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Editor

Joint Committee on Administrative Rules  
Illinois General Assembly

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*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.*

## Proposed Rulemakings

### ■ SPECIAL EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to Special Education (23 IAC 226; 39 Ill Reg 8906) and Special Education Facilities under Section 14-7.02 of the School Code (23 IAC 401; 39 Ill Reg 8973) implementing recent Public Acts. Both rulemakings update references to teacher certification to reflect the current system of educator licensure. The Part 226 amendments include a new Section adding dyslexia to a list of specific learning disabilities that may qualify a student for special education services and incorporating by reference the definition of dyslexia adopted by the International Dyslexia Association. Services under a new or revised Individualized Education Program (IEP) must be provided to students within 10 school attendance days

(currently, 10 calendar days) after notification to the student's parents. An "attendance day" is defined as any day, including a partial day, when children are attending school for instructional purposes. If notification of a new or revised IEP is given to parents with fewer than 10 attendance days left in the school year, implementation may take place in the following school year. All IEPs for students 14½ years of age or older must address independent living skills, instead of doing so only "where applicable". Other amendments to Part 226 address timelines for mediation and complaint procedures. The Part 401 rulemaking concerns SBE's approval criteria for freestanding special education facilities that contract with school districts to provide special education services for students who cannot be served in the district's facilities. The rulemaking

extends, from every 24 months to every 36 months, the timeframe for undergoing periodic life-safety inspections by the Office of the State Fire Marshal. If an OSFM inspection cannot be scheduled within the 36-month timeframe, SBE will accept an inspection and report from a local government agency (e.g., fire department) that was completed within 12 months prior to the facility's initial application or renewal and shows no evidence of violations. School districts, special education cooperatives, and special education facilities will be affected by these rulemakings.

Questions/requests for copies/comments on the 2 SBE rulemakings through 8/19/15: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, [rules@isbe.net](mailto:rules@isbe.net)

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**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](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://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.

# Proposed Rulemakings

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## ■ LIQUOR TAXES

The DEPARTMENT OF REVENUE proposed amendments to Liquor Control Act (86 IAC 420; 39 Ill Reg 8879) implementing several Public Acts. The rulemaking updates tax rates on wine, beer, cider and other alcoholic spirits to reflect tax increases enacted on 9/1/09; requires out-of-State wineries that are licensed to ship wine directly to Illinois residents for personal use to register under the Use Tax Act and collect and pay Illinois use tax on each gallon of wine sold to Illinois residents; and lowers the annual tax liability threshold (from \$200,000 to \$20,000) that requires a business to make all tax payments to DOR by electronic funds transfer. Businesses that sell or produce alcoholic beverages or spirits are affected by this rulemaking.

## ■ TOBACCO TAXES

DOR also proposed an amendment to Cigarette Tax Act (86 IAC 440; 39 Ill Reg 8897) concerning sales of “little cigars”. The rulemaking allows persons licensed as distributors under the Tobacco Products Tax Act to obtain a parallel license under the Cigarette Tax Act, and obtain the necessary tax stamps for selling unstamped packages of little cigars, without having to document their ability to purchase cigarettes directly from at least three major cigarette manufacturers. The three-manufacturer requirement still applies to persons who wish to stamp and sell unstamped packages of cigarettes. Businesses that sell tobacco products are affected by this rulemaking.

Questions/requests for copies/comments on the 2 DOR

rulemakings through 8/19/15: Richard S. Wolters, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

## ■ DEER HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to White-Tailed Deer Hunting By Use of Bow and Arrow (17 IAC 670; 39 Ill Reg 8873) that discontinues over-the-counter sales of single antlerless-only archery deer hunting permits to non-Illinois residents. (Non-residents may still purchase other types of archery deer hunting permits directly from DNR or through other sources.) Businesses that sell deer hunting permits are affected.

Questions/requests for copies/comments through 8/19/15: Shelly Knuppel, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

# 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 the Committee’s July 14, 2015 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.

## GOVERNOR’S OFFICE OF MGMT & BUDGET

Grant Accountability and Transparency (44 IAC 7000; 39 Ill Reg 5278) proposed 4/10/15

## DEPT OF PUBLIC HEALTH

Control of Communicable Diseases Code (77 IAC 690; 39 Ill Reg 2251) proposed 2/13/15

Rules Governing the Reporting of Reye’s Syndrome (Repealer) (77 IAC 663; 39 Ill Reg 2245) proposed 2/13/15

## OFFICE OF THE STATE FIRE MARSHAL

Certified Assessors for Fire Department Assessment Centers (44 IAC 145; 39 Ill Reg 5755) proposed 4/24/15