

Elaine Spencer
Editor

Joint Committee on Administrative Rules
Illinois General Assembly

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

VOL. 39

February 13, 2015

Issue 7

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 PREPARATION

The STATE BOARD OF EDUCATION adopted amendments to Standards for Endorsements in Early Childhood Education and in Elementary Education (23 IAC 26; 38 Ill Reg 18388) effective 2/2/15, updating teacher preparation standards for an endorsement in Early Childhood Education. The new standards align with Illinois Learning Standards adopted in 2010 and to the Illinois Professional Teaching Standards. They will apply to candidates for the Early Childhood endorsements starting 9/1/19, and institutions of higher education may not, after 2/1/17, place candidates in preparation programs that do not meet the new standards. Effective 1/1/15, all Early Childhood programs seeking first-time approval from SBE must demonstrate alignment to the

2010 National Association for the Education of Young Children Standards for profession preparation. Existing programs have until 9/1/19 to demonstrate alignment to the NAEYC standards. A change since 1st Notice sets a deadline of 9/1/20 for candidates enrolled in programs approved under the previous standards to obtain their early childhood endorsements. Early childhood programs, teachers and prospective teachers are affected by this rulemaking.

Questions/requests for copies: Kellee Sullivan, SBE, 100 N. First St., E-310, Springfield IL 62777-0001, 217/557-6763.

STUDENT RECORDS

SBE also adopted amendments to Student Records (23 IAC 375;

(cont. page 2)

Proposed Rulemakings

JUVENILE RECORDS

The DEPARTMENT OF STATE POLICE proposed a new Part titled Non-Court Ordered Juvenile Record Expungement (20 IAC 1206; 39 Ill Reg 2262) establishing procedures for DSP's twice-annual expungement of juvenile arrest records under the Juvenile Court Act. The rules require DSP to automatically expunge juvenile records within its control that meet the requirements of the Act, beginning 1/1/16 and every July 1 and January 1 thereafter. The person named in a juvenile record may utilize the access and review process outlined elsewhere in DSP's rules to verify that his or her record has been expunged. DSP is not obligated to notify anyone of a juvenile records expungement outside of the access and review process.

(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)

38 III Reg 18424), effective 2/2/15, requiring districts to include the State Seal of Biliteracy or State Commendation toward Biliteracy on eligible student transcripts and permanent student records. The rulemaking also requires districts to retain a copy of a student's certified birth certificate in his or her permanent record. Public school students and teachers of foreign languages or of English as a Second Language are affected by this rulemaking.

Questions/requests for copies: Nicki Bazer, SBE, 100 W. Randolph, Suite 14-300, Chicago IL 60601, 312/814-2220.

PCB PROCEEDINGS

The POLLUTION CONTROL BOARD adopted amendments to General Rules (35 IAC 101; 38 III Reg 12685), Regulatory and Informational Hearings and

Proceedings (35 IAC 102; 38 III Reg 12740), Enforcement (35 IAC 103; 38 III Reg 12757), Regulatory Relief Mechanisms (35 IAC 104; 38 III Reg 12766), Appeals of Final Decisions of State Agencies (35 IAC 105; 38 III Reg 12779), Proceedings Pursuant to Specific Rules or Statutory Provisions (35 IAC 106; 38 III Reg 12785), Petition to Review Pollution Control Facility Siting Decisions (35 IAC 107; 38 III Reg 12802), Administrative Citations (35 IAC 108; 38 III Reg 12809), Tax Certifications (35 IAC 125; 38 III Reg 12814) and Identification and Protection of Trade Secrets and Other Non-Disclosable Information (35 IAC 130; 38 III Reg 12821), all effective 1/27/15. All these amendments provide for electronic filing in all Board proceedings, permit most kinds of filing to be done via e-mail, align procedural standards for public input at PCB's open meetings with the Open

Meetings Act, and make other minor changes. Changes since 1st Notice to Part 101 reduce the number of originals of a copyright-protected document that must be filed when the document is being incorporated into a rulemaking by reference, and extend until 5 p.m. (originally, 4:30 p.m.) on weekdays the deadline for transmitting a document by e-mail in order for the document to be considered served on the day of transmission. Documents transmitted after 5 p.m. on weekdays (or on Saturdays, Sundays or State holidays) will be considered served on the next business day.

Requests for copies of the above 10 rulemakings: John Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620. Questions: Mark Powell, the same address, 312/814-6887, e-mail: Mark.Powell@illinois.gov. Please reference docket R14-21.

Proposed Rulemakings

(cont. from page 1)

The rulemaking also includes procedures for requesting expungement of juvenile records that are not expunged automatically. Requests may be submitted on a form that is available on the DSP website; an electronic process may be used when DSP makes it available. The request must be signed by the person named in the records and notarized, with copies sent to the arresting law enforcement agency, the prosecutor who

handled the person's case, and the current State's Attorney of the county in which the person was prosecuted. Non-profits and small businesses that provide legal assistance to former juvenile offenders may be affected by this rulemaking.

Questions/requests for copies/comments through 3/30/15: Lisa Freitag, DSP, 801 S. 7th St., Suite 1000-S, Springfield IL 62703, 217/782-9356.

■ LAND CONSERVATION

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Conservation Stewardship Program (17 IAC 2580; 39 III Reg 2235) clarifying various aspects of the program, which provides property tax relief to owners of unimproved land who implement DNR-approved conservation management plans. Eligible taxpayers must

(cont. page 3)

Proposed Rulemakings

(cont. from page 2)

have legal access to the property and pay all debts in a timely manner. Management plans must be renewed every 10 years, and owners must reapply before the plan expires or when ownership changes. Removal of invasive/exotic species is added to the objectives of management plans. Land owners must report their management practices to DNR annually, and land may be removed from the program if the owner fails to do so. Those affected by this rulemaking include small businesses, non-profits and others who own land enrolled in the program.

Questions/requests for copies/comments through 3/30/15: Anne Mergen, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

UNIVERSITIES EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM (SUCSS) proposed amendments to State Universities Civil Service System (80 IAC 250; 39 Ill Reg 2267) permitting out-of-State applicants

to test for professional, semi-professional or managerial positions for which highly technical or professional qualifications are required and for which a broader talent pool is normally sought, provided that the applicant establishes Illinois residency within 90 days after an employment offer or final appointment. An applicant with a recognized disability may receive an accommodation for any examination maintained by a university system in accordance with federal and state law and applicable employment policies at each employment location. The rulemaking also shortens from 45 to 30 days the time period for notifying university employers of any change in weighing or grading examinations. Upon request of an employer and approval by the Executive Director, examinations for original entry employment registers at each place of employment may be closed up to six calendar months. When a sufficient number of candidates on the register has been established, further recruitment and testing is not required for a period of time.

Questions/requests for copies/comments through 3/30/15: Mari Martinelli, SUCSS, 1717 Philo Rd., Suite. 24, Urbana IL 61802, 217/278-3150, ext. 226, marim@sucss.illinois.gov

DISEASE REPORTING

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to Control of Communicable Diseases Code (77 IAC 690; 39 Ill Reg 2251) and proposed repeal of the Part titled Rules Governing the Reporting of Reye's Syndrome (77 IAC 663; 39 Ill Reg 2245). The rulemakings add Reye's Syndrome to the general list of diseases that must be reported to DPH and repeal separate rules for Reye's Syndrome reporting adopted in 1982. DPH notes that no cases of Reye's Syndrome have been reported in Illinois since 1997.

Questions/requests for copies/comments concerning the 2 DPH rulemakings through 3/30/15: Elizabeth Paton, DPH, 535 W. Jefferson, 5th Fl., Springfield Il 62761, 217/782-2043, dph.rules@illinois.gov

Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the Committee's March 17, 2015 meeting in Springfield. Other items not listed in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be sent to JCAR using the contact information on page 1.

ILLINOIS LIQUOR CONTROL COMMISSION

The Illinois Liquor Control Commission (11 IAC 100) proposed 10/10/14 (38 Ill Reg 19615)