

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

■ GIFTED STUDENTS

The STATE BOARD OF EDUCATION adopted amendments to Gifted Education (23 IAC 227; 42 Ill Reg 12920), effective 6/7/19, implementing Public Acts 99-706 and 100-421. The rulemaking requires school districts to implement policies for accelerated placement of students in more advanced curricula typically reserved for older children or children in higher grades. Accelerated placement may include assigning the student to a higher grade (whole grade acceleration) or assigning the student higher-level work in one or more content areas (individual subject acceleration). Accelerated placement policies must also indicate the approaches the district will use to identify students qualifying for early entrance to kindergarten or first grade. "Early entrance" is

defined as enrolling students in kindergarten who have not turned 5 years old, or in first grade who have not turned 6 years old, by September 1 or (for districts on year-round schedules) within 30 days after the beginning of the school term. Plans for gifted education must use multiple (formerly, three or more) assessment instruments to identify students for accelerated placement; must actively consider the potential eligibility of students with disabilities; and include a selection process that identifies gifted and talented students among under-represented groups such as low-income, minority, twice exceptional (gifted students who also have a learning or other disability) and English learners. When identifying students for accelerated placement, local norms for assessment scores must be considered (formerly, students who placed in the top 5

percent locally were identified). A district does not have to submit its acceleration plan to SBE for review or approval unless specifically requested, but must post the plan on the district website, if available. Beginning with the 2018-19 school year, district data on accelerated placement must be annually reported to SBE via the Student Information System no later than 7/31. This data must include the numbers of students in each type of accelerated placement (whole grade acceleration, individual subject acceleration, early entrance to kindergarten or first grade) as well as data regarding the gender, ethnicity, English language, low income and special education status of students in accelerated placements. Information reported to SBE will be posted and annually updated on the SBE

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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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website. The rulemaking also replaces the PRAXIS examination with the National Evaluation Series Gifted Education examination as an assessment instrument for teachers seeking to qualify for gifted education programs. Since 1st Notice, SBE has clarified its definitions of accelerated placement and early entrance. School districts will be affected by this rulemaking.

Questions/requests for copies: Cara Wiley, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, rules@isbe.net

STUDENT AID

The ILLINOIS STUDENT ASSISTANCE COMMISSION adopted an amendment to Monetary Award Program (MAP) (23 IAC 2735; 43 Ill Reg 1755), effective 7/1/19, revising its schedule for processing MAP award applications. The rulemaking requires ISAC to announce its priority deadline date for renewing MAP applicants no later than September 30 of each year. Applicants who file by the priority deadline date and meet other eligibility requirements will continue to receive MAP grants for the following academic year. Those who apply after the priority deadline date may receive awards if sufficient funding remains available. The rulemaking also removes references to ISAC's former

application priority schedule that set August 15 as the deadline for renewing applicants seeking full-year awards and September 30 as the deadline for new applicants seeking full-year awards.

■ STUDENT LOANS

ISAC adopted amendments to General Provisions (23 IAC 2700; 43 Ill Reg 1743), effective 7/1/19, implementing Public Act 100-926, which requires public higher education institutions to annually provide students or their parents/guardians with the following information: the estimated total amount of educational loans taken out by the student; the estimated potential payoff amount for each of these loans, including principal and interest amounts; the estimated percentage of the student's borrowing limit reached at the time of the report; and any financial resources available to the student. The rulemaking also clarifies that documents acceptable as proof of Illinois residency are not limited to those listed in the rule (e.g., driver's license, tax return, utility bills) and that institutions may request other documents in addition to, or in place of, those listed.

ISAC adopted a new Part titled Community Behavioral Health Care Professional Loan Repayment Program (23 IAC 2753; 43 Ill Reg 1763), effective 7/1/19, implementing Public Act 100-862. The program provides student loan repayment

assistance to persons working as behavioral health professionals in a community mental health center in an underserved or rural mental Health Professional Shortage Area (HPSA). Applicants must have worked in such an HPSA for at least 12 consecutive months prior to applying for the program and must continue to do so during each year that they receive loan repayment grants, up to a maximum of 4 years. Maximum annual repayment grants are \$35,000 for psychiatrists; \$15,000 for advanced practice registered nurses or physician assistants; \$12,000 for psychologists with doctoral degrees; \$6,500 for licensed clinical social workers or licensed clinical professional counselors; and \$2,500 for substance use professionals. Those affected by this rulemaking include mental health professionals and their employers.

ISAC also adopted an amendment to Nurse Educator Loan Repayment Program (23 IAC 2758; 43 Ill Reg 1771), effective 7/1/19, clarifying that nurse educators must complete a separate 12-month period of instruction for each year that they receive repayment grants. Those affected by this rulemaking include nurse educators and their employers.

Questions/requests for copies of the 4 ISAC rulemakings: Jackie

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New Rules

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Eckley, ISAC, 500 W. Monroe St., Springfield IL 62704, 217/782-5161, jackie.eckley@illinois.gov.

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Filing Policy and Endorsements Form (50 IAC 753; 43 Ill Reg 1463) and Required Procedures for Group Inland Marine Insurance (50 IAC 2302; 43 Ill Reg 1476), both effective 6/13/19, concerning procedures for form and rate filings for group certificate inland marine policies. The Part 2302 rulemaking reflects DOI's policy requiring companies to submit filings through the National Association of Insurance Commissioners' (NAIC) SERFF system. The Part 753 amendment clarifies that policies regulated under Part 2302 are not subject to Part 753.

DOI also adopted amendments to Internal Security Standards and Fidelity Bonds (50 IAC 3501; 42 Ill Reg 19595), effective 6/13/19, to align DOI regulations for farm mutual insurance companies with those applied to other companies in 50 IAC 904.

The rulemaking reflects NAIC guidelines and reflects the practice of writing fidelity and surety bonds on a claims-made basis rather than on an occurrence basis. Amounts of coverage are amended to match NAIC guidelines. An obsolete requirement for a one-year discovery period is also being removed, and investments in securities other than government bonds and obligations by farm mutual companies is being permitted. The rulemaking also adds definitions and makes technical updates.

Questions/requests for copies of the 3 DOI rulemakings: Parts 753

and 2302, Keith Fanning (217/782-1792); Part 3501, Mindy Lucht (217/785-4079), DOI, 320 W. Washington St., Springfield IL 62767-0001.

■ ICC PROCEDURES

The ILLINOIS COMMERCE COMMISSION adopted amendments to Rules of Practice (83 IAC 200; 42 Ill Reg 19323), effective 6/17/19, that allow all documents to be certified in the manner provided under the Code of Civil Procedure (instead of by a notary public) and prescribe that all electronic documents submitted to ICC via e-Docket be in PDF format. Those affected by this rulemaking may include small businesses.

Questions/requests for copies: Brian W. Allen, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/558-2387.

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 July 16, 2019 JCAR 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.

ENVIRONMENTAL PROTECTION AGENCY

Priorities of Projects in the Public Water Supply Loan Program (Repealer) (35 IAC 663; 42 Ill Reg 24555) proposed 12/28/18

Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works (Repealer) (35 IAC 366; 42 Ill Reg 24449) proposed 12/28/18

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 43 Ill Reg 3385) proposed 3/15/19

OFFICE OF THE STATE FIRE MARSHAL

Fire Prevention and Safety (41 IAC 100; 43 Ill Reg 125) proposed 1/4/19