

*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.*

## Emergency Rule

### ■ CHILD CARE PROVIDERS

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 45 Ill Reg 4946) effective 4/1/21 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 45 Ill Reg 4776. The emergency and proposed rules establish procedures for day care homes and centers to apply for a new round of Child Care Restoration Grants made available through the federal Coronavirus Supplemental Response and Relief Act (Public Law 116-360). The criteria for eligibility, award determination, and eligible expenses established by DHS are nearly identical to those used by the Department of Commerce and Economic Opportunity (DCEO) for previous child care restoration grants provided through the Business Interruption Grant (BIG) Program

### COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

in late 2020. Day care homes and centers that previously received BIG assistance or meet the same eligibility criteria that DCEO established for BIG also qualify for the new grants. Eligible day care homes and centers must be licensed by DCFS or be license-exempt facilities serving school-age children; provide year-round child care services; rely upon

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## Proposed Rulemakings

### LANGUAGE ARTS EDUCATION

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 4579) establishing K-12 learning standards for Spanish Language Arts that parallel existing English Language Arts standards and will, upon adoption, form the basis for a Statewide Spanish Language Assessment. The Spanish Language Arts standards include expectations for reading, writing, speaking, listening and understanding of the Spanish language. These standards include the ability to ask and answer questions about key ideas, characters and events in a text; determine the meaning of words and phrases; determine the theme of a story, drama or poem; compare and contrast different

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**ADOPTED 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.

## Adopted Rules

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### ■ BUS INSPECTIONS

The DEPARTMENT OF TRANSPORTATION adopted amendments to the Parts titled Inspection Procedures for Multifunction School Activity Buses (92 IAC 436; 44 Ill Reg 18890), Inspection Procedures for Special Vehicles (92 IAC 438; 44 Ill Reg 18896), Inspection Procedures for Type I School Buses (92 IAC 441; 44 Ill Reg 18910), Inspection Procedures for Type II School Buses (92 IAC 443; 44 Ill Reg 18916) and Nonscheduled Bus Inspections (92 IAC 456; 44 Ill Reg 18922), all effective 4/5/21. These rulemakings replace emergency rules that expired on 1/9/21. The rulemakings add optional hand sanitizers, driver protective barriers, and COVID-19 related signage (e.g., social distancing reminders) to the DOT inspection criteria for all buses subject to inspection, including school buses and commercial buses. Those affected by these rulemakings

include public and nonpublic schools, community or religious organizations that operate buses, and commercial bus operators.

*Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Rm. 317, Springfield IL 62764, 217/524-2638.*

### ■ AGRICULTURAL FAIRS

The DEPARTMENT OF AGRICULTURE adopted amendments to the Part titled Fairs Operating Under the Agricultural Fair Act (8 IAC 260; 44 Ill Reg 18536) effective 4/2/21, increasing the maximum age for junior exhibitors from 19 to 21 and setting a final due date of August 15 for fair associations or agricultural societies to file rehabilitation project reports for that year in order to receive reimbursement from DOA. Organizations that sponsor agricultural fairs are affected.

*Questions/requests for copies: Pamela Harmon, DOA, State Fairgrounds, 801 E. Sangamon Ave., Springfield IL 62702, 217/524-6905, fax 217/785-4505.*

### ■ RADIOACTIVE WASTE

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted an amendment to Standards for Protection Against Radiation (32 IAC 340; 44 Ill Reg 19617) effective 4/1/21, updating U.S. Nuclear Regulatory Commission contact information for transporters of low-level radioactive waste who are seeking copies of federally required manifest forms or guidance in completing the forms. Transporters of low-level radioactive waste are affected by this rulemaking.

*Questions/requests for copies: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704, 217/720-8242.*

## Emergency Rule

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private pay tuition and/or Child Care Assistance Program (CCAP) subsidies for at least 25% of their revenues; be open and receiving children at the time of application; and certify that their operating capacity has been reduced and/or operating costs have increased due to COVID-19 restrictions. Criteria for determining the amount of a grant award to an applicant day care include its licensed capacity as of 3/1/20 or, if licensed after that date,

its capacity as of the date of application; its location; and its current rating in the Illinois ExceleRate Quality Rating and Improvement System. Grant awards may be used for operational costs not otherwise covered by a grant or loan from other sources (e.g., Paycheck Protection Program, other disaster relief, Early Childhood Block Grants). Day cares located in disproportionately impacted areas will receive a 10% increase in their awards. DHS intends to issue these funds beginning in April

2021; the duration of the program and the amount of funding available will depend upon the availability of State and federal funding and any changes in federal laws and regulations. Day care homes and centers that receive CCAP subsidies are affected by these rules.

*Questions/requests for copies of the proposed rulemaking through 6/1/21: Tracie Drew, DHS, 100 S. Grand Avenue East, 3<sup>rd</sup> Floor, Springfield IL 62762, 217/785-9772.*

# Proposed Rulemakings

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works of literature; and demonstrate knowledge of foundational works of Hispanic-American literature, as well as documents of historical significance (e.g., declarations of independence of Hispanic-American countries) from the 17<sup>th</sup> through 20<sup>th</sup> centuries. Students will also be expected to learn Spanish phonics, word recognition and grammar, including the use of accent marks and other punctuation. Those affected by this rulemaking include students and teachers enrolled in or teaching dual language/bilingual public school curricula.

SBE also proposed amendments to State Seal of Biliteracy (23 IAC 680; 45 Ill Reg 4740) that allow alternate means for a student to demonstrate proficiency in a non-English language when the targeted language has more than, or fewer than, the four domains (speaking, writing, listening and reading) normally used to establish proficiency. The criteria for demonstrating proficiency in English are also expanded to include attainment of a qualifying score on an Advanced Placement English Language and Composition exam or transitional/dual credit coursework in English language arts through a public community college. (The State Seal of Biliteracy may be added to a high school graduate's diploma or transcript to recognize attainment of a high level of proficiency in English and at least one other world language.)

*Questions/requests for copies/ comments on the 2 SBE rulemakings through 6/1/21: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

## ■ NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 4778) implementing various Public Acts and federal regulations. The rulemaking incorporates federal regulations regarding patient abuse, neglect, privacy, and confidentiality; requires facilities to establish antibiotic stewardship programs to prevent overuse of antibiotics and development of antibiotic-resistant bacteria; requires federally certified facilities to comply with the 2012 edition of the National Fire Protection Association 101 Life Safety Code; and requires facilities to comply with the Alzheimer's Disease and Related Dementias Services Act [410 ILCS 406]. The rulemaking also requires facilities to notify DPH and submit an operations contingency plan in the event of an impending strike by direct care staff. Facilities must also maintain facility-specific email addresses (not issued to individual staff members) that will not change without prior notification to DPH. Nursing homes are affected by this rulemaking.

*Questions/requests for copies/ comments through 6/1/21: Tracey Trigillo, DPH, 535 W. Jefferson*

*St., 5<sup>th</sup> Floor, Springfield IL 62761, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## ■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION proposed an amendment to the Part titled Commercial Driver's License Standards; Requirements and Penalties (92 Ill. Adm. Code 383; 45 Ill Reg 4884). The rulemaking incorporates recent updates to Federal Motor Carrier Safety Regulations, effective as of 10/1/20, that add offenses related to human trafficking to the list of offenses that permanently disqualify an individual from operating a commercial motor vehicle. Commercial vehicle drivers are affected.

*Questions/requests for copies/ comments through 6/1/21: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Room 317, Springfield IL 62764, 217/524-2638.*

## ■ VIDEO GAMING

The ILLINOIS GAMING BOARD proposed amendments to Video Gaming (General) (11 IAC 1800; 45 Ill Reg 4751), concerning petitions to IGB for rulings on the validity of use agreements that control the location and operation of video gaming terminals. When the IGB Administrator issues a recommended decision and the petitioning party files for an exception to that decision, the exception petition must not exceed

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## Proposed Rulemakings

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15 double-spaced pages and must address only findings of fact and conclusions of law contained in the Administrator's recommended decision. The Administrator may, upon written request, grant permission to file an exception petition of more than 15 pages, up to a limit set by the Administrator, in which case the normal 14-day deadline for filing an exception petition is extended by the amount of time it took the Administrator to grant permission for the longer petition. An exception petition of more than 15 pages must include a table of contents and a table of cases/authorities. Those affected by this rulemaking include video gaming license holders and terminal operators who are disputing use agreements.

*Questions/requests for copies/ comments through 6/1/21: Agostino Lorenzini, IGB, 160 N. LaSalle St., Chicago IL 60601, [IGB.RuleComments@igb.illinois.gov](mailto:IGB.RuleComments@igb.illinois.gov)*

### ADA PROCEDURES

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed a new Part titled Americans With Disabilities Act Grievance Procedure (4 IAC 2110; 45 Ill Reg 4769) implementing procedures through which persons with disabilities may seek resolution of grievances occasioned by alleged violations of the federal Americans With Disabilities Act. Grievances must be filed within 180 days after the alleged instance of discrimination and submitted to the HFS ADA Coordinator. The ADA Coordinator must, within 15

business days after the grievance is filed, appoint a 3-person panel to review the grievance and give the complainant an opportunity to appear before the panel. The panel shall recommend action in writing to the agency's Chief Equal Employment Opportunity/Affirmative Action Officer (EEO/AA Officer), who shall accept, modify or reject the recommendation and issue a final decision. The panel has 15 business days after completing its review to issue a recommendation and the EEO/AA Officer has 15 business days to issue a final decision.

*Questions/requests for copies/ comments through 6/1/21: Steffanie Garrett, HFS, 201 S. Grand Avenue East, 3rd Fl., Springfield IL 62763-0002, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## 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 listed in next week's *Illinois Register* and considered at the May 18, 2021 JCAR meeting. Other items not published in the *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.

### DEPT OF LABOR

Employee Classification (56 IAC 240; 44 Ill Reg 12728) proposed 7/31/20

### ELEVATOR SAFETY REVIEW BOARD

Illinois Elevator Safety Rules (41 IAC 1000; 45 Ill Reg 1312) proposed 1/29/21

## JCAR Meeting Action

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At its 4/13/21 meeting, the Joint Committee on Administrative Rules approved the following actions:

### RECOMMENDATIONS

With regard to the Department of Financial and Professional Regulation rulemaking titled Examination Consistency and Due Process (38 IAC 381; 45 Ill Reg 197), JCAR recommends that DFPR be more timely in implementing Public Acts. PA 98-784 became effective on 7/24/14.

With respect to the Torture Inquiry and Relief Commission rulemaking titled Organization, Public Information, Procedures, and Rulemaking (2 IAC 3500; 44 Ill Reg 17392), JCAR recommends that the Commission first adopt a proposed rulemaking repealing a rulemaking it mistakenly adopted through the internal rulemaking process (44 Ill Reg 13427, effective 7/29/20).

## Joint Committee on Administrative Rules

<b>Senator Bill Cunningham, <i>co-chair</i></b>	<b>Representative Tom Demmer</b>
<b>Senator John F. Curran</b>	<b>Representative Michael Halpin</b>
<b>Senator Donald DeWitte</b>	<b>Representative Frances Ann Hurley</b>
<b>Senator Kimberly Lightford</b>	<b>Representative Steven Reick</b>
<b>Senator Tony Muñoz</b>	<b>Representative Curtis J. Tarver, II</b>
<b>Senator Sue Rezin</b>	<b>Representative Keith Wheeler, <i>co-chair</i></b>

**Kim Schultz**  
**Executive Director**