

## AGENDA ITEM 4.

### PROPOSED ADMINISTRATIVE PROGRAM RULE AND AMENDMENTS

**Submitted for:** Action

**Summary:** This item reports on the agency's proposed administrative program rule and amendments. Amendments are being proposed to three different Parts this year, and a new rule was drafted as the result of the creation of a new program. Text of the proposed administrative program rule and amendments was published in the February 8, 2019 *Illinois Register*, initiating a 45-day public comment period, which expired on March 25, 2019. The full text of the proposed rule, amendments and Notices are included in this item. The Notices that precede each Part contain descriptions of the subjects and issues involved in the rulemaking process.

The proposed administrative program rule and amendments are being presented to the Commission for consideration now that the public comment period has expired. As of the date of printing this book, no public comments have been received and no substantive changes have been made since the initial publication.

Following acceptance of the proposed administrative program rule and amendments by the Commission, the Executive Director may direct staff to submit same to the Joint Committee on Administrative Rules (JCAR), initiating a second 45-day review period and the JCAR hearing, after which, if no objection is made by JCAR, the Executive Director will move to adopt the rule and amendments.

**Action requested:** That the Commission approve the following resolution:

**“BE IT RESOLVED** that the Commission accepts the proposed administrative program rule and amendments for submission to the Joint Committee on Administrative Rules and, barring any material modification, or objection by JCAR, the Commission authorizes the Executive Director to proceed with adopting the program rules as amended.”

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ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
2700.15	Amendment
2700.30	Amendment
2700.50	Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised in three areas to implement State statutory amendments and clarify issues that have arisen during the previous year.

Specifically, language is being added to support the provisions of P.A. 100-0926, which requires public institutions to annually provide its students or the students' parents or guardians with education loan information related to the amount of the student's or parent's borrowing.

Additionally, revisions are being made to clarify that documents acceptable as proof of Illinois residency are not limited to those listed in the rules.

Finally, the date of laws incorporated by reference is being updated.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Jackie Eckley  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
500 West Monroe, 3<sup>rd</sup> Floor  
Springfield, IL 62704

217.782.5161  
jackie.eckley@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700

GENERAL PROVISIONS

Section	
2700.10	Summary and Purpose
2700.15	Incorporations by Reference
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Information
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

**AUTHORITY:** Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

**SOURCE:** Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg. 10269, effective July 1, 2008; amended at 33 Ill. Reg. 9742, effective July 1, 2009; amended at 34 Ill. Reg. 8543, effective July 1, 2010; amended at 37 Ill. Reg. 9497, effective July 1, 2013; amended at 38 Ill. Reg. 13356, effective July 1, 2014; amended at 39 Ill. Reg. 8390, effective July 1, 2015; amended at 40 Ill. Reg. 1963, effective January 7, 2016; amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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**Section 2700.15 Incorporations by Reference**

- a) The Commission incorporates by reference 34 CFR 600, 668, 674, 675, 676, 682, 685 and 690 (July 1, 2019<sup>4</sup>). No incorporation by reference in this Section includes any later amendment or edition beyond the date stated. The Code of Federal Regulations is available online.
- b) Copies of the appropriate material are available for inspection at the Illinois Student Assistance Commission offices at:

1755 Lake Cook Road, Deerfield IL 60015-5209

500 West Monroe, Springfield IL 62704-1876

100 West Randolph, Suite 3-200, Chicago IL 60601-3219

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2700.30 General Institutional Eligibility Requirements**

- a) ISAC Program Participation Agreement
  - 1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.
  - 2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.
  - 3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.
  - 4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.
- b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.
- c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)

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- d) Postsecondary institutions that participate in gift assistance programs shall annually submit to ISAC a copy of their tuition refund policy. ~~The Such~~-submissions shall not be considered ISAC approval of ~~thesueh~~ policies.
- e) Postsecondary institutions that participate in MAP are required to have in place or establish a program, determined by the institution, that is intended to improve MAP recipients' success, retention and completion in higher education at that institution. Institutions shall annually submit to ISAC retention, completion and graduation rate data as well as advising and support program information. This information is intended to enhance ISAC's ability to evaluate and improve MAP effectiveness.
- f) Postsecondary institutions that participate in gift assistance programs shall annually report their tuition and fee charges, as well as initial MAP advance payment requests, to ISAC on or before June 1 preceding each academic year.
  - 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
  - 2) The report shall match specific fee charges with the gift assistance programs that may finance the fee. ~~These Sueh~~ categorizations by the institution shall not be considered ISAC approval.
  - 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.30(a) and 2733.30(e).)
    - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee that is attributable to tuition expenses may be financed with program benefits.
    - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.
- g) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
- h) Annually Provided Information
  - 1) Public universities or community colleges that enroll students who are eligible to receive financial aid, and that receive education loan information for a student enrolled in that institution, are required to annually (on a date determined by the

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institution) provide to the student or parent or guardian (whichever may be appropriate based on adherence to applicable privacy laws) the following information:

A) an estimate of the total amount of education loans taken out by the student or parent or guardian;

B) an estimate of the potential payoff amount of the incurred education loans or a range of the total payoff amount, and monthly repayment amounts that a similarly situated borrower may incur for the amount of loans the student or the parent or the guardian has taken out at the time the information is provided, including principal and interest amounts;

C) the percentage of the borrowing limit the student or parent or guardian has reached at the time the information is provided; and

D) any financial resources available to the student or the parent or guardian.

E) The information provided under this subsection (h) may include a statement that the estimates and ranges are general in nature and are not meant as a guarantee or promise of the actual projected amount.

F) In this subsection (h) education loan means any State or federal education loan or other loan that is used primarily to finance a postsecondary education and cost of attendance at a public university or community college. [110 ILCS 947/83]

ih) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.

ji) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.

kj) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection (kj).

1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.

2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)

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- 3) Institutional applicants that are fully accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections (k)(4)(C) and (D).
- 4) Public or private not for profit institutional applicants that do not meet the requirements of subsection (k)(3) may be approved to participate in ISAC gift assistance programs if the institution has:
  - A) obtained candidate status for the Higher Learning Commission of the North Central Association of Colleges and Schools accreditation.
  - B) applied for and is seeking degree-granting authority.
  - C) obtained at least 3 letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions that are approved to participate in the Monetary Award Program (MAP) and are accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools.
  - D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules for gift assistance programs. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
- 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
- 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of 5 academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (k)(3) and if there are no outstanding audit exceptions.
- (k) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see section 487 of the HEA (20 USC 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.



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- ~~m~~) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 and 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
- ~~n~~) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.
- ~~o~~) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- ~~p~~) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.31 et seq.) and by the submission and Commission approval of a new application for participation with ISAC.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 2700.50 Determining Applicant Eligibility**

- a) The evaluation of applicant eligibility is the responsibility of both ISAC and the institution.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate State and federal agencies in the process of reviewing application data. These agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services ~~Bureau~~-(USCIS), Illinois Department of Healthcare and Family Services, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) Institutions shall determine (in accordance with ISAC's rules or federal regulations) whether an applicant is eligible for ISAC gift assistance based upon enrollment in a particular academic program and the eligibility criteria of the ISAC gift assistance being sought.
- d) Specific eligibility criteria for each ISAC gift assistance program can be found in its respective Section of this Part.

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- e) The institution is required to verify the residency of all applicants to ISAC gift assistance programs for which Illinois residency is a requirement.
- 1) An institution is not required to verify residency if:
    - A) The applicant received payment of a MAP award during the previous academic year; ~~or;~~
    - B) The applicant was enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) for the preceding consecutive 12 months prior to the start of the academic year for which assistance is requested.
  - 2) Notwithstanding the exceptions named in subsection (e)(1), the institution shall verify residency:
    - A) When an applicant has changed dependency status during the academic year to become an independent student; ~~or;~~
    - B) If the institution has any information that indicates the applicant may not be a resident of Illinois.
  - 3) Data from one or more of the documents listed in this subsection (e)(3) may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. The institution may choose to request documents that are in addition to, or instead of, those listed. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant 12 continuous, full months.
    - A) A valid State of Illinois tax return or federal tax transcript~~;~~
    - B) Illinois high school or college transcript
    - C) Illinois driver's license
    - D) Utility or rent bills in the applicant's (or parent's) name
    - E) Illinois auto registration card
    - F) Residential lease in the applicant's (or parent's) name
    - G) Wage and tax statements (IRS Form W-2)

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- H) Statement of benefits history from the Illinois Department of Healthcare and Family Services
  - I) State of Illinois identification card issued by the Secretary of State
  - J) Statement of benefits from the Illinois Department of Employment Security
  - K) Statement of benefits from the Social Security Administration
  - L) Illinois voter's registration card
  - M) Property tax bill
  - N) IRS Form 1099-Miscellaneous Income Statements
- 4) If an applicant is a resident of Illinois, but the institution cannot document this fact, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)
- f) For all other eligibility criteria, if the institution has any information that indicates that the applicant does not meet the eligibility requirements of ISAC-administered programs, or if an applicant is selected for verification in conjunction with federal student assistance, that applicant shall be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
  - g) By requesting payment for ISAC gift assistance programs, the postsecondary institution is certifying that the applicants are eligible for the assistance being sought.
  - h) If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.
  - i) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.
  - j) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USC 1087kk et seq.), the institution shall retain documentation that demonstrates the appropriateness of the adjustment.

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- | k) If an institution erroneously certifies an applicant to be eligible, or a student is otherwise determined to be ineligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section Number: 2735.30                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to more accurately reflect the processing cycle for MAP. Additionally, language is being added to respond to legislation (P.A. 100-0823), which requires ISAC to annually publish a priority deadline date for renewing applicants to ensure those applicants receive a grant.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:  
None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Jackie Eckley  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
500 West Monroe, 3<sup>rd</sup> Floor  
Springfield, IL 62704

217.782.5161  
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

The full text of the Proposed Amendment begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section	
2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.35	Dislocated Workers
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)

2735.APPENDIX A Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. 10043, effective July 15, 2004; amended at 29 Ill. Reg. 9920, effective July 1, 2005; amended at 30 Ill. Reg. 11654, effective July 1, 2006; amended at 36 Ill. Reg. 9432, effective July 1, 2012; amended at 37 Ill. Reg. 9528, effective July 1, 2013; amended at 39 Ill. Reg. 8434, effective July 1, 2015; amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2735.30 Program Procedures**

- a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form

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for federal student financial aid. (See section 483 of the Higher Education Act of 1965, as amended (20 USC 1070a).)

- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application that will be kept confidential, regarding income, asset value and non-taxable income.
- c) ~~Priority Consideration Dates~~ Priority Deadline Date for Renewing Applicants

No later than September 30, the Commission will annually publish a priority deadline date for renewing applicants. *In this subsection (c), renewing applicant means a student attending an institution of higher learning who received a MAP grant during the prior academic year.* [110 ILCS 947/35] Subject to appropriation, a renewing applicant who files by the published priority deadline date shall receive a grant if he or she continues to meet the program's eligibility requirements under this Section. A renewing applicant's failure to apply by the priority deadline date would not disqualify an applicant from receiving a grant if sufficient funding is available to provide awards after that date.

~~In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than August 15 of, or immediately prior to, the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.~~

- d) ~~Priority Processing Guidelines~~

~~1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:~~

~~A) For applications with a FAFSA receipt date of no later than August 15 of or preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;~~

~~B) For applications with a FAFSA receipt date of August 16 or later, but no later than September 30, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;~~

~~C) For applications with a FAFSA receipt date of October 1 or later, and until the date of final suspension of award announcements for that regular school year, all~~



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~~students will be considered for second semester/second and third quarter awards only.~~

- d) ~~During the time periods referenced above,~~ Awards will be announced concurrently, both to students who had not received ~~applied for~~ a MAP award the previous regular school year and to students who did receive ~~apply for~~ a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.
- e) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not received ~~applied for~~ a MAP award for the previous regular school year and to students who did receive ~~apply for~~ a MAP award the previous regular school year.
- f) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.
- ~~e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of August 16 or later and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.~~
- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.
- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.
- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.
- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
  - 1) maximum award specified at Section 35 (c) of the Higher Education Student Assistance Act [110 ILCS 947]; or
  - 2) institution's tuition and mandatory fee charges on file with ISAC.

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- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student.
- l) For each credit hour of MAP benefits paid on behalf of the recipient, the recipient will be assessed one MAP paid credit hour toward his or her maximum usage. For each credit hour used, payment will be made to the school on behalf of the recipient in an amount equal to  $\frac{1}{15}$  of the student's calculated term award amount, with a minimum of three hours and a maximum of 15 hours paid per term.
- m) A recipient may receive the equivalent of 135 semester credit hours of MAP benefits paid. Eligibility may be extended for one additional term if the recipient has accumulated fewer than 135 MAP paid credit hours but does not have enough credit hours of payment remaining for the number of hours for which he or she is enrolled for the term.
- n) A recipient may use no more than 75 MAP paid credit hours while enrolled at the freshman or sophomore level. Eligibility may be extended for one additional term at the freshman or sophomore level if the recipient has accumulated fewer than 75 MAP paid credit hours, but does not have enough credit hours of payment remaining for the number of hours for which he or she is enrolled for the term. Upon progressing to the junior level or above, the recipient may use the remaining balance of MAP paid credit hours, up to the 135 credit hour maximum.
- o) The MAP grant shall not pay for academic programs intended to prepare a student for the high school equivalency certificate or for a high school diploma.
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, graduate-level courses leading to a degree above the baccalaureate level, or noncredit course offerings (except qualifying remedial courses). Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours).
- q) The MAP grant may be used by students repeating previously passed courses for the first time. The MAP grant may not be used for courses that a student has previously passed two or more times.
- r) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.

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- s) MAP paid credit hours are assessed to a recipient whenever MAP funds are disbursed on behalf of the recipient.
- t) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
- u) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.
- v) If a recipient's academic program involves out-of-state and/or foreign study, subsection (j) applies and enrollment must be in accordance with the following provisions:
  - 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
  - 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
  - 3) An institution shall not request more than two semesters/three quarters of MAP assistance for any one qualified applicant enrolled on a full-time basis, or four semesters/six quarters of MAP for an applicant-enrolled on a half-time basis.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Community Behavioral Health Care Professional Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2753
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
2753.10	New Section
2753.15	New Section
2753.20	New Section
2753.30	New Section
- 4) Statutory Authority: Implementing the Community Behavioral Health Care Professional Loan Repayment Act [110 ILCS 996] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being added in response to the creation of a new program resulting from legislation during the spring, 2018 session of the Illinois General Assembly (P.A. 100-0862).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:  
None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Jackie Eckley  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
500 West Monroe, 3<sup>rd</sup> Floor  
Springfield, IL 62704

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ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

217.782.5161  
jackie.eckley@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

The full text of the Proposed Rules begins on the next page:

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ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2753

COMMUNITY BEHAVIORAL HEALTH CARE PROFESSIONAL  
LOAN REPAYMENT PROGRAM

Section

2753.10	Summary and Purpose
2753.15	Definitions
2753.20	Applicant Eligibility
2753.30	Program Procedures

AUTHORITY: Implementing the Community Behavioral Health Care Professional Loan Repayment Program Act [110 ILCS 996] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Adopted at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2753.10 Summary and Purpose**

- a) *The Community Behavioral Health Care Professional Loan Repayment Program is intended to provide loan repayment assistance to qualified mental health and substance abuse professionals in an effort to recruit and retain them to practice in underserved or rural areas and to address this State's community-based behavioral health care workforce shortage that causes disparities in access to critical mental health and substance use services. [110 ILCS 996/5]*
- b) This Part governs the Community Behavioral Health Care Professional Loan Repayment Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

**Section 2753.15 Definitions**

*"Physician" means a person licensed by this State to practice medicine in all its branches and includes any person holding a temporary license, as provided in the Medical Practice Act of 1987 [225 ILCS 60].*

*"Psychiatrist" or "Licensed Psychiatrist" means a physician who has successfully completed a residency program in psychiatry accredited by either the Accreditation Council for Graduate Medical Education or the American Osteopathic Association. [110 ILCS 996/10]*

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“Health Professional Shortage Area” or “HPSA” means the geographical area in the State of Illinois that the U.S. Department of Health and Human Services has designated as an area that has a shortage of mental health professionals.

“HPSA Database” means a searchable database provided by the U.S. Health Resources & Services Administration (HRSA) that allows the user to find data regarding designated HPSAs and their relative shortage areas.

**Section 2753.20 Applicant Eligibility**

A qualified applicant shall be:

- 1) a resident of Illinois;
- 2) a United States citizen or eligible noncitizen;
- 3) a borrower with an outstanding balance due on an eligible educational loan;
- 4) an individual who is not in default on a federally guaranteed educational loan and does not owe a refund on a grant or scholarship program administered by ISAC;
- 5) a qualifying behavioral health professional who meets licensing requirements of the Department of Financial and Professional Regulation or certification as a Certified Alcohol and Drug Counselor from the Illinois Alcoholism and Other Drug Abuse Professional Certification Association;
- 6) *an individual who, for at least 12 consecutive months prior to applying for the grant, has worked as a behavioral health professional in a community mental health center in an underserved or rural mental HPSA; and*
- 7) *an individual who, for each year during which a grant is received, fulfills a separate 12 month period as a behavioral health professional in a community mental health center in an underserved or rural mental HPSA. [110 ILCS 996/30]*

**Section 2753.30 Program Procedures**

- a) Eligible educational loans include:
  - 1) Stafford Loans;
  - 2) Perkins Loans;
  - 3) Graduate PLUS Loans;
  - 4) consolidation loans;

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- 5) medical student loans;
  - 6) Supplemental Loans for Students;
  - 7) alternative loans; and
  - 8) other types of government and institutional loans used for education expenses.
- b) Non-eligible loans include:
- 1) credit card payments;
  - 2) Parent PLUS Loans;
  - 3) loans that have been paid in full;
  - 4) loans from lending institutions that are not governed by State or federal regulations or loans from individuals or family members;
  - 5) any portion of a consolidated loan that cannot be directly attributed to the applicant; and
  - 6) non-education loans, such as home equity loans.
- c) All applicants annually must complete an ISAC application for the loan repayment program.
- 1) Applications are available on ISAC's website and at ISAC's Springfield, Deerfield and Chicago offices.
  - 2) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the application is complete and received at ISAC's Deerfield office. No applications will be considered for processing if received after the published date unless funds remain available for disbursement.
  - 3) Renewal applicants may be required to submit a history of prior awards in order to show program proceeds do not exceed the total amount of outstanding eligible educational loans, including award proceeds received that were not used to repay educational loans.
- d) Grant assistance under this program may be received for up to 4 years.



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- e) ISAC shall select the recipients from among those who have submitted complete applications, including qualified new applicants and those who filed timely renewal applications and have supplied information required in subsection (c).
- f) The total number of grants awarded in a given fiscal year and the amount of each award as limited by subsection (g) is contingent upon available funding. If funding is insufficient to pay all eligible applicants, awarding will be determined in the following order:
  - 1) renewal applicants;
  - 2) new applicants, whose awards shall be divided based on the applicant pool between rural and underserved areas of the State;
  - 3) using the mental HPSA database to rank eligible applicants in each area (rural and underserved), a priority shall be given to applicants in the areas that have the highest degree of shortage (score) for that applicant's profession.
    - A) If an applicant works for an organization located in a mental HPSA that has satellite clinics and the applicant works in more than one of the clinics, the highest mental HPSA score where the applicant works shall apply.
    - B) If an applicant works for different employers in multiple mental HPSAs having different degrees of shortage, the location having the highest mental HPSA score shall apply.
  - 4) Applications shall be given consideration in the order in which they were received in each of the foregoing categories.
- g) The amount repaid by ISAC to the grantee shall be no more than the borrower's remaining balance on all eligible educational loans minus any grant payment made under this Part that was not used to pay the loan holder and shall not exceed:
  - 1) \$35,000 per year for a psychiatrist;
  - 2) \$15,000 per year for an advanced practice registered nurse or a physician assistant;
  - 3) \$12,000 per year for a psychologist who holds a doctoral degree;
  - 4) \$6,500 per year for a licensed clinical social worker or a licensed clinical professional counselor; and
  - 5) \$2,500 per year for a substance use professional.

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- h) Proceeds will be remitted directly to the holder of the loans to be repaid when the beneficiary designates ISAC as his or her disbursing agent for this purpose.
- i) The recipient and loan holder shall submit information for eligible educational loans in sufficient time for ISAC to make payments for each year in which the funds are awarded.
- j) If the recipient's loan holder receives an overpayment, the loan holder shall return the amount of the overage to ISAC. A supplemental request must be made by the recipient and processed by ISAC for any funds to be paid to another holder.
- k) When multiple loans are held by a single lending institution, the loan holder shall distribute the payment to one loan until paid in full.
- l) When possible, all loans held at a single lending institution shall be paid in full before monies are distributed to another loan holder.

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ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Nurse Educator Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2758
- 3) Section Number: 2758.20                      Proposed Action:  
Amendment
- 4) Statutory Authority: Implementing Article 10 of the Nurse Educator Assistance Act [110 ILCS 967/10] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to clarify the time period necessary to fulfill the eligibility requirement of nursing instruction.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:  
None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

Jackie Eckley  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
500 West Monroe, 3<sup>rd</sup> Floor  
Springfield, IL 62704

217.782.5161  
jackie.eckley@illinois.gov

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NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2758

NURSE EDUCATOR LOAN REPAYMENT PROGRAM

Section

2758.10 Summary and Purpose

2758.20 Applicant Eligibility

2758.30 Program Procedures

AUTHORITY: Implementing Article 10 of the Nurse Educator Assistance Act [110 ILCS 967/10] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947-~~and 20(f)~~].

SOURCE: Adopted at 31 Ill. Reg. 9510, effective July 1, 2007; amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2758.20 Applicant Eligibility**

- a) A qualified applicant shall be:
  - 1) a resident of Illinois;
  - 2) a United States citizen or eligible noncitizen;
  - 3) ~~a nurse educator who, for each year during which repayment is received, fulfills a separate 12 month period recipient who has worked as a nurse educator~~ instructing practical or professional nurses in an approved Illinois institution ~~for at least the past 12 consecutive months prior to the date of each application for the program;~~
  - 4) a borrower with an outstanding balance due on an eligible educational loan;
  - 5) an applicant who is not in default on a federal guaranteed educational loan or owes a refund on a grant or scholarship program administered by ISAC; and
  - 6) a nurse educator who meets licensing requirements of the Department of Financial and Professional Regulation.

(Source: Amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)