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Joint Committee on Administrative Rules
Illinois General Assembly

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Issue 18

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

■ DUAL CREDIT COURSES

The BOARD OF HIGHER EDUCATION proposed a new Part titled Dual Credit Courses (23 IAC 1009; 39 Ill Reg 5945) implementing Public Act 96-164, which makes BHE responsible for oversight of dual high school/college credit courses offered by higher education institutions other than public community colleges. (Rules proposed by the Illinois Community College Board for community college dual credit courses appeared in last week's *Illinois Register*.) The new Part establishes the following standards for dual credit courses: the offering institution must be accredited and have degree-granting/operating authority from BHE; the same academic standards that apply to on- or off-campus college level courses must apply to dual credit courses; instructors

must be chosen by the college/university and have appropriate credentials and teaching competency (for transfer courses, at least a master's degree with 18 or more graduate hours in the academic discipline being taught; for career and technical education courses, at least 2,000 hours of work experience with recognizable credentials in the field being taught). Whether college level courses also earn concurrent high school credit will be determined by the high school involved. High school students who enroll in dual credit classes must demonstrate readiness for college-level work and meet the same prerequisites or placement testing standards that college students would be required to meet. Dual credit courses must be reviewed annually by the faculty of the college offering the classes to insure consistency

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Emergency Rulemaking

■ DISTANCE LEARNING

The BOARD OF HIGHER EDUCATION adopted a new Part by emergency rulemaking titled Higher Education Distance Learning and Interstate Reciprocity (23 IAC 1033; 39 Ill Reg 6042), effective 4/16/15 for a maximum of 150 days. The rules implement the Higher Education Distance Learning Act, effective 1/1/15, as well as provisions necessary for Illinois to participate in the National Council for State Authorization Reciprocity Agreement (SARA) system. The Part defines "distance learning" as instruction offered by any means that places student and instructor in separate physical locations, including, but not limited to, interactive video or correspondence courses. Institutions seeking BHE approval to participate in SARA

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Proposed Rulemakings

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with courses being offered on the college campus. Dual credit distance education courses must offer a help desk function available to students at least 18 hours a day; implement appropriate security systems; insure that students are adequately informed of the nature and expectations of online or distance learning; and administer exams and other assessments in an environment that verifies the identity of the student and the integrity of his or her work. Institutions must submit an annual report on their dual credit class offerings to BHE. The Board may review or conduct visitations of institutions and high school partner sites and may deny or revoke approval of dual credit classes. Institutions offering dual credit courses are affected by this rulemaking.

Questions/requests for copies/comments through 6/15/15: Karen Helland, BHE, 1 N. Old State Capitol Plaza, Suite 333,

Springfield IL 62701-1377, 217/557-7358, fax 217/782-8548, e-mail: helland@ibhe.org

TANF & SNAP BENEFITS

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Temporary Assistance for Needy Families (89 IAC 112; 39 III Reg 5955) and Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 39 III Reg 5980) allowing TANF and SNAP recipients with budgetable earnings to apply for redetermination of eligibility every 12 months, instead of every 6 months. In place of the current 6-month redetermination, the client will submit an interim report form during the 5th month between redeterminations.

AABD BENEFITS

DHS also proposed amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 39 III Reg 5969) implementing a \$12 per month increase in personal allowances and rates paid for

sheltered, personal or nursing care to match the 2015 increase in Supplemental Security Income benefits. The new grant adjustment allowance for persons not in long-term group care is \$554.90 per month; the new nursing care rates range from \$1,233 to \$1,371 per month depending on the client's county of residence and level of care.

Questions/requests for copies/comments on the 3 DHS rulemakings through 6/15/15: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

SCHOOL ASSESSMENTS

The STATE BOARD OF EDUCATION proposed amendments to Illinois Hope and Opportunity Pathways through Education Program (23 IAC 210; 39 III Reg 6022), Summer Bridges Program (23 IAC 232; 39 III Reg 6028) and Alternative Learning Opportunities Program (23 IAC 240; 39 III Reg 6035)

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Emergency Rulemaking

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must be accredited and financially stable. Institutions that are located and chartered in Illinois, as well as out of State institutions with a physical presence in Illinois (e.g., a satellite campus or a class that meets regularly), must have degree granting authority from BHE in order to participate in SARA. Out-of-State institutions

that do not have a physical presence in Illinois may offer distance learning courses to Illinois residents through SARA without BHE approval. An annual fee of \$1,750 will be charged to institutions that participate in SARA and whose applications are managed by BHE. Community colleges may participate in SARA with the approval of the Illinois Community College Board.

Requirements for renewing membership in SARA and grounds for revocation of eligibility to participate are also included. Higher education institutions offering distance learning programs in Illinois will be affected.

Questions/requests for copies: Karen Helland, at the BHE address, phone number and e-mail above.

Proposed Rulemakings

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updating cross-references to current School Code requirements for State assessments.

Questions/requests for copies/comments on the 3 SBE rulemakings through 6/15/15: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to Required Procedure for Filing and Securing Approval of Policy Forms (50 IAC 916; 39 Ill Reg 5997) and Health Carrier External Review (50 IAC 5430; 39 Ill Reg 6006). The Part

916 amendments require companies to file new policy forms as searchable text PDF files and to include System for Electronic Rate and Form Filing (SERFF) tracking numbers. Combination forms must be submitted in separate filings with unique company tracking numbers. Revisions to previously approved forms must be shown in redlined form. Multiple company filings must have identical language and numbers and filing fees must be paid for each individual form. The Part 5430 amendments require health carrier and independent review organizations to file their reports electronically.

Questions/requests for copies/comments on the 2 DOI rulemakings through 6/15/15:

Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

RECREATIONAL TRAILS

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to Off-Highway Vehicle Recreational Trails Grant Program (17 IAC 3045; 39 Ill Reg 6013) prohibiting possession, consumption or sale of alcoholic beverages at any grant-assisted site. Local governments may be affected by this rulemaking.

Questions/requests for copies/comments through 6/15/15: Anne Mergen, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's May 12, 2015 meeting in Springfield. Further comments on these rulemakings should be sent to JCAR using the contact information on page 1.

DEPT OF NATURAL RESOURCES

Outfitter Regulations (17 IAC 640) proposed 2/20/15 (39 Ill Reg 2487)

White-Tailed Deer Hunting By Use of Firearms (17 IAC 650) proposed 3/6/15 (39 Ill Reg 3202)

White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 IAC 660) proposed 3/6/15 (39 Ill Reg 3225)

Injurious Species (17 IAC 805) proposed 3/6/15 (39 Ill Reg 3241)

Aquaculture, Transportation, Stocking, Importation and/or Possession of Aquatic Life (17 IAC 870) proposed 3/6/15 (39 Ill Reg 3249)

Viral Hemorrhagic Septicemia (VHS) (17 IAC 875) proposed 3/6/15 (39 Ill Reg 3264)

Illinois List of Endangered and Threatened Fauna (17 IAC 1010) proposed 2/20/15 (39 Ill Reg 2501)

Illinois List of Endangered and Threatened Flora (17 IAC 1050) proposed 2/20/15 (39 Ill Reg 2517)

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030) proposed 1/9/15 (39 Ill Reg 663)