

AGENDA ITEM 6.

**PROPOSED ADMINISTRATIVE
RULES AMENDMENTS**

Submitted for: Action

Summary: The Higher Education Student Assistance Act was amended to expand the eligibility requirements for the Grant Programs for Dependents of Correctional Officers (110 ILCS 947/60) and Police or Fire Officers (110 ILCS 947/55) who are injured and become permanently disabled or killed in the line of duty. The statutes previously required the parent-child relationship or the child's legal dependent status to be in existence at the time the disability is determined to be permanent. These amendments expand award eligibility to include children born, legally adopted or in the legal custody of the officer after the permanent disability determination is made. The following administrative rules are being amended to be consistent with those statutory amendments:

- Ill. Adm. Code 2731 Grant Program for Dependents of Correctional Officers
- Ill. Adm. Code 2732 Grant Program for Dependents of Police or Fire Officers

Emergency Rules Amendments: Public Act 100-0673 revised the eligibility requirements for the Grant Programs for Dependents of Police, Fire or Correctional Officers, and was signed into law on August 3, 2018, with an immediate effective date. Due to the fact that the effective date of the law expands eligibility beginning this 2018-19 academic year, ISAC staff filed with the Secretary of State emergency administrative rules that became effective upon filing on August 7, 2018 and will expire January 3, 2019, 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. The amended language in both filings is the same, but the proposed rules 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 August 24, 2018 (42 Ill.Reg. 16350), triggering a 45-day public comment period that will end on October 8, 2018. As of this date, no public comments have been 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 objection by JCAR, the Commission authorizes the Executive Director to proceed with adopting the program rules as amended.”

- 1) Heading of the Part: Grant Program for Dependents of Correctional Officers
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3)

<u>Section Numbers:</u> 2731.20 2731.30	<u>Proposed Actions:</u> Amendment Amendment
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- 4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This section is being revised to include expanded eligibility criteria as a result Public Act 100-0673, signed by the governor on August 3, 2018 with an immediate effective date.
- 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? Yes
- 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:

Lynn Hynes
 Agency Rules Coordinator
 Illinois Student Assistance Commission
 1755 Lake Cook Road
 Deerfield IL 60015

Telephone: 847- 948-8500, ext. 18032
 Email: lynn.hynes@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) Regulatory Agenda on which this rulemaking was summarized: July 2018

The full text of the Proposed Amendments is identical to that of the text of the Emergency Amendments in this Part, and begins in this issue of the *Illinois Register* on page:

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731
GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

Section	
2731.10	Summary and Purpose
2731.20	Applicant Eligibility
2731.30	Program Procedures
2731.40	Institutional Procedures

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. 10299, effective July 1, 1994; amended at 20 Ill. Reg. 10183, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11100, effective July 18, 1997; amended at 30 Ill. Reg. 11632, effective July 1, 2006; amended at 35 Ill. Reg. 12374, effective July 15, 2011; amended at 36 Ill. Reg. 9414, effective July 1, 2012; amended at 37 Ill. Reg. 9510, effective July 1, 2013; amended at 38 Ill. Reg. 13390, effective July 1, 2014; emergency amendment at 42 Ill. Reg. 16348, effective August 7, 2018 for a maximum of 150 days; amended at 42 Ill. Reg. _____, effective _____.

Section 2731.20 Applicant Eligibility

- a) A qualified applicant shall be:
 - 1) either:
 - A) the natural child, legally adopted child, or child in the legal custody of a correctional officer at the time the officer was killed in the line of duty or at the time or after a permanently disabling injury occurred in the line of duty; or
 - B) the husband or wife of a correctional officer at the time the officer was killed in the line of duty or at the time a permanently disabling injury occurred in the line of duty; and
 - 2) a United States citizen or an eligible noncitizen; and

- 3) enrolled on at least a half-time basis at an institution that is approved for participation in the Monetary Award Program (MAP) (see 23 Ill. Adm. Code 2735); and
- 4) making satisfactory academic progress toward a degree or certificate.
 - b) An applicant need not be a resident of Illinois at the time of enrollment.
- c) An applicant does not have to demonstrate financial need to receive this grant.
 - d) A spouse who remarries after a correctional officer is killed in the line of duty, or divorces a permanently disabled officer, is not eligible. Common law partners are not eligible.
- e) A step-child who was not or is not in the legal custody of, or legally adopted by, a correctional officer ~~at the time the officer who~~ died or sustained a permanently disabling injury in the line of duty is not eligible.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

Section 2731.30 Program Procedures

- a) All first-time applicants shall complete an application which includes biographical information regarding the deceased or disabled correctional officer (e.g., name, where employed, position title, date of death or disability, etc.) and the application shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
 - 1) The physician's statement must certify that there is a mental or physical condition that is reasonably certain to continue throughout the lifetime of the correctional officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged.
 - 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
- b) Once eligibility in relation to the qualifying death or disability has been established for one member of a family, it is established for all qualified applicants in the family. Thereafter, a simplified application will be required from each student on an annual basis. Also, students must indicate the institution to be attended.
- c) The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer term, and June 15 for consideration for summer term only.

- d) If an application is incomplete, notice will be sent to 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 it was completed and received in ISAC's Deerfield office.
- e) Grants are applicable toward tuition and mandatory fees.
 - 1) A recipient attending a public institution in Illinois shall receive a grant that shall not exceed the cost of tuition and mandatory fees at that institution. This includes the difference between in-district and out-of-district tuition.
 - 2) A recipient attending a private institution in Illinois may receive a grant sufficient to pay the cost of tuition and mandatory fees, provided the award does not exceed the maximum grant payable to a student enrolled in the most expensive comparable program of study at a public institution.
- f) Notice of the grant award shall be sent to each recipient. Applicants not receiving awards will also be notified.
- g) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study. Recipients may accumulate up to 48 eligibility units.
 - 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	6 units	4 units
6 - 11.99 hours	3 units	2 units
 - 2) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 48 eligibility units but does not have enough units remaining for the number of hours in which he or she is enrolled for the term.
- h) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the institution the total amount of the funds received during the period in which he or she was ineligible.
- i) Recipients receive payment through their institution of record.

- j) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient had incurred such charges.
- k) A recipient shall agree to notify ISAC, in writing, within 15 days of any change affecting his/her enrollment status, name or address.
- l) ISAC pays grant funds directly to the institution of record in the name of the recipient.
- m) ISAC will disburse grant funds in multiple installments, depending upon the number of terms financed by the grant; except that multiple disbursements will not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the grant 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.
- n) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.
- o) In the event that funds are insufficient to make awards to all eligible applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
 - 1) first semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full;
 - 2) if funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full;
 - 3) if funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full; and
 - 4) timely claims for the difference between in-district and out-of-district tuition for recipients who do not qualify for charge backs will be considered for payment at the same time and in the same priority order as all other timely claims, in accordance with the provisions of this subsection (o).

(Source: Amended at 42 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: Grant Program for Dependents of Police or Fire Officers
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3)

<u>Section Numbers:</u> 2732.20 2732.30	<u>Proposed Actions:</u> Amendment Amendment
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- 4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This section is being revised to include expanded eligibility criteria as a result Public Act 100-0673, signed by the governor on August 3, 2018 with an immediate effective date.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
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- 10) Are there any other proposed rulemakings pending on this Part? No
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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
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CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732
GRANT PROGRAM FOR DEPENDENTS OF POLICE OR FIRE OFFICERS

Section	
2732.10	Summary and Purpose
2732.20	Applicant Eligibility
2732.30	Program Procedures
2732.40	Institutional Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-169, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. 10342, effective July 1, 1994; amended at 20 Ill. Reg. 10191, effective July 15, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11090, effective July 18, 1997; amended at 30 Ill. Reg. 11639, effective July 1, 2006; amended at 35 Ill. Reg. 12378, effective July 15, 2011; amended at 36 Ill. Reg. 9420, effective July 1, 2012; amended at 37 Ill. Reg. 9516, effective July 1, 2013; amended at 38 Ill. Reg. 13396, effective July 1, 2014; emergency amendment at 42 Ill. Reg. 16355, effective August 7, 2018, for a maximum of 150 days; amended at 42 Ill. Reg. _____, effective _____.

Section 2732.20 Applicant Eligibility

- a) A qualified applicant shall be:
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 - A) the natural child, legally adopted child, or child in the legal custody of an Illinois police or fire officer at the time the officer was killed in the line of duty or at the time or after a permanently disabling injury occurred in the line of duty; or
 - B) the husband or wife of the Illinois police or fire officer at the time the officer was killed in the line of duty or at the time a permanently disabling injury occurred in the line of duty; and
 - 2) a United States citizen or eligible noncitizen; and

- 3) enrolled on at least a half-time basis at an institution that is approved for participation in the Monetary Award Program (MAP) (see Ill. Adm. Code 2735); and
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 - 2) Documentation must be submitted to prove that the death or disability occurred in the line of duty.
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refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided that the institution's tuition refund policy indicates the recipient had incurred such charges.

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(Source: Amended at 42 Ill. Reg. _____, effective _____)