

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 5375
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

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AUTHORITY: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 17, 1980; amended at 4 Ill. Reg. 34, p. 208, effective August 9, 1980; amended at 6 Ill. Reg. 8413, effective June 30, 1982; rules repealed and new rules adopted at 8 Ill. Reg. 2505, effective February 10, 1984; amended at 8 Ill. Reg. 17022, effective September 5, 1984; amended at 11 Ill. Reg. 17836, effective October 16, 1987; transferred from Chapter XII, 2 Ill. Adm. Code 5275 (State Scholarship Commission) to Chapter XIV, 2 Ill. Adm. Code 5375 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17867; amended at 16 Ill. Reg. 7497, effective April 22, 1992; amended at 19 Ill. Reg. 11384, effective August 1, 1995; amended at 20 Ill. Reg. 15073, effective November 15, 1996; amended at 24 Ill. Reg. 9189, effective July 1, 2000.

SUBPART A: PUBLIC INFORMATION

Section 5375.10 Information

- a) The public can obtain information about the Illinois Student Assistance Commission (ISAC) and its programs by contacting one of ISAC's offices in Deerfield, Chicago or Springfield.
- b) Requests for specific ISAC records must be submitted as a Freedom of Information Act (FOIA) request in accordance with ISAC's rules. (See 2 Ill. Adm. Code 5376.)

(Source: Amended at 19 Ill. Reg. 11384, effective August 1, 1995)

SUBPART B: RULEMAKING

Section 5375.100 Rulemaking Procedures

- a) The Illinois Student Assistance Commission promulgates rules in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].
- b) ISAC staff shall develop proposed rules and submit them for public comment through publication in the Illinois Register. All written public comments submitted on proposed ISAC rules and amendments are presented to the Commission for consideration. The Executive Director may recommend changes in the proposed rules and amendments based upon comments received.
- c) The Commission may hold a special hearing for the purpose of receiving public comments on the proposed rules, and may appoint a member of the staff to serve as a hearing officer to conduct such a hearing.
- d) After receiving the Executive Director's recommendation and the written comments from the public, the Commission shall vote whether to accept, modify or reject the proposed rules and amendments. After disposition by the Commission, the Executive Director shall submit the proposed rules and amendments for review by the Joint Committee on Administrative Rules (JCAR).
- e) After the expiration of the JCAR review period, the proposed rules and amendments are re-submitted to the Commission for approval and adoption. Rules and amendments adopted by the Commission are filed with the Office of the Secretary of State and published in the Illinois Register.

- f) The Executive Director may promulgate Emergency and Peremptory Rules and amendments in accordance with the Illinois Administrative Procedure Act.

(Source: Amended at 20 Ill. Reg. 15073, effective November 15, 1996)

SUBPART C: ORGANIZATION

Section 5375.210 The Commission

- a) When the Commission consists of ten appointed and confirmed members a quorum shall be six. When the Commission consists of nine or eight members a quorum shall be five. When the Commission's active membership is reduced to seven or less members, the quorum shall be four.
- b) Commissioners are appointed by the Governor with the advice and consent of the Senate (See Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].) While a Gubernatorial appointment is pending Senate approval, the Commissioner designee will be invited to attend and observe Commission meetings at ISAC's expense but will not vote.
- c) A Vice-Chairman shall be elected by the Commission. A new election for Vice-Chairman shall occur whenever the term of the incumbent Vice-Chairman expires or whenever the Governor designates a new Chairman. The Vice-Chairman shall preside at all meetings in the absence of the Chairman. In the absence of the Chairman and the Vice-Chairman, the senior member present in length of service since original appointment shall assume the chair to conduct business.
- d) Any expenses incurred by members to attend out-of-state meetings or out-of-state public appearances shall be approved in advance by the Chairman.
- e) The Commission shall convene approximately six times per year. All Commission meetings shall be conducted in accordance with the Open Meetings Act [5 ILCS 120/1.01].
- f) Matters on which the Commission shall deliberate and vote shall include, but not be limited to, the following:
 - 1) Formula for determining grant eligibility for the Monetary Award Program (see: 23 Ill. Adm. Code 2735.30);
 - 2) Budget requests which are submitted to the General Assembly for appropriation;

- 3) Budget for the operations of the Illinois Designated Account Purchase Program;
 - 4) Issuance of bonds pursuant to Section 145 of the Education Loan Purchase Program Law [110 ILCS 947/145];
 - 5) Rate of the insurance premium on guaranteed student loans (see: 23 Ill. Adm. Code 2720.80);
 - 6) Salary and terms of employment of the Executive Director and salary ranges for other ISAC employees; and
 - 7) Promulgation of rules, in accordance with Section 5375.100.
- g) The Chairman has full authority to determine all procedural issues incident to a Commission meeting. Should a Commissioner dispute an action of the Chairman, the Commission shall refer to Robert's Rules of Order, Newly Revised, for the appropriate method of resolution.

(Source: Amended at 20 Ill. Reg. 15073, effective November 15, 1996)

Section 5375.220 Agency Organization

- a) The locations and telephone numbers for ISAC offices are as follows:
 - 1) 1755 Lake Cook Road, Deerfield, Illinois 60015-5209, (847) 948-8500;
 - 2) 100 W. Randolph Suite 3-200, Chicago, Illinois 60601-3293, (312) 814-3745; and
 - 3) 500 West Monroe, 3rd floor, Springfield, Illinois 62704-1876, (217) 782-6767.
- b) Agency officers' and directors' offices are located as follows:
 - 1) Deerfield - Chief Program Officer; Business and Financial Services; Program Services; Information Services; Compliance Administration; Deputy Program Officer; IDAPP and Capital Development; IDAPP Operations; Deputy Executive Director; Facility and Administrative Services; Internal Audit; General Counsel, Scholarships, Grants, Loans and College Illinois; and Human Resources and Development;

- 2) Chicago - General Counsel and Director, IDAPP Marketing; and
 - 3) Springfield - Executive Director; Chief Financial Officer; Deputy Chief Financial Officer; Client Relations; Federal Relations; State Relations; Research, Planning and Policy Analysis; and Illinois Prepaid Tuition Program.
- c) ISAC's organizational structure is illustrated on the chart labeled Appendix A, of this Part.
 - d) The Commission has delegated to ISAC staff responsibility for the administration of all ISAC programs. See: 23 Ill. Adm. Code: Subtitle A, Chapter XIX. ISAC staff actions and decisions may be appealed to an independent hearing officer. See: 23 Ill. Adm. Code 2700.70.
 - e) The Executive Director and his or her designee have authority to approve expenditures and contracts. The Commission, by resolution, may also delegate signatory authority to other members of the ISAC staff.

(Source: Amended at 24 Ill. Reg. 9189, effective July 1, 2000)

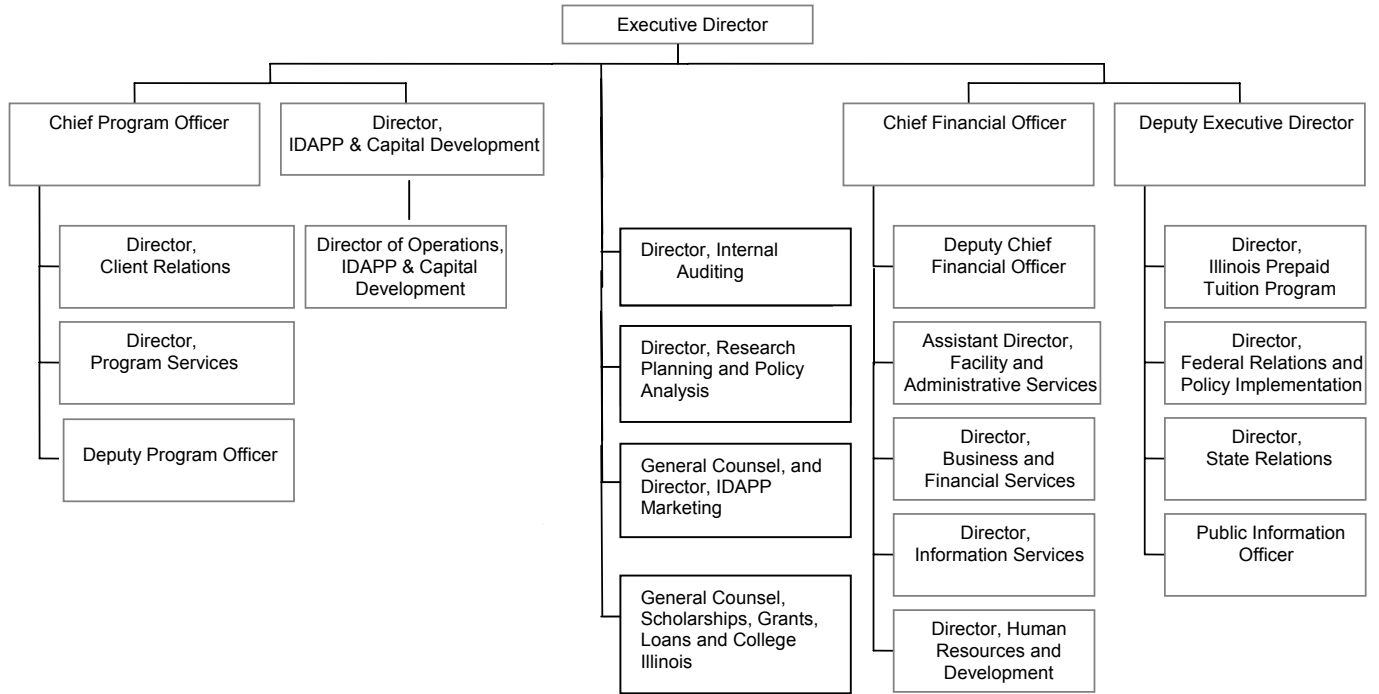
Section 5375.230 Procedures for Public Statements at Commission Meetings

- a) Individuals, upon request, will be mailed an agenda and notice of all regularly scheduled Commission meetings.
- b) Persons desiring to address the Commission shall make a written request to the Executive Director no later than five business days prior to the meeting. Any such request must include the name and address of the individual wishing to speak, the name of the organization or group to be represented, if any, and a summary of the presentation.
- c) All presentations shall be limited to a maximum of five uninterrupted minutes. When more than three persons desire to comment for or against a given issue/item, the Chairman may direct the group of similar voice to designate representatives so as not to exceed three voices for or three against the issue/item.
- d) The Chairman, with the consent of the members, can rule to recognize or not recognize any presenter who asks to address the Commission but who had not requested to do so at an earlier date. Preference will be given to those who had made written requests.

- e) All presenters shall be encouraged, but not required, to submit their comments in writing.

(Source: Amended at 19 Ill. Reg. 11384, effective August 1, 1995)

Section 5375.APPENDIX A Organization Chart



(Source: Amended at 24 Ill. Reg. 9189, effective July 1, 2000)