

THE FLINN REPORT

ILLINOIS GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE RULES

Elaine Spencer, Editor

VOLUME 50

ISSUE 14

April 3, 2026

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

CHILD ABUSE REPORTS

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed an amendment to Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 IAC 431; 50 Ill Reg 4843) that clarifies the records retention schedule for allegations of child abuse or neglect. Indicated reports that shall be kept for 50 years are those involving death, torture, sexual penetration, molestation or exploitation, or sexually transmitted infection of the child victim (currently, death or sexual penetration). Indicated reports that shall be kept for 20 years now include those involving third and fourth-degree burns, grooming or human trafficking of children, and "growth faltering" (currently, failure to thrive). Indicated reports that may be kept for 20 years depending on the seriousness of the injury include those involving first- or second-degree burns. Indicated

reports of an environment injurious to a child's health and welfare or of neglect by agency shall be kept for 5 years. All unfounded reports shall be kept for at least 5 years; unfounded reports initially made by a mandated reporter or that involved priority 1 or 2 allegations shall be flagged and listed as such in the State Central

**No Adopted Rules This Week
No Second Notices This Week**

Register. For pending or undetermined reports, DCFS shall retain prior unfounded reports involving the subject of the investigation until the pending investigation is completed or 5 years, whichever is later.

Questions/requests for copies/comments through 5/18/26: Jeff Osowski, DCFS, 406 E. Monroe St., Sta. #65-D, Springfield IL 62701, 217-524-1983, DCFS.Policy@illinois.gov

EDUCATOR EVALUATIONS

The ILLINOIS STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 50 Ill Reg 4888) and Evaluation of Educator Licensed Employees Under Articles 24A and 34 of the School Code (23 IAC 50; 50 Ill Reg 4899). Both of these rulemakings implement Public Act 104-20, which removed the requirement that student growth data be included in educator evaluations. Districts will now have evaluation "systems" rather than evaluation plans, and are no longer required to follow a state model evaluation plan in which student growth comprised 50% of the rating. Research-based instruments and procedures must still be used in any evaluation system. The Part 50 rulemaking additionally gives school districts discretion to determine if and how to include stu-

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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

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dent growth data in their evaluation systems. Districts that opt to continue using student growth data must do so via a collaborative process of mutual agreement among relevant stakeholders and may use results of annual State assessments as a measure of student growth. Each district may also define its own criteria and methods for measuring student growth that align with local educational priorities. This rulemaking also updates statutory evaluation plan requirements applicable to Chicago Public Schools and to all other districts; repeals previous requirements for Type I, II and III assessments; removes obsolete provisions for phasing in the performance evaluation system; replaces the term "tenure" with "contractual continued service"; and clarifies that the definition of "teacher" in this Part does not include administrators or employees in positions that require an endorsement for school support personnel, such as school counselors, psychologists, nurses or social workers.

SCHOOL CONSTRUCTION

ISBE also proposed amendments to the Part titled School Construction Program (23 IAC 151; 50 Ill Reg 4947) implementing PA 103-713. The rulemaking expands eligibility for school maintenance project grants to regional offices of education and intermediate service centers and requires grant funds to be used only on publicly owned property. The rulemaking also updates ISBE's criteria for determining which applicants receive priority for school maintenance project grants and school energy efficiency project

grants. The "need index" for individual school districts will now be based on the district's final percentage of adequacy from its current fiscal year's Evidence-Based Funding calculation. (Current rule bases the need index on local equalized assessed valuation and average daily attendance taken from general state aid claims, which are no longer used to determine school district funding.) For other applicants, including regional offices of education and joint agreements, the need index will be calculated as the weighted average, based on average student enrollment, of the final percentages of adequacy of each member district.

REGIONAL EDUCATION OFFICES

Finally, ISBE proposed amendments to the Part titled Regional Offices of Education and Intermediate Services (23 IAC 525; 50 Ill Reg 4956) implementing PA 104-385. The PA allows the State Superintendent to designate a regional office of education or intermediate service center as a learning partner in any iteration of the statewide system of support, and also allows the State Superintendent to revoke that status at their sole discretion. The rulemaking outlines the circumstances under which the State Superintendent may change a ROE's or ISC's learning partner status to "On Probation," the timeline and process for a corrective action plan, and the process and procedures under which the State Superintendent may revoke and reinstate a ROE's or ISC's learning partner status.

Questions/requests for copies/comments on the 4 ISBE rulemakings through 5/18/26: Azita Kakvand, 555 West Monroe St., Suite 900, Chicago IL 60661, 312-783-2757, rules@isbe.net

RENEWABLE ENERGY

The DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY proposed amendments to Reimagining Energy and Vehicles in Illinois Program (14 IAC 580; 50 Ill Reg 4852) that incorporate statutory changes to the Reimagining Energy and Vehicles in Illinois Act. The Act and this rulemaking extend REV program eligibility (currently limited to manufacturers of electric vehicles, their component parts and power supplies, and manufacturers of renewable energy) to investments in other renewable energy products, including battery recycling, green steel, hybrid-electric or fully electric aircraft, and electric transformers and their component parts. Tax credits may now include training costs for retained employees and startups may submit pro-forma financial statements. The rulemaking also clarifies that agreements between DCEO and a taxpaying credit recipient cannot be renewed for more than one additional term of 10 or 15 years.

Questions/requests for copies/comments through 5/18/26: Gina Arterberry, DCEO, 607 E. Adams St. 12th Fl., Springfield IL 60601, 217-524-8974, Gina.M.Arterberry@Illinois.gov

HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD proposed amendments to Narrative and Planning Policies (77 IAC 1100; 50 Ill Reg 4964) and Processing, Classification Policies and Review Criteria (77 IAC 1110; 50 Ill Reg 5003) that revise various definitions and update the need assessment and review criteria for the Cardiac Catheterization category of service to align with the Department of Public

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Proposed Rulemakings

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Health's Ambulatory Surgical Treatment Center rules at 77 IAC 205. These rulemakings also repeal existing rules for the Selected Organ Transplant and Kidney Transplant categories of service, the Children's Community-Based Health Care Center Alternative Health Care Model (which is no longer under the jurisdiction of HFSRB) and the Subacute Care Hospital Model (abolished by PA 97-135). The 77 IAC 1110 rulemaking additionally updates and clarifies square footage and utilization standards for various categories of service.

Questions/requests for copies/comments on the 2 HFSRB rulemakings through 5/18/26: Donald Jones, HFSRB, 525 W. Jefferson St., 2nd Floor, Springfield IL 62761, 217-782-3516, dph.hfsrb.rules@illinois.gov

▪ HIGHWAY REST AREAS

The ILLINOIS DEPARTMENT OF TRANSPORTATION proposed repeal of the Part titled Vending Machines in Rest Areas (92 IAC 534; 50 Ill Reg 5072) and proposed a new Part with the same title and Part number (92 IAC 534; 50 Ill Reg 5080). The new Part governs the location, placement, operation, and type of services provided at vending stands located in interstate rest areas which are under DOT jurisdiction. It includes updated references to federal and State laws concerning vendor contracts, along with updated provisions for highway signage, payment by electronic means, and issuance of refunds. Those affected by these rulemakings include small businesses with vending contracts at rest areas.

Questions/requests for copies/comments on the 2 DOT rulemakings through 5/18/26: Julita Kuzminaite, IDOT, 2300 S. Dirksen Parkway, Room 313, Springfield IL

62764, 217-524-2638,
DOT.AdminRules@illinois.gov

IMSA ORGANIZATION

The ILLINOIS MATHEMATICS AND SCIENCE ACADEMY proposed a new Part titled Public Information, Rulemaking and Organization (2 IAC 5400; 50 Ill Reg 5060). This Part defines the Academy's organizational structure, designates officers for Freedom of Information Act (FOIA) compliance, and outlines how the public may submit comments on future IMSA rulemaking.

Questions/requests for copies/comments through 5/18/26: Richard Busby, IMSA, 1500 Sullivan Road, Aurora IL 60506, 630-907-5022, rbusby@imsa.edu

Next JCAR Meeting: Tuesday, April 14, 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

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