 700.90(~~h~~f) ~~through (j)~~.
- f) January 31, 2022 is the deadline for local governments that receive allotments of funds as described in Section 700.80(c) to submit requests for reimbursement for costs incurred to the Department's third party administrator for review. Local CURE reimbursements are contingent upon, and subject to, the availability of sufficient appropriated funds.
- g) All requests for reimbursement will be processed, and vouchers will be issued by the Department and/or the third party administrator, on or before March 31, 2022.
- h) The deadlines set forth in this Section will be extended by the Department, in accordance with the IAPA, if:
 - 1) the CARES Act, or the U.S. Department of the Treasury guidance, or other applicable federal law or guidance authorizes a subsequent deadline;
 - 2) the extension is consistent with the applicable State laws; and
 - 3) any Local CURE Program funds remain unspent at the time of the deadline extension.
- i) Local governments are expected to engage with the Department and/or the third party administrator on an ongoing basis, with updates and reports on their future needs for the unspent balances of their allotment, as well as additional anticipated Local CURE Program eligible expenditures in excess of the allotment received.

(Source: Amended at 45 Ill. Reg. 9417, effective July 9, 2021)

Section 700.120 Economic Support Payments Grants Program

The Department will administer an Economic Support Payments Grants Program available to eligible local governments (see Section 700.40(b)) through Local CURE Program funding

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allocated for this purpose (see Section 700.80(e)(1)). The purpose of the grant program is to provide financial support to businesses that have experienced interruption of business attributable to the COVID-19 public health emergency. The funds issued to local governments for the Economic Support Payments Grants shall be provided on a reimbursement basis only and shall follow all processes required by GATA and 2 CFR 200. Local governments that receive grants may be reimbursed for costs incurred by the qualifying businesses during for the allowed time period set forth in the Local CURE Program and posted on the Department's website March 1, 2020 through December 30, 2020.

- a) **Form of Financial Assistance**

Financial assistance provided by local governments to qualifying businesses may be in the form of a grant, subsidy or expense reimbursement only. Regardless of the form of assistance, a business participant shall be obligated to comply with the requirements set forth in this Part and in any agreement or certification executed as part of applying for or receiving financial assistance.
- b) **Source of Advance Payments**

Funds provided to business participants by local governments for the costs of business interruption shall be advanced by the local governments from a source other than direct federal funds or federal pass-through funds, including, but not limited to, any portion of the allotments received through Section 700.80(a). The Department will then reimburse the local governments for expenditures incurred through an Economic Support Payments Grant.
- c) **Application Process**
 - 1) The Department will post one or more Notices of Funding Opportunity (NOFO) on the GATA Grantee Portal seeking applications from eligible local governments (see Section 700.40(b)). The Department may accept several rounds of applications through a single NOFO. A local government may apply for multiple funding rounds. However, a local government may only submit one application per funding round. Applicants shall submit their application materials by the deadlines set by the Department.
 - 2) As part of the application, local governments will be required to provide a narrative about the program, which shall include, but is not limited to, a description of the following:

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- A) The types of businesses or industries that will be served by the program;
- B) The method of selecting business participants;
- C) A summary of how the proposed grant program adheres to the U.S. Department of the Treasury's CRF guidance;
- D) How the program meets the following criteria for reimbursable expenses:
 - i) The expense is connected to the COVID-19 public health emergency;
 - ii) The expense is "necessary" as defined by the U.S. Department of the Treasury guidance;
 - iii) The expense is not filling a shortfall in government revenues;
 - iv) The expenses were not accounted for in the budget most recently approved as of March 27, 2020;
 - v) The expense is not being reimbursed through a different emergency response program;
 - vi) The expense would not exist without the COVID-19 public health emergency or would be for a substantially different use; and
 - vii) The expense was incurred during the allowed time period set forth in the Local CURE Program between March 1, 2020 and posted on the Department's website and the NOFO December 30, 2020;
- E) The form of financial assistance being provided to businesses (e.g., grants, subsidies, expense reimbursement); and

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- F) The due diligence procedures and controls the local government will implement to ensure funds are expended within the parameters of this Part, the CARES Act, and the U.S. Department of the Treasury guidance.
- 3) Local governments are permitted to receive reimbursements for administrative expenses for administering these grants by requesting reimbursement from their allotments received pursuant to Section 700.80(a) only. Local governments are not permitted to receive reimbursements for administrative expenses directly from the Economic Support Payments Grants.
- 4) Local governments are not permitted to receive reimbursements for indirect costs related to the Economic Support Payments Grants.
- 5) Grant applications will be reviewed using the GATA merit-based review process to ensure applicants meet the eligibility requirements of this Part.
- d) Grant Award Issuance
- 1) Grants will be awarded to local governments following a merit review of the local government's economic support payments program, including their due diligence procedures and adherence to subsection (c). If a local government applicant meets the eligibility criteria in subsection (c), the local government shall receive a grant of up to the maximum amount of eligible grant funds if grant funds are still available at the time of application.
- 2) The maximum amount of eligible grant funds for each local government shall be based on a pro rata share of funds available at the time of application as set forth in the NOFO, based on the populations of the eligible geographic regions set forth in the State's Restore Illinois Plan (see Restore Illinois regions, available at <https://coronavirus.illinois.gov/s/restore-illinois-regional-dashboard>). ~~Additional funds may become available to the regions after December 1, 2020 from those funds forfeited under Section 700.80(a) (see Section 700.80(d)).~~
- 3) If a local government grantee has expended or will expend all funds awarded under its Economic Support Payments Grant and grant funds are

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available, the local government may request from the Department that additional funds be added to its grant award. The local government must also submit supporting information or documentation demonstrating that it will expend its full initial award and that there is a need for the additional funds. The Department has no obligation to agree to an increase of funds requested by a local government.

- 4) If a geographic region's allotted share of funds has not been awarded in full by December 1, 2020, the Department may reallocate funds to other regions for which there remains a need.
- 5) ~~If funds are forfeited by municipalities or counties and reallocated (see Section 700.80(d)) to the Economic Support Payments Grants Program and, if, by the deadline for the last applications for Economic Support Payments Grants as set forth in the NOFO, there are more funds allotted to the Economic Support Payments Grants Program than for which there is a need for grant funds, the Department may reallocate the funds from the Economic Support Payments Grants Program to the municipality and county allotments subcategory from which the funds were initially forfeited and for which there are local governments in need of eligible funding. In the event that there are more funds forfeited from the Economic Support Payments Grants Program to an allotment subcategory than additional eligible funding requested from local governments within that allotment subcategory, forfeited funds may be reallocated to another allotment category or subcategory for which there are local governments in need of eligible funding as set forth in Section 700.80(d).~~
- 56) Grants will be issued through the GATA Uniform Intergovernmental Grant Agreement, which must be executed by both the Department and the local government.
- 67) The local government grantees will be responsible for the repayment to the Department of any costs for funding issued to businesses that are found, by the federal government, the Department, or any other State agency:
 - A) to be ineligible under the Economic Support Payments Grants Program; or

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- B) to have misspent funds.
- e) Grant Award Administration
- 1) Grantees and business participants shall comply with all GATA and Department requirements for grant administration and reporting, including the monitoring and records retention requirements in Section 700.110.
 - 2) Grantees shall:
 - A) require that all business participants that receive financial support through the grant award shall sign a certification that attests to eligibility for this program; and
 - B) condition funding on compliance with programmatic requirements, including, but not limited to, the Local CURE Program, the CARES Act, and the U.S. Department of the Treasury guidance.

(Source: Amended at 45 Ill. Reg. 9417, effective July 9, 2021)

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- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Numbers: Adopted Actions:
1.420 Amendment
1.630 Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: July 7, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 19383; December 18, 2020
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1.Appendix D	Amendment	45 Ill. Reg. 4313; April 9, 2021
1.Appendix D	Amendment	45 Ill. Reg. 4579; April 16, 2021
1.Appendix D	Amendment	45 Ill. Reg. 6397; May 21, 2021
1.100	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.420	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.440	Amendment	45 Ill. Reg. 6906; June 11, 2021

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1.783	Amendment	45 Ill. Reg. 6906; June 11, 2021
1.30	Amendment	45 Ill. Reg. 8187; July 9, 2021

- 15) Summary and Purpose of Rulemaking: The Kindergarten Individual Development Survey (KIDS) is an observational tool designed to improve understanding of children's development in key areas of learning for long-term success, including social and emotional learning, language and literacy, mathematics, and approaches to learning. Within the first 40 days of school, a kindergarten teacher observes the children as they engage in activities in school, collects observational data on 14 indicators, and submits the collected data into the KIDSTech system. KIDS was developed with the assumption of in-person instruction and because, in some instances, in-person instruction is not occurring, these rules would allow the State Superintendent to extend the submission date for KIDS data. Additionally, Section 1.630, currently provides that unlicensed personnel may be utilized for activities not connected with the academic program of schools. Due to the pandemic, schools utilized multiple in-person and remote configurations, including some configurations where teachers instruct from a remote location and students are physically present at school. Schools are seeking flexibility to permit unlicensed personnel to serve as supervisors in such instances, provided such personnel have appropriate supervision while in the school building and that any maintenance of discipline is performed by licensed personnel.

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

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

217/782-6510
rules@isbe.net

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 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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- 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, 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
- 1.323 Teacher Evaluation Ratings During a Declared Gubernatorial Disaster
- 1.325 Teacher Remediation Plans During a Declared Gubernatorial Disaster
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.421 Remote and Blended Remote Learning Days
- 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 (Repealed)
- 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 World Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

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SUBPART E: SUPPORT SERVICES

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 Emergency Medications in Schools: Epinephrine; Opioid Antagonists; Asthma Medication

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 9-12 through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004 (Repealed)
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004 (Repealed)
- 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 (Repealed)
- 1.745 Assignment of Reading Teachers and Reading Specialists
- 1.750 Standards for Media Services through June 30, 2004 (Repealed)
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services

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- 1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
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,

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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, 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. Reg. 14941, effective December 4, 2019, for the remainder of the 150 days; emergency

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amendment to amended emergency rule at 44 Ill. Reg. 4085, effective February 25, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 1929, effective January 13, 2020; amended at 44 Ill. Reg. 6377, effective April 9, 2020; emergency amendment at 44 Ill. Reg. 7971, effective April 27, 2020, for a maximum of 150 days; emergency expired September 23, 2020; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; emergency expired September 27, 2020; amended at 44 Ill. Reg. 9961, effective May 21, 2020; emergency amendment at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days; emergency expired December 27, 2020; emergency amendment at 44 Ill. Reg. 16860, effective September 29, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 17816, effective October 23, 2020, for the remainder of the 150 days; emergency rule as amended expired February 25, 2021; amended at 45 Ill. Reg. 867, effective January 4, 2021; amended at 45 Ill. Reg. 1644, effective January 22, 2021; emergency amendment at 45 Ill. Reg. 4543, effective March 24, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 5362, effective April 12, 2021; amended at 45 Ill. Reg. 5744, effective April 21, 2021; amended at 45 Ill. Reg. 8280, effective June 24, 2021; amended at 45 Ill. Reg. 9446, effective July 7, 2021.

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.
- c) Every school district shall:
 - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions and socio-economic

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backgrounds.

- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, 18-12 and 18-12.5 of the School Code [105 ILCS 5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
 - 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
 - B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

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- C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B).
 - D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count these students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold educator licenses that are registered with the regional superintendent of schools for their county of employment. Other than substitute teachers, licensure appropriate to the grade level and subject areas of instruction is held by all teachers.
- 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the

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closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident.

- A) If the certification is submitted under Section 18-12 of the School Code, it shall indicate whether instruction was provided to students using an e-learning day authorized under Section 10-20.56 of the School Code and Section 1.422 of this Part.
 - B) If the certification is submitted for reasons of a public health emergency under Section 18-12.5 of the School Code, it shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:
 - i) the name of the building that is being recommended for closure;
 - ii) the specific public health emergency that warrants the closure; and
 - iii) the anticipated building closure dates recommended by the health department.
- 5) Attendance for General State Aid Purposes
- A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.
 - B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for

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more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

- C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.
- D) For the purposes of determining average daily attendance for General State Aid under Section 10-20.56 or 10-29 of the School Code, a school district operating a remote educational program shall document the clock hours of instruction for each student, and make available to the State Superintendent or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code.
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code).
 - 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

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- 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
 - A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- 3) Each public school district, including charter schools, offering a kindergarten program, whether full-day or half-day, shall report to the State Board of Education on the 14 State Readiness Measures listed in subsection (h)(3)(A) annually on each student enrolled in kindergarten, except as otherwise provided under this subsection (h)(3). The Kindergarten Individual Development Survey (KIDS) shall be available to school districts for this purpose. Data for each student, based on local instruction and assessment practices, shall be reported through the KIDSTech rating system. A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of reporting or access to professional development for teachers and administrators.
 - A) For the purpose of this subsection (h)(3), the 14 State Readiness Measures shall address, at a minimum:
 - i) language and literacy development:

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- communication and use of language (Expressive);
 - reciprocal communication and conversation;
 - comprehension of age-appropriate text;
 - phonological awareness;
 - letter and word knowledge;
- ii) cognition; math:
- classification;
 - number sense of quantity;
 - number sense of math operations;
 - shapes; and
- iii) approaches toward learning and social and emotional development:
- curiosity and initiative in learning;
 - self-control of feelings and behavior;
 - engagement and persistence;
 - relationships and social interactions with familiar adults;
 - relationships and social interactions with peers.
- B) Each school district shall report electronically the results of the observations conducted and evidence collected once each school year (i.e., after 40 days of enrollment beginning with the first day of official attendance or, during a Gubernatorial Disaster Proclamation due to a public health emergency, by a date

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[identified by the State Superintendent of Education](#)). The data required under this subsection (h)(3)(B) shall be reported for any student who was enrolled in a kindergarten classroom at least 30 days before the date on which the data is required to be reported.

- C) By August 1 of each school year, each school district shall provide to the State Superintendent the name, title, email address and telephone number for the district staff personnel who will serve as the KIDS contact persons, using a form prescribed for this purpose. Staff personnel serving as the KIDS contact person can be anyone that the district chooses, but preferably is someone who is working closely with the kindergarten teachers and can act as a liaison between SBE and the kindergarten teachers. This can include teachers and administrators.
- D) Each KIDS contact person designated under subsection (h)(3)(C) shall participate in, at a minimum, a KIDS administrator training sponsored by the State Board no later than 30 days after the beginning of the school year. A KIDS contact person need only take the KIDS administrator training once.
- E) All teachers teaching in a public or charter school classroom containing kindergarten students shall complete or have had completed the KIDS teacher training sponsored by the State Board.
- F) Beginning in the 2017-18 school year and thereafter, a public school district, including charter schools, shall report the data required under subsection (h)(3)(B) for each student enrolled in kindergarten.
- G) The 14 State Readiness Measures shall be reported for kindergarten children taught in a self-contained special education classroom or an alternative setting unless a special education team deems it inappropriate, at which time the justification for this decision must be recorded in the Individualized Education Program.
- H) The 14 State Readiness Measures shall be reported for kindergarten children who are English learners unless the school

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district deems that required Language and Literacy Measures should be substituted with more appropriate non-required measures.

- i) Career Education
 - 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
- j) Co-Curricular Activities
 - 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
- k) Consumer Education and Protection
 - 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code.
 - 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
 - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12.
 - 4) Teachers instructing in consumer education courses shall hold educator licensure valid for the grade levels taught and have completed at least three semester hours in consumer education courses.

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- l) Conservation of Natural Resources
Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code).
- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.
- n) Health Education
 - 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
 - A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
 - B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
 - C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.
 - D) If health education is offered in conjunction with another course on a "block of time" basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester's work.
 - 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code.

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- o) **Library Media Programs**
Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).
- 1) **General**
The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. A district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 and who is acting on behalf of the school district.
- 2) **Financial Resources**
Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.
- 3) **Facilities**
If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.
- 4) **Staff**
Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755, and nothing in this subsection (o) shall be construed as permitting

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an individual who is not qualified as a library information specialist to assume that role. Each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field. Except as otherwise provided in subsection (o)(4)(A), the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 unless he or she meets the requirements of that Section.

- A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:
 - i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or
 - ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or
 - iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.
 - B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755.
- p) Physical Education
Appropriate activity related to physical education shall be required as provided for by Section 27-6 of the School Code. The time schedule shall compare

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favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated. See Section 1.425 for additional requirements that apply to the provision of physical education instruction.

- q) **School Support Personnel Services**
To assure provision of School Support Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:
- 1) Guidance and Counseling Needs;
 - 2) Psychological Needs;
 - 3) Social Work Needs;
 - 4) Health Needs.
- r) **Social Sciences and History**
Each school system shall provide history and social sciences courses that do the following:
- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in the world (see Section 27-21 of the School Code);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code);
 - 5) *include the study of the events of Black history, including the individual*

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contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code);

- 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code); and
- 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).

- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous career and technical education courses and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115]. The eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI/ISEA Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th Floor, Washington, D.C. 20036. No later editions or amendments to these standards are incorporated.
- t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code.

(Source: Amended at 45 Ill. Reg. 9446, effective July 7, 2021)

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section 1.630 Paraprofessionals; Other Unlicensed Personnel

- a) Pursuant to Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18], school boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils.
- b) Paraprofessionals
 - 1) School boards may further utilize volunteer personnel or employ personnel who do hold an educator license with stipulations endorsed for

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paraprofessional educator to serve as paraprofessionals (or "teacher aides") to assist in the instruction of pupils, so long as each individual is under the immediate supervision of a teacher who holds a valid professional educator license endorsed for the teaching field of assignment and is directly engaged in teaching subject matter or conducting activities (see Sections 10-22.34 and 34-18 of the School Code). To "assist in the instruction of pupils", i.e., to serve as a paraprofessional, means to support teachers through interactions with students that will help them master curricular content, such as by tutoring; or to assist with classroom management, such as by organizing instructional materials.

- 2) Beginning July 1, 2013, an individual employed as a paraprofessional shall meet the requirements set forth in 23 Ill. Adm. Code 25.510 (Paraprofessionals) except in the following circumstances.
 - A) Any individual whose paraprofessional approval was continued after June 30, 2013, in accordance with the provisions of 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange), may continue to serve as a paraprofessional subject to any limitations of his or her approval.
 - B) An individual who holds an educator license indicative of completion of a bachelor's degree may serve as a paraprofessional without obtaining an educator license with stipulations endorsed for paraprofessional educator.
 - C) An individual who holds an educator license with stipulations endorsed for career and technical educator may serve as a paraprofessional without obtaining an additional endorsement for paraprofessional educator.
- 3) Each paraprofessional shall be under the direct supervision and control of a fully licensed teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment requires the supervision of a fully licensed teacher. The fully licensed teacher shall be responsible for planning the activities to be conducted by the paraprofessional and for evaluating the pupils with whom the paraprofessional works. The fully licensed teacher shall be continuously aware of the paraprofessional's

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activities, i.e., the teacher shall be responsible for controlling the paraprofessional's activities and shall be able to modify them at any time.

- 4) Paraprofessionals shall not be utilized as substitutes for or replacement of fully licensed teachers, and they shall not have equivalent responsibilities. Fully licensed teachers shall exercise professional judgment when assigning duties to paraprofessionals and shall retain the responsibility for determining students' scholastic activities.
 - 5) Each school district shall:
 - A) submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;
 - B) maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval, if applicable, or verification of his or her holding an educator license with stipulations endorsed for paraprofessional educator; and
 - C) be responsible for ensuring that no individual is employed as a paraprofessional without an educator license with stipulations endorsed for paraprofessional educator, except as permitted under subsection (b)(2) of this Section, and that paraprofessionals whose paraprofessional approval was continued are assigned only to tasks for which their approval is valid.
- c) Other Unlicensed Personnel
- 1) School boards may designate unlicensed persons of good character, as defined in Section 21B-15 of the School Code, to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis, for the following activities:
 - A) for school activities not connected with the academic program of the schools (see Section 10-22.34a of the School Code [105 ILCS 5/10-22.34a]); and-
 - B) for school activities connected to the academic programs of the

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schools during any time in which the Governor has declared a disaster due to a public health emergency under Section 7 of the Illinois Emergency Management Agency Act, and, due to that disaster declaration, teachers are instructing from a remote location while students are physically present at school. Individuals designated under this subsection (c)(1)(B) shall work under the direction of the remote teacher and supervision of licensed personnel who are physically present in the same building. Unlicensed personnel shall not enact student discipline. Licensed personnel shall enact student discipline and provide classroom support to non-licensed individuals as needed.

- 2) Unlicensed personnel in special education programs under contract to the local board of education, other than paraprofessionals, shall be governed by 23 Ill. Adm. Code 226 (Special Education). Also, beginning July 1, 2006, educational interpreters for persons who are deaf or hard of hearing shall be approved pursuant to 23 Ill. Adm. 25.550 (Approval of Educational Interpreters).
- 3) In accordance with Section 10-22.34(d) of the School Code [105 ILCS 5/10-22.34(d)], school districts may utilize unlicensed persons who are completing their clinical experiences and/or student teaching.
 - A) A candidate participating in clinical experiences shall not be required to hold an educator license with stipulations endorsed for paraprofessional if:
 - i) the candidate is engaging in the clinical experience as part of an approved Illinois teacher preparation program in which he or she is enrolled;
 - ii) when the candidate assists in instruction, he or she is under the immediate supervision of a teacher who holds a valid professional educator license and is directly engaged in teaching the subject matter or conducting other learning activities; and
 - iii) the cooperating teacher constantly evaluates the candidate's activities and is able to control or modify them.

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- B) Unlicensed personnel enrolled in a student teaching course at a college or university are not required to be under the constant supervision of a teacher, provided that their activity has the prior approval of the representative of the higher education institution, that teaching plans have been previously discussed with and approved by the supervising teacher, and the teaching is performed in accordance with the requirements of 23 Ill. Adm. Code 25.620 (Student Teaching) (see Section 10-22.34(d) of the School Code).
- C) In accordance with Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b], school districts may, with the prior approval of the responsible regional superintendent of schools, utilize unlicensed persons *to provide specialized instruction not otherwise readily available in the immediate school environment in the fields for which they are particularly qualified by reason of specialized knowledge or skill*. The regional superintendent shall approve an assignment of this type when:
- i) the individual holding a professional educator license endorsed in a teaching field under whose direction the instruction will be provided has specified in writing the material to be covered and the amount of time to be allotted for the specialized instruction;
 - ii) the district superintendent has identified in writing the selected individual's professional competence or outstanding proficiency in the area of specialization in which instruction is to be provided;
 - iii) the district superintendent has affirmed in writing that a district representative has determined the environment where instruction will be provided, if away from the school, to be safe and appropriate to the age of the students involved; and
 - iv) the district superintendent has described the precise function to be served by the specialized instruction and any compensation to be paid to the selected individual.

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(Source: Amended at 45 Ill. Reg. 9446, effective July 7, 2021)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1030.84	Amendment
1030.91	Amendment
- 4) Statutory Authority: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].
- 5) Effective Date of Rules: July 7, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking including any material incorporated is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 2608; March 5, 2021 and 45 Ill. Reg. 2777; March 12, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: A comma was removed from 1030.84(b).
- 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 other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1030.25	Amendment	45 Ill. Reg. 5337; April 23, 2021
1030.88	Amendment	45 Ill. Reg. 5337; April 23, 2021

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1030.160 Amendment 45 Ill. Reg. 8636; July 16, 2021

- 15) Summary and Purpose of Rulemaking: This rulemaking changes requirements for applicants who are required to take a road test in that, in lieu of a written affirmation by the applicant that the vehicle is covered by liability insurance or the vehicle falls within one of the stated exemptions, the applicant must provide proof of insurance, such as an insurance card, or the customer must demonstrate why the vehicle falls within an exemption of the mandatory insurance requirements. In addition, P.A. 99-829 created a Person with a Disability Wallet Card that the Secretary of State is to make available to a person applying for a Person with a Disability ID card and who has been medically diagnosed with a Type 2 or Type 5 disability, as defined by 4A of the Illinois Identification Card Act. This Public Act was effective January 1, 2017. As the statute is clear, a rule was not promulgated. However, to ensure the public is aware of the Wallet Card, we are adding this provision to Section 1030.91.

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

Secretary of State
Pamela Wright
298 Howlett Building
Springfield IL 62756

217/785-3094
pwright@ilsos.gov

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.8	Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card
1030.10	What Persons Shall Not Be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.26	Identification Cards for IDOC/IDJJ Applicants
1030.27	Identification Cards for Youth in Care
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening

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- 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
- 1030.80 Driver's License Testing/Written Test
- 1030.81 Endorsements
- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card [and Wallet Card](#)
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card
- 1030.160 Extension of Expiration Dates
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

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1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID
Compliant Driver's License or Identification Card

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588,

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effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill.

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Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019; amended at 44 Ill. Reg. 2041, effective December 31, 2019; emergency amendment at 44 Ill. Reg. 5477, effective March 16, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 5839, effective March 17, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 6650, effective April 9, 2020, for the remainder of the 150 days; emergency amendment at 44 Ill. Reg. 10011, effective May 21, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 16818, effective September 29, 2020; emergency amendment effective March 17, 2020, as amended April 9, 2020, repealed at 44 Ill. Reg. 11603, effective June 30, 2020; emergency amendment at 44 Ill. Reg. 11898, effective June 30, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 13823, effective August 7, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16534, effective September 22, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 12607, effective July 7, 2020; amended at 44 Ill. Reg. 16818, effective September 29, 2020; amended at 44 Ill. Reg. 18951, effective November 19, 2020; amended at 45 Ill. Reg. 732, effective December 23, 2020; emergency amendment at 45 Ill. Reg. 5450, effective April 8, 2021; amended at 45 Ill. Reg. 6062, effective April 23, 2021; emergency amendment at 45 Ill. Reg. 9197, effective July 2, 2021, for a maximum of 150 days; amended at 45 Ill. Reg. 9472, effective July 7, 2021.

Section 1030.84 Vehicle Inspection

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- a) An applicant, who is required to take the road test, as defined in Section 1030.85, must provide a representative vehicle for the test. The vehicle will be safety inspected by an examiner prior to the road test. A vehicle that is not properly equipped or that does not have equipment in safe operating order will be rejected for use in the road test. The following equipment shall be safety inspected as required for the type of representative vehicles being used to administer the road test:
- 1) Registration plates shall be attached or affixed to the motor vehicle pursuant to IVC Section 3-413. The owner of a vehicle who does not have registration plates and/or a registration sticker shall present proper documentation, pursuant to IVC Section 3-407, showing that proper registration has been applied for, prior to use of the vehicle for road test.
 - 2) When lighted lamps are required pursuant to IVC Section 12-201(b) for the road test, motor vehicles shall have mounted, exhibit and operate such lamps pursuant to IVC Sections 12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215. A motorized pedalcycle must have mounted and display a lamp and reflector as required in IVC Section 11-1507.1.
 - 3) When windshield wipers are required pursuant to IVC Section 12-503(d), they must be in proper operating condition.
 - 4) The horn must be in proper working order pursuant to IVC Section 12-601. Horns do not include a siren, whistle or bell.
 - 5) No person shall drive a motor vehicle with any sign, poster, window application, reflective material or nonreflective material upon the front windshield, sidewings or side windows immediately adjacent to each side of the driver that materially obstructs, obscures or impairs the view from within or without the vehicle. No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield or rear window that materially obstruct the driver's view. No person shall drive a motor vehicle when the windshield or side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with an unobstructed rearview mirror will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured (see IVC

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Section 12-503).

- 6) No vehicle may be used for the road test if one or more tires are unsafe as defined in IVC Section 12-405. A vehicle equipped with metal studded tires may not be used for the road test.
- 7) The service brakes, foot or hand operated, must be in a condition that allows activation with one movement of the activating device. All First and Second Division vehicles must be equipped with an operable emergency brake. A Class M motorcycle shall have two methods of braking. A Class L motor-driven cycle or pedalcycle shall have at least one method of braking.
- 8) Each driver and front seat passenger of a 1965 or later model motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt pursuant to IVC Section 12-603.1. Such requirements shall not apply to a driver possessing a written statement from a physician that the person is unable, for medical or physical reasons, to wear a seat safety belt, or to certain motor vehicles that are not required to be equipped with seat safety belts under 49 CFR 393.93. A retractable lap seat belt shall be provided for the driver of a school bus and must be used by the driver at all times while the bus is being operated, as required by IVC Section 12-807.
- 9) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the motor vehicle. A rectangular rearview mirror shall be located on the right and left sides of each Second Division school bus forward of the driver's seat. The mirrors shall have a minimum horizontal dimension of five inches and a minimum vertical dimension of 10 inches.
- 10) The seat for the person giving the test must be securely affixed in a location that assures the examiner's safety and allows the examiner to perform proper scoring of the road test pursuant to Section 1030.85. The seat must be free from excessive soil or grease and should have no protruding springs. Vehicles must not have loose objects on the seats or floors that could pose a danger to the driver or examiner.
- 11) The steering wheel must not be broken or have any part missing. The

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steering wheel when worked back and forth shall not have more than 5-10 degrees of free play (approximately 2" at the rim of a 20" steering wheel). Vehicles that have excessive free play (more than 10 degrees) in the steering mechanism shall be rejected as unsafe. Free play is the degree of movement the steering wheel must have before the front wheels move.

- 12) Both front vehicle doors must be operable from the inside and outside of the vehicle with the standard latching mechanism. Doors may not be wired or strapped shut.
- 13) Every motor vehicle of a width or design that would not allow hand signals to be adequately visible from the front and rear shall be equipped with an electric turn signal device that indicates the intention of the driver to turn to the right or to the left. The signaling device shall be in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made, mounted on the same level and as widely spaced laterally as practicable. Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.
- 14) Any motor vehicle or combination vehicle that operates with air brakes must have air brake hoses that are free from breaks, leaks or bulges that may prevent or hinder the safe operation of the vehicle braking system. Any motor vehicle or combination vehicle that operates with air brakes will not be permitted to be used for the road test if the air pressure gauge reading fails to maintain 95 pounds per square inch pressure during normal pressure buildup.
- 15) Three safety flags, flares, fuses or reflectors shall be provided in all Second Division vehicles as described in IVC Section 12-702.
- 16) An operating speedometer shall be mounted in all vehicles designated as a school bus in a manner that it is readable to the seated driver.
- 17) The emergency doors at the front and the rear of a designated school bus should open from the inside. The latch must be in operable condition. An alarm system that is visible and audible to the driver must be activated when the engine is running and the emergency door is unlatched.
- 18) One fire extinguisher shall be located in a position readily accessible to the

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driver of a school bus pursuant to IVC Section 12-808.

- 19) A school bus shall carry a removable and readily identifiable first aid and bodily fluid kit, mounted in full view of and readily accessible to the driver as required by IVC Section 12-809.
- 20) All school buses shall be equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as required by IVC Section 12-805. Each signal lamp shall be a sealed beam at least 5½ inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.
- 21) All Second Division vehicles, as required by IVC Section 12-202, shall have mounted and properly display clearance, identification and side marker lamps. The lamps shall be illuminated for the road test, during periods when headlamps are required by IVC Section 12-201.
- 22) A stop arm shall be placed on the driver's side of each Second Division school bus and may be operated either manually or mechanically. The design of this stop arm shall comply with IVC Section 12-803.
- 23) The tailpipes of each Second Division school bus should extend beyond the rear end of the chassis frame at least one inch, but not beyond the rear of the bumper.
- 24) A religious organization bus or senior citizen transportation vehicle may be of any color and have any markings designating its purpose other than those required for school buses pursuant to IVC Sections 12-801, 12-802, 12-804 and 12-806. A road test, for a religious organization bus or senior citizen transportation vehicle restriction, may be administered in any vehicle of the proper representative type for the license restriction (see Section 1030.92).
- 25) No person shall operate any motorcycle, motor-driven cycle or pedalcycle for the road test with handlebars higher than the height of the shoulders of the operator when seated in the upright driving position.

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- 26) The operator of a motorcycle, motor-driven cycle or pedalcycle used for the road test shall be protected by glasses, goggles or a transparent shield pursuant to IVC Section 11-1404.
- 27) Second Division vehicles or medical transport vehicles shall display a certificate of safety then in effect pursuant to IVC Sections 13-111 and 13-114, except that those vehicles displaying a Department of Transportation federal census number on the side of the vehicle shall not require the certificate.
- 28) No vehicle may be used for a road test that has any lighting or combination of lighting with a smoked or tinted lens or cover per IVC Section 12-212.
- b) Prior to taking a road test, as defined in Section 1030.85, each applicant shall provide proof of insurance for the vehicle to be used for the road test or demonstrate that the vehicle falls within an exception to mandatory insurance requirements set forth in IVC Section 7-601.~~execute an affirmation stating that the vehicle to be used for the road test:~~
- 1) ~~Is insured pursuant to, and in compliance with, IVC Chapter 7, Article VI (the applicant shall provide proof of insurance); or~~
- 2) ~~Falls within one of the stated exempted categories.~~
- c) If the applicant refuses to execute or fails to comply with this Section, then no road test shall be given to the applicant in that vehicle until such time as the applicant complies.

(Source: Amended at 45 Ill. Reg. 9472, effective July 7, 2021)

Section 1030.91 Person with a Disability Identification Card and Wallet Card

- a) If a person wishes to obtain an Illinois Person with a Disability Identification Card pursuant to Section 4(b) of the Illinois Identification Card Act [15 ILCS 335/4(b)], the individual shall complete an application form provided by the Department.

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- b) The Person with a Disability Identification Card application shall include the person's legal name, address, social security number, gender, height, weight, hair color, eye color and date of birth. The applicant's medical professional shall certify in priority order the type of disability that the person has as physical, developmental, visual, hearing or mental and the classification of the disability to be Class 1, Class 1a, Class 2, or Class 2a as defined in Section ~~4A(b)~~4(a) of the Illinois Identification Card Act. The medical professional shall sign the application and also print or type his/her name, business address and business phone number.
- c) The application forms ~~will~~shall not be accepted by the Department unless all portions of the form are completely filled out. Failure to complete the application properly ~~will~~shall result in the applicant's request being denied. The application is valid for a period of three months from the date of signature of the medical professional.
- d) If an applicant for a Person with a Disability Identification Card indicates on the application that the individual has a disability so severe that it precludes the applicant from obtaining an Illinois driver's license, and it is determined that the applicant has a valid Illinois driver's license, a Person with a Disability Identification Card shall be issued. The case ~~will~~shall be forwarded by the facility to the Driver Analysis Division of the Department for review and possible cancellation of the driver's license pursuant to 92 Ill. Adm. Code 1040.80.
- e) Upon issuance of an Illinois Person with a Disability Identification Card to a person with a Type Two (Developmental) or Type Five (Mental) disability, as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335], the Secretary will inform the applicant of the availability of a Person with a Disability Wallet Card that specifies the cardholder has been medically diagnosed with a disability. Upon request, SOS will provide a Wallet Card to the applicant.

(Source: Amended at 45 Ill. Reg. 9472, effective July 7, 2021)

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- 1) Heading of the Part: Educator Licensure
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number: 25.550 Emergency Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Emergency Rule: July 9, 2021
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendment will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: July 9, 2021
- 8) A statement that a copy of the emergency amendment, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: ISBE is pursuing an emergency rule change to allow the holders of interim sign language interpreter approvals to request an emergency extension on their approvals that are expiring this summer. These individuals are required to achieve a target score on a specific test prior to their approval expiring so that they will qualify for the sign language interpreter approval, but the testing centers for the required test were not open to educators during the pandemic. ISBE does not have a contract with the organizations that offer the tests and was therefore not able to require or persuade the test centers to remain open to educators. The two-year extension will allow the holders of interim sign language interpreter approvals ample time to complete the test once test centers reopen, which will enable them to qualify for the full sign language interpreter approval and continue serving our state's children who require sign language interpretation. Emergency rules are necessary because educators who hold this approval will be prevented from working in the schools this fall without an emergency extension. The regular rulemaking process timelines will not provide relief in time for educators to teach when school begins this fall and not taking action will cause classrooms of students who need sign language interpreters to go unstaffed in the upcoming school year.

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- 10) A Complete Description of the Subjects and Issues Involved: The emergency rule amends Section 25.550(a)(4) to allow any holder of an interim approval expiring June 30, 2021, to request from the State Board of Education a two-year extension of the interim approval.
- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

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

217/782-6510
rules@isbe.net

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

EDUCATOR LICENSURE

SUBPART A: DEFINITIONS

Section

25.10 Definitions

SUBPART B: LICENSES

Section

25.11 New Certificates (February 15, 2000) (Repealed)
25.15 Types of Licenses; Exchange (Repealed)
25.20 Requirements for the Elementary Certificate (Repealed)
25.22 Requirements for the Elementary Certificate (2004) (Repealed)
25.25 Requirements for the Professional Educator License
25.30 Endorsement in Teacher Leadership (Through December 31, 2012) (Repealed)
25.32 Teacher Leader Endorsement
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)
25.37 Acquisition of Subsequent Endorsements on a Professional Educator License
25.40 Grade-Level Endorsements
25.42 Requirements for the Special Certificate (2004) (Repealed)
25.43 Endorsements for Special Education Teachers
25.45 Standards for the Initial Special Preschool-Age 12 Certificate – Speech and Language Impaired (Repealed)
25.46 Special Provisions for the Learning Behavior Specialist I Endorsement (Repealed)
25.47 Special Provisions for the Learning Behavior Specialist I Approval (Repealed)
25.48 Short-Term Emergency Approval in Special Education
25.50 General Certificate (Repealed)
25.60 Alternative Educator Licensure Program for Teachers
25.65 Alternative Educator Licensure (Repealed)
25.67 Alternative Route to Teacher Licensure (Repealed)
25.70 Endorsement for Career and Technical Educator
25.72 Endorsement for Provisional Career and Technical Educator

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25.75	Part-time Provisional Certificates (Repealed)
25.80	Endorsement for Part-time Provisional Career and Technical Educator
25.81	Short-Term Approval for Career and Technical Education
25.82	Requirements for the Early Childhood Certificate (2004) (Repealed)
25.85	Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified (Repealed)
25.86	Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified (Repealed)
25.90	Endorsement for Transitional Bilingual Educator
25.92	Endorsement for Visiting International Educator
25.95	World Language Endorsement for the Transitional Bilingual Educator
25.96	Endorsement for Early Childhood Education (Birth through Grade 2)
25.97	Endorsement for Elementary Education (Grades 1 through 6)
25.99	Endorsement for the Middle Grades (Grades 5 through 8)
25.100	Teaching Endorsements on the Professional Educator License
25.105	Temporary Substitute Teaching Permit (Repealed)

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

Section	
25.110	Definitions
25.115	Educator Preparation Providers
25.120	Initial Approval of Educator Preparation Programs by the State Board of Education
25.125	National Accreditation of Educator Preparation Providers and Programs
25.127	Requirements for Annual Reporting and Entitlement Audits
25.130	Interventions by the State Board of Education and State Educator Preparation and Licensure Board
25.135	Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)
25.136	Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)
25.137	Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
25.140	Requirements for the Institution's Educational Unit Assessment Systems (Repealed)
25.142	Assessment Requirements for Individual Programs (Repealed)
25.145	Approval of New Programs Within Recognized Institutions (Repealed)

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- 25.147 Approval of Programs for World Language
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Procedures for the Initial Recognition of an Institution as an Educator Preparation Institution and Its Educational Unit (Repealed)
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SUPPORT PERSONNEL

Section

- 25.200 Relationship Among Endorsements in Subpart D
- 25.210 Requirements for the Certification of School Social Workers (Repealed)
- 25.215 Endorsement for School Social Workers
- 25.220 Requirements for the Certification of Guidance Personnel (Repealed)
- 25.225 Endorsement for School Counselors
- 25.227 Interim Approval for School Counselor Interns (Repealed)
- 25.230 Nationally Certified School Psychologist
- 25.235 Endorsement for School Psychologists
- 25.240 Standard for School Nurse Endorsement (Repealed)
- 25.245 Endorsement for School Nurses
- 25.250 Standards for Speech-Language Pathologists
- 25.252 Endorsement for Speech-Language Pathologists
- 25.255 Interim Approval for Speech-Language Pathologist Interns (Repealed)
- 25.260 Endorsement for School Marriage and Family Therapists
- 25.265 Interim Approval for School Marriage and Family Therapist Interns (Repealed)
- 25.275 Renewal of the Professional Educator License Endorsed for School Support Personnel (Repealed)

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

Section

- 25.300 Relationship Among Credentials in Subpart E
- 25.310 Definitions (Repealed)
- 25.311 Alternative Route to Superintendent Endorsement
- 25.313 Alternative Route to Administrative Endorsement (Through August 31, 2013) (Repealed)
- 25.314 Alternative Route to Administrative Certification for Teacher Leaders (Repealed)
- 25.315 Renewal of Administrative Endorsement (Repealed)

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25.320	Application for Approval of Program (Repealed)
25.322	General Supervisory Endorsement (Repealed)
25.330	Standards and Guide for Approved Programs (Repealed)
25.333	General Administrative Endorsement (Repealed)
25.335	General Administrative Endorsement (Through June 30, 2016) (Repealed)
25.337	Principal Endorsement
25.338	Designation as Master Principal (Repealed)
25.344	Chief School Business Official Endorsement (Repealed)
25.345	Endorsement for Chief School Business Official
25.355	Endorsement for Superintendent
25.360	Endorsement for Superintendent (Through August 31, 2019) (Repealed)
25.365	Endorsement for Director of Special Education

SUBPART F: GENERAL PROVISIONS

Section	
25.400	Registration of Licenses; Fees
25.405	Military Service; Licensure
25.410	Reporting Requirements for Revoked or Suspended Licenses; License Application Denials
25.411	Voluntary Removal of Endorsements
25.415	Credit in Junior College (Repealed)
25.420	Psychology Accepted as Professional Education (Repealed)
25.425	Individuals Prepared in Out-of-State Institutions
25.427	Limitation on Evaluation or Entitlement
25.430	Short-Term Approval for Teachers at All Grade Levels
25.432	Short-Term Approval for School Support Personnel
25.435	School Service Personnel Certificate – Waiver of Evaluations (Repealed)
25.437	Equivalency of General Education Requirements (Repealed)
25.440	Master of Arts NCATE (Repealed)
25.442	Illinois Teacher Corps Programs (Through August 31, 2013) (Repealed)
25.444	Illinois Teaching Excellence Program
25.445	College Credit for High School Mathematics and Language Courses (Repealed)
25.450	Lapsed Licenses
25.455	Substitute Certificates (Repealed)
25.460	Provisional Special and Provisional High School Certificates (Repealed)
25.464	Short-Term Authorization for Positions Otherwise Unfilled (Repealed)
25.465	Credit (Repealed)
25.470	Meaning of Experience on Administrative Certificates (Repealed)

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- 25.475 Renewal Requirements for Holders of Multiple Types of Endorsements on a Professional Educator License (Repealed)
- 25.480 Supplemental Documentation and Review of Certain License Applications
- 25.485 Licensure of Persons with Prior Certificate or License Sanctions
- 25.486 Licensure of Persons Who Are Delinquent in the Payment of Child Support
- 25.487 Licensure of Persons with Illinois Tax Noncompliance
- 25.488 Licensure of Persons Named in Reports of Child Abuse or Neglect
- 25.489 Licensure of Persons Who Are in Default on Student Loans (Repealed)
- 25.490 Licensure of Persons Who Have Been Convicted of a Crime
- 25.491 Licensure of Persons with Unsatisfactory Performance Evaluation Ratings
- 25.493 Part-Time Teaching Interns (Repealed)
- 25.495 Approval of Out-of-State Institutions and Programs (Repealed)
- 25.497 Supervisory Endorsements

SUBPART G: PARAPROFESSIONALS; OTHER PERSONNEL

Section

- 25.510 Endorsement for Paraprofessional Educators
- 25.520 Substitute Teaching License
- 25.525 Short-Term Substitute Teaching License
- 25.530 Specialized Instruction by Noncertificated Personnel (Repealed)
- 25.540 Approved Teacher Aide Programs (Repealed)
- 25.550 Approval of Educational Interpreters

EMERGENCY

- 25.560 Approval of Interveners for Students Who Are Deaf-Blind

SUBPART H: CLINICAL EXPERIENCES

Section

- 25.610 Definitions
- 25.620 Student Teaching
- 25.630 Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS LICENSURE TESTING SYSTEM

Section

- 25.705 Purpose – Severability
- 25.710 Definitions
- 25.715 Test Validation

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25.717	Test Equivalence
25.720	Applicability of Testing Requirement and Scores
25.725	Applicability of Scores (Repealed)
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration – Paper-and-Pencil Testing (Repealed)
25.731	Registration
25.732	Late Registration (Repealed)
25.733	Emergency Registration (Repealed)
25.735	Frequency and Location of Tests
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates (Repealed)
25.750	Conditions of Testing
25.755	Cancellation of Scores; Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF PROFESSIONAL EDUCATOR LICENSES

Section	
25.800	Professional Development Required
25.805	Professional Development Options
25.807	Additional Specifications Related to Professional Development Activities of Special Education Teachers (Repealed)
25.810	State Priorities (Repealed)
25.815	Submission and Review of the Plan (Repealed)
25.820	Requirements for Coursework on the Assessment of One's Own Performance (Repealed)
25.825	Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS) (Repealed)
25.830	Verification of Completed Activities; Renewal Process
25.831	Educator Professional Development Audits
25.832	Validity and Renewal of NBPTS Master Teacher Designation (Repealed)
25.835	Request for Extension
25.840	Appeals to the State Educator Preparation and Licensure Board
25.845	Responsibilities of School Districts (Repealed)
25.848	General Responsibilities of LPDCs (Repealed)

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- 25.850 General Responsibilities of Regional Superintendents (Repealed)
- 25.855 Approval of Professional Development Providers
- 25.856 Registration of Professional Development Providers
- 25.860 Reporting by and Audits of Providers
- 25.865 Awarding of Credit for Activities with Providers
- 25.870 Continuing Education Units (CEUs) (Repealed)
- 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development (Repealed)
- 25.875 Continuing Professional Development Units (CPDUs) (Through June 30, 2014) (Repealed)
- 25.880 "Valid and Exempt" Licenses; Proportionate Reduction; Part-Time Teaching Funding; Expenses (Repealed)
- 25.885

SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE

Section

- 25.900 Applicability of Requirements in this Subpart (Repealed)
- 25.905 Choices Available to Holders of Initial Certificates (Repealed)
- 25.910 Requirements for Induction and Mentoring (Repealed)
- 25.915 Requirements for Coursework on the Assessment of One's Own Performance (Repealed)
- 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS) (Repealed)
- 25.925 Requirements Related to Advanced Degrees and Related Coursework (Repealed)
- 25.930 Requirements for Continuing Professional Development Units (CPDUs) (Repealed)
- 25.935 Additional Activities for Which CPDUs May Be Earned (Repealed)
- 25.940 Examination (Repealed)
- 25.942 Requirements for Additional Options (Repealed)
- 25.945 Procedural Requirements (Repealed)

- 25.APPENDIX A Statistical Test Equating – Licensure Testing System
- 25.APPENDIX B Certificates Available Effective February 15, 2000 (Repealed)
- 25.APPENDIX C Exchange of Certificates for Licenses (July 1, 2013)
- 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances (Repealed)
- 25.APPENDIX E Endorsement Structure Beginning July 1, 2013

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AUTHORITY: Implementing Articles 21 and 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; preemptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; preemptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; preemptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645,

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effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462, effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; preemptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011; amended at 35 Ill. Reg. 16755, effective September 29, 2011; amended at 36 Ill. Reg. 2191, effective January 24, 2012; amended at 36 Ill. Reg. 12455, effective July 23, 2012; emergency amendment at 36 Ill. Reg. 12903, effective July 24, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 199, effective December 19, 2012; amended at 37 Ill. Reg. 8379, effective June 12, 2013; amended at 37 Ill. Reg. 16729, effective October 2, 2013; amended at 38 Ill. Reg. 11261, effective May 6, 2014; amended at 38 Ill. Reg. 18933, effective September 8, 2014; amended at 38 Ill. Reg. 21788, effective November 3, 2014; amended at 39 Ill. Reg. 6649, effective April 27, 2015; amended at 39 Ill. Reg. 13722, effective October 5, 2015; amended at 40 Ill. Reg. 4940, effective March 2, 2016; amended at 40 Ill. Reg. 12346, effective August 9, 2016; amended at 41 Ill. Reg. 8813, effective June 28, 2017; emergency amendment at 41 Ill. Reg. 8949, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14075, effective November 3, 2017; amended at 42 Ill. Reg. 8830, effective May 21, 2018; amended at 43 Ill. Reg. 14806, effective December 4, 2019; emergency amendment at 44 Ill. Reg. 8013, effective April 27, 2020, for a maximum of 150 days; emergency expired September 23, 2020; amended at 45 Ill. Reg. 879, effective January 4, 2021; amended at 45 Ill. Reg. 7269, effective June 3, 2021; emergency amendment at 45 Ill. Reg. 9485, effective July 9, 2021, for a maximum of 150 days.

SUBPART G: PARAPROFESSIONALS; OTHER PERSONNEL

Section 25.550 Approval of Educational Interpreters**EMERGENCY**

Each educational interpreter who serves students with hearing loss in the public schools shall be of good character, as defined in Section 21B-15 of the Code. Each educational interpreter shall be subject to that portion of Section 24-5 of the Code that requires physical fitness and freedom from tuberculosis as may be required by Illinois Department of Public Health rules (77 Ill. Adm. Code 696; Control of Tuberculosis Code). Each educational interpreter shall hold a statement of approval or endorsement from the State Superintendent of Education, which shall be identified as valid either for sign language interpreting or oral transliteration. Each individual who is required to hold a statement of approval or endorsement shall submit an application to the State Superintendent, along with the fee required under Section 21B-40 of the Code for those

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applicants who hold a PEL and evidence that the individual meets the requirements applicable to the type of approval sought.

- a) Approval Criteria
 - 1) Each applicant for approval as an educational interpreter either for sign language interpreter or oral transliteration shall:
 - A) have completed 60 semester hours of college credit from one or more regionally accredited institutions of higher education;
 - B) hold an associate's degree issued by a regionally accredited institution of higher education;
 - C) hold a high school diploma or its recognized equivalent and have achieved the score identified as passing by the State Board on one of the examinations for paraprofessionals discussed in Section 25.510(b); or
 - D) hold a high school diploma or its recognized equivalent and have passed the written examination administered by the Registry of Interpreters for the Deaf (RID).
 - 2) Each applicant for approval as a sign language interpreter also shall have:
 - A) attained a rating of Level 3.5 or above on the Educational Interpreter Performance Assessment (EIPA);
 - B) maintained a valid certification from the RID; or
 - C) maintained a valid Illinois Board for Evaluation of Interpreters (IL BEI) Basic Certification or higher issued by the Illinois Deaf and Hard of Hearing Commission.
 - 3) Each applicant for approval for oral transliteration also shall have attained Transliteration Skills Certification at Level 3 or above.
 - 4) If the applicant is unable to provide evidence of meeting one of the criteria set forth in subsection (a)(2), a one-time, interim approval shall be granted

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if each of the following conditions are met. The interim approval is valid until June 30 following two years of the approval being issued; except that until September 30, 2021, any holder of an interim approval expiring June 30, 2021 may request from the State Board of Education a two-year extension of the interim approval, on a form specified by the State Board and made available on its website. The provisions of this subsection (a)(4) shall not apply to individuals who held initial approval issued prior to June 30, 2013.

- A) The applicant shall provide evidence of meeting one of the criteria listed in subsection (a)(1).
 - B) The applicant shall have attained a rating of at least Level 3.0 on the EIPA.
- b) **Validity; Renewal**
Approval shall be valid for five fiscal years, subject to the provisions of Section 21B-20 of the Code, and shall be renewable upon presentation of evidence that, during the five-year period of the approval's validity, the individual has completed 50 clock hours of professional development activities (see Section 25.800). Sign language interpreter approvals shall be renewed between April 1 and June 30 of each renewal cycle. If the approval is not renewed during this time period it will expire.
- c) **Revocation or Suspension of Approval or other Permissible Sanction**
The provisions of Section 25.510(e) shall apply to the revocation or suspension of approval or other permissible sanction for educational interpreters.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 9485, effective July 9, 2021, for a maximum of 150 days)

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- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
300.230	Amendment
300.3210	Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Emergency Rules: July 8, 2021
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency amendments will expire at the end of the 150-day period, upon repeal of the emergency rulemaking, or upon adoption of permanent rulemaking, whichever comes first.
- 7) Date Filed with the Index Department: July 8, 2021
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are adopted in response to requirements of the Colbert Consent Decree and the Implementation Plan Amendment for Fiscal Year 2021. This rulemaking implements requirements for the posting of non-retaliation posters that are intended to provide contact information for Class Members residing in skilled nursing and intermediate care facilities who feel they may be pressured or retaliated against for seeking community-based placements.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." This rulemaking seeks to protect the safety and welfare of Colbert Class Members by including the display of the Department-provided posters as a compliance measure in the Department's survey process.
- 10) A Complete Description of the Subject and Issues: This rulemaking implements Task 010 of the Implementation Plan Amendment for the Colbert v. Pritzker Consent Decree

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

for fiscal year 2021 by requiring that all Cook County skilled nursing and intermediate care facilities with Colbert Class Members display posters at their facility to inform residents of their right to be free from retaliation, should the residents decide that they want to live in a community-based setting (as opposed to staying in the institutional facility). The rulemaking also addresses Task 08 of the Implementation Plan Amendment by requiring Cook County facilities to provide appropriate supports and services to residents to promote a transition to independent living.

11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
300.110	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.330	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.340	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.660	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.661	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.663	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.696	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.1060	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.1450	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.1610	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.1620	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2040	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2810	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2820	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2920	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.2940	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3020	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3130	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3140	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3210	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3240	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3250	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3300	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.3320	Amendment	45 Ill. Reg. 4778; April 16, 2021
300.TABLE C	Repealed	45 Ill. Reg. 4778; April 16, 2021

12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a

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State mandate.

- 13) Information and questions regarding these emergency rules shall be directed to:

Department of Public Health
Attention: Tracey Trigillo, Rules Coordinator
Lincoln Plaza
524 South 2nd Street, 6th Floor
Springfield IL 62701

217/782-1159
dph.rules@illinois.gov

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

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section

300.2 COVID-19 Emergency Provisions for Licenses and Inspections

EMERGENCY

300.110 General Requirements

300.120 Application for License

300.130 Licensee

300.140 Issuance of an Initial License for a New Facility

300.150 Issuance of an Initial License Due to a Change of Ownership

300.160 Issuance of a Renewal License

300.163 Alzheimer's Special Care Disclosure

300.165 Criteria for Adverse Licensure Actions

300.170 Denial of Initial License

300.175 Denial of Renewal of License

300.180 Revocation of License

300.190 Experimental Program Conflicting With Requirements

300.200 Inspections, Surveys, Evaluations and Consultation

300.210 Filing an Annual Attested Financial Statement

300.220 Information to Be Made Available to the Public By the Department

300.230 Information to Be Made Available to the Public by the Licensee

EMERGENCY

300.240 Municipal Licensing

300.250 Ownership Disclosure

300.260 Issuance of Conditional Licenses

300.270 Monitor and Receivership

300.271 Presentation of Findings

300.272 Determination to Issue a Notice of Violation or Administrative Warning

300.274 Determination of the Level of a Violation

300.276 Notice of Violation

300.277 Administrative Warning

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300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)
300.286	Notice of Penalty Assessment; Response by Facility
300.287	Consideration of Factors for Assessing Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

EMERGENCY

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.651	Whistleblower Protection
300.655	Initial Health Evaluation for Employees

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- 300.660 Nursing Assistants
- 300.661 Health Care Worker Background Check
- 300.662 Resident Attendants
- 300.663 Registry of Certified Nursing Assistants
- 300.665 Student Interns
- 300.670 Disaster Preparedness
- 300.675 COVID-19 Training Requirements

EMERGENCY

- 300.680 Restraints
- 300.682 Nonemergency Use of Physical Restraints
- 300.684 Emergency Use of Physical Restraints
- 300.686 Unnecessary, Psychotropic, and Antipsychotic Medications
- 300.690 Incidents and Accidents
- 300.695 Contacting Local Law Enforcement
- 300.696 Infection Control

EMERGENCY

SUBPART D: PERSONNEL

Section

- 300.810 General
- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section

- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1035 Life-Sustaining Treatments
- 300.1040 Care and Treatment of Sexual Assault Survivors
- 300.1050 Dental Standards
- 300.1060 Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

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Section

300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Direct Care Staffing
300.1231	Calculation of Direct Care Staffing During Inspections, Surveys and Evaluations
300.1232	Waiver of Registered Professional Nurse Staffing Requirements
300.1233	Quarterly Administrative Staffing Compliance Review
300.1234	Penalties and Notice of Violation
300.1240	Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

300.1410	Activity Program
300.1420	Specialized Rehabilitation Services
300.1430	Work Programs
300.1440	Volunteer Program
300.1450	Language Assistance Services

SUBPART H: MEDICATIONS

Section

300.1610	Medication Policies and Procedures
300.1620	Compliance with Licensed Prescriber's Orders
300.1630	Administration of Medication
300.1640	Labeling and Storage of Medications
300.1650	Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

300.1810	Resident Record Requirements
300.1820	Content of Medical Records
300.1830	Records Pertaining to Residents' Property
300.1840	Retention and Transfer of Resident Records
300.1850	Other Resident Record Requirements
300.1860	Staff Responsibility for Medical Records
300.1870	Retention of Facility Records

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300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 300.2410 Furnishings
- 300.2420 Equipment and Supplies
- 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 300.2610 Codes
- 300.2620 Water Supply
- 300.2630 Sewage Disposal
- 300.2640 Plumbing

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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.2810	Applicability of these Standards
300.2820	Codes and Standards
300.2830	Preparation of Drawings and Specifications
300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit
300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
300.2930	Plumbing Systems
300.2940	Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.3010	Applicability
300.3020	Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care
300.3090	Service Departments
300.3100	General Building Requirements
300.3110	Structural
300.3120	Mechanical Systems
300.3130	Plumbing Systems
300.3140	Electrical Requirements

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SUBPART P: RESIDENT'S RIGHTS

Section

300.3210 General

EMERGENCY

300.3220 Medical Care
300.3230 Restraints (Repealed)
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
300.3270 Residents' Advisory Council
300.3280 Contract With Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge
300.3310 Complaint Procedures
300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section

300.3410 Application of Other Sections of These Minimum Standards (Repealed)
300.3420 Administrator (Repealed)
300.3430 Policies (Repealed)
300.3440 Personnel (Repealed)
300.3450 Resident Living Services Medical and Dental Care (Repealed)
300.3460 Resident Services Program (Repealed)
300.3470 Psychological Services (Repealed)
300.3480 Social Services (Repealed)
300.3490 Recreational and Activities Services (Repealed)
300.3500 Individual Treatment Plan (Repealed)
300.3510 Health Services (Repealed)
300.3520 Medical Services (Repealed)
300.3530 Dental Services (Repealed)
300.3540 Optometric Services (Repealed)
300.3550 Audiometric Services (Repealed)
300.3560 Podiatric Services (Repealed)

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- 300.3570 Occupational Therapy Services (Repealed)
- 300.3580 Nursing and Personal Care (Repealed)
- 300.3590 Resident Care Services (Repealed)
- 300.3600 Record Keeping (Repealed)
- 300.3610 Food Service (Repealed)
- 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
- 300.3630 Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

- 300.3710 Day Care in Long-Term Care Facilities

SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section

- 300.4000 Applicability of Subpart S
- 300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
HEALTHCARE AND FAMILY SERVICES'
DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

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Section

300.6000	Applicability of Subpart T (Repealed)
300.6005	Quality Assessment and Improvement for Facilities Subject to Subpart T (Repealed)
300.6010	Comprehensive Assessments for Residents of Facilities Subject to Subpart T (Repealed)
300.6020	Reassessments for Residents of Facilities Subject to Subpart T (Repealed)
300.6030	Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
300.6040	General Requirements for Facilities Subject to Subpart T (Repealed)
300.6045	Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)
300.6047	Medical Care Policies for Facilities Subject to Subpart T (Repealed)
300.6049	Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
300.6050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)
300.6060	Discharge Plans for Residents of Facilities Subject to Subpart T (Repealed)
300.6070	Work Programs for Residents of Facilities Subject to Subpart T (Repealed)
300.6080	Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)
300.6090	Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)
300.6095	Training and Continuing Education for Facilities Subject to Subpart T (Repealed)

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

Section

300.7000	Applicability
300.7010	Admission Criteria
300.7020	Assessment and Care Planning
300.7030	Ability-Centered Care
300.7040	Activities
300.7050	Staffing
300.7060	Environment
300.7070	Quality Assessment and Improvement
300.7080	Variations to Enhance Residents' Quality of Life

300.APPENDIX A Example of Staffing Calculations from Section 300.1230

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300.APPENDIX B	Crosswalk of Nursing Home Care Act Job Descriptions and Payroll Based Journal Job Titles
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg.

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4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill.

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Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15, 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill. Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23, 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg. 18462, effective October 23, 2020, for a maximum of 150 days; emergency rule expired March 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective December 18, 2020, for the remainder of the 150 days; emergency rule as amended expired April 30, 2021; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 6354, effective May 1, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 9498, effective July 8, 2021, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 300.230 Information to Be Made Available to the Public by the Licensee**EMERGENCY**

- a) *Every facility shall conspicuously post for display in an area of its offices accessible to residents, employees, and visitors the following:*
 - 1) *Its current license;*
 - 2) *A description, provided by the Department of complaint procedures established under the Act and the name, address, and telephone number of a person authorized by the Department to receive complaints;*

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- 3) *A copy of any order pertaining to the facility issued by the Department or a court; and*
 - 4) *A list of the material available for public inspection under subsection (b) and Section 3-210 of the Act. (Section 3-209 of the Act)*
- b) *A facility shall retain the following for public inspection:*
- 1) *A complete copy of every inspection report of the facility received from the Department during the past five years;*
 - 2) *A copy of every order pertaining to the facility issued by the Department or a court during the past five years;*
 - 3) *A description of the services provided by the facility and the rates charged for those services and items for which a resident may be separately charged;*
 - 4) *A copy of the statement of ownership required by Section 3-207 of the Act;*
 - 5) *A record of personnel employed or retained by the facility who are licensed, certified or registered by the Department of Financial and Professional Regulation;*
 - 6) *A complete copy of the most recent inspection report of the facility received from the Department; and*
 - 7) *A copy of the current Consumer Choice Information Report required by Section 2-214 of the Act. (Section 3-210 of the Act)*
- c) *A facility that has received a notice of violation for a violation of the minimum staffing requirements under Section 3-202.05 of the Act and Section 300.1230 of this Part shall display, during the period of time the facility is out of compliance, a notice stating in Calibri (body) font and 26-point type in black letters on an 8.5 by 11 inch white paper the following:*

"Notice Dated:

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This facility does not currently meet the minimum staffing ratios required by law. Posted at the direction of the Illinois Department of Public Health."

- 1) *The notice shall be posted, at a minimum, at all publicly used exterior entryways into the facility, inside the main entrance lobby, and next to any registration desk for easily accessible viewing. The notice shall also be posted on the main page of the facility's website.*
- 2) *Pursuant to Section 300.1234(a)(5), the Department shall have the discretion to determine the gravity of any violation and, taking into account mitigating and aggravating circumstances and facts, may reduce the requirement of, and amount of time for, posting the notice. (Section 3-209 of the Act)*

d) [All Cook County facilities with Colbert Class Members shall conspicuously display, in a public and accessible location, a Department-provided poster informing residents of their right to explore or decline community transition, and their right to be free from retaliation, regardless of their decision on transition. This poster shall include a telephone number for reporting retaliation to the Department and shall include the steps a resident should take if retaliation does occur. The display of the poster will be included as a compliance measure in the Department's survey process.](#)

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 9498, effective July 8, 2021, for a maximum of 150 days)

SUBPART P: RESIDENT'S RIGHTS

Section 300.3210 General
EMERGENCY

- a) *No resident shall be deprived of any rights, benefits, or privileges guaranteed by law based on their status as a resident of a facility. (Section 2-101 of the Act) (A, B)*
- b) *A resident shall be permitted to retain and use or wear his personal property in his immediate living quarters, unless deemed medically inappropriate by a physician and so documented in the resident's clinical record. (Section 2-103 of*

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the Act)

- c) *If clothing is provided to the resident by the facility it shall be of a proper fit. (Section 2-103 of the Act)*
- d) *The facility shall provide adequate and convenient storage space for the personal property of the resident. (Section 2-103 of the Act)*
- e) *The facility shall provide a means of safeguarding small items of value for its residents in their rooms or in any other part of the facility so long as the residents have daily access to such valuables. (Section 2-103 of the Act)*
- f) *The facility shall make reasonable efforts to prevent loss and theft of residents' property. Those efforts shall be appropriate to the particular facility and may, for example, include, but are not limited to, staff training and monitoring, labeling property, and frequent property inventories. (Section 2-103 of the Act)*
- g) *The facility shall develop procedures for investigating complaints concerning theft of residents' property and shall promptly investigate all such complaints. (Section 2-103 of the Act)*
- h) *The facility administrator shall ensure that married residents residing in the same facility be allowed to reside in the same room within the facility unless there is no room available in the facility or it is deemed medically inadvisable by the residents' attending physician and so documented in the residents' medical records. (Section 2-108(e) of the Act)*
- i) *There shall be no traffic through a resident's room to reach any other area of the building. (B)*
- j) *Children under 16 years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.*
- k) *A resident may refuse to perform labor for a facility. (Section 2-113 of the Act)*

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- l) *A resident shall be permitted the free exercise of religion. Upon a resident's request, and if necessary at his expense, the facility administrator shall make arrangements for a resident's attendance at religious services of the resident's choice. However, no religious beliefs or practices, or attendance at religious services, may be imposed upon any resident. (Section 2-109 of the Act)*
- m) All facilities shall comply with the "Election Code" (Ill. Rev. Stat. 1991, ch. 46, par. 1-1 et seq.) [10 ILCS 5] as it pertains to absentee voting for residents of licensed long-term care facilities.
- n) *The facility shall immediately notify the resident's next of kin, representative and physician of the resident's death or when the resident's death appears to be imminent. (Section 2-208 of the Act)*
- o) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise. (B)
- p) *Where a resident, a resident's representative or a resident's next of kin believes that an emergency exists each of them, collectively or separately, may file a verified petition to the circuit court for the county in which the facility is located for an order placing the facility under the control of a receiver. (Section 3-503 of the Act) As used in Section 3-503 of the Act, "emergency" means a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct. (Section 3-501 of the Act)*
- q) Cook County facilities with Colbert Class Members shall provide residents access to the supports and services they need in the most integrated settings appropriate to their needs, including community-based settings, to promote and maximize their independence, choice, and opportunities to develop and use independent living skills. For the purposes of this subsection (q), "community-based setting" means the most integrated setting appropriate to promote the resident's independence in daily living and ability to interact with persons without disabilities to the fullest extent possible.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 9498, effective July 8,

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2021, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of July 6, 2021 through July 12, 2021. These rulemakings are scheduled for the August 18, 2021 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/23/21	<u>Department of Employment Security, Special Programs (56 Ill. Adm. Code 2870)</u>	5/21/21 45 Ill. Reg. 6472	8/18/21
8/23/21	<u>Department of Human Services, Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illnesses (59 Ill. Adm. Code 145)</u>	4/23/21 45 Ill. Reg. 5302	8/18/21
8/20/21	<u>Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)</u>	4/23/21 45 Ill. Reg. 5300	8/18/21
8/23/21	<u>Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)</u>	4/16/21 45 Ill. Reg. 4778	8/18/21
8/23/21	<u>Department of Employment Security, Disqualifying Income and Reduced Benefits (56 Ill. Adm. Code 2920)</u>	5/21/21 45 Ill. Reg. 6494	8/18/21
8/23/21	<u>Department of Employment Security, Periods of Extended Benefits (56 Ill. Adm. Code 2970)</u>	5/21/21 44 Ill. Reg. 6500	8/18/21

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 45, Issue 30 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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