

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

SCHOOL FINANCES

The STATE BOARD OF EDUCATION adopted amendments to Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 IAC 100; 41 Ill Reg 13326), effective 3/15/18, reflecting changes in the State's funding formula created by PA 100-465 by updating account numbers and School Code citations, changing references to the federal No Child Left Behind law to the federal Every Student Succeeds Act (ESSA), and removing obsolete account numbers for defunct programs.

STUDENT RECORDS

SBE also adopted amendments to Student Records (23 IAC 375; 41 Ill Reg 13349), effective 3/15/18, implementing PA 100-222, which removes class rank and State assessment scores from

student transcripts. Scores on college entrance exams may be added to a student transcript at the request of the student, his or her parent, or the person enrolling the student. (A change since 1st Notice amends the definition of student permanent record to align with this policy.) SBE is also removing gender designations from the list of required information in a student directory, since it is not cited in the federal Family Educational Rights and Privacy Act of 1974 (FERPA) as a directory item. (FERPA states that directory information includes, but is not limited to, the student's name, address, telephone listing, e-mail address, photo, and date and place of birth.)

NON-PUBLIC SCHOOLS

SBE adopted amendments to Voluntary Registration and

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Proposed Rulemakings

DISABILITY SERVICES

The DEPARTMENT OF HUMAN SERVICES proposed amendments to Program Definitions (89 IAC 521; 42 Ill Reg 5687), Services (89 IAC 590; 42 Ill Reg 5705) and Closure of a Rehabilitation Case (89 IAC 595; 42 Ill Reg 5718) updating various aspects of DHS' supported employment services for persons with disabilities. The Part 521 amendments add or update definitions for terms such as student with a disability (an individual age 14-21 who is enrolled in school and receiving special education services), youth with a disability (an individual with a disability who is 14-24 years of age), pre-employment transition services (specific services provided to students with disabilities prior to graduation), Individualized Plan

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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) 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

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Recognition of Non-Public Schools (23 IAC 425; 41 Ill Reg 13362), effective 3/15/18, implementing PA 100-465, which allows scholarship granting organizations approved by the Illinois Department of Revenue to provide scholarships to students to attend qualified nonpublic schools. The rulemaking lists the necessary costs and fees that may be used to determine the maximum allowable scholarship amount; these include tuition, charges for textbooks and other instructional materials, supplies, uniforms, and other fees or costs required in order to participate in curricular or extracurricular activities (e.g., field trips). Items not included are one-time fees; refundable deposits; library fines or other charges for loss, misuse or destruction of school property; charges for the purchase of class rings, yearbooks or similar items; graduation fees; and other fees for optional events or activities (e.g., admission to school dances or athletic events, trips sponsored by clubs outside of school hours or days). These amendments are scheduled to sunset on 1/1/24. Nonpublic schools and scholarship granting organizations will be affected by this rulemaking.

Questions/requests for copies of the 3 SBE rulemakings: Lindsay Bentivegna, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

■ OIL & GAS

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part titled The Illinois Oil and Gas Act (62 IAC 240; 41 Ill Reg 14368), effective 3/14/18, concerning the permitting process for oil and gas wells. The rulemaking simplifies the process of certifying that a permit applicant has the right to drill for or operate a well at the proposed site; starts the 15-day public comment period for an application on either the date the notice is published or the date the application is filed, whichever is later; allows for pooled units (a single lease or agreement that includes more than one well owner/operator); and allows wells to be spaced 330 feet (formerly 660 feet) apart, separated by no less than 10 feet from the nearest drilling unit boundary line. Petitions to modify existing drilling units will not be accepted from persons with a record of previous Oil and Gas Act violations, or financial or management interests in a company with a record of such violations; persons who are delinquent in payment of annual well fees; or persons who have falsified or misstated information contained in the petition. Public hearings on modification petitions must be held 30 to 60 days after DNR has accepted the petition. Other provisions set criteria for placing wells that have been inactive for at least 24 consecutive months in temporary abandonment status; establish public notice and hearing procedures; set a 20 working day

timeframe for DNR to grant or deny a petition after a public hearing has taken place; set criteria for permit applications for special drilling units; and clarify the process for transferring a permit to a new owner. Oil and gas drilling businesses will be affected by this rulemaking.

Questions/requests for copies: John Heidinger, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-6379.

■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION adopted amendments to Hours-of-Service of Drivers (92 IAC 395; 41 Ill Reg 14923) effective 3/14/18, replacing an emergency amendment effective 12/19/17 at 41 Ill Reg 15380). The rulemaking updates incorporated federal regulations, authorizes Illinois State Police officers who are certified to conduct vehicle inspections to declare drivers out of service, reflects the abolition of the former Division of Traffic Safety, and clarifies which drivers are exempt from the Part (e.g., drivers of covered farm vehicles). Commercial drivers and their employers are affected.

Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Room 317, Springfield IL 62764.

Proposed Rulemakings

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for Employment (IPE), and competitive integrated employment (work, including self-employment, performed in the same environment and for the same pay and benefits as non-disabled workers). The Part 590 rulemaking updates and clarifies the types of pre-employment transition services that DHS' Division of Rehabilitation Services provides to students and youth with disabilities. For students with disabilities, pre-employment transition services may be provided by community agencies and may supplement, but not replace or duplicate, services that the local education agency (e.g., school district) provides. Supported employment services for persons who are eligible for vocational rehabilitation and have a "most significant" disability (requiring two or more substantial VR services) are expanded to include youth and may continue for up to 24 months (currently, 18 months). Extended services after completion of supported employment may be provided to customers of any age if those services do not require payment from DHS; extended services that require payment may be provided only to youth with disabilities. Amendments to Part 595 update procedures for ending VR services when the customer has achieved competitive integrated employment or another desired employment outcome, or when the customer no longer desires to receive VR services. Those

affected by these rulemakings include students and youth with disabilities and employers or community agencies that provide supported employment programs.

■ ABUSE INVESTIGATIONS

DHS also proposed amendments to Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (89 IAC 50; 42 Ill Reg 5667) requiring the DHS-OIG to forward unfounded investigative reports to the director of the facility or agency where the alleged incident occurred. (Currently, the DHS-OIG keeps these reports confidential.) The facility or agency director who receives such a report is responsible for maintaining its confidentiality under State and federal law.

AABD BENEFITS

Finally, DHS proposed amendments to Aid to the Aged, Blind or Disabled (89 IAC 113; 42 Ill Reg 5676) increasing the AABD grant adjustment allowance and rates for sheltered, personal or nursing care by \$15 per month to match the 2018 increase in federal Supplemental Security Income (SSI) benefits.

Questions/requests for copies/comments on the 5 DHS rulemakings through 5/14/18: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ DISEASE CONTROL

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Control of Communicable Diseases Code (77 IAC 690; 42 Ill Reg 5729) providing that food handlers, healthcare workers and day care workers suspected of having an E. coli infection who do not comply with stool testing cannot return to work for 30 days after their diarrhea has ceased. (Workers who comply with testing may return to work after at least 24 hours without diarrhea and 2 consecutive negative tests.) If an E. coli outbreak occurs in a facility where food handling takes place, all food handlers working in the facility will be required to submit stool samples for testing. Persons infected with E. coli also may not swim or bathe in public water facilities, including swimming pools, spas, water parks, or lakes, for 2 weeks after symptoms cease. The rulemaking also removes methicillin resistant staphylococcus aureus (MRSA) occurring in community settings or in infants under 2 months of age, Creutzfeldt-Jakob Disease, leprosy, streptococcus pneumoniae in children, and yersinosis from the list of diseases that must be reported to DPH. Those affected by this rulemaking include restaurants, hospitals, nursing homes, day care facilities and other businesses or agencies that employ food handlers.

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Proposed Rulemakings

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Questions/requests for copies/comments through 5/14/18: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

COMMUNITY COLLEGES

The ILLINOIS COMMUNITY COLLEGE BOARD proposed amendments to Administration of the Illinois Public Community College Act (23 IAC 1501; 42 Ill Reg 5624) implementing updates and clarifications to various procedures. The amendments add or update definitions for various types of degrees and programs (e.g., Associate in Engineering Science, Adult Basic Education, Adult Secondary Education, Career and Technical Education) and the terms used to describe aspects of these programs (e.g., contact hour, lecture); clarify the procedure for a community college to modify a unit of instruction, or reactivate an inactive unit of instruction; update

the statewide and regional planning process; and clarify the composition of student advisory committees in multi-college districts.

Questions/requests for copies/comments through 5/14/18: Matt Berry, ICCB, 401 E. Capitol Ave., Springfield IL 62701-1711, 217/785-7411, fax 217/524-4981, e-mail: Matt.berry@illinois.gov

■ BAID PROVIDERS

The SECRETARY OF STATE proposed amendments to Procedures and Standards (92 IAC 1001; 42 Ill Reg 5785) requiring providers of Breath Alcohol Ignition Interlock Devices (BAIID) to include language on their solicitations to prospective customers (persons who hold restricted driving permits due to alcohol-related offenses) indicating that the document is from a private entity that is not owned, operated or endorsed by SOS and is not the sole BAIID provider authorized by SOS. BAIID providers are also prohibited from attaching their

materials to official SOS correspondence or using the same print font that SOS uses in its correspondence to permittees.

Questions/requests for copies/comments through 5/14/18: Brenda Glahn, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, bglahn@ilsos.net

BOATING

The DEPARTMENT OF NATURAL RESOURCES proposed an amendment to the Part titled Designation of Restricted Waters in the State of Illinois (17 IAC 2030; 42 Ill Reg 5724) updating references to the United States Coast Guard's U.S. Aids to Navigation System (for marking restricted boating areas with signs, buoys, etc.) and the corresponding federal regulations.

Questions/requests for copies/comments through 5/14/18: Javonna Ackerman, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/557-0126.

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 Committee's April 17, 2018 meeting. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 41 Ill Reg 14884) proposed 12/8/17

DEPT OF INSURANCE

Required Benefits for Mental, Emotional and Nervous Disorders (Repealer) (50 IAC 2006; 41 Ill Reg 15172) proposed 12/26/17

Privacy of Personal Information (Repealer) (50 IAC 4001; 41 Ill Reg 15189) proposed 12/26/17

Life and Accident and Health Policy Forms; Dividends (Repealer) (50 IAC 914; 41 Ill Reg 15472) proposed 12/29/17

Family Group Life Insurance Policy Forms (Repealer) (50 IAC 1403; 41 Ill Reg 15476) proposed 12/29/17

Domestic Insurers Service of Process Requirements (50 IAC 206; 41 Ill Reg 12761) proposed 10/13/17

IL COMMUNITY COLLEGE BOARD

Public Information, Rulemaking and Organization (2 IAC 5175; 42 Ill Reg 2079) proposed 2/2/18

SECRETARY OF STATE

Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 41 Ill Reg 15533) proposed 12/29/17

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Peter Breen

Senator Karen McConnaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**