

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

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The Flinn Report is a weekly summary of regulatory actions of State agencies published in the *Illinois Register* and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR). The Flinn Report honors founding JCAR member Representative Monroe Flinn, and is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

EDUCATOR LICENSURE

The STATE BOARD OF EDUCATION proposed amendments to Educator Licensure (23 IAC 25; 50 Ill Reg 1695) implementing 4 Public Acts (PA 104-111, 104-128, 104-179, and 104-316) along with agency-initiated changes and cleanup. The rulemaking extends current provisions for short-term endorsement approvals, including for special education, career and technical education, support personnel and paraprofessionals, through 6/30/29 (currently 6/30/26) and adds provisions for extending a short-term approval for up to one year if the educator had a serious health condition during the initial short-term approval period that prevented the educator from completing full licensure or endorsement requirements. It also postpones, from 9/1/25 to 9/1/29, the date when SBE will require completion of a teacher performance assessment during the student teaching phase of an EPP. An

approved Illinois EPP must be aligned to the standards outlined in 23 IAC 25, Subpart C, and include at least 18 hours of coursework and/or experience in the content area for which an endorsement is sought. The current requirement for at least 32 total hours of coursework or combined experience and coursework

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is being removed. Coursework addressing the needs of exceptional children, methods of reading instruction, and instructional strategies for English learners will not be required for school support personnel or chief business officials seeking the relevant PEL endorsements, but is still required for all other PEL candidates. For persons seeking endorsements as school psychologists, counselors, nurses, social workers or speech-language pathologists, a content area test is not

required if the individual holds a non-temporary license from the Department of Financial and Professional Regulation in the same practice area. Other provisions expand language proficiency requirements for transitional bilingual educators and visiting international educators; add requirements for a world language endorsement in American Sign Language (ASL); clarify that EPPs in ASL require separate approval from other world language EPPs; allow a 3rd year to be added, if needed, to the current 2 years' residency required for candidates seeking alternative educator licensure; institute additional requirements for cooperating teachers supervising special education teacher candidates; and add or clarify various definitions.

Questions/requests for copies through 3/23/26: Azita Kakvand, SBE, 555 W.

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ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Temporary rules adopted for no more than 150 days.
PROPOSED RULEMAKINGS: Rules proposed by agencies this week, commencing a First Notice public comment period of at least 45 days.
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/or non-profit organizations. Agencies must consider comments from these groups and attempt to minimize regulatory burdens on them.
QUESTIONS/COMMENTS: Submit mail, e-mail or phone calls to the agency personnel listed below each summary.
RULE TEXT: First Notice proposed text, emergency rule and peremptory rule text is available at the Secretary of State website (<https://www.ilsos.gov/departments/index/register/home.html>) or at the Illinois General Assembly website (<http://www.ilga.gov>) under "Illinois Register". Second Notice text for proposed rulemakings (original version with any changes made by the agency during First Notice included) is available at the JCAR website.

Proposed Rulemakings

(cont. from page 1)

Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, rules@isbe.net

NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 50 Ill Reg 1804), Skilled Care Facilities Code (77 IAC 330; 50 Ill Reg 1840) and Illinois Veterans' Homes Code (77 IAC 340; 50 Ill Reg 1869) implementing Public Act 103-1069, which prohibits retaliatory action by a facility, or any licensee or employee of a facility, against a resident who files a complaint or otherwise assists DPH in enforcement actions against a facility. The PA and these rulemakings also allow for residents to take civil action against a facility, licensee or employee that engages in retaliatory action against the resident, and add a new Section to each Part that requires compliance with the Essential Support Person Act and its implementing rules at 77 IAC 50.

LABORATORIES

DPH also proposed amendments to Illinois Clinical Laboratories Code (77 IAC 450; 50 Ill Reg 1895) implementing PA 102-1051, which clarifies that clinical laboratories shall examine specimens only at the request of a specified list of health care

professionals, authorized law enforcement agencies, genetic counselors, and pharmacists. The rulemaking also clarifies and aligns existing requirements with federal regulations outlined in 42 CFR 493.

Questions/requests for copies/comments through 3/23/26: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217-782-1159, dph.rules@illinois.gov

STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 50 Ill Reg 1911) that amend or clarify various policies. This rulemaking codifies the system's policy that a member does not qualify for occupational disability benefits if the cause of disability related to an award or settlement under the Workers' Compensation Act or the Workers' Occupational Diseases Act is disputed. It also clarifies that if a member who received a buyout payment returns to service and subsequently retires again, the buyout payment shall not be adjusted for the subsequent service credit. Other provisions establish that a member employed by SERS is not eligible to serve as a contributing member trustee, and that an alternative formula member (i.e., certain public safety, law enforcement and investigative employees) who chooses the "estimated payment" option, has elected an accelerated pension

benefit based on automatic annual increases, and has a Qualified Illinois Domestic Relations Order (QILDRO) in place must provide the required supplemental order before the member can receive the estimated payment option.

Questions/requests for copies/comments through 3/23/26: Jeff Houch, SERS, 2101 S. Veterans Pkwy., PO Box 19255, Springfield IL 62794-9255, 217-524-8105, fax 217-557-3943, jeff.houch@srs.illinois.gov

ESRB RULE WITHDRAWAL

The ELEVATOR SAFETY REVIEW BOARD (Office of the State Fire Marshal) has withdrawn proposed amendments to Illinois Elevator Safety Rules (41 IAC 1000; 49 Ill Reg 3711) that were published in the 3/28/25 Illinois Register. This rulemaking would have incorporated updated (2021 and 2022) editions of the American Society for Mechanical Engineers (ASME) elevator and escalator safety codes, along with a modification with regard to door lock monitoring that set a compliance deadline of 1/1/29 for automatic passenger and freight elevators installed prior to the adoption of the applicable ASME code. ESRB withdrew these amendments in response to a JCAR Objection and plans to conduct more robust economic impact analysis and more timely response to public comments on a future rulemaking.

Adopted Rules

STATE POLICE

The STATE POLICE MERIT BOARD adopted amendments to the Part titled Procedures of the Department of State Police Merit Board (80 IAC 150; proposed at 49 Ill Reg 11623) effective 1/26/26 at 50 Ill Reg 1975, updating aspects of its promotional procedures. The rulemaking eliminates the performance appraisal portion of the promotional test; replaces district and regional promotional lists with a single statewide list for all ranks; removes outdated language phasing in the requirement of a bachelor's degree for candidates seeking promotion to lieutenant or captain; and updates the name of a regional accrediting agency for higher educational institutions. Illinois State Police officers seeking promotion to higher ranks are affected.

Questions/requests for copies/comments: Daniel Dykstra, SPMB, 531 E. Sangamon Ave., Springfield IL 62702, fax 217-786-0181, ddykstra@ispmeritboard.org

▪ STRUCTURAL ENGINEERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to the Part titled The Structural Engineering Practice Act of 1989 (68 IAC 1480; proposed at 49 Ill Reg 10903) effective 1/20/26 at 50 Ill Reg 1961, raising application fees for structural engineering licenses from \$100 to \$175 for the initial license, from \$30 per year (\$60 every 2 years) to \$125 every 2 years for license renewal, and from \$50 to \$55 for licensure as a structural engineering intern. For registration as a

professional design firm, initial application fees and renewal fees are raised from \$75 to \$150. Total fees for restoring lapsed (not inactive) licenses or registrations may not exceed \$425 for individual structural engineering licensees or \$500 for a professional design firm. These amendments also clarify that foreign applicants can apply for licensure by endorsement; specifies the U.S. standards and codes on which a foreign applicant may have to be tested; and allows foreign applicants to submit a National Council of Examiners for Engineering and Surveying (NCEES) record in lieu of sending transcripts. Other provisions clarify that the 2-year limit on accepted experience gained outside the U.S. does not apply to experience included in an NCEES Mutual Recognition Agreement and how a design firm can place its license on inactive status. Structural engineers and their employing firms are affected.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington St., 2nd Floor, Springfield IL 62786, 217-785-0810, fax 217-557-4451, Craig.Cellini@illinois.gov

▪ CDB GRANT PROCEDURES

The CAPITAL DEVELOPMENT BOARD adopted a new Part titled General Grantmaking (CDB) (44 IAC 7060; proposed at 49 Ill Reg 14148) and repealed the Part titled Grant Agreement Procedures (71 IAC 41; proposed at 49 Ill Reg 14152), both effective 1/26/26 at 50 Ill Reg 1937 and 1941, in order to align its noncompetitive grant rules with the Grant Accountability and Transparency Act (GATA). The new

Part incorporates federal Uniform Grant Rules at 2 CFR 200 by reference and applies to all federal and State pass-through grants awarded by CDB. It replaces the former Part which dated from 2002 and contained obsolete specifications for CDB grant agreements. Businesses and non-profits that receive CDB grants may be affected.

Questions/requests for copies of the 2 CDB rulemakings: Lauren Noll, CDB, 401 S. Spring St., 3rd Floor Stratton Building, Springfield IL 62706, 217-524-5065, Lauren.Noll@illinois.gov

▪ LABOR RELATIONS

The ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD adopted amendments to Collective Bargaining and Impasse Resolution (80 IAC 1130; proposed at 49 Ill Reg 12603) effective 1/26/26 at 50 Ill Reg 1943, implementing an amendment to the Illinois Educational Labor Relations Act. The rulemaking institutes procedures to be followed for mediation and arbitration when an impasse is reached in a labor dispute between a public school district and an exclusive bargaining representative representing educational employees who are legally forbidden from going on strike. School districts may be affected by this rulemaking.

Questions/requests for copies: Ellen Maureen Strizak, IELRB, 160 N. LaSalle St., Suite N-400, Chicago IL 60601-3103, 312-793-3170, ellen.strizak@illinois.gov

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 February 17, 2026, meeting in Springfield. 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 at jcar@ilga.gov.

DEPT OF CHILDREN AND FAMILY SERVICES

Licensing Standards for Host Homes (89 IAC 413; 49 Ill Reg 1914) proposed 2/21/25

Department Advisory Groups (Repealer) (89 IAC 428; 49 Ill Reg 3681) proposed 3/28/25

Department Advisory Groups (New Part) (89 IAC 428; 49 Ill Reg 3695) proposed 3/28/25

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Assistance Programs (89 IAC 120; 49 Ill Reg 15023) proposed 12/1/25

Medical Payment (89 IAC 140; 49 Ill Reg 14475) proposed 11/14/25

SECRETARY OF STATE

Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 49 Ill Reg 14931) proposed 11/21/25

Public Use of the Capitol Complex and Springfield Facilities (71 IAC 2005; 49 Ill Reg 15062) proposed 12/1/25

Cancellation, Revocation, or Suspension of Licenses or Permits (92 IAC 1040; 49 Ill Reg 15101) proposed 12/1/25

Next JCAR Meeting: Tuesday, Feb. 17, 10:30 a.m.

Room C-1, Stratton Bldg., 401 S. Spring St., Springfield
Meeting will be live streamed on the JCAR website

Joint Committee on Administrative Rules

Senator Bill Cunningham, Co-Chair
Senator Cristina Castro
Senator Donald DeWitte
Senator Dale Fowler
Senator Napoleon Harris, III
Senator Sally Turner

Representative Ryan Spain, Co-Chair
Representative Eva-Dina Delgado
Representative Jackie Haas
Representative Steven Reick
Representative Curtis Tarver, II
Representative Dave Vella

Kim Schultz, Executive Director ■ Kevin Kulavic, Deputy Director
700 Stratton Office Building, Springfield IL 62706
217-785-2254 ■ jcar@ilga.gov