

AGENDA ITEM 7

PROPOSED ADMINISTRATIVE PROGRAM RULES AMENDMENTS – AIM HIGH GRANT PILOT PROGRAM

Submitted for: Action

Summary: This item reports on the agency’s proposed administrative program rules amendments. Amendments are being proposed to one Part at this time, resulting from legislative activity impacting the AIM HIGH Grant Pilot Program. Text of the proposed administrative program rules amendments was published in the June 14, 2019 *Illinois Register*, initiating a 45-day public comment period, which expired on July 29, 2019. The full text of the proposed rules amendments and Notice are included in this item. The Notice that precedes the Part contains a description of the issues involved in the rulemaking process.

The proposed administrative program rules amendments are being presented to the Commission for consideration now that the public comment period has expired. No public comments were received, and no substantive changes have been made since the initial publication.

Following acceptance of the proposed administrative program rules 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 rules amendments.

Action requested: That the Commission approve the following resolution:

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

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: AIM HIGH Grant Pilot Program
- 2) Code Citation: 23 Ill. Adm. Code 2766
- 3)

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| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 2766.30 | Amendment |
| 2766.40 | Amendment |
- 4) Statutory Authority: Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947].
- 5) A Complete Description of the Subjects and Issues Involved: Recent legislation (PA 100-1183) eliminated the previously required return of unexpended program funds each fiscal year, resulting in necessary revisions to this Part.
- 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, 3rd Floor
Springfield, IL 62704

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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 Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2766

AIM HIGH GRANT PILOT PROGRAM

Section

| | |
|---------|---|
| 2766.10 | Summary and Purpose |
| 2766.15 | Definitions |
| 2766.20 | Institutional Applicant Eligibility |
| 2766.30 | Program Procedures |
| 2766.40 | Institutional Procedures |
| 2766.50 | Student Applicant and Recipient Eligibility |

AUTHORITY: Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947/65.100].

SOURCE: Former Part 2766 repealed at 31 Ill. Reg. 9523, effective July 1, 2007; new Part 2766 adopted by emergency rulemaking at 42 Ill. Reg. 17265, effective September 13, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 2263, effective February 1, 2019; amended at 43 Ill. Reg. _____, effective _____.

Section 2766.30 Program Procedures

- a) Each year, in the month of August, ISAC will request from each public university campus the number of undergraduate students who are residents of Illinois and citizens or eligible noncitizens of the U.S. and who were enrolled at that public university campus in the previous academic year.
- b) ISAC will determine for each public university campus its proportionate allocation of appropriated funds for the upcoming academic year using enrollment data provided in subsection (a).
- c) After determining the allocation of the appropriation for each public university campus, ISAC will inform each public university campus of the amount of its available allocation for the upcoming academic year.
- d) Annually, each public university campus may opt to apply for all or part of its allocation of appropriated funds.

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- e) If a public institution does not request all or part of its allocation, ISAC will reallocate those unclaimed funds, using the same methodology as the initial allocation determination, among the remaining universities that have indicated a desire to receive an additional allocation.
- f) In order to receive a disbursement of AIM HIGH funds, the university campus shall complete an application that shall be in a form provided by ISAC and shall include, at a minimum, the following information and documentation:
 - 1) the amount of the allocation the university has claimed for the upcoming academic year;
 - 2) the total university campus funds used to match funds received from ISAC in the previous academic year, if any;
 - 3) the total number of undergraduate students who are residents of Illinois from the previous academic year;
 - 4) all information and certifications that demonstrate eligibility as described in Section 2766.20; and
 - 5) any other information or certifications required by law or the Grant Agreement.
- g) 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 completed application is received at ISAC's Springfield office at 500 West Monroe, 3rd Floor, Springfield, IL 62704.
- h) A university that does not submit a complete and timely application may not be eligible to receive its allocation. Instead, its share may be distributed by ISAC using the allocation determination methodology in subsection (a) to make the remaining funds available for other universities that filed timely applications and indicate a desire for an additional allocation.
- i) The total amount of grant funds to be distributed among eligible applicant universities in a given academic year is contingent upon available funding from the previous fiscal year and whether all eligible institutions elect to receive their full allocation.

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- j) No funds shall be distributed to the public university campus until all AIM HIGH funds from the previous academic year have been reconciled, including any claimed and unexpended funds that were retained by the public university campus and any awarded funds not used to fund awards in compliance with Section 2766.20 have been returned.
- k) Depending upon the number of academic years and the degree to which the public university campus fails to make its matching requirement or MOE, the university campus may be suspended from participating in AIM HIGH in an academic year, but shall be eligible to regain eligibility in the academic year following the suspension.
- l) When making the determination to reduce an award under Section 2766.20(b)(2) and (3), or suspend a university campus from AIM HIGH for not meeting its matching requirement or MOE under subsection (k), ISAC shall take into account the circumstances that may have contributed to this failure, such as, but not limited to:
 - 1) a reduction in State appropriations to fund the public university campus in that academic year;
 - 2) the number of matching requirements or MOE qualifying awards offered by the public institution, but not accepted by students in that academic year; and
 - 3) the commitment demonstrated by the public university campus to maintaining level tuition and mandatory fees for Illinois residents over multiple academic years.

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

Section 2766.40 Institutional Procedures

- a) In addition to complying with Section 2766.30, the public university campus shall be responsible for administering and making awards to students in compliance with this Section, Section 2766.50 and the policies of the university campus. For its own awards using its AIM HIGH allocation, a public university campus shall:

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- 1) *establish the amount of the award based on an individual or broad basis in compliance with Section 2766.50; [110 ILCS 947/65.100]*
- 2) establish reasonable criteria consistent with eligibility criteria in Section 2766.50;
- 3) use grant funds solely to fund awards of non-loan financial aid at that university campus during the academic year, not including summer terms;
- 4) renew the award each year for each student who meets the renewal criteria established by the public university campus, consistent with the renewal eligibility criteria in Section 2766.50, in amounts not less than the amount provided in the student's first year at that university campus;
- 5) give preference to eligible renewal applicants in any academic year funding is insufficient to award to all eligible applicants;
- 6) *use its best efforts to delegate grant funds amongst a racially diverse range of students and not use a student's race, color, religion, sex (including gender identity, sexual orientation, or pregnancy), national origin, age, disability, or genetic information to disqualify him or her from receiving an AIM HIGH award; [P.A. 100-0587 and P.A. 100-1015]*
- 7) post on its website the criteria and eligibility requirements and the amount of the AIM HIGH award and provide that information to ISAC and the Illinois Board of Higher Education (IBHE) to post on their respective websites (www.isac.org and www.ibhe.org);
- 8) indicate in each initial student award application the renewal criteria for each academic year and not change those criteria for that recipient;
- 9) make each renewal award contingent upon the availability of funding for the academic year in which the award is used; and
- 10) reconcile ~~and return~~ the amount of claimed and unexpended AIM HIGH funds that were retained but not used for awards in the academic year for which funds were granted before receiving the distribution of its allocation for the next academic year.

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- b) Each institution shall be responsible for meeting its statutorily-mandated matching requirement and MOE to remain eligible for its allocation. (See Sections 2766.15 and 2766.20.)
- c) Annually, on or about the end of each academic year, in a format determined by ISAC, each participating public university campus shall report the following information to ISAC:
 - 1) *the Program's impact on tuition revenue and enrollment goals and increase in access and affordability at the public university campus;*
 - 2) *total funds received by the public university campus under the Program;*
 - 3) *total non-loan financial aid awarded to undergraduate students attending the public university campus;*
 - 4) *total amount of funds matched by the public university campus;*
 - 5) *total amount of claimed and unexpended funds retained ~~refunded to ISAC~~ by the public university campus;*
 - 6) *the percentage of total financial aid, including awards made with matching funds, distributed under the Program by the public university campus; and*
 - 7) *the total number of students receiving awards from the public university campus under the Program including awards made with matching funds and those students' name, date of birth, grade level, race, ethnicity, gender, income level, family size, Monetary Award Program eligibility, Pell Grant eligibility, ZIP code of residence, and the amount of each award and the total cost of attendance for each student after non-loan financial aid. This information shall include unit record data on those students regarding variables associated with the parameters of the public university campus' Program, including, but not limited to, a student's ACT or SAT college admissions test score, high school or university cumulative grade point average, or program of study. [110 ILCS 947/65.100]*

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