

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 Reg. 8413, effective June 30, 1982; rules repealed and new rules adopted at 8 Ill.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; amended at 34 Ill. Reg. 8530, effective July

1, 2010.

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 located in Deerfield, Chicago or Springfield. General information is also available at ISAC's Website, www.collegezone.com.
- b) Requests for inspection or copying of ISAC's public records may be submitted as a Freedom of Information Act (FOIA) request made in accordance with ISAC's rules. (See 2 Ill. Adm. Code 5376.)

(Source: Amended at 34 Ill. Reg. 8530, effective July 1, 2010)

SUBPART B: RULEMAKING

Section 5375.100 Rulemaking Procedures

- a) The Commission's adoption of rules must proceed in accordance with the Illinois Administrative Procedure Act [5 ILCS 100], specifically, the rulemaking procedures of Article 5 of that Act. *Those rulemaking procedures do not apply to certain exempt matters, i.e., any matter relating solely to agency management or personnel practices or to public property, loans or contracts* [5 ILCS 100/5-35(c)].
- b) With respect to non-exempt matters, the Commission's rulemaking procedures follow the requirements of the Illinois Administrative Procedure Act. ISAC's staff develops proposed rules and amendments to existing rules and submits 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 will conduct a public hearing as required by Section 5-40(b) of the Illinois Administrative Procedure Act and may hold such a hearing on its own volition for the purpose of receiving public comments on the proposed rules and amendments, and may appoint a member of the staff to serve as a hearing officer to conduct the 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.
- g) Rules and amendments relating to the exempt matters described in subsection (a), including, without limitation, ISAC management, personnel practices, public property, loans or contracts, may be adopted, amended or repealed by action of the Commission and shall be effective immediately upon adoption. A certified copy of rules and amendments relating to exempt matters will be filed with the Secretary of State.

(Source: Amended at 34 Ill. Reg. 8530, effective July 1, 2010)

SUBPART C: ORGANIZATION

Section 5375.210 The Commission

- a) The Commission was created by the Higher Education Student Assistance Act [110 ILCS 947/15]. Commission members are called "Commissioners". Commissioners are appointed by the Governor with the advice and consent of the Senate (see 110 ILCS 947/15(a)). Senate confirmation of a person appointed by the Governor to be a Commission member is a necessary prerequisite to becoming a member. However, 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 shall not vote.
- b) The Governor designates one member of the Commission, other than the student member, to serve as Chairman (see 110 ILCS 947/15(a)).
- c) A Vice-Chairman shall be elected by a vote of 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.

- d) The Chairman of the Commission presides at Commission meetings. The Vice-Chairman shall preside at all meetings in the absence of the Chairman. In the absence of the Chairman and the Vice-Chairman, a member designated by the Chairman shall preside at the Commission meetings. In the absence of such a designation by the Chairman, the most senior member based on length of service since original appointment shall preside at a Commission meeting if the Chairman and Vice-Chairman are not in attendance.
- e) The Commission shall convene at least one time per year. All Commission meetings shall be conducted in accordance with the Open Meetings Act [5 ILCS 120].
- f) When the Commission consists of 10 appointed and confirmed members, a quorum shall be 6. When the Commission consists of 9 or 8 appointed and confirmed members, a quorum shall be 5. When the Commission consists of 7 or fewer appointed and confirmed members, the quorum shall be 4.
- g) Except as otherwise provided in Section 2.02(a) of the Open Meetings Act (e.g., an emergency meeting), each Commissioner shall be given at least 10 days' written notice of any meeting of the Commission. Commission meetings shall be convened pursuant to notice given in accordance with the Open Meetings Act. The Commission shall adopt a schedule of regular meetings at the beginning of each calendar year, including the date, time and place of each scheduled meeting (see 5 ILCS 120/2.02).
- h) Matters on which the Commission shall deliberate and vote include, but are not limited to, the following:
 - 1) Formula for determining grant eligibility for the Monetary Award Program (see 23 Ill. Adm. Code 2735);
 - 2) Budget requests that are submitted to the General Assembly for appropriation;
 - 3) The budget for the operations of the Illinois Designated Account Purchase Program and College Illinois![®] 529 Prepaid Tuition Program;

- 4) Investment policies, contract pricing and fees, and appointment of investment advisory panel members, investment managers and marketing agent for the College Illinois![®] 529 Prepaid Tuition Program;
 - 5) Issuance of bonds or other securities pursuant to Section 145 of the Education Loan Purchase Program Law [110 ILCS 947/145];
 - 6) The amount of the federal default fee, to be charged to the borrowers (or absorbed by the Commission) on guaranteed student loans (see 23 Ill. Adm. Code 2720.80);
 - 7) Promulgation of rules, in accordance with Section 5375.100;
 - 8) Appointment of, and the salary and terms of employment of, the Executive Director of the Commission; and
 - 9) Delegation to the Executive Director and other ISAC staff of authority to execute and deliver contracts, agreements and similar instruments.
- i) The Chairman (or other presiding officer) has full authority to determine all procedural issues incident to a Commission meeting. In the absence of a resolution adopted by the Commission to the contrary, meetings will be conducted in accordance with the most recently published edition of Robert's Rules of Order, Newly Revised.
 - j) Members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred in performing their duties, in accordance with the rules and guidelines established for the reimbursement of expenses incurred by members of boards and commissions of the government of the State of Illinois. For out-of-state travel by a Commissioner, expense reimbursement shall be withheld unless approved in advance by the Chairman.

(Source: Amended at 34 Ill. Reg. 8530, effective July 1, 2010)

Section 5375.220 Agency Organization

- a) The Commission has delegated to ISAC staff the responsibility for the administration of all ISAC programs. Final actions and decisions of the Executive Director pertaining to applicants, institutions and lenders may be appealed to an independent hearing officer, otherwise known as an administrative law judge, as defined in Article 10 of the Illinois Administrative Procedure Act. (See 23 Ill.

Adm. Code 2700.70 for administrative appeal procedures relating to the matters set forth in this subsection (a).)

- b) 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 St., Suite 3-200, Chicago, Illinois 60601-3219, (312)814-6334; and
 - 3) 500 West Monroe, 3rd floor, Springfield, Illinois 62704-1876, (217)782-6767.
- c) ISAC's organizational structure is illustrated on the chart labeled Appendix A.

(Source: Amended at 34 Ill. Reg. 8530, effective July 1, 2010)

Section 5375.230 Procedures for Persons Desiring to Address the Commission at a Commission Meeting

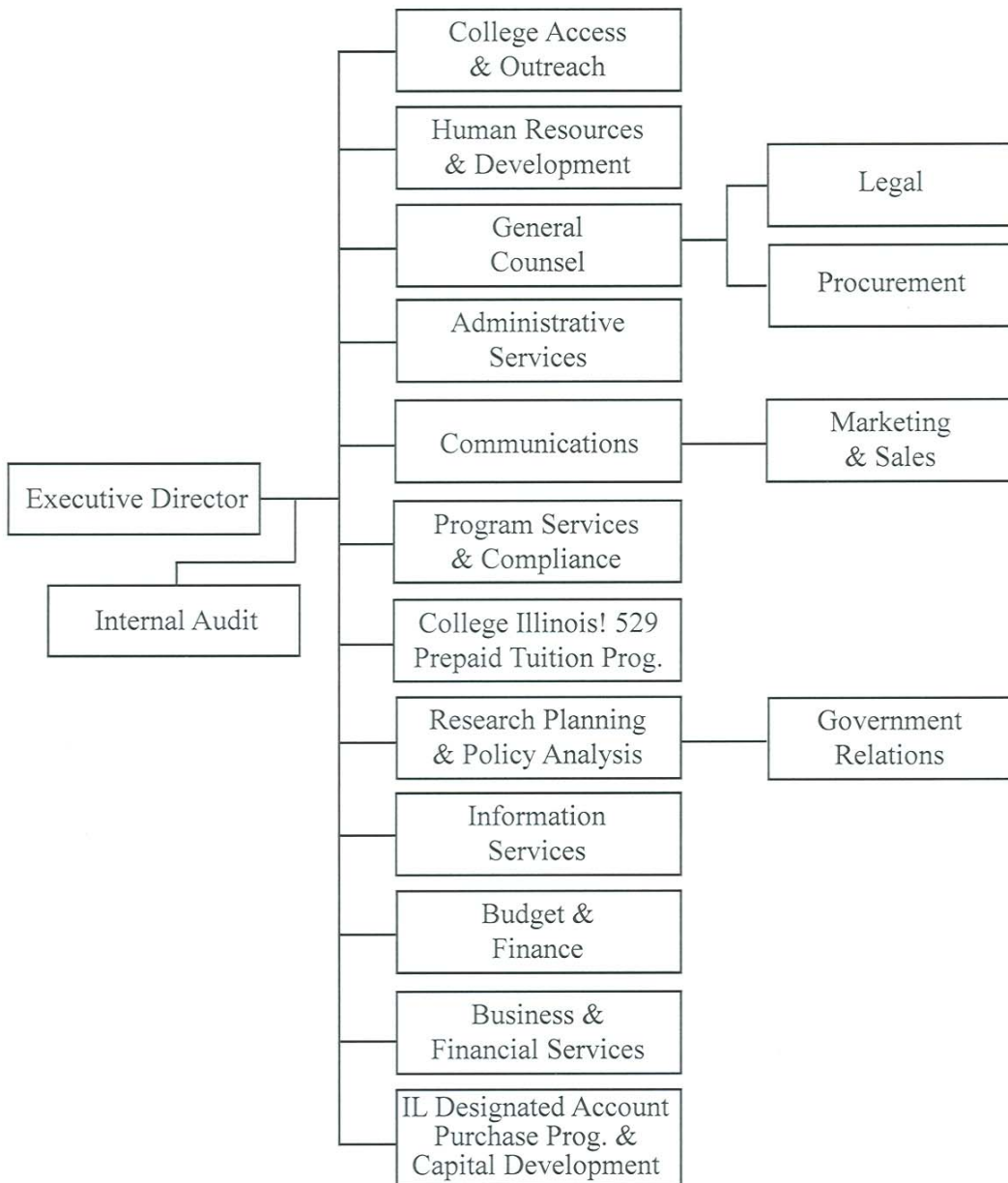
- a) Individuals may request that notice of Commission meetings be sent to them.
- b) Unless otherwise permitted by the Chairman, persons desiring to address the Commission shall make a written request to the Executive Director at least 5 business days prior to the meeting, provided that, with respect to any emergency meeting, persons desiring to address the Commission shall make a written request to the Executive Director at least 1 business day prior to the date of the emergency meeting. Any request to address the Commission must include the name, telephone number or e-mail contact information, and street address of the person requesting to address the Commission. The request shall also include the name and street address of the organization or group to be represented by the person, if any, and a summary of the presentation.
- c) The Chairman (or other presiding officer) may impose appropriate time limits on presentations or public comments. The presiding officer's decision to limit a presentation or comment shall be based on criteria including, but not limited to, the total time available for the Commission's deliberations, the number of persons seeking to appear before the Commission, and the potential for redundancy in the comment being presented.

- d) The Chairman (or other presiding officer), with the consent of the members, can rule to recognize or not recognize any proposed presenter who asks to address the Commission but who had not requested to do so in writing in accordance with Section 5375.230(b). Preference will be given to presenters who made written requests in accordance with subsection (b).
- e) All presenters shall be encouraged, but not required, to submit their presentations in writing.

(Source: Amended at 34 Ill. Reg. 8530, effective July 1, 2010)

Section 5375.APPENDIX A Organization Chart

ILLINOIS STUDENT ASSISTANCE COMMISSION
ORGANIZATIONAL CHART



(Source: Amended at 34 Ill. Reg. 8530, effective July 1, 2010)