

Claire B. Eberle, Editor
Elaine Spencer, Assoc. Editor

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Issue 44

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

☞ NURSING SCHOOL GRANTS

The BOARD OF HIGHER EDUCATION adopted amendments to "Nursing School Grant Program" (23 Ill Adm Code 1100; 35 Ill Reg 7038), effective 10/14/11. The rulemaking specifies that BHE expansion grants will be based upon the following priorities: (1) funding for renewal grants, (2) funding for grants in the 1st year of a 3-year grant cycle, and (3) a combination of renewal and first-year grants that the Board deems appropriate to maximize the grant awards. Money allocated to improvement grants will be the remainder that is left over after the funding of expansion grants. (Previously, expansion grants received 90% of the allocated funds, and improvement grants were limited to no more than 10%.) Eligibility for an improvement grant will no longer be partially based upon less than 90% of first-time licensure test-takers passing the test. Instead, the pass rate must be less than the national average for the previous calendar year in order to qualify for an improvement grant. Improvement grant funds may also be used for

the improvement of graduation rates. Nursing schools will be affected by this rulemaking.

Questions/requests for copies: Karen Helland, BHE, 431 E. Adams St., 2nd Fl., Springfield IL 62701-1404, 217/557-7358, Fax 217/782-8548, e-mail: helland@ibhe.org.

DPH RULE CORRECTION

The DEPARTMENT OF PUBLIC HEALTH published an expedited correction for the text of amendments for "Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300; 34 Ill Reg 18104) that were adopted in the 7/15/11 *Illinois Register*. The number six mistakenly appears before a reference to subsection (b)(2) in Section 300.286(d). As there is no subsection "6(b)(2)" in the rulemaking, this typographical error was corrected.

Questions/requests for copies: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761-0001, 217/782-2043, e-mail: dph.rules@illinois.gov.

☞ EARLY LEARNING GRANTS

STATE BOARD OF EDUCATION proposed amendments to its rules titled "Early Childhood Block Grant" (23 Ill Adm Code 235; 35 Ill Reg 17365) and "Public Schools Evaluation, Recognition and Supervision" (23 Ill Adm Code 1; 35 Ill Reg 17338) to modify its policy for birth to age 5 programs to qualify for grants under the American Recovery and Reinvestment Act of 2009 (ARRA) "Race to the Top-Early Learning Challenge" (RTT-ELC). A total of \$500 million in grants is available on a competitive basis to states that design and implement comprehensive early learning and development systems that are coordinated among the various State agencies. The RTT-ELC goals are to increase the number of low income and disadvantaged children who are enrolled in high quality early learning programs, implement an integrated system of high-quality early learning programs and services, and ensure that assessment use conforms with the National Research Council's recommendations on early childhood. SBE's proposed changes to Part 235 coordinate its programs with Department of Human

(cont'd next page)

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

Services and Department of Children and Family Services programs by subjecting SBE programs to those agencies' early learning credentialing and program-rating requirements, by requiring SBE programs to participate in a limited Statewide implementation of the Kindergarten Individual Development Survey (KIDS) in the 2013-14 school year that continues development of a kindergarten readiness tool, and by updating program standards to include birth to age 5 (now birth to age 3) and expanding early learning and development standards for children from age 3 to kindergarten and children from birth to age 3. SBE notes that other changes require the applicants to provide information about similar programs in their service areas, set minimum criteria for assessing a child's progress in the programs, and clarify that SBE will give consideration to applicants who serve areas where need for services exceeds available resources. SBE's proposed amendments for Part 1 request school districts offering kindergarten programs to participate in the administration of KIDS in the 2012-13 school year or a limited Statewide administration in the 2013-14 school year and require annual administration beginning with the 2014-15 school year if sufficient funds are available for the test administration. SBE also updates its Illinois Learning Standards in Part 1 to acknowledge which goals are not applicable to kindergarteners. SBE anticipates Part 235 will impact childcare providers and other entities providing early childhood services to children and their families. School districts will not be impacted under Part 1 unless funds are provided to administer KIDS annually.

Questions/requests for copies/comments through 12/12/11: Shelley Helton, SBE, 100 N. First St., S-493, Springfield IL 62777-0001, 217/782-5270, e-mail: rules@isbe.net.

GAS PIPELINE SAFETY

The ILLINOIS COMMERCE COMMISSION proposed a new Part titled

"Public Availability of Inspection Information" (83 Ill Adm Code 596; 35 Ill Reg 17168) in response to a federal Department of Transportation initiative to prevent potentially catastrophic, natural-gas-related incidents. Inspection information regarding any one who engages in gas transportation or who owns or operates pipeline facilities within ICC jurisdiction under the Illinois Gas Pipeline Safety Act, except to the extent that information is confidential or proprietary, will be publicly available and may be posted on ICC's website. Entities that work in the field of pipeline repair and safety monitoring may be affected by this rulemaking.

Questions/requests for copies/comments through 12/12/11: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

POLLUTION PERMITS

The POLLUTION CONTROL BOARD proposed amendments to rules titled "RCRA and UIC Permit Programs" (35 Ill Adm Code 702; 35 Ill Reg 17190), "UIC Permit Program" (35 Ill Adm Code 704; 35 Ill Reg 17215), "Procedures for Permit Issuance" (35 Ill Adm Code 705; 35 Ill Reg 17256), and "Underground Injection Control Operating Requirements" (35 Ill Adm Code 730; 35 Ill Reg 17264). The rulemakings implement federal standards for Class VI carbon geosequestration injection wells in this State and reflect certain federal amendments adopted by the federal Environmental Protection Agency (USEPA) during the 7/1/10 through 12/31/10 time period. Class VI injection wells are wells used for carbon geosequestration that are not experimental in nature and that inject carbon dioxide beneath the lowermost formation that contains an underground source of drinking water (USDW). These wells may also inject carbon dioxide above a formation that contains a USDW pursuant to a waiver of the Class VI injection well depth requirements or may receive an exemption for an existing Class II en-

hanced oil or gas recovery aquifer expansion. Affected entities include those that own or operate underground injection wells.

MOTOR VEHICLE EMISSIONS

PCB also proposed amendments to "Mobile Sources" (35 Ill Adm Code 240; 35 Ill Reg 17178) implementing Public Act 97-106. Current steady-state idle exhaust and evaporative system integrity inspection test standards are effective only through 1/31/12. New visual inspection test standards as specified in these amendments will become effective 2/1/12. Entities affected by this rulemaking include those that own or operate a vehicle subject to emissions inspections.

Requests for copies/comments through 12/12/11: John T. Therriault, PCB, 100 W. Randolph, Ste. 11-500, Chicago IL 60601, 312/814-3620. Questions for Parts 702, 704, 705, and 730: Michael J. McCambridge at the same address, 312/814-6924, e-mail: mccambm@ipcb.state.il.us. Please reference consolidated docket R11-14. Questions for Part 240: Daniel Robertson at the same address, 312/814-6931, e-mail: robertsd@ipcb.state.il.us. Please reference docket R12-12.

UNIVERSITY CIVIL SERVICE

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM proposed amendments to "State Universities Civil Service System" (80 Ill Adm Code 250; 35 Ill Reg 17415). Currently, within the System, employers must maintain registers indicating reemployment, promotion, and original entry for their employees. These amendments propose that a name may be removed from an employment register at the expiration of a prescribed time frame in the register posting for vacant positions that are designated by the executive director of the System, and a probationary period may be extended to include a designated off-site formal training session provided that the executive director of the System has approved off-

Proposed Regulations

site training for that extended period. A provision permitting an extension of the appeal period for a Merit Board decision and order, if expressly granted by the Merit Board or its chairman, is stricken in the proposed text. Also, trainee programs are re-titled intern programs.

Questions/requests for copies/comments through 12/12/11: Abby Daniels, SUCSS, 1717 Philo Rd., Ste. 24, Urbana IL 61802, 217/278-3150, ext. 226.

HIGHER EDUCATION

The BOARD OF HIGHER EDUCATION proposed amendments to "Approval of Noninstructional Capital Projects" (23 Ill Adm Code 1040; 35 Ill Reg 17173). In accordance with Public Act 97-610, the definition of "noninstructional capital project" specifies that the project costs must be in excess of \$2 million in order to qualify for project approval from BHE. The amendments

also expand the definition of a "governing board" to include calling it a "board of control". Proprietary, private, and not-for-profit institutions of higher education may be affected by this rulemaking.

Questions/requests for copies through 12/12/11: Karen Helland at the BHE address and telephone number above.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period, and will be considered at JCAR's November 8th meeting.

DEPARTMENT OF AGRICULTURE

"Animal Disease Laboratories Act" (8 Ill Adm Code 110) proposed 6/17/11 (35 Ill Reg 8905)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

"Placement and Visitation Services" (89 Ill Adm Code 301) proposed 5/20/11 (35 Ill Reg 7767)

Repeal of "Intercountry Adoption Services" (89 Ill Adm Code 333) proposed 5/20/11 (35 Ill Reg 7786)

"Intercountry Adoption Services" (89 Ill Adm Code 333) proposed 5/20/11 (35 Ill Reg 7794)

"Background Checks" (89 Ill Adm Code 385) proposed 5/20/11 (35 Ill Reg 7835)

"Licensing Standards for Child Welfare Agencies" (89 Ill Adm Code 401) proposed 5/20/11 (35 Ill Reg 7857)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

"Medical Practice Act of 1987" (68 Ill Adm Code 1285) proposed 8/26/11 (35 Ill Reg 14233)

"Real Estate Appraiser Licensing" (68 Ill Adm Code 1455) proposed 8/26/11 (35 Ill Reg 14235)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

"Pay Plan" (80 Ill Adm Code 310) proposed 7/15/11 (35 Ill Reg 11032)

DEPARTMENT OF NATURAL RESOURCES

"The Taking of Wild Turkeys –Spring Season" (17 Ill Adm Code 710) proposed 9/2/11 (35 Ill Reg 14595)

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**Illinois
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Illinois General Assembly

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