

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

BUSINESS FORMS

The SECRETARY OF STATE adopted an amendment to "Uniform Commercial Code" (14 Ill Adm Code 180; 37 Ill Reg 8119), effective 9/19/13, removing the requirement for forms approved by the International Association of Commercial Administrators (IACA). The rule instead states that forms approved by the UCC Division shall be accepted and such forms will be published on the Secretary's website.

Questions/requests for copies: Michelle Nijm, SOS, 100 W. Randolph St., #5-400, Chicago IL 60601, 312/814-7256.

SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to "Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1; 37 Ill Reg 15635) that make various changes to classroom instruction, personnel, and other requirements applicable to public schools and school districts recognized by SBE. Effective 9/1/14, the rulemaking phases out all existing waivers from the use of student performance data or performance categories for evaluating teachers and principals. For students with medical conditions that prevent them from attending school for 2 consecutive weeks or longer, districts are required to evaluate the potential need for home or hospital instruction; guidelines for determining the district's responsibility for providing such instruction are also included. The rulemaking incorporates Next Generation Science Standards into the State goals for learning in science beginning with the 2016-17 school year. Additional changes affecting instructional standards and content include changing the focus of physical edu-

cation goals from athletic skills to physical fitness; removing specific subject matter requirements from rules for consumer education; implementing statutory requirements for waivers allowing driver education to be outsourced to commercial driving schools; and clarifying that districts will not be held responsible for lack of English proficiency progress among students whose parents have declined to enroll them in bilingual educational programs. Regarding discipline, the rulemaking limits the length of "time outs" to no longer than therapeutically necessary and no more than 30 minutes after the student ceases the specific behavior for which the time out was imposed. Requirements for the new teacher leader endorsement (contained in 23 Ill Adm Code 25) are reflected, and the minimum age for obtaining an educator license is raised from 19 to 20. Changes affecting record keeping and documentation include: adding immunization and physical exam records to the student's permanent record; adding information regarding the district's concussion/head injury policy to all documents that student athletes and their par-

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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.

Proposed Regulations

ents/guardians are required to sign; allowing online posting of the school's and the district's recognition status; and requiring any change in recognition status to be posted within 30 days after the change is made. Other changes include Intermediate Service Centers as entities that can fulfill the functions of a regional superintendent; revise training requirements for staff who handle hazardous materials; update the duties of school nurses; clarify when districts can be exempted from unfunded mandates; update incorporations of various educational, psychological testing, and curriculum goal standards; and change the mailing address for waiver appeals from the Springfield to the Chicago SBE office. Public school districts are affected by this rulemaking.

Questions/requests for copies/comments through 11/18/13: Shelly Helton, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, e-mail: rules@isbe.net.

LABOR RELATIONS

The EDUCATIONAL LABOR RELATIONS BOARD proposed amendments to "General Procedures" (80 Ill Adm Code 1100; 37 Ill Reg 15559), "Representation Procedures" (80 Ill Adm Code 1110; 37 Ill Reg 15563), "Collective Bargaining and Impasse Resolution" (80 Ill Adm Code 1130; 37 Ill Reg 15567) and "University of Illinois Bargaining Units" (80 Ill Adm Code 1135; 37 Ill Reg 15583). The amendments to Part 1100 allow Board members to appear at Board meetings via video or audio conferencing if they are personally ill, away on official Board business or have a family or other emergency. Also, the public may address the Board on any relevant subject for a reasonable amount of time, not to exceed 5 minutes. Finally, photos, tape, film and other recording is permitted at all open Board meetings provided the equipment does not interfere with the Board's discussion. Amendments to Part 1110 re-

quire all majority interest petitions be posted for at least 21 days. The Part 1130 amendments implement PA 97-8, establishing separate procedures for Chicago Public Schools and all other school districts in the state. The rulemaking specifies that for newly certified bargaining representatives and existing representatives, if an agreement is not reached within 90 days of next school year, either party may file a notice with the Board. A second notice must be filed if there is still not an agreement within 45 days of the school year. Mediation may be invoked by either party after a period of negotiation and 90 days before the school year, if either party makes a request or is made automatically by the Board if there is a new exclusive representative or 45 days before the start of the school year. If the Board invokes mediation, the parties must submit a stipulation to defer selection of the mediator within 2 days. Criteria for notification and public posting states either party or the mediator may initiate public posting anytime 15 days after mediation has begun. An initiation must be filed with the Board and contain the requisite information. Employees may not strike until at least 14 days have elapsed after the Board has posted the most recent offer and cost summaries on its website. Collective bargaining and impasse resolution rules for Chicago Public Schools are identical to the statute. Finally, amendments to Part 1135 add a bargaining unit for full-time, nontenure-track faculty at the Urbana-Champaign and Chicago U of I campuses and create separate bargaining units for full-time tenured or tenured-track faculty and full-time nontenure-track faculty at the Springfield campus. Members of the public with business before the Board, school districts, public education unions and faculty at the University of Illinois may be affected by these rulemakings.

Questions/requests for copies/comments on the 4 ELRB rulemakings through 11/18/13: Susan Willenborg,

IELRB, 160 N. LaSalle St., Suite N-400, Chicago IL 60601, 312/793-3170.

DPH HEARING PROCEDURES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Practice and Procedures in Administrative Hearings" (77 Ill Adm Code 100; 37 Ill Reg 15608) that update and clarify its practice and procedure in administrative hearings. The rulemaking updates definitions and referenced and incorporated materials, including Supreme Court rules, and reflects application of the ID/DD Community Care Act to these hearing procedures. The rulemaking aligns appearance, discovery and subpoena provisions with Illinois Supreme Court Rules, the Illinois Code of Civil Procedure and federal regulations concerning discovery of documents belonging to the federal government. The rulemaking also clarifies rules concerning stipulations, objections, filing answers and requesting a hearing, streamlines use of official documents and records, and allocates costs for hearing transcripts. DPH also updated Smoke Free Illinois Act motion provisions, specifically requiring that the motion must be in writing, unless made at hearing, and must set forth the relief or order sought. The rulemaking also requires all parties to promptly update requested discovery until the hearing is concluded with no further requests. Those affected by this rulemaking include persons, businesses or organizations who are appealing DPH actions.

Questions/requests for copies/comments through 11/18/13: Susan Meister, DPH, 535 W. Jefferson St., 5th Flr., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

MORTGAGE LOANS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to "Residen-

Proposed Regulations

tial Mortgage License Act of 1987" (38 Ill Adm Code 1050; 37 Ill. Reg. 15590). The rulemaking adjusts the Department's fee schedule and makes other revisions. Residential mortgage license investigation and license fees will now total \$2,700, up from \$2,043, with residential mortgage license renewal fees increasing by the same amount. Entities exempt from licensure by virtue of being chartered under federal law but wishing to sponsor individuals serving as mortgage loan originators under the State Act must also pay a fee of \$2,700. The rulemaking also requires loan brokerage agreements and broker/originator loan

logs to contain the unique identifier in the Nationwide Mortgage Licensing System rather than the DFPR Mortgage Loan Originator license number. Banks and mortgage brokers are affected by this rulemaking.

Questions/requests for copies/comments through 11/18/13: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax: 217/557-4451.

UNIVERSITIES RETIREMENT

The STATE UNIVERSITIES RETIREMENT SYSTEM proposed amendments to "Universities Retirement"

(80 Ill Adm Code 1600; 37 Ill Reg 15725) to clarify that the SURS Board of Trustees formally delegates to the SURS administrative staff the responsibility for daily claims processing functions, including making initial determinations on all applications for retirement benefits. SURS staff may also submit a Response to a Statement of Claim when a matter is contested.

Questions/requests for copies/comments through 11/18/13: Michael Weinstein, SURS, 1901 Fox Dr., Champaign IL 61820, 217/378-8825.

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 JCAR's October 22, 2013 meeting.

OFFICE OF THE ATTORNEY GENERAL

"Attorney General's Procurement" (44 Ill Adm Code 1300) proposed 8/9/13 (37 Ill Reg 12696)

DEPARTMENT OF PUBLIC HEALTH

"Food Service Sanitation Code" (77 Ill Adm Code 750) proposed 7/26/13 (37 Ill Reg 11867)

Repeal of "Retail Food Store Sanitation Code" (77 Ill Adm Code 760) proposed 7/26/13 (37 Ill Reg 11894)

CHIEF PROCUREMENT OFFICER FOR THE DEPARTMENT OF TRANSPORTATION

"Chief Procurement Officer for the Department of Transportation - Contract Procurement" (44 Ill Adm Code 6) proposed 8/9/13 (37 Ill Reg 12620)

DEPARTMENT OF INSURANCE

"Dissolution and Reestablishment of Inactive Police Pension Funds and Firefighters' Pension Funds" (50 Ill Adm Code 4439) proposed 6/14/13 (37 Ill Reg 7871)

As a courtesy to persons who wish to submit comment on rulemakings scheduled for consideration by JCAR, 2nd Notice (R02) versions of rulemakings can now be viewed at the JCAR website. These versions contain the original proposed rules as published in the *Illinois Register*, with the agency's 1st Notice changes applied. For more information or to review rulemakings on 2nd Notice, open the link to the current month's meeting agenda. The names, Titles and Part number of rulemakings for which 2nd Notice versions are available will be hyperlinked and can be accessed by clicking on the links.