

AGENDA ITEM 6B.

PROPOSED ADMINISTRATIVE PROGRAM RULES AMENDMENTS

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. 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 subject and issue involved in the rulemaking process.

Text of the proposed administrative program rules amendments was published in the August 13, 2021 *Illinois Register*, initiating a 45-day public comment period, which will expire on September 26, 2021. As of the date of the printing of this book, no public comments have been received and no substantive changes were made after initial publication.

The proposed administrative program rules amendments are being presented to the Commission for consideration. Following acceptance of the proposed administrative program rules amendments by the Commission, the Executive Director may direct staff to submit the proposed administrative program rules amendments 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 and 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 (JCAR) and, barring any unresolved objection by JCAR or material modification (unless the material modification is made to ensure compliance with any prospective amendments to the statute(s) governing these rules), 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: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2763.20	Amendment
2763.30	Amendment
2763.40	Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to incorporate necessary program changes from P.A. 101-0654, which was signed into law on March 8, 2021.
- 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

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ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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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: July 2021

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2763

MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section	
2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003; amended at 28 Ill. Reg. 9155, effective July 1, 2004; amended at 29 Ill. Reg. 9934, effective July 1, 2005; amended at 30 Ill. Reg. 11678, effective July 1, 2006; amended at 37 Ill. Reg. 9544, effective July 1, 2013; amended at 39 Ill. Reg. 8454, effective July 1, 2015; amended at 42 Ill. Reg. 13641, effective July 1, 2018; amended at 43 Ill. Reg. 15044, effective January 1, 2020; amended at 45 Ill. Reg. _____, effective _____.

Section 2763.20 Applicant Eligibility

- a) A qualified applicant shall:
 - 1) be a minority student; or a qualified bilingual minority applicant;
 - 2) be a resident of Illinois;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 3) be a citizen or eligible noncitizen of the United States;
- 4) be a high school graduate or a high school equivalency certificate recipient;
- 5) be enrolled or accepted for enrollment on at least a half-time basis;
- 6) ~~be a student~~ at an institution of higher learning;
- 7) A) be enrolled or accepted for enrollment in a course of study which, upon completion, qualifies the student to be licensed as a preschool, elementary or secondary school teacher by the Illinois State Board of Education, including alternative teacher licensure; or
B) *if the applicant is already licensed to teach, be enrolled or accepted for enrollment in a course of study leading to an additional teaching endorsement or a master's degree in an academic field in which the applicant is teaching or plans to teach or has received one or more College and Career Pathway Endorsements (pursuant to Section 80 of the Postsecondary and Workforce Readiness Act) and commits to enrolling in a course of study leading to teacher licensure, including alternative teacher licensure. [110 ILCS 947/50]*
- ~~78)~~ if enrolled at the sophomore, junior, senior or graduate level, have earned a cumulative grade point average of 2.5 on a 4.0 scale ; and
- ~~89)~~ be maintaining satisfactory academic progress as determined by the institution.

- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764), the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), or the Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 2763.30 Program Procedures

- a) An application for an MTI scholarship must be submitted annually and an

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

applicant must also complete the Free Application for Federal Student Aid® (FAFSA). An ~~completed~~ ISAC application for the MTI Scholarship Program and a FAFSA must be ~~postmarked completed and received by~~ a date determined by ~~ISAC or before March 1 immediately preceding the regular school year for which the scholarship is being requested~~, in order to receive priority consideration for an award.

- 1) ~~An applications is are available from qualified institutions of higher learning, on ISAC's website and ISAC's Springfield, Deerfield and Chicago offices.~~
- 2) ~~ISAC will make renewal applications available to all qualified students who were awarded MTI Scholarships during the preceding regular school year.~~
- 23) If the MTI application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received by at ISAC's ~~Deerfield office.~~

b) When an appropriation for the MTI Program for a given fiscal year is insufficient to provide scholarships to all qualified students, ISAC will allocate the available scholarship funds for that fiscal year to qualified students who submit a complete timely application, as specified in paragraph a) based on the following order of priority:

- 1) Funds will first be awarded to students who received the MTI scholarship in the prior academic year and who remain eligible for the MTI scholarship.
- 2) To the extent allowed by the amount of funding that remains, aAt least ~~35~~59 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. *If ~~ISAC the Commission~~ does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award ~~35~~59% of the funds appropriated for these scholarships to qualified male minority applicants, then ~~ISAC the Commission~~ may award a portion of the reserved funds to qualified female minority applicants. ~~[10 ILCS 947/50]~~*

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 3) When at least \$2,850,000, but less than \$4,200,000 is appropriated in a given fiscal year for MTI scholarships, then to the extent allowed by the amount of funding that remains, at least 10% of the funds appropriated shall be reserved for qualified bilingual minority applicants, with priority being given to qualified bilingual minority applicants who are enrolled in an educator preparation program with a concentration in bilingual, bicultural education.
 - 4) When at least \$4,200,000 is appropriated in a given fiscal year for MTI scholarships, then to the extent allowed by the amount of funding that remains, at least 30% of the funds appropriated shall be reserved for qualified bilingual minority applicants, with priority being given to qualified bilingual minority applicants who are enrolled in an educator preparation program with a concentration in bilingual, bicultural education. [110 ILCS 947/50]
 - 5) To the extent allowed by the amount of funding that remains after awarding to those applicants in the priority categories in subsections (1) through (4), ISAC may award the remaining funds to other qualified applicants.
- c) Notwithstanding the provisions of subsection (b), awards will be made first to renewing applicants. When an appropriation for the MTI scholarship in a given fiscal year is insufficient to provide scholarships to all qualified applicants within any of the categories in subsection b), ISAC shall prioritize awards within that category in the following order:
- 1) first, on the basis of financial need,
 - 2) then, on the basis of the dates that the completed applications are received by ISAC; and
 - 3) then, to qualified applicants enrolled at or above the junior level.
- d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
- e) Scholarship funds are applicable towards up to two semesters/three quarters of

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

study within a regular school year.

~~f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.~~

fg) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their high school equivalency certificates.

gh) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:

- 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
- 2) the recipient shall begin teaching within one year following the completion of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;
- 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE). If a recipient received an MTI scholarship as a qualified bilingual minority applicant, the recipient may instead fulfill the teaching obligation in a transitional bilingual education program (as defined by Article 14 C of the School Code) or in a school in which at least 20 English learner students in the same language classification are enrolled;
- 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;

- 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection (h) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
 - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3) for one continuous period not to exceed two years, and is able to provide evidence of that fact;
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain licensure as a teacher in Illinois; or
 - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if the recipient cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within 10 years after the scholarship converts to a loan. This 10 year period may be extended if the recipient:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;
 - 4) withdraws from a course of study leading to licensure as a teacher but is enrolled full-time in another academic discipline; or
 - 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j), the recipient shall not be required to make payments and interest shall not accrue.
- l) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to licensure as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that the recipient does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarships received if the recipient becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 682.402(c)), or if the recipient's representative provides ISAC with a death certificate or other evidence that the recipient has died.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- n) *If the MTI Program does not expend at least 90% of the appropriated amount in a given fiscal year for three consecutive years and ISAC does not receive enough applications by January 1 each year from the groups identified for reserved funds, then up to 3% of appropriated funds for the next three fiscal years shall be allocated to increase awareness of the program and for the recruitment of Black males.*

ISAC will make a recommendation to the General Assembly by January 1 of the following fiscal year regarding whether the amount allocated to increasing awareness and recruitment should continue beyond the three-year period. [110 ILCS 947/50]

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 2763.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) MTI awards are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.
- 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning 10 days prior to the start of classes for the term for which payment is being requested.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the regular school year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.
- g) Scholarship Amount
 - 1) MTI scholarships are applicable only toward tuition and fees and room and board charges or commuter allowances, if applicable.
 - 2) The annual scholarship amount shall be computed by the institution and must be the lesser of:
 - A) tuition and fees plus room and board expenses charged by the institution;
 - B) tuition and fees plus the standard commuter allowance for students living off-campus; or
 - C) \$5000; unless at least \$2,850,000 is appropriated in a given fiscal year for the MTI Program, then, \$7,500 in that year and in each fiscal year thereafter.
 - 3) The total amount of MTI scholarship assistance awarded to a qualified applicant in a given regular school year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
 - 4) A qualified applicant may receive grant assistance under the MTI Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the Monetary Award Program grant (23 Ill. Adm. Code 2735).

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.
- i) *Each institution that participates in the MTI Program shall host an annual information session about the program for teacher candidates of color and require that each program recipient enrolled at the institution meet with an academic advisor at least once per academic year in an effort to facilitate on-time completion of the student's educator preparation program. [110 ILCS 947/50]*

(Source: Amended at 45 Ill. Reg. _____, effective _____)