

## AGENDA ITEM 4

### PROPOSED ADMINISTRATIVE RULES AMENDMENTS

#### **Submitted for: Action**

#### **Summary:**

The Higher Education Student Assistance Act (110 ILCS 947/40) was amended to expand the eligibility requirements for the Illinois Veteran Grant (IVG) Program to include veterans who, despite not meeting other eligibility requirements, are residents of Illinois at the time of application and, at some point after leaving federal active duty service, were residents of Illinois for 15 consecutive years. The following administrative rules are being amended to be consistent with those statutory amendments:

#### Ill. Adm. Code 2733 Illinois Veteran Grant (IVG) Program

**Emergency Rules Amendments:** Public Act 101-334 revised the eligibility requirements for the Illinois Veteran Grant (IVG) Program and was signed into law on August 9, 2019, with an effective date of July 1, 2019. Due to the effective date of the law expanding eligibility beginning this 2019-20 academic year, ISAC staff filed with the Secretary of State emergency administrative rules amendments that became effective upon filing on September 18, 2019, and will expire February 14, 2020, 150 days from the effective date. The amendments reflect the expanded eligibility requirements ensuring that all eligible applicants are able to apply for the program for the current academic year.

**Proposed Rules Amendments:** As is customary, the proposed (non-emergency) administrative rules amendments were filed simultaneously with the emergency rules amendments. The amended language in both filings is the same, but the proposed rules amendments will not expire and will become effective only after being subject to the entire administrative rules process including, but not limited to, Commission approval, two public comment periods and the Joint Committee on Administrative Rules (JCAR) review.

Text of the foregoing proposed rules amendments was first published in the *Illinois Register* on October 4, 2019 (43 Ill. Reg. 10789), initiating a 45-day public comment period that ended on November 17, 2019. No public comments were received. The full text and Notices are included in this item.

Following acceptance of the proposed amendments by the Commission, the Executive Director may direct staff to submit the Rules to JCAR for its review, thus initiating a second 45-day review period, followed by final consideration by JCAR.

#### **Action requested:**

That the Commission approve the following resolution:

“BE IT RESOLVED that the Commission accepts the proposed program rules amendments cited in this agenda item for submission and consideration by the Joint Committee on Administrative Rules (JCAR); 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 EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rulemaking shall be directed 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

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Number: 2733.20                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: Effective August 9, 2019, the Higher Education Student Assistance Act [110 ILCS 947/40] was amended to expand the eligibility requirements for the Illinois Veteran Grant (IVG) Program to include veterans who, despite not meeting other residency requirements, are residents of Illinois at the time of application and at some point after leaving federal active duty service were residents of Illinois for 15 consecutive years. The amendment became retroactively effective to July 1, 2019 upon the governor's signature. Therefore, in order to be compliant with changes to the Higher Education Assistance Act, ISAC's administrative rules governing the program require immediate revision to the eligibility requirements.
- 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:

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Jackie Eckley  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
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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: July 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 2733  
ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10 Summary and Purpose

2733.20 Applicant Eligibility

EMERGENCY

2733.30 Program Procedures

2733.40 Institutional Procedures

**AUTHORITY:** Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

**SOURCE:** Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2462, effective February 1, 2005; amended at 29 Ill. Reg. 9912, effective July 1, 2005; amended at 30 Ill. Reg. 11646, effective July 1, 2006; amended at 32 Ill. Reg. 10313, effective July 1, 2008; amended at 36 Ill. Reg. 9426, effective July 1, 2012; amended at 37 Ill. Reg. 9522, effective July 1, 2013; amended at 39 Ill. Reg. 8425, effective July 1, 2015; amended at 42 Ill. Reg. 13628, effective July 1, 2018; emergency amendment at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ for a maximum of 150 days; amended at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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**Section 2733.20 Applicant Eligibility**  
**EMERGENCY**

- a) A qualified applicant shall be any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard who has served at least one year of federal active duty service and whose service has been characterized as honorable, provided he or she:
  - 1) was a:
    - A) resident of Illinois at the time of entering federal active duty service or within 6 months prior to entering the service; or
    - B) student at an Illinois public university or community college at the time of entering federal active duty service; and
  - 2) established or plans to establish Illinois residency within 6 months after leaving federal active duty service, or if married to a person in continued military service:
    - A) applied for this grant within 6 months after and including the date that the spouse was stationed within Illinois; or
    - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) To use benefits, a qualified applicant meeting the requirements of subsection (a) must reside in Illinois while enrolled unless he or she is serving federal active duty during the time of enrollment or is residing with a spouse in continued military service who is currently stationed outside of Illinois.
- c) An applicant who does not meet the residency requirements in subsection (a) may be a qualified applicant if he or she resides in Illinois at the time of application, and while enrolled, and has been a resident of Illinois for at least 15 consecutive years since leaving federal active duty.
- d) Any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard who has served at least one year of federal active duty service and who meets the Illinois residency requirements of



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subsections (a), ~~and~~ (b) and (c) is a qualified applicant if his or her service was characterized as honorable. If the applicant is still in service, the individual shall be subject to verification of continued eligibility for assistance under this Part after each period of federal active duty service.

ed) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

fe) An individual is not a qualified applicant unless the individual's service was characterized as honorable for each period of federal active duty service.

gf) An individual is not a qualified applicant if the individual's federal active duty service was for less than one year unless:

- 1) the applicant's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
- 2) the applicant's separation prior to August 11, 1967 was characterized as honorable; or
- 3) the applicant's federal active duty service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the Armed Forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the Armed Forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

hg) Members of the Reserve Officer Training Corps (ROTC) are not eligible for assistance under this Part.

ih) Applicants are not eligible if their only service has been attendance at a service academy.

ji) In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.

- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (DD Form 214) or Discharge Certificate,

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which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.

- 2) If the applicant does not have a copy of the DD Form 214, he/she should submit documentation that provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the United States Department of Veterans Affairs.
- 3) If the applicant is a member of the Armed Forces at the time of application, he or she shall submit a letter from the commanding officer. This letter must:
  - A) indicate that the applicant is a member of the Armed Forces at the time of application;
  - B) include character of service;
  - C) include the veteran's home of record at the time of original enlistment;
  - D) state the individual's length of time in each period of federal active duty service; and
  - E) state the expiration date of the current enlistment.
- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 ~~does not apply~~ ~~is applicable~~ to the Illinois Veteran Grant Program; ~~rather although residency~~, for the purposes of this program, residency is ~~can~~ be established as stated in subsections (a) and (b) or (c) in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, and when any other residency requirement is being verified, he/she may verify residency by providing one or more of the documents listed below. ISAC may choose to request documents in addition to, or instead of, those listed, and the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant period.

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- A) Illinois driver's license issued during the relevant six-month period;
- B) Illinois high school or college transcripts demonstrating attendance during the relevant six-month period;
- C) Utility bills/rent receipts in the applicant's name for the relevant six-month period;
- D) Illinois motor vehicle registration issued during the relevant six-month period;
- E) Residential lease in the applicant's name for the relevant six-month period;
- F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six-month period;
- G) Statement of benefits from the Illinois Department of Employment Security for the relevant six-month period;
- H) State of Illinois identification card issued during the relevant six-month period; or
- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ for a maximum of 150 days)