

Elaine Spencer, Editor
jcar@ilga.gov

Joint Committee on Administrative Rules
Illinois General Assembly

700 Stratton Bldg. Springfield IL 62706
217/785-2254 ilga.gov/commission/jcar

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Issue 46

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.

New Rules

TEACHER HIRING

The STATE BOARD OF EDUCATION adopted amendments to the Parts titled Public School Evaluation, Recognition and Supervision (23 IAC 1; 41 Ill Reg 8308), Educator Licensure (23 IAC 25; 41 Ill Reg 8310), and Programs for the Preparation of Principals in Illinois (23 IAC 30; 41 Ill Reg 8312), all effective 11/3/17. These rulemakings replace companion emergency amendments that were effective 6/28/17. Amendments to Part 1 allow individuals to teach self-contained general education at the elementary level, departmentalized grades 6 through 8, and grades 9 through 12 if granted short-term approval for up to 3 years pursuant to Part 25. For grades 9 through 12 teachers, 9 semester hours (formerly, 20 or 24) in their content area (the subject they are hired

to teach) are required for short-term approval. The Part 25 rulemaking removes, as a condition for short-term approval, the requirement that a school or school district be unable to recruit a fully qualified candidate for the position. It also expands eligibility for short-term approval to individuals who lack the required grade level endorsement for an assignment

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and to positions in which there is not a content area test for endorsement. Short-term approval may be granted to licensed teachers who document either completion of 9 semester hours of college coursework in the content area they are assigned to teach, or having passed the content area test for that assignment. Individuals

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Proposed Rulemakings

ELDER/DISABLED SERVICES

The DEPARTMENT ON AGING (DonA) proposed amendments to Adult Protection and Advocacy Services (89 IAC 270; 41 Ill Reg 13846) that add self-neglect to the categories of actions (currently, abuse, neglect or financial exploitation) that can be investigated by the Adult Protective Services (APS) program if they affect a disabled person ages 18-59, or any person age 60 or older, who is not living in an institutional setting. The rulemaking also implements recent statutory changes allowing the following categories of persons access to confidential records concerning reports of abuse, neglect, exploitation or self-neglect: representatives of a public guardian (when investigating or pursuing guardianship of an eligible

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.

New Rules

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teaching with short-term approval must apply for and receive the applicable endorsement to continue teaching in the assigned area before their 3-year term expires. The rulemaking makes changes to information that school districts must file for short-term approved teachers and requires that regional superintendents upload all information to the Educator Licensure Information System within 10 business days of the teacher being hired. It also removes the requirement that the State Superintendent issue the school or district a letter granting short-term authorization. Amendments to Part 30 remove the requirement that candidates for principal endorsement have a professional educator license endorsed in a teaching field or in school support personnel before they can be admitted into a principal preparation program. Schools, school districts and current or prospective teachers are affected by these rulemakings.

SCHOOL COUNSELORS

SBE adopted an amendment to the Part titled Standards for School Support Personnel Endorsements (23 IAC 23; 41 Ill Reg 7467) effective 11/3/17 implementing Public Act 98-413. The rulemaking allows licensed marriage and family therapists to obtain a school support personnel endorsement and establishes the standards

therapists must meet to obtain the endorsement.

■ AG EDUCATION

SBE also adopted amendments to the Part titled Agricultural Education Program (23 IAC 75; 41 Ill Reg 7481), effective 11/3/17, implementing Public Act 99-826. The rulemaking creates a grant program through which public school districts and area vocational education centers that offer State-approved agricultural education programs may be reimbursed for all or part of the cost of teachers' additional work time beyond their regularly scheduled teaching duties. The rulemaking covers application procedures, allocation of funds, the system for reporting hours, and the terms of the grant. Since 1st Notice, SBE clarified that districts qualify for the grant only if their qualified teachers work at least 400 additional hours, or 60 additional days, per school year on approved activities. Qualified teachers also must teach at least one approved ag education class. Other changes clarify who is responsible for documenting teachers' approved activities and for any violations of the grant terms. School districts and vocational centers that offer ag education programs or sponsor FFA chapters may be affected by this rulemaking.

Questions/requests for copies of the 5 SBE rulemakings: Lindsay Bentivegna, SBE, 100 N. First St.

S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

ELECTRIC SUPPLIERS

The ILLINOIS COMMERCE COMMISSION adopted amendments to Obligations of Retail Electric Suppliers (83 IAC 412; 40 Ill Reg 14931) and Internet Enrollment Rules (83 IAC 453; 40 Ill Reg 14971), both effective 11/1/17, expanding consumer protections for RES customers. The rulemakings restrict misleading advertising by RES representatives, strengthen requirements for third-party verification of RES enrollment, and standardize contract content and plan/price descriptions. Since 1st Notice, ICC has made the following changes to the Part 412 rulemaking: allowing an RES that is affiliated with an Illinois public utility and was providing RES service on 1/1/16 to continue using the utility's name and logo outside the utility's service territory; allowing use of either a letter or agency or third-party verification following an in-person solicitation that results in an enrollment; requiring that recordings of telephone solicitations and inbound calls that result in RES enrollments be retained for at least 2 years; and removing a proposed requirement of third-party verification for all inbound enrollment calls. Other changes clarify or revise provisions affecting records retention,

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Proposed Rulemakings

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adult); law enforcement agencies or State's Attorneys investigating known or suspected abuse/neglect cases; and law enforcement or fire protection agencies with which an APS agency has a written agreement to provide names or lists of eligible adults who may be at imminent risk of abuse/neglect. Other changes add verbal threats of physical harm to the list of actions that should be reported to APS; clarify the organization and responsibilities of DonA and regional agencies; and reporting priorities and procedures for instances of passive neglect or willful deprivation. Those affected by this rulemaking include law enforcement and fire protection agencies and agencies providing adult protective services.

Questions/requests for copies/ comments through 1/2/18: Steven Milburn, DonA, One Natural Resources Way, #100, Springfield IL 62702-1271, 217/785-3346, fax 217/785-447, email: Steve.Milburn@illinois.gov

ADOPTION & GUARDIANSHIP

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Services Delivered by the Department of Children and Family Services (89 IAC 302; 41 Ill Reg 13887) that align DCFS policies with federal reimbursement guidelines for youth who are adopted or have

Emergency Rule

■ ENERGY ASSISTANCE

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY adopted emergency amendments to Low Income Home Energy Assistance Program (47 IAC 100; 41 Ill Reg 14119), effective 11/6/17 for a maximum of 150 days. Identical proposed amendments appear in this week's *Illinois Register* at 41 Ill Reg 13921. The emergency rule provides that a local administering agency (LAA) can be suspended or terminated from the program, and an alternate LAA assigned to serve the affected area, if the agency fails to timely submit an application for Low Income Home Energy Assistance Program (LIHEAP) or Illinois Home Weatherization Assistance Program (IHWAP) grant funding

for a program year. An LAA is also subject to suspension or termination if any of its principal personnel make false representations in their applications for LIHEAP or IHWAP grants, or are convicted of or plead guilty to a crime; if the LAA is insolvent, loses its non-profit status, or is suspended or debarred from receiving government contracts; or if the LAA denies DCEO access to its financial or other records. Agencies that administer LIHEAP or IHWAP grants and services are affected by this emergency rule.

Questions/requests for copies/ comments on the proposed rulemaking through 1/2/18: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, fax 217/524-3701, email: jolene.clarke@illinois.gov

their guardianship transferred after they reach age 16. The adoptive parents of youths who were adopted on or after 7/1/17 and were 16 or older when the adoption was finalized may continue to receive adoption assistance payments until the child turns 21, if the child is completing his or her high school education, enrolled in a post-secondary or vocational program, employed at least 80 hours per month, participating in a program designed to remove barriers to employment, or is incapable of working or attending school due to a medical

condition. Similar conditions are also applied to subsidized guardianships.

Questions/requests for copies/ comments through 1/2/18: Jeff Osowski, DCFS, 406 E. Monroe St., Station #65, Springfield IL 62701-1498, 217/524-1983, TDD 217/524-3715, fax 217/557-0692, email: cfpolicy@idcfs.state.il.us

DRIVER'S LICENSES

The SECRETARY OF STATE proposed an amendment to

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New Rules

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contract changes or renewals, and RES claims of having used “green” or renewable energy based on the purchase of renewable energy certificates.

Questions/requests for copies of the 2 ICC rulemakings: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

■ PROPERTY TAX APPEALS

The PROPERTY TAX APPEAL BOARD adopted amendments to Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 41 Ill Reg 8214), effective 12/1/17, that update hours and locations of operations; make various changes in service and communication provisions, including electronic means; and modify the provisions of the

amendatory process regarding appeals. Since 1st Notice, PTAB removed a provision requiring the appraiser who prepared an appraisal to appear and testify at the hearing if the conclusion of value contained in the appraisal was to be given weight.

Questions/requests for copies: Louis G. Apostol, PTAB, 402 Stratton Bldg, 401 S. Spring St., Springfield IL 62706, 217/785-4456, fax: 217/785-4425, email: louis.apostol@illinois.gov

CRIMINAL RECORDS

The DEPARTMENT OF STATE POLICE adopted amendments to Expungement Procedures (20 IAC 1205; 41 Ill Reg 9916), effective 11/2/17, updating procedures for court-ordered expungements or sealing of records received by DSP's Bureau of Identification. The rulemaking clarifies the

distinction between the act of expungement (physically destroying records or returning them to the petitioner and obliterating the petitioner's name from any official index and/or public record of criminal history maintained by DSP) and an expungement court order. Expungement court orders regarding records of an arrest must include the date and court case number of the arrest. DSP also repealed, effective 11/2/17, the Part titled Criminal History Background Investigations (20 IAC 1270; 41 Ill Reg 9921) which contained obsolete rules (originally adopted in 1987) for performing background checks on prospective school district employees.

Questions/requests for copies of the 2 DSP rulemakings: Matthew R. Rentschler, DSP, 801 S. 7th St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

Proposed Rulemakings

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Issuance of Licenses (92 IAC 1030; 41 Ill Reg 13964) modifying the road test for persons applying for a restricted local driver's license that allows residents of localities with 3,500 or fewer residents to travel only to designated locations. The amendment specifies that the road test for a restricted local license will utilize the locations to which the applicant wishes to drive, rather than a specific route.

Questions/requests for copies/ comments through 1/2/18: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

■ PROCUREMENT

The OFFICE OF THE COMPTROLLER proposed amendments to Office of the Comptroller Standard Procurement (44 IAC 1120; 41 Ill Reg 13930) implementing updates to the Illinois Procurement Code made by

Public Act 100-43. The rulemaking raises the small purchase threshold below which competitive bidding is not required from \$33,500 for supplies and services (including professional and artistic services) and \$40,100 for construction to \$100,000 for all purchases. The annual sales threshold criteria for a small business eligible for set-aside preferences is raised to \$10 million for wholesale and construction businesses

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Proposed Rulemakings

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(currently, \$7.5 million for wholesale and \$3 million for construction) and \$6 million for retail businesses (currently, \$1.5 million). The target percentage of contracts to be awarded to businesses owned by minorities, women, or persons with disabilities is raised from 12% to 20%. Other provisions address prohibited conflicts of interest and procedures for seeking, protesting or appealing bid awards. Small businesses

seeking contracts with the Comptroller are affected by this rulemaking.

Questions/requests for copies/ comments through 1/2/18: Adam Alstott, Office of the Comptroller, 325 W. Adams St., Springfield IL 62704, 217/558-5157, Adam.Alstott@illinoiscomptroller.gov

LIVESTOCK WASTE

The ILLINOIS ENVIRONMENTAL PROTECTION AGENCY proposed amendments to

Procedures for Reporting Releases of Livestock Waste (35 IAC 580; 41 Ill Reg 13924) that update statutory and regulatory references.

Questions/requests for copies/ comments through 1/2/18: Stefanie N. Diers, IEPA, 1021 N. Grand Ave. East, PO Box 19276, Springfield IL 62794-9276, Stefanie.diers@illinois.gov

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Peter Breen

Senator Karen McConaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**

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 December 12, 2017 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF CHILDREN AND FAMILY SERVICES

Reports of Child Abuse and Neglect (89 IAC 300; 42 Ill Reg 1836) proposed 2/17/17

Placement and Visitation Services (89 IAC 301; 41 Ill Reg 1853) proposed 2/17/17

Services Delivered by the Department of Children and Family Services (89 IAC 302; 41 Ill Reg 1863) proposed 2/17/17

Access to and Eligibility for Child Welfare Services (89 IAC 304; 41 Ill Reg 1874) proposed 2/17/17

Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 IAC 309; 41 Ill Reg 1886) proposed 2/17/17

Permanency Planning (89 IAC 315; 41 Ill Reg 1896) proposed 2/17/17

Administrative Case Reviews and Court Hearings (89 IAC 316; 41 Ill Reg 1906) proposed 2/17/17

Interstate Placement of Children (89 IAC 328; 41 Ill Reg 1913) proposed 2/17/17

Service Appeal Process (89 IAC 337; 41 Ill Reg 1918) proposed 2/17/17

Appeal of Foster Family Home License Denials by Relative Caregivers (89 IAC 338; 41 Ill Reg 1928) proposed 2/17/17

Authorized Child Care Payments (89 IAC 359; 41 Ill Reg 1934) proposed 2/17/17

Licensing Standards for Foster Family Homes (89 IAC 402; 41 Ill Reg 1940) proposed 2/17/17

DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 41 Ill Reg 11645) proposed 9/22/17

IL GUARDIANSHIP AND ADVOCACY COMMISSION

Human Rights Authority (59 IAC 310; 41 Ill Reg 7749) proposed 7/7/17

DEPT OF NATURAL RESOURCES

Forest Management Plan (17 IAC 1537; 41 Ill Reg 11538) proposed 9/15/17

SECRETARY OF STATE

Issuance of Licenses (92 IAC 1030; 41 Ill Reg 10906) proposed 8/25/17