

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

SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 41 Ill Reg 15542), effective 6/8/18, implementing provisions of Public Act 100-465 (Invest in Kids Act/Evidence-Based Funding Bill) and other Public Acts that affect the School Code. The amendments clarify the difference between waivers (petitions by a school district or other eligible entity to be fully excused from implementing a mandate imposed by the statutory School Code or by SBE rules) and modifications (petitions to implement only part of a mandate). Waivers or modifications may be granted by SBE when necessary to stimulate innovation, improve student performance, or implement the intent of the mandate in a more

effective, efficient or economical manner. (Formerly, rule allowed waivers from the School Code to be granted only for the first two reasons and only with approval of the General Assembly.) Waiver applications must be submitted by August 15 for consideration on SBE's fall waiver report and by January 15 for consideration on the spring report. No waivers or modifications can be granted from statutes or rules implementing the federal Every Student Succeeds Act (ESSA). The rulemaking also reduces the required frequency of physical education classes from daily to 3 times per 5-day week. PE classes that would have been held on a student nonattendance day (e.g., teacher in-service) need not be rescheduled. School boards may, on a case by case basis, excuse from attending PE classes those students in grades

(cont. page 2)

Proposed Rulemakings

■ BUSINESS TAX INCENTIVES

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to Enterprise Zone and High Impact Business Programs (14 IAC 520; 42 Ill Reg 10709) disqualifying businesses from designation as high impact businesses and from the tax exemptions attached to enterprise zones if they are not in good standing with the Secretary of State or other applicable State authorities; operating under a cease and desist order or another formal or informal regulatory action; or are under investigation by any State or federal law enforcement, regulatory or legal authority. Businesses disqualified for these reasons must, within 90 days after their status is revoked, refund to the Illinois Department of Revenue

(cont. page 2)

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

(cont. from page 1)

7 through 12 who participate in interscholastic or extracurricular sports programs sponsored by the school district. Limits on the number of waivers from School Code PE requirements that an eligible entity may request are removed. Other provisions clarify that individuals holding a valid career and technical educator part-time license, or a provisional endorsement on an educator license with stipulations, may substitute teach career and technical education classes even if they do not hold a bachelor's degree, and remove the penalty of reduced general state aid for noncompliance with the health examination and immunization requirements of the School Code. Changes since 1st Notice state

that school districts must set guidelines for determining when a student excused from PE due to participation in an interscholastic/extracurricular activity must resume regular PE classes; these guidelines must consider when in the school year the student's participation ends, the student's class schedule, and whether the student intends to participate in that activity in the future. SBE has also specified that activities sanctioned by the Illinois High School Association, Illinois Elementary School Association, or Southern Illinois Junior High Athletic Association are considered interscholastic sports.

Questions/requests for copies: Lindsay M. Bentivegna, SBE, 100 N. First St., S-493, Springfield IL

62777-0001, 217/782-5270, rules@isbe.net.

DRIVER'S LICENSES

The SECRETARY OF STATE adopted an amendment to Issuance of Licenses (92 IAC 1030; 42 Ill Reg 3113), effective 6/8/18, removing the exception to the requirement of a license photograph for persons who are temporarily out of State, outside of the U.S., or in the military at the time the Illinois driver's license is issued. SOS states that upgrades in technology now make it possible to issue these licenses with photographs.

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

Proposed Rulemakings

(cont. from page 1)

any taxes from which they were exempted as a result of the designation. If the business fails to repay these taxes it will be disqualified from all State-funded DCEO programs for 10 years. Businesses that fail to meet minimum investment and job creation/retention requirements identified in their certification will also lose their high impact designations and enterprise zone tax exemptions. However, they will not be subject to tax and disqualification penalties if they have not yet received any tax incentives related to that designation. Businesses eligible for high

impact designation or located in enterprise zones will be affected by this rulemaking.

DCEO REPEALER

DCEO also proposed repeal of the Part titled Uniform Fiscal and Administrative Standards for the Job Training Partnership Act (56 IAC 2630; 42 Ill Reg 10723) because the statutory authority for the programs governed by these rules no longer exists. (The federal JTPA was repealed in 1998 and has since been replaced by the federal Workforce Innovation and Opportunity Act of 2014.)

Questions/requests for copies/comments on the 2 DCEO rulemakings through 8/6/18: Jolene Clarke, DCEO, 500 E. Monroe St., Springfield IL 62701, 217/557-1820, fax 217/524-3701, jolene.clark@illinois.gov

WASTE DISPOSAL

The POLLUTION CONTROL BOARD proposed amendments to the following 5 Parts: Standards Applicable to Generators of Hazardous Waste (35 IAC 722; 42 Ill Reg 10808), Standards Applicable to Transporters of Hazardous Waste

(cont. page 3)

Proposed Rulemakings

(cont. from page 1)

(35 IAC 723; 42 Ill Reg 10999), Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 IAC 726; 42 Ill Reg 11016), Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit (35 IAC 727; 42 Ill Reg 11136), and Land Disposal Restrictions (35 IAC 728; 42 Ill Reg 11225). These rulemakings are part of a

consolidated PCB docket correcting and updating hazardous waste handling, storage, transport and disposal rules to align with federal EPA regulations approved during 2016 and 2017. Other rulemakings implementing this docket appeared in last week's *Illinois Register* and will appear in the next two Register issues. Small businesses and small municipalities that collect, transport, store or dispose of hazardous waste may be affected by these rulemakings.

Requests for copies/comments on the 5 PCB rulemakings through 8/6/18: Don A. Brown, Clerk, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-3620. Please reference consolidated docket R17-14/R17-15/R18-11/R18-31). Questions: Michael J. McCambridge, same address, 3 1 2 / 8 1 4 - 6 9 2 4 , michael.mccambridge@illinois.gov. Copies of the Board's opinion and order may be downloaded from the Board's website at <http://www.ipcb.state.il.us>.

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 July 17, 2018 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.

IL COMMUNITY COLLEGE BOARD

Administration of the Illinois Public Community College Act
(23 IAC 1501; 42 Ill Reg 7558) proposed 3/30/18

IL EMERGENCY MANAGEMENT AGENCY

Political Subdivision Emergency Services and Disaster Agencies
(29 IAC 301; 42 Ill Reg 7603) proposed 4/27/18

DIVISION OF SPECIALIZED CARE FOR CHILDREN

Program Content and Guidelines for Division of Specialized Care for Children (Repealer)
(89 IAC 1200; 42 Ill Reg 7185) proposed 4/20/18

Program Content and Guidelines for Division of Specialized Care for Children (New Part)
(89 IAC 1200; 42 Ill Reg 7238) proposed 4/20/18