

AGENDA ITEM 6.

APPROVAL OF AMENDMENTS TO THE INTERNAL ADMINISTRATIVE RULES

Submitted for: Action

Summary: This item reports and seeks Commission approval of proposed amendments to the internal administrative rules of the Illinois Student Assistance Commission (ISAC) titled “Public Information, Rulemaking and Organization.” The adoption of these rules is consistent with the requirements of the Open Meetings Act as well as Robert’s Rules of Order.

The first of the proposed amendments confirms the ability of a Commissioner to vote while they are pending Senate approval.

The second of the proposed amendments removes all references to “Chairman” and replaces them with the gender neutral “Chairperson”.

The third of the proposed amendments corrects a spelling mistake within Section h, changing the word “publically” to “publicly”.

The fourth of the proposed amendments allows advisory bodies to the Commission, including the Investment Advisory Panel, to conduct open meetings, subject to the Open Meetings Act by audio or video conference, without the physical presence of a quorum of the members.

The fifth of the proposed amendments removes the subsection referencing the amount of the federal default fee because ISAC no longer guarantees defaulted federal student loans.

All other amendments adjust the numbering to accommodate added and removed sections.

Unlike other rulemaking procedures, amendments to the Commission’s internal rules are not subject to public comment or review by the Joint Committee on Administrative Rules (JCAR). Internal rules take effect immediately upon filing with JCAR. Once the commission approves the proposed amendments to the internal rules, the rules will be filed with JCAR.

Action requested: That the Commission approve the following resolution:

“BE IT RESOLVED that the Commission approves the proposed amendments to the Illinois Student Assistance Commission’s internal rule titled ‘Public Information, Rulemaking and Organization’ and directs the Executive Director to cause the amendment to be filed with JCAR.”

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NOTICE OF ADOPTED AMENDMENT

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

PART 5375
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
5375.10 Information

SUBPART B: RULEMAKING

Section
5375.100 Rulemaking Procedures

SUBPART C: ORGANIZATION

Section
5375.210 The Commission
5375.220 Agency Organization
5375.230 Procedures for Persons Desiring to Address the Commission at a Commission Meeting

5375.APPENDIX A Organization Chart

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)].

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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; amended at 36 Ill. Reg. 5840, effective April 1, 2012; amended at 37 Ill. Reg. 1768, effective February 1, 2013; amended at 47 Ill. Reg. _____, effective _____.

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, w~~While a gubernatorial appointment is pending Senate approval, the Commissioner designee will be invited to attend meetings and observe and vote on all pending Commission matters. 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 Chairpersonman (see 110 ILCS 947/15(a)).
- c) A Vice-Chairpersonman shall be elected by a vote of the Commission. A new election for Vice-Chairpersonman shall occur whenever the term of the incumbent Vice-Chairpersonman expires or whenever the Governor designates a new Chairpersonman.
- d) The Chairpersonman of the Commission presides at Commission meetings. The Vice-Chairpersonman shall preside at all meetings in the absence of the Chairpersonman. In the absence of the Chairpersonman and the Vice-Chairpersonman, a member designated by the Chairpersonman shall preside at the Commission meetings. In the absence of such a designation by the Chairpersonman, the most senior member based on length of service since original appointment shall preside at a Commission meeting if the

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Chair~~person~~ and Vice-Chair~~person~~ 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) Six members of the Commission shall constitute a quorum. All official acts of the Commission require a majority vote in a meeting at which quorum is present.
- g) 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) The Chair~~person~~ may convene a special meeting in order to discuss matters that require consideration or action before the next regularly-scheduled meeting of the Commission. If the Chair~~person~~ is unavailable, the Vice-Chair~~person~~ may convene the special meeting. Notice must be posted ~~publically~~ publicly at least 48 hours before such meeting is convened in accordance with the procedures described in the Open Meetings Act [5 ILCS 120/2.02]. Matters for consideration at a special meeting must be limited to those matters described in the notice. In the event that the Commission must convene an emergency meeting, notice shall be given as soon as practicable. Any action taken by the Commission at a meeting convened under this subsection without notice must be ratified at the next regular meeting of the Commission.
- i) If members of the Commission are unable to physically attend a meeting of the Commission for reasons set forth in the Open Meetings Act [5 ILCS 120/7] and if a quorum of the Commission is otherwise physically present, a majority of members physically present may approve by vote the attendance of members by video or audio conference. Members of the Commission unable to physically attend a meeting shall, if possible, provide advanced notice to the Secretary.
- j) ~~Advisory bodies to the Commission, that do not have authority to make binding recommendations or determinations or to take any other substantive actions, may conduct open meetings subject to the Open Meetings Act [5 ILCS 120] by audio or video conference, without the physical presence of a quorum of the members of the advisory body, so long as the following conditions are met (see 5 ILCS 120/2.01):~~

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- 1) Notice is posted to ISAC's website at least 48 prior to the meeting. Notice will include:
 - (A) the date, time and location;
 - (B) agenda of the topics to be discussed; and
 - (C) instructions for public participation
- 2) Each member participating in the meeting by audio or video conference is considered present at the meeting for purposes of a quorum;
- 3) A roll call is taken to assure that all members of the advisory body participating in the meeting are verified and can hear one another and can hear all discussion;
- 4) All routine, procedural votes are taken by roll call of the participating members;
- 5) Minutes are taken and approved by the body within 30 days or at the second subsequent meeting; and
- 6) In the event of a bona fide emergency, notice shall be given pursuant to Section 2.02 of the Open Meetings Act and the presiding officer shall state the nature of the emergency at the beginning of the meeting.

kj) 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;

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- 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);~~
- ~~67)~~ Promulgation of rules, in accordance with Section 5375.100;
- ~~78)~~ Appointment of, and the salary and terms of employment of, the Executive Director of the Commission; and
- ~~89)~~ Delegation of authority to the Executive Director and other ISAC staff to execute and deliver contracts, agreements and similar instruments.
- ~~l)~~ The Chair~~person~~man (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.
- ~~m)~~ 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 Chair~~person~~man.

(Source: Amended at 47 Ill. Reg. _____, effective _____)