

2 ILLINOIS ADMINISTRATIVE CODE CH. XIV, SEC. 5375
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

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 Reg. 8413, effective June 30, 1982; rules repealed and new rules adopted at 8 Ill.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; amended at 36 Ill. Reg. 5840, effective April 1, 2012; amended at 37 Ill. Reg. 1768, effective February 1, 2013.

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.
- 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 36 Ill. Reg. 5840, effective April 1, 2012)

SUBPART B: RULEMAKING

Section 5375.100 Rulemaking Procedures

- a) ISAC shall follow the rulemaking procedures established by the Illinois Administrative Procedure Act [5 ILCS 100].
- b) Rules, repeals or amendments to rules are developed by ISAC and submitted for public comment through publication in the Illinois Register, hereinafter "the first notice period." Any such rules, repeals or amendments, along with any public comments are thereafter presented to the Commission for consideration.
- c) The Commission may accept, modify or reject a proposed rule prior to adoption, amendment or repeal of the rule.
- d) The Commission shall thereafter direct the Executive Director or their designee to submit a proposed rule or modification for review by the Joint Committee on Administrative Rules (JCAR), hereinafter "the second notice period," or withdraw the proposed rule in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].
- e) At the end of the second notice period, if no objections are received from JCAR, ISAC shall thereafter adopt the rule or any modification by causing the Executive

Director to file a certified copy of the rule with the Secretary of State. If ISAC receives an objection from JCAR during the second notice period, the Executive Director will present the objection to the Commission at its next meeting for consideration.

- f) The Executive Director may promulgate Emergency and Peremptory Rules in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].
- g) Rules and amendments relating to exempt matters, as defined in the Illinois Administrative Procedure Act [5 ILCS 100/5-35(c)], 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 36 Ill. Reg. 5840, effective April 1, 2012)

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) 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 Chairman 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 Chairman is unavailable, the Vice-Chairman may convene the special meeting. Notice must be posted publically 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) 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;

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- 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 of authority to the Executive Director and other ISAC staff to execute and deliver contracts, agreements and similar instruments.
- k) 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.
- l) 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 37 Ill. Reg. 1768, effective February 1, 2013)

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

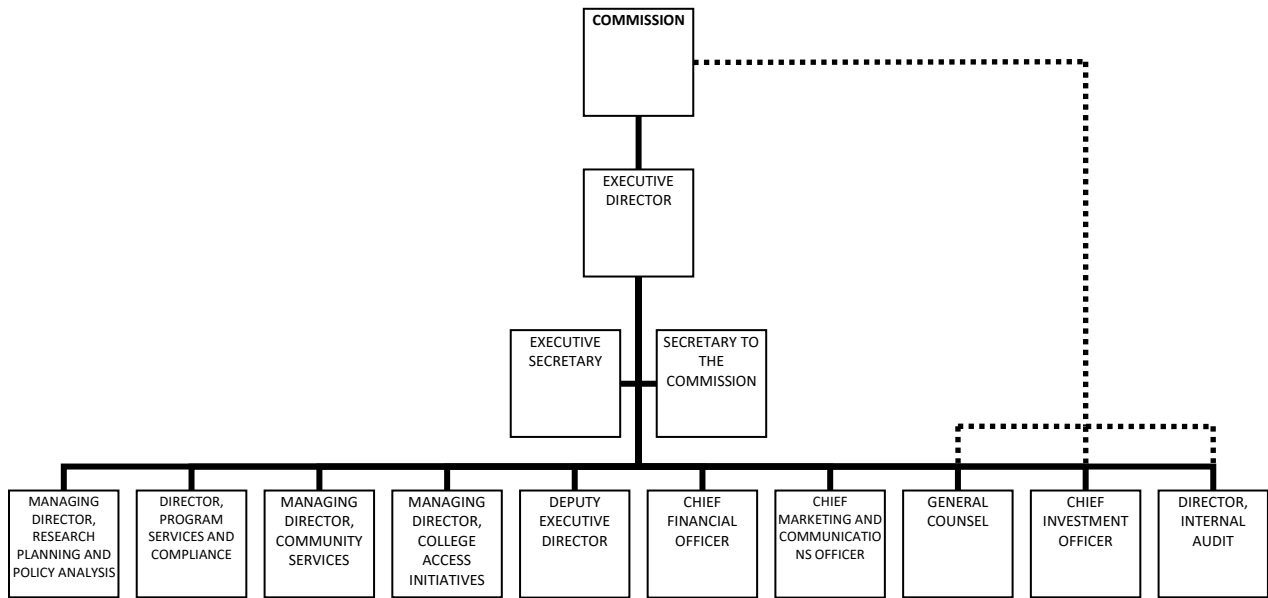
comment being presented.

- 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 36 Ill. Reg. 5840, effective April 1, 2012)