

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

PART 2756
PUBLIC INTEREST ATTORNEY LOAN REPAYMENT ASSISTANCE PROGRAM

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AUTHORITY: Implementing and authorized by Section 20 of the Public Interest Attorney Assistance Act [110 ILCS 916/20].

SOURCE: Adopted at 34 Ill. Reg. 8580, effective July 1, 2010.

Section 2756.10 Summary and Purpose

- a) The Public Interest Attorney Loan Repayment Assistance Program provides loan repayment assistance to practicing attorneys to encourage them to pursue careers as public interest attorneys to protect the rights of this State's most vulnerable citizens or provide quality enforcement of State law.
- b) This Part governs the Public Interest Attorney Loan Repayment Assistance Program. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700).

Section 2756.15 Definitions

"Assistant State's Attorney" – *A full-time employee of a State's Attorney in Illinois or the State's Attorneys Appellate Prosecutor who is continually licensed to practice law and prosecutes or defends cases on behalf of the State or a county.*

"Assistant Attorney General" – *A full-time employee of the Illinois Attorney General who is continually licensed to practice law and prosecutes or defends cases on behalf of the State.*

"Assistant Public Defender" – *A full-time employee of a Public Defender in Illinois or the State Appellate Defender who is continually licensed to practice law and provides legal representation to indigent persons, as provided by statute.*

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"Assistant public guardian" – *A full-time employee of a public guardian in Illinois who is continually licensed to practice law and provides legal representation pursuant to court appointment.*

"Civil legal aid" – *Free or reduced-cost legal representation or advice to low-income clients in non-criminal matters.*

"Civil legal aid attorney" – *An attorney who is continually licensed to practice law and is employed full time as an attorney at a civil legal aid organization in Illinois.*

"Civil legal aid organization" – *A not-for-profit corporation in Illinois that:*

is exempt from the payment of federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code;

is established for the purpose of providing legal services that include civil legal aid;

employs 2 or more full-time attorneys who are licensed to practice law in this State and who directly provide civil legal aid; and

is in compliance with registration and filing requirements that are applicable under the Charitable Trust Act [760 ILCS 65] and the Solicitation for Charity Act [225 ILCS 460].

"Eligible debt" – *The outstanding principal, interest, and related fees from loans obtained for undergraduate, graduate, or law school educational expenses made by government or commercial lending institutions or educational institutions. Eligible debt excludes loans made by a private individual or family member.*

"IGAC attorney" – *A full-time employee of the Illinois Guardianship and Advocacy Commission, including the Office of State Guardian, the Legal Advocacy Service, and the Human Rights Authority, who is continually licensed to practice law and provides legal representation to carry out the responsibilities of the Illinois Guardianship and Advocacy Commission.*

"Legislative attorney" – *A full-time employee of the Illinois Senate, the Illinois House of Representatives, or the Illinois Legislative Reference Bureau who is continually licensed to practice law and provides legal advice to members of the General Assembly.*

"Public interest attorney" – *An attorney practicing in Illinois who is an assistant State's Attorney, assistant Public Defender, civil legal aid attorney, assistant Attorney General, assistant public guardian, IGAC attorney, or legislative attorney.*

"Qualifying employer" – *For purposes of this Part, a qualifying employer is: an Illinois State's Attorney or the State's Attorneys Appellate Prosecutor, an Illinois Public Defender or the State Appellate Defender, an Illinois civil legal aid organization, the Illinois Attorney General, an Illinois public guardian, the Illinois Guardianship and Advocacy Commission, the Illinois Senate, the Illinois House of Representatives, or the Illinois Legislative Reference Bureau. [110 ILCS 916/15]*

Section 2756.20 Applicant Eligibility

A qualified applicant for loan repayment assistance shall be:

- a) a United States citizen or eligible noncitizen;
- b) a licensed member of the Illinois Bar in good standing;
- c) a borrower with an outstanding balance due on an eligible educational loan;
- d) an applicant who is not in default on a federal guaranteed educational loan or owes a refund on a grant or scholarship program administered by ISAC; and
- e) employed as a public interest attorney with a qualifying employer in Illinois.

Section 2756.30 Program Procedures

- a) Eligible educational loans include:
 - 1) Federal Stafford Loans;
 - 2) Federal Graduate PLUS Loans;
 - 3) Federal consolidation loans;
 - 4) Law school student loans;
 - 5) Federal Supplemental Loans for Students;
 - 6) Private/alternative loans; and

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- 7) Other types of educational loans made by government or commercial lending institutions or educational institutions.
- b) Non-eligible loans include:
- 1) Parent PLUS Loans;
 - 2) Loans that have been paid in full;
 - 3) Loans obtained from family members or a private individual;
 - 4) Any portion of a consolidated loan that is not the applicant's; and
 - 5) Any portion of a loan that is fully forgiven by a state or federal government or a lending institution through a comparable repayment or forgiveness program.
- c) All applicants annually must complete an ISAC application/promissory note for the loan repayment program. The qualified applicant must sign a promissory note that stipulates the loan repayment assistance is in the form of a forgivable loan.
- 1) The application/promissory note is available at ISAC's web site and ISAC's Springfield, Deerfield and Chicago offices.
 - 2) If the application/promissory note is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will be considered for processing only as of the date it is complete and received at ISAC's Deerfield office.
 - 3) Applicants must use the proceeds from assistance provided under this Part for the purpose of making payments to the loan holders of their eligible educational loans.
 - 4) The applicant shall submit eligibility information prior to June 1 so there is sufficient time for ISAC to disburse monetary assistance each year the forgivable loans are made.
- d) Selection of Recipients for Forgivable Loans
- 1) ISAC shall select the recipients from those who have submitted a complete application/promissory note, with all required documentation, and the application/promissory note is received in ISAC's Deerfield office by the published due date. Applicants who filed renewal applications by

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the published due date and have complied with the information in subsection (c) have priority consideration. Selection is then made from among qualified new applicants.

- 2) The total number of payments made for qualified applicants in a given fiscal year is contingent upon available funding. If funding is insufficient to make forgivable loans to all eligible applicants, first preference in the selection process is given to renewal applicants who meet the requirements outlined in subsection (d)(1). Priority, in combination with the following criteria, is then given to those who file timely applications and receive the highest point totals according to the following criteria:
 - A) Salary level at time of application: 0-40 points, reflecting salary of applicants from highest (0 points) to lowest (40 points);
 - B) Eligible debt at time of application: 0-30 points, reflecting debt of applicants from lowest (0 points) to highest (30 points);
 - C) Years of service as a public interest attorney at time of application: point value equal to number of years of service; and
 - D) Availability of other loan repayment assistance during award year: 15 points when no other assistance is available.
 - 3) If all other criteria are equal, selection is made by lottery.
- e) Loan repayment assistance is in the form of a forgivable loan. The amount for a recipient shall not exceed \$6,000 per year, up to a maximum of \$30,000 during the recipient's career.
 - f) The forgivable loan proceeds shall be remitted to the qualified applicant.
 - g) To have the loan forgiven, the recipient must:
 - 1) complete a year of employment with a qualifying employer; and
 - 2) make educational debt payments (interest or principal or both) that equal at least the amount of assistance received under the program during the assistance year.
 - h) A recipient must respond to any notifications from ISAC and must notify ISAC of changes to his or her address or employment status within 10 days after a change.

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- i) If the recipient becomes ineligible or does not make educational debt payments as prescribed in subsection (g), he or she can no longer receive benefits and must repay any amounts received under the program that are outstanding, plus interest at a rate of five percent and, if applicable, reasonable collection fees.
 - 1) If the recipient must repay the forgivable loan, repayment status will begin on the earliest of the following dates:
 - A) the first day of the first calendar month after the recipient has ceased to practice as a public interest attorney as defined in Section 2756.15; or
 - B) the date the recipient informs ISAC that he or she does not plan to fulfill his or her practice obligation; or
 - C) the first day of the first calendar month after the recipient fails to make educational debt payments (interest or principal or both) that equal at least the amount of assistance received under the program during the assistance year.
 - 2) The repayment period shall be completed within five years.
 - 3) A recipient shall not be required to repay the educational loan received under this Part if he or she becomes permanently totally disabled, as established by the sworn affidavit of a qualified physician, or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
 - 4) No claim for repayment may be filed against the estate of a decedent or incompetent.