

*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 is designed to inform and involve the public in changes taking place in agency administration.*

## New Regulations

## Proposed Regulations

### NURSING

The DEPARTMENT OF PROFESSIONAL REGULATION adopted amendments to the Part titled "Nurse Practice Act" (68 Ill Adm Code 1300, 37 Ill Reg 12), effective 7/5/13, to clarify who can be delegated duties at an End Stage Renal Dialysis Facility. A person may only be delegated duties if he or she currently holds or is in the process of earning one of the following certifications: Certified Clinical Hemodialysis Technician, Certified Hemodialysis Technician, or Certified in Clinical Nephrology Technology. Administering medication cannot be delegated, except for saline flushes and applying topical anesthetics. Kidney dialysis centers are affected.

Questions/requests for copies: Craig Cellini, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813.

### TEACHER CREDENTIALS

The STATE BOARD OF EDUCATION adopted amendments to the Part titled "Mentoring Program for New Principals" (23 Ill Adm Code 35; 37 Ill Reg 1550), effective 6/19/13. The amendments implement PA 97-607 by chang-

ing references to teacher "certification" to "licensure".

### NONPUBLIC SCHOOLS

SBE adopted amendments to "Voluntary Registration and Recognition of Nonpublic Schools" (23 Ill Adm Code 425; 37 Ill Reg 1), effective 6/19/13. The amendments set forth the rules for the Textbook Block Grant Program, which provides funds to help nonpublic schools purchase secular textbooks that have been preapproved by SBE. The rules require grant recipients to maintain records (title and ISBN or book description; quantity received; total cost of textbooks ordered) for any textbooks purchased under this program for 3 years following the school year in which they were purchased. Schools that violate the terms of the program will be required to return to SBE any funds expended on noncompliant textbooks. Since 1<sup>st</sup> Notice, in response to public comment, SBE removed provisions that would have required nonpublic schools to comply with rules implementing the School Safety Drill Act, jointly issued by SBE and the office of the State Fire Marshal. Non-public schools remain subject to the statute

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### BACKGROUND CHECKS

The ILLINOIS STATE POLICE proposed amendments to "Electronic Transmission of Fingerprints" (20 Ill Adm Code 1265; 37 Ill Reg 9462). The rulemaking updates the procedures used by non-criminal justice entities that are conducting fingerprint based criminal history background checks by also requiring submission of a photograph of the individual being fingerprinted. The photograph requirement will be instituted beginning 1/1/14. Applicants with a physical handicap or ailment who would be harmed in any way by taking a photo are excluded from the photo requirement. Those affected by this rulemaking include small businesses, municipalities or non-profit organizations that require fingerprint-based criminal background checks for employees or applicants.

Questions/requests for copies/comments through 8/19/13: Lisa Freitag, ISP, 801 S. 7th St, Suite 1000-S, Springfield IL 62703, 217/782-9356.

### HAZARDOUS WASTE

The POLLUTION CONTROL BOARD proposed amendments to the follow-

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*NEW REGULATIONS: Rules adopted by agencies this week.*

*PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.*

*☞: Symbol designating 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/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.*

# New Regulations

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only. Private and parochial schools that maintain SBE recognition are affected.

## STUDENT RECORDS

SBE also adopted amendments to "Student Records" (23 Ill Adm Code 375; 37 Ill Reg 1556), effective 6/19/13, that require school districts to issue student athletes and their parents copies of the district's concussion policy; include in student records any information received from law enforcement regarding students' arrests and any video or audio recordings received by law enforcement or created by school officials for reasons specific to the student (e.g., disciplinary action, special education services); and allow parents to request in writing the removal of any college entry examination scores from their child's academic transcript.

Questions/requests for copies of the 3 SBE rulemakings above: For Part 35, Vicki Phillips, SBE, 100 N. First St., E-310, Springfield IL 62777, 217-782-2948. For Part 425, Melina Wright (312/814-2804) and for Part 375, Eric Grodsky (312/814-2223), both SBE, 100 W. Randolph St., Suite 14-300, Chicago IL 60601.

## STUDENT ASSISTANCE

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted amendments to "General Provisions" (23 Ill Adm Code 2700; 37 Ill Reg 1117); "Illinois National Guard (ING) Grant Program" (23 Ill Adm Code 2730; 37 Ill Reg 1124), "Grant Program for Dependents of Correctional Officers" (23 Ill Adm

Code 2731; 37 Ill Reg 1130), "Grant Program for Dependents of Police or Fire Officers" (23 Ill Adm Code 2732; 37 Ill Reg 1136), "Illinois Veteran Grant (IVG) Program" (23 Ill Adm Code 2733; 37 Ill Reg 1142), "Monetary Award Program (MAP)" (23 Ill Adm Code 2735; 37 Ill Reg 1148), "Optometric Education Scholarship Program" (23 Ill Adm Code 2741; 37 Ill Reg 1160), "Minority Teachers of Illinois (MTI) Scholarship Program" (23 Ill Adm Code 2763; 37 Ill Reg 1164), "Illinois Special Education Teacher Tuition Waiver (SETTW) Program" (23 Ill Adm Code 2765; 37 Ill Reg 1170), and "Illinois Prepaid Tuition Program" (23 Ill Adm Code 2775; 37 Ill Reg 1174), all effective 7/1/13. The Part 2700 amendment removes a reference to the federal government website for the Code of Federal Regulations. The rulemaking also clarifies that acceptable U.S. Department of Education documentation for student aid applications includes a valid State of Illinois tax return or a federal tax transcript. In Parts 2730, 2731, 2732, 2733, 2735, 2741 and 2763, ISAC is deleting references to institutional certification since these provisions are included in Part 2700. Part 2735 amendments state that applicants may not use MAP grants more than one time to pay for enrollment in courses for which the applicant has previously earned academic credit. One change has been made since 1<sup>st</sup> Notice to the Part 2735 rulemaking, removing references to specific types of non-taxable income that must be disclosed on the MAP application. In Parts 2763 and 2765, ISAC updates references to the Golden Apple Scholars of Illinois Program. In Part 2775, references to the prepaid

tuition program agreement are updated.

Questions/requests for copies of the 10 ISAC rulemakings above: Lynn Hynes, ISAC, 1755 Lake Cook Rd, Deerfield IL 60015, 847/948-8500, ext. 2305, e-mail: [lhynes@isac.org](mailto:lhynes@isac.org).

## STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted preemptory amendments to "Pay Plan" (80 Ill Adm Code 310; 37 Ill Reg 9563), effective 6/19/13, implementing recently signed contracts with the American Federation of State, County and Municipal Employees (AFSCME) and the Service Employees International Union (SEIU). Provisions implementing the AFSCME contract, effective 7/1/12 through 6/30/15, affect more than 38,000 State employees and include changes in compensatory time, shift differential pay, temporary assignment pay, longevity pay, and maximum security rates. General pay increases of 2% are implemented effective 7/1/13 and 7/1/14 and new pay tables for various AFSCME bargaining units are added. The SEIU contract provisions apply to 8 employees of the Department of Natural Resources' Mine Safety and Training Division who serve as mine blasting supervisors or experts. This contract also includes 2% general pay increases effective 7/1/13 and 7/1/14.

Questions/requests for copies: Jason Doggett, DCMS, 720 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: [CMS.PayPlan@illinois.gov](mailto:CMS.PayPlan@illinois.gov).

## Proposed Regulations

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ing Parts: "RCRA Permit Program" (35 III Adm Code 703; 37 III Reg 9138); "UIC Permit Program" (35 III Adm Code 704; 37 III Reg 9187); "Hazardous Waste Management System: General" (35 III Adm Code 720; 37 III Reg 9205); "Standards Applicable to Generators of Hazardous Waste" (35 III Adm Code 722; 37 III Reg 9242); "Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (35 III. Adm. Code 724; 37 III Reg 9252); "Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities" (35 III Adm Code 725; 37 III Reg 9290); "Standards for the Management of

Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities" (35 III Adm Code 726; 37 III Reg 9367); "Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit" (35 III Adm Code 727; 37 III Reg 9388); "Land Disposal Restrictions" (35 III Adm Code 728; 37 III Reg 9430); and "Standards for the Management of Used Oil" (35 III Adm Code 739; 37 III Reg 9442). The rulemakings incorporate corrections that USEPA has notified PCB are necessary to make Illinois regulations at least as stringent and not inconsistent with federal hazardous waste requirements; update incorporations by ref-

erence of federal regulations upon which hazardous waste requirements depend; remove an obsolete provision regarding Performance Track member facilities; and make numerous nonsubstantive technical corrections.

Requests for copies/comments through 8/19/13: John Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620. Questions: Michael J. McCambridge the same address, 312/814-6924, e-mail: [Michael.McCambridge@Illinois.Gov](mailto:Michael.McCambridge@Illinois.Gov). Please reference consolidated docket R13-15.

## Second Notices

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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 JCAR's July 9, 2013 meeting.

### DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Medical Payment" (89 III Adm Code 140) proposed 12/28/12 (36 III Reg 18105)

### OFFICE OF THE STATE FIRE MARSHAL

"Boiler and Pressure Vessel Safety Act" (41 III Adm Code 120) proposed 4/26/13 (37 III Reg 5279)

## ***Joint Committee on Administrative Rules***

**Senator Pamela Althoff**

**Representative Greg Harris**

**Senator Don Harmon**

**Representative Lou Lang**

**Senator Tony Munoz**

**Representative David Leitch**

**Senator Sue Rezin**

**Representative Don Moffitt**

**Senator Dale A. Righter**

**Representative Tim Schmitz**

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Executive Director**