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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2024

Issue#	Rules Due Date	Date of Issue
1	December 26, 2023	January 5, 2024
2	January 2, 2024	January 12, 2024
3	January 8, 2024	January 19, 2024
4	January 16, 2024	January 26, 2024
5	January 22, 2024	February 2, 2024
6	January 29, 2024	February 9, 2024
7	February 5, 2024	February 16, 2024
8	February 13, 2024	February 23, 2024
9	February 20, 2024	March 1, 2024
10	February 26, 2024	March 8, 2024
11	March 4, 2024	March 15, 2024
12	March 11, 2024	March 22, 2024
13	March 18, 2024	March 29, 2024
14	March 25, 2024	April 5, 2024
15	April 1, 2024	April 12, 2024
16	April 8, 2024	April 19, 2024
17	April 15, 2024	April 26, 2024
18	April 22, 2024	May 3, 2024
19	April 29, 2024	May 10, 2024
20	May 6, 2024	May 17, 2024
21	May 13, 2024	May 24, 2024

22	May 20, 2024	May 31, 2024
23	May 28, 2024	June 7, 2024
24	June 3, 2024	June 14, 2024
25	June 10, 2024	June 21, 2024
26	June 17, 2024	June 28, 2024
27	June 24, 2024	July 5, 2024
28	July 1, 2024	July 12, 2024
29	July 8, 2024	July 19, 2024
30	July 15, 2024	July 26, 2024
31	July 22, 2024	August 2, 2024
32	July 29, 2024	August 9, 2024
33	August 5, 2024	August 16, 2024
34	August 12, 2024	August 23, 2024
35	August 19, 2024	August 30, 2024
36	August 26, 2024	September 6, 2024
37	September 3, 2024	September 13, 2024
38	September 9, 2024	September 20, 2024
39	September 16, 2024	September 27, 2024
40	September 23, 2024	October 4, 2024
41	September 30, 2024	October 11, 2024
42	October 7, 2024	October 18, 2024
43	October 15, 2024	October 25, 2024
44	October 21, 2024	November 1, 2024
45	October 28, 2024	November 8, 2024
46	November 4, 2024	November 15, 2024
47	November 12, 2024	November 22, 2024
48	November 18, 2024	December 2, 2024
49	November 25, 2024	December 6, 2024
50	December 2, 2024	December 13, 2024
51	December 9, 2024	December 20, 2024
52	December 16, 2024	December 27, 2024

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2700.20	Amendment
2700.50	Amendment
2700.90	Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to update definitions, provide an exception for Illinois residency verification and to make revisions based on P.A. 103-0475.
- 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? No
- 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:

Jackie Eckley

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield, IL 62704

(217) 782-5161
jackie.eckley@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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

The full text of the Proposed Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2700
GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.15	Incorporations by Reference
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Information
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual and Consortium Agreement Requirements
2700.90	Consumer Protection Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005; amended at 30 Ill. Reg. 11600, effective

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg. 10269, effective July 1, 2008; amended at 33 Ill. Reg. 9742, effective July 1, 2009; amended at 34 Ill. Reg. 8543, effective July 1, 2010; amended at 37 Ill. Reg. 9497, effective July 1, 2013; amended at 38 Ill. Reg. 13356, effective July 1, 2014; amended at 39 Ill. Reg. 8390, effective July 1, 2015; amended at 40 Ill. Reg. 1963, effective January 7, 2016; amended at 43 Ill. Reg. 7269, effective July 1, 2019; amended at 43 Ill. Reg. 15003, effective January 1, 2020; amended at 44 Ill. Reg. 20164, effective January 1, 2021; amended at 45 Ill. Reg. 8430, effective July 1, 2021; peremptory amendment at 45 Ill. Reg. 10794, effective August 16, 2021; amended at 46 Ill. Reg. 12048, effective July 1, 2022; emergency amendment at 46 Ill. Reg. 14572, effective August 8, 2022, for a maximum of 150 days; emergency expired January 4, 2023; amended at 47 Ill. Reg. 1020, effective January 5, 2023; amended at 47 Ill. Reg. 9433, effective July 1, 2023; amended at 48 Ill. Reg. _____, effective _____.

Section 2700.20 Definitions

"Academic Level" – The classification of a student as a freshman, sophomore, junior, senior, or graduate student.

"Academic Year" – In relation to scholarship and grant programs, a 12 month period of time, normally from August or September of any year through August or September of the ensuing year. In relation to the Federal Family Education Loan Program, academic year is defined at section 481(d)(2) of the Higher Education Act of 1965, as amended (HEA), and at 34 CFR 668.3.

"Alternative Application for Illinois Financial Aid" or "Alternative Application" – The FAFSA substitute application for State student aid and benefits under the Retention of Illinois Students and Equity (RISE) Act that may be used only as an alternative to the FAFSA, when appropriate, and shall be substituted accordingly for the FAFSA when FAFSA is referenced in ISAC rules. This application is appropriate for use by an applicant *who is an Illinois resident and who is not otherwise eligible for federal financial aid, including, but not limited to, an eligible noncitizen* applicant as defined in this Section.

"Alternative Application for Illinois Financial Aid Receipt Date" – The date upon which ISAC receives an applicant's initial Alternative Application for an academic year. For a paper Alternative Application sent through the U.S. Postal Service, the receipt date will be the postmark date.

"Alternative Loan" – Any educational loan made or purchased by ISAC other

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NOTICE OF PROPOSED AMENDMENTS

than a loan made pursuant to Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1071), or any other federal statute providing for federal insurance of education loans to borrowers.

"Applicant" – Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed or alternative loan.

"Approved High School" – *Any public high school located in this State; and any high school, located in this State or elsewhere (whether designated as a high school, secondary school, academy, preparatory school, or otherwise) which in the judgment of the State Superintendent of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially the equivalent of those public high schools located in this State.* (Section 10 of the Higher Education Student Assistance Act [110 ILCS 947/10])

"Armed Forces" – The United States Army, Air Force, Navy, Marines and Coast Guard.

"Blanket Certificate of Loan Guaranty" – A process that permits an eligible lender to make loans without receiving prior approval from ISAC for individual loans to eligible borrowers enrolled in eligible programs at eligible institutions, as authorized by section 428(n) of the HEA.

"Chargeback" – Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (See 110 ILCS 805/6-2.)

"Citizen" – One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"College Savings Bond" – A State of Illinois general obligation, zero coupon bond, issued pursuant to the Baccalaureate Savings Act [110 ILCS 920] as a long-term education savings instrument.

"Co-maker" – One of the 2 individuals who are joint borrowers either on a Federal PLUS Loan (parent borrowers) that was certified prior to January 1, 1995 or on any Federal Consolidation loan (married borrowers) and who are equally liable for repayment of the loan. (See 34 CFR 682.200.)

ILLINOIS STUDENT ASSISTANCE COMMISSION

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"Commission" – The 10 member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947].

"Compound Accreted Value" – An amount equal to the original amount plus an investment return accrued to the date of determination at a semiannual compounding rate that is necessary to produce the yield at maturity indicated on the Official Statement that was issued when the college savings bonds were sold. The "Compound Accreted Value at Maturity" will be equal to \$5000 or an integral multiple thereof.

"Concurrent Registration" – The simultaneous enrollment at 2 or more higher education institutions.

"Consolidation" – A federal program under which a borrower may receive a single new loan that refinances one or more outstanding qualified education loans under new terms and conditions, as authorized by section 428C of the HEA.

"Consortium Agreement" – The written agreement between two or more ISAC-eligible institutions whereby the host institution provides part of the education program of students enrolled at the home institution, as codified in Section 2700.80.

"Consumer" – *Any person who purchases or contracts for the purchase of educational planning services.* [815 ILCS 616/15]

"Contractual Agreement" – The written agreement between an eligible institution and a school or organization that is not eligible for participation in ISAC-administered programs whereby the non-eligible institution serving as the host institution provides part of the education program of students enrolled at the ISAC-eligible home institution, as codified in Section 2700.80.

"Correctional Officer" – An employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, and who has responsibility for inmates of any correctional institution under the jurisdiction of the Department.

"Correspondence Course" – A home study course provided by an institution under which the institution provides instructional materials, including examinations on the materials, to students who are not physically attending classes at the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

institution, as defined at 34 CFR 600.2.

"Co-signer" – A person who is secondarily liable for the repayment of an Alternative Loan.

"Cost of Attendance" – For the purposes of ISAC's rules, this term is defined at section 472 of the HEA (20 U.S.C. 1087*ll*).

"Cumulative Grade Point Average" – The average grade earned throughout a student's applicable secondary or postsecondary educational program. The calculation shall be consistent with the institution's established policy or practice and shall be the same as that completed for admission, placement or other similar purposes.

"Default Status" – The failure of a borrower or endorser (if any) to make an installment payment when due or to meet other terms of the promissory note as defined at 34 CFR 682.200.

"Delinquency" – For the purposes of ISAC's rules, this term is defined at 34 CFR 682.411(b).

"Dependent Student" – A scholarship, loan, tuition waiver or grant applicant or recipient who is not classified as an independent student.

"Disbursement" – In relation to scholarship and grant programs, a disbursement occurs on the payment voucher date. In relation to the Federal Family Education Loan Program, disbursement is the process of transferring loan proceeds as defined at 34 CFR 682.200.

"Displaced Energy Worker" – *An energy worker who has lost employment due to the reduced operation or closure of a fossil fuel power plant or coal mine.* [20 ILCS 735-10/30]

"Distance Education" – A type of education that meets the definition of distance education found at 34 CFR 600.2 that uses one or more technologies to deliver instruction to students who are separated from the instructors and that provides substantive interaction between the students and the instructors.

"ED" – The acronym for the United States Department of Education.

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"Educational Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Educational Lender" – An institution that meets the lender eligibility criteria outlined in 23 Ill. Adm. Code 2720.25 for FFELP Loans and 2721.40 for alternative loans.

"Educational Planning Service Provider" – *Any person or entity engaging in or holding itself out as engaging in the business of providing educational planning services in exchange for any fee or compensation or any person who solicits or acts on behalf of any person or entity engaging in or holding itself out as engaging in the business of providing educational planning services in exchange for any fee or compensation. "Educational Planning Service Provider" does not include any of the following:*

~~An~~ ~~not for profit or public~~ institution of higher learning, as defined in the Higher Education Student Assistance Act, and the individuals employed by that institution where educational planning services are provided as part of the financial aid or career counseling services offered by the institution,

Public entities and their officers while acting in their official capacities, or

Persons acting on behalf of a consumer under court order or as a legal representative. [815 ILCS 616/15]

"Educational Planning Services" – *College and career preparatory planning services, including, but not limited to, advice regarding and assistance with college and career searches; college application preparation or submission; financial aid application planning, preparation, or submission; and scholarship searches and applications. [815 ILCS 616/15]*

"EFT" – The acronym for electronic funds transfer.

"Eligible Noncitizen" – A noncitizen who is eligible for federal student assistance pursuant to section 484 of the HEA (20 U.S.C. 1091); or a noncitizen or person who is not a permanent resident of the United States, who does not meet the

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eligibility criteria for federal student assistance pursuant to section 484 of the HEA but who meets all of the following criteria:

the individual resided with a parent or guardian while attending a public or private high school in this State;

the individual graduated from a public or private high school or received the equivalent of a high school diploma in this State;

the individual attended school in this State for at least 3 years as of the date the individual graduated from high school or received the equivalent of a high school diploma in this State;

the individual provides an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so; and

the individual has not established a residence outside of this State.

"Endorser" – A person fitting the definitions found at 34 CFR 682.200 or 34 CFR 685.102(b) who is secondarily liable for the repayment of a federal student loan.

"Enrolled" – The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" – The chief executive officer of ISAC.

~~"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution as defined at section 474 of the HEA (20 U.S.C. 1087nn) is used to determine a student's eligibility for need-based programs administered by ISAC.~~

"FAFSA®" – The acronym for the Free Application for Federal Student Aid.

"FAFSA Receipt Date" – The date reported by ED's processor as the date upon which it receives an applicant's initial FAFSA for an academic year. For paper FAFSA's sent through the U.S. Postal Service, this is the date of physical receipt at the processor, not the postmark date.

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"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600.

"FFELP" – The acronym for the Federal Family Education Loan Program, as authorized by section 421 of the HEA, including subsidized and unsubsidized Federal Stafford Loans, Federal PLUS Loans, Federal SLS Loans and Federal Consolidation Loans.

"Fire Officer" – For the purposes of ISAC's rules, this term means a firefighter who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Foreign Missionary" – An individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing foreign missionaries for at least 5 years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Full-time Student" – In relation to scholarship and grant programs, an individual enrolled for 12 or more credit hours, for either a semester or quarter term. In relation to the Federal Family Educational Loan Program, full-time student is defined at 34 CFR 668.2(b).

"Gift Assistance" – Student assistance funds in the form of a scholarship, grant or tuition waiver, including, but not limited to, federal, State, institutional and private aid.

"Golden Apple Scholars of Illinois" – A private, not-for-profit program under the auspices of the Golden Apple Foundation that recruits, prepares and provides financial assistance to high school graduates to pursue postsecondary education for careers as teachers for particular Illinois schools.

"Good Moral Character" – An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

"Graduating Class" – The students who will complete the high school's program of instruction and graduate within an academic year.

"Guaranteed Loan" – Loan assistance through the Federal Family Education Loan Program (FFELP) that includes the subsidized and unsubsidized Federal Stafford Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"Half-time Student" – In relation to scholarship and grant programs, an individual enrolled for 6 or more credit hours (but fewer than 12 credit hours) for either a semester or quarter term. In relation to the Federal Family Education Loan Program, half-time student is defined at 34 CFR 668.2(b).

"HEA" – The acronym for the Higher Education Act of 1965, as amended (20 U.S.C. 1070).

"Holder" – An organization authorized by ED and ISAC to purchase or retain possession of guaranteed loans. These organizations operate as commercial and educational lenders or secondary markets and may purchase ISAC-guaranteed loans from approved lenders.

"Home Institution" – The institution of higher learning where the student is enrolled in a degree or certificate program and is the institution of record in a consortium or contractual agreement.

"Host Institution" – The institution where part of a student's program requirements is being taken through either a consortium or contractual agreement with a home institution.

"IBHE" – The acronym for the Illinois Board of Higher Education, the administrative agency created by the Board of Higher Education Act [110 ILCS 947/205].

"IDAPP" – The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law [110 ILCS 947/125 through 170].

"Independent Student" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

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"Institution" – Unless otherwise qualified, any secondary or postsecondary educational organization that enrolls students who participate in ISAC programs.

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that provides:

at least a 2-year program of collegiate study in liberal arts or sciences directly applicable toward the attainment of a baccalaureate degree;

an associate degree directly applicable toward the attainment of a baccalaureate degree;

a program that is directly applicable toward the attainment of a certificate or other credential; or

a program in health education directly applicable toward the attainment of a certificate, diploma, or an associate degree; and

is operated:

by the State;

publicly or privately, not for profit; or

for profit, provided it:

offers degree programs that have been approved by the IBHE for a minimum of 3 years under the Academic Degree Act [110 ILCS 1010];

enrolls a majority of its students in these degree programs; and

maintains accredited status with the Higher Learning Commission of the North Central Association of Colleges and Schools.

For otherwise eligible educational organizations that provide academic

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programs for incarcerated students, the term "institution of higher learning" shall specifically exclude academic programs for incarcerated students (Section 10 of the Higher Education Student Assistance Act). For eligible institutions with campuses in multiple states, the term "institution of higher learning" shall include only those campuses located in Illinois.

"Institution of Record" – The postsecondary institution at which a student is enrolled and seeking a degree or certificate. This institution assumes primary responsibility for certification of eligibility for ISAC-administered programs and for requesting payment from ISAC.

"ISAC" – The acronym for the Illinois Student Assistance Commission, the administrative agency created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947] to administer student assistance programs.

"ISBE" – The acronym for the Illinois State Board of Education, the administrative agency created by the School Code [105 ILCS 5].

"Lender" – An organization authorized by ISAC to make educational loans to students.

"Mandatory Fees" – The charges assessed by an institution that are required to deliver educational services to students for each term, regardless if a student is attending either on campus or through distance education. Application, graduation, laboratory, breakage, and add/drop fees, as well as program administrative fees for out-of-state or foreign study are specifically excluded. For the purposes of ISAC's rules, tuition is not a mandatory fee.

"MAP" – The acronym for the Monetary Award Program administered by ISAC, as authorized by Section 35 of the Higher Education Student Assistance Act and codified at 23 Ill. Adm. Code 2735.

"Master Check" – A single check representing the loan proceeds for more than one borrower.

"Minority Student" – *A student who is either Black (a person having origins in any of the black racial groups in Africa); Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race); Asian American (a person with origins in*

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any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, including Pakistan, and the Pacific Islands, including, among others, Hawaii, Melanesia, Micronesia and Polynesia); or Native American (a person who is a member of a federally or state recognized Indian tribe, or whose parents or grandparents have such membership) and to include the native people of Alaska (Section 50(a) of the Higher Education Student Assistance Act).

"Occupational or Career and Technical Certificate" – A credit award for satisfactory completion of a prescribed curriculum intended to prepare an individual for employment in a specific field.

"Parent" – For the purposes of ISAC's rules, this term is defined at 34 CFR 668.2(b).

"Pell Grant" – A federal gift assistance program administered by ED in accordance with section 401 of the HEA (20 U.S.C. 1070a).

"PLUS" – The federal program that provides loans to graduate students or parents of certain undergraduate students, as authorized by section 428B of the HEA (20 U.S.C. 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947].

"Police Officer" – For the purposes of ISAC's rules, this term means a law enforcement officer who is employed by, or in the voluntary service of, this State or any public entity in this State.

"Qualified Applicant" – An individual who meets the eligibility requirements of the gift assistance program for which the applicant is applying.

"Qualified Bilingual Minority Applicant" – *A qualified student who demonstrates proficiency in a language other than English by:*

receiving a State Seal of Biliteracy from the State Board of Education or

receiving a passing score on an educator licensure target language proficiency test (Section 50(a) of the Higher Education Student Assistance Act).

"Regular School Year" – An 8 to 9 month period of time that includes 2 semester

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terms or 3 quarter terms. The regular school year excludes summer terms. Terms that begin after April 15 and end before September 16 are considered summer terms.

"Remedial Courses" – The course work that prepares a student for study at the postsecondary level and is necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" –

A dependent student is a resident of Illinois if the parent of the dependent-applicant, who is required by the instructions to complete the FAFSA or the Alternative Application for Illinois Financial Aid, physically resides within the State of Illinois, and Illinois is the parent's true, fixed and permanent home.

An independent student is a resident of Illinois if the applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of 12 continuous, full months immediately prior to the start of the academic year for which assistance is requested and Illinois is their true, fixed and permanent home.

When an applicant does not qualify as a resident of Illinois under the preceding 2 paragraphs and the applicant is a member of the U.S. Armed Forces or a foreign missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a foreign missionary, [or is a dependent student required to list an out-of-state parent contributor on the FAFSA form](#), then the applicant's residency shall be determined in accordance with the following:

An applicant who is a member of the U.S. Armed Forces will be a resident of Illinois if the applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months after and including the date of separation and can demonstrate (pursuant to Section 2700.50(f) and (g)) that the applicant's domicile was the State of Illinois throughout such enlistment.

An applicant who is a foreign missionary will be a resident of

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Illinois if the applicant physically resided in Illinois for 6 continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within 6 months after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that the applicant's domicile was the State of Illinois throughout the missionary service.

The dependent-applicant shall be a resident of Illinois notwithstanding the parents' temporary physical absence from Illinois provided the parents would be a resident of Illinois under the preceding 2 paragraphs.

The spouse-applicant shall be a resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided it can be demonstrated that the applicant's absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-applicant's domicile continues to be the State of Illinois.

[An applicant who is a dependent student and physically resides in the State of Illinois with a parent but is required to list an out-of-state parent contributor on the FAFSA form may be considered a Resident of Illinois for the purpose of State financial aid programs. See Section 2700.50\(e\)\(3\).](#)

"Rules" – The rules of ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" – An institutional policy that establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to section 484 of the HEA (20 U.S.C. 1091).

"Service Academy" – *The U.S. Air Force Academy, the U.S. Coast Guard Academy, the U.S. Military Academy or the U.S. Naval Academy* (Section 30(a) of the Higher Education Student Assistance Act).

"SLS" – The acronym for the federal Supplemental Loans for Students Program,

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as authorized by section 428A of the HEA (20 U.S.C. 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"Special Education" – A postsecondary educational program designed to teach persons how to meet the needs of all children designated as physically disabled, with specific learning disabilities, or requiring extraordinary special education services and facilities. (See 105 ILCS 5/14-1.02 and 7.20a.) These programs prepare persons for meeting the needs of children who exhibit disabilities or exceptional characteristics ranging from very mild to very severe. (See 23 Ill. Adm. Code 226, Special Education.) Such a program prepares a student to teach children with disabilities or children with learning disabilities. (See 105 ILCS 5/14-1.02 and 1.03a.)

"Stafford" – The federal subsidized and unsubsidized loan programs as authorized by sections 427, 428 and 428H of the HEA (20 U.S.C. 1078).

"State of Illinois High School Diploma" – A diploma received after successfully completing high school equivalency testing or an alternative method of credentialing as defined in Section 3-15.12 of the School Code [105 ILCS 5].

"Student Aid Index" – An eligibility index number used to determine a student's eligibility for some financial aid programs. Student Aid Index as described at Section 474 of the HEA (20 U.S.C. 1087oo) is used to determine a student's eligibility for ISAC programs that have a need component.

"Student Beneficiary" – An individual designated as the recipient of a College Savings Bond Bonus Incentive Grant.

~~"State of Illinois High School Diploma" – A diploma received after successfully completing high school equivalency testing or an alternative method of credentialing as defined in Section 3-15.12 of the School Code [105 ILCS 5].~~

"Teacher Education Program" – An undergraduate postsecondary course of study that, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For a student who has completed less than 4 semesters/6 quarters of postsecondary study, this includes a postsecondary course of study that leads to a teacher education program.

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"Teacher Shortage Discipline" – An academic discipline in which a shortage of teachers exists in Illinois, as designated by the Illinois State Board of Education.

"Term" – A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" – The charge for instruction assessed by an institution.

"Verification" – Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by subpart E of 34 CFR 668 and by ISAC's rules.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both ISAC and the institution.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate State and federal agencies in the process of reviewing application data.
- c) Institutions shall determine (in accordance with ISAC's rules or federal regulations) whether an applicant is eligible for ISAC gift assistance based upon enrollment in a particular academic program and the eligibility criteria of the ISAC gift assistance being sought.
- d) Specific eligibility criteria for each ISAC gift assistance program can be found in its respective Section of this Part.
- e) The institution is required to verify the residency of all applicants to ISAC gift assistance programs for which Illinois residency is a requirement.
 - 1) An institution is not required to verify residency if:
 - A) The applicant received payment of a MAP award during the previous academic year; or

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- B) The applicant was enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see [Sections 2700.20 and Section 2700.30](#)) for the preceding consecutive 12 months prior to the start of the academic year for which assistance is requested.
- 2) Notwithstanding the exceptions named in subsection (e)(1), the institution shall verify residency:
- A) When an applicant has changed dependency status during the academic year to become an independent student; or
- B) If the institution has any information that indicates the applicant may not be a resident of Illinois.
- 3) The institution may review applicant residency eligibility for State financial aid programs when a dependent student physically resides with a parent within the State of Illinois, but the parent contributor listed on the FAFSA physically resides in another state. The institution shall have the authority to make a residency override on a case-by-case basis to allow a dependent student's residency eligibility for State gift assistance to be based on the Illinois resident parent.
- A) Residency eligibility consideration may be given to applicants following review of adequate documentation as outlined in Section 2700.50(e)(4) to confirm the Illinois parent with whom the student lives resides in the State and Illinois is the parent's true, fixed and permanent home.
- B) The institution shall notify ISAC of the determination through an electronic process established by the agency.
- C) A student's maximum annual MAP award amount shall be based on the need analysis calculation using the data of the parent who is required to provide their financial information on the FAFSA or alternative application, according to the instructions provided on the respective applications.
- ~~4~~3) Data from one or more of the documents listed in this subsection (e)(3) may provide proof that an applicant (or parent) is an Illinois resident, as

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defined in Section 2700.20. The institution may choose to request documents that are in addition to, or instead of, those listed. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the relevant 12 continuous, full months.

- A) A valid State of Illinois tax return or federal tax transcript
 - B) Illinois high school or college transcript
 - C) Illinois driver's license
 - D) Utility or rent bills in the applicant's (or parent's) name
 - E) Illinois auto registration card
 - F) Residential lease in the applicant's (or parent's) name
 - G) Wage and tax statements (IRS Form W-2)
 - H) Statement of benefits history from the Illinois Department of Healthcare and Family Services
 - I) State of Illinois identification card issued by the Secretary of State
 - J) Statement of benefits from the Illinois Department of Employment Security
 - K) Statement of benefits from the Social Security Administration
 - L) Illinois voter's registration card
 - M) Property tax bill
 - N) IRS Form 1099-Miscellaneous Income Statements
- 54) If an applicant is a resident of Illinois, but the institution cannot document this fact, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)

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- f) For all other eligibility criteria, if the institution has any information that indicates that the applicant does not meet the eligibility requirements of ISAC-administered programs, or if an applicant is selected for verification in conjunction with federal student assistance, that applicant shall be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
- g) By requesting payment for ISAC gift assistance programs, the postsecondary institution is certifying that the applicants are eligible for the assistance being sought.
- h) If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.
- i) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility in an academic year, the verification process must be completed before the institution may request payment.
- j) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 ~~U.S.C.~~ ~~USC~~ 1087kk et seq.), the institution shall retain documentation that demonstrates the appropriateness of the adjustment.
- k) If an institution erroneously certifies an applicant to be eligible, or a student is otherwise determined to be ineligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2700.90 Consumer Protection Requirements

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- a) *The primary purpose of the Educational Planning Services Consumer Protection Act (the Act) is to protect consumers who enter into agreements with educational planning service providers ~~and to regulate educational planning service providers.~~ [815 ILCS 616/1040(d)]*
- b) No entity shall act as an educational planning service provider unless it remains in compliance with~~except as authorized by~~ the Act.
- c) All entities acting as educational planning service providers shall be expected to know and comply with all provisions of the Act.
- d) ISAC will make available on its Internet website the most current disclosure of free support.
- e) *ISAC may, in the name of the people of the State of Illinois, through the Attorney General, file a complaint for an injunction in the circuit court to enjoin such person from engaging in unlawful violations of the Act. [815 ILCS 616/40(d)]*

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Nursing Education Scholarships
- 2) Code Citation: 23 Ill. Adm. Code 2749
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2749.10	New Section
2749.15	Renumbered/Amendment
2749.20	Amendment
2749.30	Amendment
2749.100	Amendment
2749.105	Repealed
2749.110	Amendment
2749.200	Amendment
2749.210	Repealed
2749.220	Amendment
2749.230	Amendment
2749.235	Amendment
2749.240	Repealed
2749.300	Amendment
2749.310	Amendment
2749.320	Amendment
2749.325	New Section
2749.330	Amendment
2749.335	Amendment
- 4) Statutory Authority: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised following transfer of the program to ISAC from the Illinois Department of Public Health to better align the rules with ISAC's automated processes and provide consistency with other ISAC programs.
- 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? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 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:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield, IL 62704

(217) 782.5161
jackie.eckley@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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

The full text of the Proposed Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2749

NURSING EDUCATION SCHOLARSHIPS

SUBPART A: GENERAL PROVISIONS

Section

<u>2749.10</u>	<u>Summary and Purpose</u>
2749.15 10	Definitions
2749.20	Referenced Materials
2749.30	Administrative Hearings

SUBPART B: ELIGIBILITY AND APPLICATION

Section

2749.100	Eligibility
2749.105	Notification (<u>Repealed</u>)
2749.110	Application
2749.115	Scholarship Renewal (Repealed)

SUBPART C: AWARD OF SCHOLARSHIPS

Section

2749.200	Scholarship Description
2749.210	Determination of Financial Need (<u>Repealed</u>)
2749.220	Selection Criteria for Award of Scholarships
2749.230	Student Enrollment and Institutions' Obligations
2749.235	Deferment of Continuous Attendance Requirement
2749.240	Waiver of Continuous Attendance Requirement (<u>Repealed</u>)

SUBPART D: TERMS OF PERFORMANCE

Section

2749.300	<u>WorkGrant</u> Agreement
2749.310	Repayment of Scholarship
2749.320	Fulfillment of Nursing Employment Obligation or Nurse Educator Employment

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- Obligation
- 2749.325 [Extension of Fulfilling Nursing Employment Obligation or Nurse Educator Employment Obligation](#)
- 2749.330 Deferment of Nursing Employment Obligation or Nurse Educator Employment Obligation
- 2749.335 [Discharge](#)~~Waiver~~ of Nursing Employment Obligation or Nurse Educator Employment Obligation

AUTHORITY: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975].

SOURCE: Recodified from 77 Ill. Adm. Code 597 (Department of Public Health) pursuant to P.A. 102-699, at 47 Ill. Reg. 7031; amended at 48 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 2749.10 Summary and Purpose

- a) [Nursing Education Scholarships \(NES\) encourage those seeking degrees, certifications, and higher credentials in the nursing field to pursue education to increase both the number of nurses and nurse educators in Illinois, which is important to the health, welfare and safety of Illinois citizens. The scholarship helps ensure that financial considerations do not prevent qualified and potential nurses from pursuing their nursing education.](#)
- b) [This Part establishes the rules which govern Nursing Education Scholarships. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.](#)

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 2749.~~15~~10** Definitions**

*"Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution.
(Section 3(6) of the Law)*

"Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied

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sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution. (Section 3(10) of the Law)

"Advanced practice registered nurse" or "APRN" means a person who has met the qualifications for a certified nurse midwife (CNM), certified nurse practitioner (CNP); certified registered nurse anesthetist (CRNA); or clinical nurse specialist (CNS) and has been licensed by the Department of Financial and Professional Regulation. (Section 50-10 of the Nurse Practice Act [225 ILCS 65])

"Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university, or online institution, with a pre-licensure nursing education program that is physically located in this State that has approval by the Department of Financial and Professional Regulation for an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in a practical nursing program or a post-licensure nursing education program approved by the Illinois Board of Higher Education or any successor agency with similar authority. (Section 3(3) of the Law)

"Associate degree in nursing program" or "hospital-based diploma in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing, associate degree in applied sciences in nursing, or hospital-based diploma in nursing. (Section 3(7) of the Law)

"Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing. (Section 3(4) of the Law)

~~*"Business day" means any day, including Monday through Friday. It does not include a federal or State government declared holiday, Saturday or Sunday.*~~

~~*"Calendar day" means all days in a month or prescribed time frame. It includes weekends and federal or State government declared holidays.*~~

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~~"Certificate of Naturalization" means a document issued by the U.S. Department of Homeland Security that demonstrates the person named in the certificate has obtained U.S. citizenship through naturalization.~~

~~"Class rank" is the measure of how a student's performance compares to other students in the same class.~~

"Continuous attendance" means enrollment in an approved institution's nursing program (as a full-time or part-time student), for an entire academic year and for the total duration of time it takes the student to complete the nursing degree or certificate up to the maximum number of years the recipient is eligible to receive the scholarship. Continuous attendance need not be maintained for the summer term. Continuous attendance shall be deemed to have been broken if the student goes more than one semester, quarter or trimester without successfully completing a nursing-related course.

~~"Default" means failure to meet the legal obligations or conditions of the scholarship. Default occurs when the recipient:~~

~~voluntarily withdraws from school;~~

~~is dismissed from school due to academic failure (as defined by the school);~~

~~does not maintain the Continuous Attendance requirement (see Sections 597.10, 597.235, or 597.240);~~

~~fails to become licensed in Illinois as a Practical Nurse, Registered Professional Nurse, or Advanced Practice Registered Nurse (as applicable); or~~

~~fails to fulfill the nursing employment obligation or nurse educator employment obligation.~~

"Deferment" means the temporary ~~delay or~~ postponement, for a limited amount of time, of a recipient's repayment obligation after the repayment period has begun. Approved reasons for deferment are limited to specific circumstances~~continuous attendance requirement, nursing employment obligation, or nurse educator employment obligation.~~

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~~"Department" means the Illinois Department of Public Health. (Section 3(2) of the Law)~~

"Direct patient care" means care of a patient provided by an advanced practice registered nurse, a registered nurse, or a licensed practical nurse. Direct patient care may involve any aspect of the health care of a patient, including treatment, counseling, in-service for self-care, education, and administration of medication.

~~"Director" means the Director of the Illinois Department of Public Health. (Section 3(9) of the Law)~~

"Educational loan" means any loan guaranteed by the Illinois Student Assistance~~State Scholarship~~ Commission under the Higher Education Student Assistance Law, any education loan made by an institution of higher education from the proceeds of a loan to the institution by the Illinois Finance Authority under the Higher Education Loan Act, or any other loan from public funds made for the purpose of financing an individual's attendance at an institution of higher education. (Section 1(a) of the Educational Loan Default Act [5 ILCS 385])

"Enrollment" means the establishment and maintenance of an individual's status as a nursing student in an approved institution, regardless of the terms used at the institution to describe such status. (Section 3(5) of the Law)

~~"Expected Family Contribution" or "EFC" is an estimate of the student's (for a dependent student, their parent's or guardian's) ability to pay the costs of a year of post-secondary education. The EFC is also used to determine a student's eligibility for need-based federal student aid. The EFC is included on the Student Aid Report and Institutional Student Information Record, which are sent after a student files a Free Application for Federal Student Aid.~~

"Extension" means extending, for a limited amount of time, the period of time within which the employment obligation must be fulfilled. Approved reasons for an extension are limited to specific circumstances.

"Fees" means those mandatory charges, in addition to tuition, that all students enrolled in a nursing program must pay, including required course or lab fees. (Section 3(11) of the Law)

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~~"Free Application for Federal Student Aid" or "FAFSA" means an application that helps students to determine eligibility for financial aid. Information on FAFSA can be obtained at www.fafsa.ed.gov.~~

"Full-time nursing employment" means providing direct patient care of at least 24 hours per week for those persons working weekend shifts, or 35 hours or more per week for those working weekday shifts.

"Full-time nursing student" means a student who is enrolled in a nursing program for at least 12 credit hours per term or as otherwise determined as full-time by the academic institution. (Section 3(12) of the Law)

~~"General Education Development" or "GED" means tests which, when passed, provide certification that an individual has U.S. high school level academic skills.~~

~~"GED Passing Score" means an individual earned a score that demonstrated skills equivalent to high school graduates. Individuals who earn a GED passing score are eligible to earn a high school equivalency credential.~~

~~"Grade point average" or "GPA" means a measure of a student's academic achievement, calculated by dividing the total number of grade points received by the total number of grade points attempted.~~

"Graduate degree in nursing program" means a program offered by an approved institution and leading to a master of science degree in nursing or a doctorate of philosophy in nursing, doctorate of nursing, doctorate of nursing practice, doctorate of nursing science, doctorate of nursing education, or doctorate of nurse anesthesia practice. (Section 3(8) of the Law)

~~"Grant Agreement" means the written instrument defining a legal relationship entered into between the Department and a grantee.~~

~~"Grantee" means a person which may use scholarship funds from this program.~~

"Health care facility" means a facility in Illinois where a scholarship recipient fulfills the recipient's nursing employment obligation and includes, but is not limited to, a health care professional's office, hospital or local health department.

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"Illinois Nursing Workforce Center Advisory Board" shall have the meaning ascribed in the Nurse Practice Act. (Section 75-15 of the Nurse Practice Act)

"Illinois resident" means a person who has been *a resident of Illinois for at least one year prior to applying for a scholarship and is a citizen or lawful permanent resident alien of the United States.* (Section 5(1) of the Law)

~~"Law" means the Nursing Education Scholarship Law [110 ILCS 975]. (Section 3(13) of the Law)~~

"Lawful permanent resident ~~alien~~" has the same meaning as "eligible noncitizen" as defined in 23 Ill. Adm. Code 2700.20~~means a person who is not a citizen of the United States but who resides in the United States under legally recognized requirements and has lawfully recorded permanent residence as an immigrant.~~

"Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Financial and Professional Regulation under the Nurse Practice Act. (Section 3(18) of the Law)

"Living expenses" means room and board, miscellaneous fees, books, transportation and commuting costs. This amount is adjusted annually based upon the *uniform living allowance reported in the weighted Monetary Award Program (MAP) from the Illinois Student Assistance Commission.* (Section 7 of the Law)

"Mean-Weighted Average Tuition and Fees" means the tuition and mandatory fees used for the Illinois public universities and community colleges by the Illinois Student Assistance Commission for purposes of Monetary Award Program (MAP) grants.

~~"Monetary Award Program" or "MAP" means a grant awarded by the Illinois Student Assistance Commission (ISAC) that provides payment toward tuition and mandatory fees for Illinois residents to attend an Illinois college.~~

~~"Naturalization" means the process in which a person not born in the United States voluntarily becomes a U.S. citizen.~~

~~"Null and void" means that a scholarship application submitted to the Department has no legal force and is invalid.~~

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"Nurse educator" means a person who is currently licensed as a registered nurse by the Department of Financial and Professional Regulation under the Nurse Practice Act, who has a graduate degree in nursing, and who is employed by an approved academic institution to educate registered nursing students, licensed practical nursing students, and registered nurses pursuing graduate degrees. (Section 3(23) of the Law)

"Nurse educator employment" means employment by an approved academic institution in Illinois to educate nursing students.

"Nurse educator employment obligation" means employment in this State as a nurse educator for at least two years for each year of scholarship assistance received under Section 6.5 of the Law. (Section 3(24) of the Law)

"Nursing employment obligation" means employment in this State as a registered professional nurse, licensed practical nurse, or advanced practice nurse in direct patient care for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program. (Section 3(14) of the Law)

~~*"Official transcript" means transcripts that have been received directly from the institution (either through the mail or electronically) or have been issued to the applicant or recipient in a sealed envelope, which shall remain sealed until its arrival at the Department. The transcript shall include the institution's official seal, the date transcript was issued and the registrar's signature.*~~

"Part-time nursing employment" means providing direct patient care for between 17.5 hours and 34 hours per week.

"Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students. (Section 3(15) of the Law)

~~*"Permanent resident card" or "Green card" means the holder of this card has been granted authorization from the U.S. Department of Homeland Security to live and work in the United States on a permanent basis.*~~

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"Practical Nursing Program" means a program offered by an approved institution and leading to a certificate in practical nursing. (Section 3(16) of the Law)

"Prerequisite course" means a course requirement (determined by the approved institution) that a student must meet to demonstrate readiness for enrollment in nursing education.

~~"Quarter" means a term within an academic year that marks the beginning and end of classes. Quarters are eight to ten weeks in duration and there are four quarters in an academic year.~~

"Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of Financial and Professional Regulation under the Nurse Practice Act. (Section 3(17) of the Law)

"Renewal" or "Scholarship renewal" means a continuation of a past scholarship in reference to the same degree or certificate sought. Renewal does not apply to a prior scholarship recipient who wishes to pursue a higher nursing degree after receiving assistance on a previous nursing degree or certificate.

~~"School term" means an academic term, such as a semester, quarter, or trimester, or number of clock hours, as defined by an approved institution. (Section 3(19) of the Law)~~

~~"Semester" means a term within an academic year that marks the beginning and end of classes. Semesters are 15 to 16 weeks in duration and there are two semesters in an academic year.~~

~~"Student Aid Report" or "SAR" is a summary of the student's FAFSA responses and includes the student's Expected Family Contribution.~~

"Student in good standing" means a student enrolled in a nursing program is maintaining a cumulative grade point average equivalent to at least an academic grade of "C". (Section 3(20) of the Law)

~~"Submission of application" means a nursing education scholarship application has been received by the Department by the established deadline set forth in Section 597.110(b). Submission does not mean that the application is postmarked~~

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~~by the established submission deadline but arrives at the Department on a later date.~~

"Summer term" means a term within an academic year that marks the beginning and end of classes. The term is approximately four to nine weeks in duration and is typically offered during June, July and August of an academic year.

~~"Toll" or "Tolling" means to postpone or suspend the running of a specific time period.~~

"Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the social security administration, Illinois Workers' Compensation Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor. (Section 3(21) of the Law)

~~"Trimester" means a term within an academic year that marks the beginning and end of classes. Trimesters are 12 to 15 weeks in duration and there are three trimesters in an academic year.~~

~~"Tuition" means the established charges of an institution of higher learning for instruction at that institution. (Section 3(22) of the Law)~~

~~"United States citizen" means an individual born in the United States; Puerto Rico (on or after April 11, 1899); the Canal Zone or the Republic of Panama (on or after February 26, 1904); the Virgin Islands (on or after January 17, 1917); Guam (after April 11, 1899); or the Commonwealth of the Northern Mariana Islands (on or after November 4, 1986); foreign-born children, under age 18, residing in the U.S. with their birth or adoptive parents, at least one of whom is a U.S. citizen by birth or naturalization; and individuals granted citizenship status by the U.S. Department of Homeland Security, Customs and Immigration Service. (See <https://www.uscis.gov/policy-manual/volume-12-part-a-chapter-2#footnote-6>)~~

~~"Waiver" means to permanently relieve a recipient's continuous attendance requirement, nursing employment obligation, or nurse educator employment obligation.~~

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(Source: Section 2749.15 renumbered from 2749.10 and amended at 48 Ill. Reg. _____, effective _____)

Section 2749.20 Referenced Materials

The following materials are referenced in this Part:

- a) Illinois statutes:
- 1) Nursing Education Scholarship Law [110 ILCS 975]
 - 2) Nurse Practice Act [225 ILCS 65]
 - 3) Board of Higher Education Act [110 ILCS 205]
 - ~~4) Department of Public Health Powers and Duties Law [20 ILCS 2310/2310-200]~~
 - ~~45) State Comptroller Act [15 ILCS 405]~~
 - ~~56) Educational Loan Default Act [5 ILCS 385]~~
 - ~~67) Higher Education Loan Act [110 ILCS 945]~~
- b) Illinois Administrative Rules ~~4) Nursing and Advanced Practice Nursing Act – Advanced Practice Nurse (68 Ill. Adm. Code 1305)~~
- ~~2) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.30 Administrative Hearings

~~Hearings~~~~Administrative hearings~~ conducted concerning the provisions of this Part shall be conducted in accordance with Section 23 Ill. Adm. Code 2700.70 ~~governed by the Department's Practice and Procedure in Administrative Hearings.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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SUBPART B: ELIGIBILITY AND APPLICATION

Section 2749.100 Eligibility

- a) To qualify for consideration, an applicant shall meet the eligibility criteria outlined in Section 5 or 6.5 of the Law showing that the applicant:
- 1) For Nursing Scholarships
 - A) *Has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident ~~alien~~ of the United States* (Section 5(1) of the Law); and
 - B) *Is enrolled in or accepted for admission to an Illinois school in an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program or certificate in practical nursing program at an approved institution* (Section 5(2) of the Law); and
 - C) *Agrees to meet the nursing employment obligation* (Section 5(3) of the Law);
 - 2) For Nurse Educator Scholarships
 - A) *Has been a resident of this State for at least one year prior to application and is a citizen or lawful permanent resident ~~alien~~ of the United States* (Section 6.5(a)(1) of the Law); and
 - B) *Is enrolled in or accepted for admission to a graduate degree in nursing program at an approved institution* (Section 6.5(a)(2) of the Law); and
 - C) *Agrees to meet the nurse educator employment obligation* (Section 6.5(a)(3) of the Law).
- b) An individual is ineligible to receive the scholarship if the individual:

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- ~~1)~~ ~~Cannot meet the eligibility requirements in subsections (a)(1) or (a)(2);~~
- ~~2)~~ ~~Pursues nursing education at a school that is not an approved institution in Illinois;~~
- 13) Defaulted on an educational loan;
- 24) Previously received a scholarship under this Part and was granted a waiver of the continuous attendance requirement (see Section ~~2749.235~~597.240) or a ~~discharge waiver~~ of the nursing employment obligation or nurse educator employment obligation (see Section ~~2749.335~~597.335); or
- 35) Receives monies from other scholarship or loan funds requiring service commitments that would prevent the applicant from meeting the nursing employment obligation or nurse educator employment requirements of this Part.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.105 Notification (Repealed)

- ~~a)~~ ~~Notification of the opportunity to apply for the scholarship is available at the Department's website (<http://www.dph.illinois.gov/topics-services/life-stages-populations/rural-underserved-populations/nursing-education-scholarship-program>);~~
- ~~b)~~ ~~Notification to prospective students and the public shall be considered to have been provided by publication of this notice.~~

(Source: Repealed at 48 Ill. Reg. _____, effective _____)

Section 2749.110 Application

- a) An application for an NES must be submitted annually and an applicant must also complete the Free Application for Federal Student Aid (FAFSA®). An ISAC application for an NES and a FAFSA must be completed and received by April 30 immediately preceding the academic year for which the scholarship is being requested~~Individuals can apply for the scholarship at:~~

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~~TblApplicationInformation.aspx?TblApplicationInformation=3PFT7naGpupBtZ9GdAqFw%3d%3d.~~

- 1) An application will be available on ISAC's website (isac.org) from March 1 through April 30 of each year. An applicant must provide demographic and educational program information on the application.
 - 2) If the NES application is incomplete, ISAC will notify the applicant. The applicant will then have until May 31 to furnish the missing information; however, the application will only be considered for processing as of the date the application is complete and received by ISAC.
- ~~b) The Department will accept applications March 1 through April 30 of each year. Applications received after April 30 will not be considered.~~
- ~~e) In addition to the application, applicants shall submit the following documents to the Department:~~
- 1) ~~A copy of the applicant's acceptance letter to an approved institution's nursing program in Illinois. This letter is not required if the applicant's official transcripts demonstrate the applicant is taking nursing courses at an approved institution in Illinois;~~
 - 2) ~~A copy of the applicant's Illinois driver's license or State issued identification card documenting that the applicant has been an Illinois resident at least one year prior to applying for the scholarship;~~
 - 3) ~~A copy of the applicant's: birth certificate, U.S. passport, Certificate of Naturalization, or permanent resident card;~~
 - 4) ~~A copy of the applicant's SAR;~~
 - 5) ~~The applicant's official transcripts. If the applicant has a GED, the applicant shall furnish the GED certificate and GED passing score. Applicants who furnish a GED certificate will have their GED passing score converted to a GPA. The Department will use the following methodology to calculate the GPA: divide the GED passing score by the number of sections taken on the GED test to obtain an average, divide the~~

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~~average by the highest possible score available on the GED test to obtain a percentage, then multiply the percentage by the 4.0 grading scale;~~

- ~~6) A copy of any previously earned nursing degree;~~
 - ~~7) A copy of the applicant's Illinois nursing license (if applicable); and~~
 - ~~8) A statement that the applicant has not defaulted on an educational loan.~~
- d) ~~When received, the Department will determine if the application is complete. A review will determine whether all applicable requirements have been addressed and whether all required materials and documentation have been submitted.~~
- ~~1) If the application is complete, the applicant will be considered for a scholarship (see Section 597.220).~~
 - ~~2) If the application is incomplete, the Department will notify the applicant in writing. The applicant will have until May 31 to submit requested information or materials. If the applicant does not, within the time prescribed by the Department, provide all requested materials and information, the application will be null and void.~~
- be) *Each person applying for a scholarship shall be provided with a copy of Section 6 or 6.5(e) of the Law at the time of application. (Sections 6 and 6.5(e) of the Law)*

(Source: Amended at 48 Ill. Reg. _____, effective _____)

SUBPART C: AWARD OF SCHOLARSHIPS

Section 2749.200 Scholarship Description

- a) Scholarships shall be awarded to recipients at approved institutions in Illinois for the following time frames:
 - 1) A student in good standing pursuing *an associate degree in nursing* may receive a scholarship for *up to 2 academic years*. (Section 5 of the Law)
 - 2) A student in good standing pursuing *a hospital-based diploma in nursing* may receive a scholarship for *up to 3 academic years*. (Section 5 of the

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- Law)
- 3) A student in good standing pursuing *a baccalaureate degree in nursing* may receive a scholarship for *up to 4 academic years*. (Section 5 of the Law)
 - 4) A student in good standing pursuing *a graduate degree in nursing* may receive a scholarship for *up to 5 academic years*. (Section 5 of the Law)
 - 5) A student in good standing pursuing *a certificate in practical nursing* may receive a scholarship for *up to one academic year*. (Section 5 of the Law)
 - 6) A student in good standing pursuing *a graduate degree in nursing* to become a nurse educator may receive a scholarship for *up to 3 academic years*. (Section 6.5(c) of the Law)
- b) Awards for students at approved private institutions shall not exceed the tuition and fee *charges at community colleges and universities statewide and the uniform living allowance reported in the weighted MAP budget* for the academic year in which the scholarship is made. (Section 7 of the Law)
 - c) *Part-time awards shall be determined by applying the proportion represented by the part-time enrollment to full-time enrollment ratio to the average per term scholarship amount for a student in the same nursing degree category.* (Section 7 of the Law)
 - d) Full-time awards for students pursuing an associate degree in nursing or a hospital-based diploma in nursing at an Illinois community college shall be determined by adding~~*Using information provided annually by the Illinois Student Assistance Commission, 75% of the weighted tuition and fees charged by community colleges in Illinois shall be added to the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget to determine the full-time scholarship amount for students pursuing an associate degree in nursing or a hospital-based diploma in nursing at an Illinois community college.*~~ (Section 7 of the Law)
 - e) *Scholarship amounts for students pursuing associate, baccalaureate or graduate degrees in nursing at a college or university shall include 75% of the weighted tuition and fees charged by public universities in Illinois plus the uniform living*

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allowance reported in the weighted MAP budget. (Section 7 of the Law)

- f) *Scholarship amounts for students in practical nursing programs shall include 75% of the average tuition and fee charges at all practical nursing programs plus the uniform living allowance reported in the weighted MAP budget.* (Section 7 of the Law)
- g) Scholarship funds shall not be used for expenses incurred when the recipient must complete a prerequisite course or courses (as determined by the approved institution).
- h) Scholarship funds shall not be used for expenses incurred when the recipient must repeat an academic course or courses, if the repetition is necessary because the recipient has an academic performance below an acceptable level (as determined by the approved institution).
- i) Under the provisions of the State Comptroller Act [15 ILCS 405/10.05], recipients may have their scholarship funds offset to fulfill a delinquent State debt. The offset of funds shall not reduce, waive, defer or suspend a recipient's continuous attendance requirement, nursing employment obligation, or nurse educator employment obligation under this Part.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.210 Determination of Financial Need (Repealed)

~~Financial need will be documented by means of a current Student Aid Report (SAR) supplied by the applicant.~~

(Source: Repealed at 48 Ill. Reg. _____, effective _____)

Section 2749.220 Selection Criteria for Award of Scholarships

- a) Nursing scholarship recipients will be selected based on the following:
 - 1) Recipients continuing with their nursing education (for the same nursing degree sought) from the previous academic year will receive preference over other applicants;

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- 2) *If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, ~~ISAC~~~~the Department~~ shall, in consultation with the Illinois Nursing Workforce Center Advisory Board, consider the following factors in granting priority in awarding scholarships:*
- A) *Financial need, as determined by information submitted by the applicant on the FAFSA and provided to ISAC by the U. S. Department of Education, ~~as shown on a current SAR,~~ of students who will pursue their education on a full-time or close to full-time basis and who already have a certificate in practical nursing, a diploma in nursing, or an associate degree in nursing and are pursuing a higher degree. (Section 5(3)(A) of the Law)*
- B) *A student's merit, as shown through the student's grade point average, class rank, and other academic and extracurricular activities (Section 5(3)~~I(C)~~ of the Law), including, but not limited to:*
- i) A cumulative GPA of at least 3.0 on a 4.0 scale; or
- ii) Class rank in the 50th percentile or higher.
- C) *~~The~~~~In the event of a tie, applicants having the fewest~~ number of credit hours remaining for the applicant to complete the certificate, diploma or degree, beginning with those with the fewest remaining ~~will be awarded scholarships.~~*
- D) The date the completed application was received, beginning with the earliest date and then in date received order.
- b) Nurse educator scholarship recipients will be selected based on the following:
- 1) Recipients continuing with their nursing education (for the same nursing degree sought) from the previous academic year will receive preference over other applicants;
- 2) *If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, ~~ISAC~~~~the Department~~ shall, in consultation with the Illinois Nursing Workforce Center Advisory Board, consider the following factors in granting priority in awarding scholarships:*

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- A) *Financial need, as determined by information submitted by the applicant on the FAFSA and provided to ISAC by the U.S. Department of Education, ~~as shown on a current SAR,~~ of students who will pursue their education on a full-time or close to full-time basis and who already have a baccalaureate degree in nursing and are pursuing a higher degree. (Section 6.5(b)(1) of the Law)*
- B) *A student's status as a registered nurse who is pursuing a graduate degree in nursing to pursue employment in an approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs. (Section 6.5(b)(2) of the Law)*
- C) *A student's merit, as shown through the student's grade point average, class rank, experience as a nurse, including supervisory experience, experience as a nurse in the United States military, and other academic and extracurricular activities (Section 6.5(b)(3) of the Law), including, but not limited to:*
- i) A cumulative GPA of at least 3.0 on a 4.0 scale; or
 - ii) Class rank in the 50th percentile or higher.
- D) *~~The~~In the event of a tie, applicants having the fewest number of credit hours remaining for the applicant to complete the degree, beginning with those with the fewest remaining ~~will be awarded scholarships.~~*
- E) *The date the completed application was received, beginning with the earliest date and then in date received order.*
- c) Scholarship awards shall be distributed as follows:
- 1) *At least 40% of the scholarships awarded shall be for recipients who are pursuing baccalaureate degrees in nursing;*
 - 2) *At least 30% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a hospital-based diploma in nursing;*

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- 3) *At least 20% of the scholarships awarded shall be for recipients who are pursuing a graduate degree in nursing; and*
- 4) *At least 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing. (Section 5 of the Law)*

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.230 Student Enrollment and Institutions' Obligations

~~a)~~ An approved institution may accept a student into its nursing education program based on its own admission requirements, standards and policies. (Section 9(a) of the Law)

- a) The total amount of NES awarded to a qualified recipient in a given academic year, when added to other financial aid available to the qualified recipient for that year, shall not exceed the cost of attendance.
- b) If the recipient receives other assistance targeted specifically for tuition, fees, and living expenses, the combined assistance shall not exceed the total tuition, fees and living expenses incurred by the student, and if it does, the institution shall reduce one of the awards accordingly.
- c) If the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full NES award because MAP must be factored into the financial aid package prior to receiving NES assistance. The institution, however, may request an NES award to finance tuition and fees not paid by MAP.
- ~~db)~~ ~~ISAC~~~~The Department~~ shall disburse available scholarship funds for tuition and fees and living allowance to the approved institution ~~directly for the payment of tuition and other necessary fees or for credit against the student's obligation for tuition and fees. If the Department disburses scholarship funds directly to an approved institution, the approved institution shall be contractually obligated to provide facilities and instruction to the student on the same terms as to other students. (Section 9(a) of the Law)~~
- ee) Upon receipt of the scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution shall credit the scholarship funds to the recipient's account for expenses

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due and payable. The balance of the disbursement shall be released to the recipient. If the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.~~An approved institution shall provide written notice to the Department if any scholarship recipient who is enrolled in the approved institution ceases to be a student in good standing. The notice shall be sent to the Department within ten business days after the institution determines that the student ceases to be in good standing. After the notification is received, the Department will terminate the Grant Agreement and the recipient shall repay all previously awarded scholarship funds (see Section 597.310).~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.235 ~~Deferment of~~ Continuous Attendance Requirement

~~A request to defer a recipient's continuous attendance requirement shall be submitted in writing to the Department. The request shall detail the reasons for the deferment and be accompanied and supported by the documentation described in this Section. The Department may grant one deferment per recipient.~~

- a) A recipient must remain enrolled on a continuous basis during the regular school year for the total duration of the time it takes the student to complete the nursing degree or certificate up to the maximum number of years the recipient is eligible to receive the scholarship, unless granted a leave of absence.~~deferment will be granted for up to one academic quarter, trimester or semester (except as otherwise allowed by this Section) if the recipient provides documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill the continuous attendance requirement. Documentation shall include an explanation from a licensed health care professional attesting to the recipient's temporary inability to fulfill the continuous attendance requirement. If the recipient's leave will exceed an academic quarter, trimester or semester, an extension of the deferment will be granted based on documented medical need. In no circumstance, however, would a deferment exceed 12 months.~~
- b) A recipient may be granted a leave of absence by the president of the institution, or the president's designee, for the following reasons:

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- 1) physical or mental health disability that results in the recipient's temporary inability to remain continuously enrolled, as established by the sworn statement of a licensed physician; or
- 2) military service.

~~Recipients who are military reservists and are called to active duty will be granted a deferment beginning on the activation date in the active duty order. The recipient shall submit a copy of the order to active duty with the written request for deferment. The duration of the deferment shall equal the recipient's period of active military duty.~~

- e) ~~Recipients who receive a deferment shall have their continuous attendance, scholarship assistance and service obligation requirements tolled. The tolling of these requirements shall equal the recipient's period of deferment.~~
- d) ~~A recipient who does not request a deferment and who does not maintain the continuous attendance requirement shall have his or her scholarship award voided. The recipient shall be required to repay to the Department all scholarship monies received (see Section 597.310).~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.240 Waiver of Continuous Attendance Requirement (Repealed)

~~A request to waive a recipient's continuous attendance requirement shall be submitted in writing to the Department. The request shall detail the reasons for the waiver and be accompanied and supported by documentation as described in this Section.~~

- a) ~~Reasons for the waiver can include the recipient's:~~
 - 1) ~~Total and permanent disability;~~
 - 2) ~~Incompetency; or~~
 - 3) ~~Death.~~
- b) ~~If a waiver is due to total and permanent disability, a formal request from a physician, advanced practice registered nurse, or physician's assistant (who is~~

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~~licensed to practice in the United States) is required. Accompanying this formal request, proof of disability shall be:~~

- ~~1) A declaration from the Social Security Administration;~~
 - ~~2) From the Illinois Workers' Compensation Commission;~~
 - ~~3) From the U.S. Department of Defense; or~~
 - ~~4) From an insurer authorized to transact business in Illinois who is providing permanent disability insurance coverage to a contractor. (Section 3(21) of the Law)~~
- ~~e) If a waiver is requested because the recipient is incompetent, the request shall be supported by a certified copy of the adjudication from a State or federal court of law. No claim for repayment may be filed against the estate of an individual deemed incompetent. (Sections 6 and 6.5(d) of the Law)~~
- ~~d) If the waiver is requested because of the recipient's death, the request shall be supported by a certified copy of the recipient's death certificate. No claim for repayment may be filed against the estate of a decedent. (Sections 6 and 6.5(d) of the Law)~~

(Source: Repealed at 48 Ill. Reg. _____, effective _____)

SUBPART D: TERMS OF PERFORMANCE

Section 2749.300 Work Grant Agreement

~~a) Prior to receiving scholarship funding for any academic year, the qualified applicant must sign a Work Agreement/Promissory Note that is submitted to ISAC recipient shall enter into a binding Grant Agreement with the State of Illinois agreeing to the provisions of the Law and this Part. The Work Agreement/Promissory Note shall include the following stipulations:~~

- ~~a) for fulfillment of the nursing employment obligation, the recipient pledges to begin working as a registered professional nurse, licensed practical nurse or advanced practice registered nurse providing direct patient care at a health care facility in Illinois within one year following completion of the postsecondary degree or license program for which the award funds were provided and continue~~

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working on a full- or part-time basis for at least one year for each year of scholarship assistance received. (See Section 2749.320.)

- b) for fulfillment of the nurse educator employment obligation, the recipient pledges to begin working as a nurse educator at an approved institution in Illinois to educate nursing students within one year following completion of the graduate degree for which the award funds were provided and continue working on a full- or part-time basis for at least two years for each year of scholarship assistance received. (See Section 2749.320.)
- b) ~~The Department may require a recipient to reimburse the State for expenses, including but not limited to legal fees, incurred by the Department or other agent of the State for a successful legal action against the recipient for a breach of any provision of the Grant Agreement (Section 4 of the Law).~~
- e) ~~The scholarship award will not be final until the recipient and the Department have executed a Grant Agreement setting forth the terms and conditions of the grant, using the form prescribed by the Department. The Department will withdraw the scholarship award if a consensus cannot be reached on the terms of the Grant Agreement.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.310 Repayment of Scholarship

- a) Any recipient who fails to fulfill~~defaults on~~ the terms of the Work Grant Agreement shall pay to ISAC~~the Department~~ an amount equal to the amount of scholarship funds received per year for each unfulfilled year of the nursing employment obligation or nurse educator employment obligation, together with interest at 7% per year on the unpaid balance. (Sections 6 and 6.5(d) of the Law)
- b) Failure to fulfill the work obligation~~A default of the scholarship~~ shall include, but not be limited to:
- 1) Misstatements in reporting information to ISAC~~the Department~~;
 - 2) Misrepresentation to ISAC~~the Department~~ for the purpose of obtaining a scholarship;

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- 3) Failure to maintain the continuous attendance requirement;
 - 4) Failure to complete nursing school, voluntary withdrawal from school or dismissal from school due to academic failure (as defined by the school);
 - 5) Failure to become a licensed nurse in Illinois; and
 - 6) Failure to fulfill the nursing employment obligation or nurse educator employment obligation.
- c) Repayment *must begin within 6 months following the date of the default action initiating the repayment.* (Sections 6 and 6.5(d) of the Law)
- d) Recipients who fail to fulfill their obligation~~in default~~ shall enter repayment status on the earliest of the following dates:~~into a Contract for Repayment with the Department as soon as the reason for default has been established. The Contract for Repayment shall specify the amount due, the repayment schedule and all other terms of the cash repayment. Interest charges shall be completely waived if the recipient repays the total scholarship amount prior to the first payment due date.~~
- 1) the first day of the calendar month after the recipient has ceased to pursue a course of study leading to an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program or certificate in practical nursing program, but not before six months have elapsed after the cessation of at least part-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that the recipient does not plan to fulfill the work obligation; or
 - 3) the day after the latest date upon which the recipient must have begun working after completing the postsecondary education for which the scholarship was awarded.
- e) If a recipient fails to pay monies owed to ~~ISAC the Department~~, ~~ISAC the Department~~ may require a recipient to reimburse the State for expenses, legal fees and costs, incurred by ~~ISAC the Department~~ or other agent of the State for a successful legal action against the recipient for a breach of any provision of the

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~~Work Grant~~ Agreement and refer the recipient to the Illinois Attorney General or to a collection agency. The total 6-year interest shall be due if the recipient fails to fulfill the repayment requirements and the case is settled through authorized agencies outside ~~ISAC~~~~the Department~~. (Section 4 of the Law)

- f) *All cash repayments must be completed within 6 years from the date of the first annual cash payment.* (Sections 6 and 6.5(d) of the Law)
- g) ~~ISAC~~~~The Department~~ may allow a nurse educator employment obligation fulfillment alternative if the nurse educator scholarship recipient is unsuccessful in finding work as a nurse educator. The Illinois Department of Public Health (IDPH) shall maintain a database of all available nurse educator positions in this State. (Section 6.5(d) of the Law) ~~The Department shall utilize the following Internet address to ascertain all available nurse educator positions in Illinois: <http://nursing.illinois.gov/ads.asp>.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.320 Fulfillment of Nursing Employment Obligation or Nurse Educator Employment Obligation

- a) A recipient must graduate from the nursing program funded and provide a copy of the certificate, diploma or degree that indicates the graduation date promptly upon request~~as soon as the document is available~~.
- b) A recipient must be licensed as a registered professional nurse, an advanced practice registered nurse, or a licensed practical nurse in the State of Illinois and must provide a copy of the license promptly upon request~~as soon as it is available~~.
- c) Except as provided in Sections 2749.325, 2749.330~~597.330~~ and 2749.335~~597.335~~, within 12 months after graduation from an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program, any recipient who accepted a scholarship shall begin meeting the required nursing employment obligation. (Section 6 of the Law)
- 1) To complete the nursing employment obligation, the recipient must work full time or part time (as applicable) at a medical facility in Illinois providing direct patient care.

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- 2) Fulfillment of the nursing employment obligation may be achieved as follows:
 - A) For each full-time semester completed, the obligation is six months of full-time employment or 12 months of part-time employment;
 - B) For each part-time semester completed, the obligation is three months of full-time employment or six months of part-time employment;
 - C) For each full-time quarter or trimester completed, the obligation is four months of full-time employment or eight months of part-time employment;
 - D) For each part-time quarter or trimester completed, the obligation is two months of full-time employment or four months of part-time employment;
 - E) For each full-time summer term completed, the obligation is three months of full-time employment or six months of part-time employment;
 - F) For each part-time summer term completed, the obligation is one and one-half months of full-time employment or three months of part-time employment.
- d) Except as provided in Sections [2749.325](#), [2749.330](#)~~597.330~~ and [2749.335](#)~~597.335~~, *within 12 months after graduation from a graduate degree in nursing program for nurse educators, any recipient who accepted a scholarship shall begin meeting the required nurse educator employment obligation by teaching nursing students at an approved institution in Illinois.* (Section 6.5(d) of the Law)
- 1) A recipient must graduate from the nursing program funded and provide a copy of the degree that indicates the graduation date [promptly upon request](#)~~as soon as the document is available~~.

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- 2) To complete the nurse educator employment obligation, the recipient shall be employed full time or part time (as applicable) at an approved institution in Illinois to educate nursing students. The nurse educator employment obligation is *2 years for each year of scholarship assistance received*. (Section 3(24) of the Law)
- 3) Fulfillment of the nurse educator employment obligation may be achieved as follows:
 - A) For each full-time semester completed, the obligation is 12 months of employment;
 - B) For each part-time semester completed, the obligation is six months of employment;
 - C) For each full-time quarter or trimester completed, the obligation is eight months of employment;
 - D) For each part-time quarter or trimester completed, the obligation is four months of employment;
 - E) For each full-time summer term completed, the obligation is six months of employment;
 - F) For each part-time summer term completed, the obligation is three months of employment.
- e) Forms to document nursing employment or nurse educator employment shall be sent to the recipient following graduation and licensure. Documentation forms will be forwarded periodically until the nursing employment obligation or nurse educator employment obligation is completed, at which time the recipient will be notified and the scholarship record closed.

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.325 Extension of Fulfilling Nursing Employment Obligation or Nurse Educator Employment Obligation

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A request to extend the period of time within which the recipient's nursing employment obligation or nurse educator obligation must be fulfilled shall be submitted in writing to ISAC. The request shall be accompanied and supported by documentation as requested by ISAC.

- a) Reasons for extending the period of time within which the recipient's nursing employment obligation must be fulfilled may include:
- 1) servicing as a member of the United States Armed Forces, including as a military reservist, for not more than four years;
 - 2) temporary, total disability, as established by the sworn affidavit of a licensed qualified physician, for not more than three years;
 - 3) enrolled in an academic program leading to a higher degree or a graduate degree in nursing;
 - 4) maternity, paternity or adoption leave, for not more than 12 weeks. If the recipient's leave will exceed 12 weeks, an extension may be granted based on documented medical need; and
 - 5) involuntarily leaving the profession due to a decreased in the number of nurses employed in the State. When requesting an extension, the recipient shall provide documentation to ISAC demonstrating that nursing positions do not exist in the recipient's area. If an extension is granted, it will be re-evaluated every 6 months.
- b) Reasons for extending the period of time within which the recipient's nurse educator employment obligation must be fulfilled may include:
- 1) servicing as a member of the United States Armed Forces, including as a military reservist, for not more than four years;
 - 2) temporary, total disability, as established by the sworn affidavit of a licensed qualified physician, for not more than three years;
 - 3) enrolled in an academic program leading to a graduate degree in nursing;

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- 4) maternity, paternity or adoption leave, for not more than 12 weeks. If the recipient's leave will exceed 12 weeks, an extension may be granted based on documented medical need; and
- 5) involuntarily leaving the profession due to a decrease in the number of nurses employed in the State. When requesting this extension, the recipient shall provide documentation to ISAC that nurse educator positions do not exist in the recipient's area. If an extension is granted, it will be re-evaluated every 6 months.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 2749.330 Deferment of Nursing Employment Obligation or Nurse Educator Employment Obligation

A request to defer the recipient's nursing employment obligation or nurse educator employment obligation shall be submitted in writing to ~~ISAC~~~~the Department~~. The request shall detail the reasons for the deferment and shall be accompanied and supported by documentation as requested by ~~ISAC~~~~described in this Section~~.

- a) Deferment of the nursing employment obligation may include the recipient:
 - 1) *Spending up to four years in military service before or after graduation. The recipient shall notify ~~ISAC~~~~the Department~~ within 30 days after enlisting in military service. (Section 6 of the Law)*
 - 2) *Being called to active duty (for recipients who are military reservists) by the armed forces of the United States. The recipient shall submit a copy of the order to active duty with the written request for deferment. The duration of the deferment shall equal the recipient's period of active military duty.*
 - 3) *Enrolling in an academic program leading to a higher degree or a graduate degree in nursing. If the recipient receives funding through the Nursing Education Scholarship Program for a higher degree, the nursing employment obligation shall be deferred until the recipient is no longer enrolled or has graduated. The recipient shall notify ~~ISAC~~~~the Department~~ within 30 days if the recipient is enrolled in an academic program leading to a graduate degree in nursing. (Section 6 of the Law)*

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- 4) Failing to fulfill the nursing employment obligation by involuntarily leaving the profession due to a decrease in the number of nurses employed in the State. When requesting a deferral, the recipient shall provide documentation to ~~ISAC~~~~the Department~~ demonstrating that nursing positions do not exist in the recipient's area. ~~The following website shall be used to provide documentation:~~ ~~<https://illinoisjoblink.illinois.gov/ada/r/job-seeker>~~. If a deferment is granted, it will be *re-evaluated every 6 months*. (Section 6 of the Law)
 - 5) Providing documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill the obligation. Documentation shall include an explanation from a licensed health care professional attesting to the recipient's temporary inability to fulfill the obligation. This deferment may be granted for up to ~~three years~~~~one year~~.
 - 6) Requesting up to 12 weeks leave for maternity, paternity or adoption leave. If the recipient's leave will exceed 12 weeks, a deferment may be granted based on documented medical need.
 - 7) *The recipient must begin meeting the required nursing employment obligations no later than 6 months after the end of the deferments.* (Section 6 of the Law)
- b) Deferment of the nurse educator employment obligation may include the recipient:
- 1) Spending *up to four years in military service before or after graduation.* The recipient shall ~~notify ISAC~~~~receive a deferment if he or she notifies the Department,~~ *within 30 days after enlisting,* ~~that he or she is spending up to 4 years in military service.~~ (Section 6.5(d) of the Law)
 - 2) Being called to active duty (for recipients who are military reservists) by the armed forces of the United States. The recipient shall submit a copy of the order to active duty with the written request for deferment. The duration of the deferment shall equal the recipient's period of active military duty.

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- 3) Enrolling in an academic program leading to a graduate degree in nursing. ~~The~~ A recipient shall notify ISAC ~~receive a deferment if he or she notifies the Department, within 30 days after enrolling, that he or she is enrolled~~ in an academic program leading to a graduate degree in nursing. (Section 6.5(d) of the Law)
- 4) Providing documentation of a physical or mental health disability that results in the recipient's temporary inability to fulfill the recipient nurse educator employment obligation. Documentation shall include an explanation from a licensed health care professional attesting to the recipient's temporary inability to fulfill the nurse educator employment obligation. This deferment may be granted for up to three years ~~one year~~.
- 5) Requesting up to 12 weeks for maternity, paternity or adoption leave. If the recipient's leave will exceed 12 weeks, a deferment may be granted based on documented medical need.
- 6) The nurse educator employment obligation *may be deferred and re-evaluated every 6 months when the failure to fulfill the nurse educator employment obligation results from involuntarily leaving the profession due to a decrease in the number of nurses employed in this State.* (Section 6.5(d) of the Law) When requesting this deferral, the recipient shall provide documentation to ISAC ~~the Department~~ that nurse educator positions do not exist in the recipients' area. ~~The following website will be used to provide documentation: <http://nursing.illinois.gov/ads.asp>.~~
- 7) ISAC ~~The Department~~ may allow a nurse educator employment obligation fulfillment alternative if the nurse educator scholarship recipient is unsuccessful in finding work as a nurse educator. (Section 6.5(d) of the Law) Prior to ISAC ~~the Department~~ approving an alternative to the nurse educator employment obligation, the recipient shall provide documentation that nurse educator positions do not exist in the recipient area. ~~The following website will be used to provide documentation: <http://nursing.illinois.gov/ads.asp>.~~ If the recipient demonstrates that no nurse educator positions exists, ISAC ~~the Department~~ will allow the recipient to fulfill the service obligation by working as a nurse in a medical facility in Illinois providing direct patient care.

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- 8) *The recipient must begin meeting the required nurse educator employment obligation no later than 6 months after the end of the deferment or deferments. (Section 6.5(d) of the Law)*
- e) ~~Recipients who receive a deferment shall have their nursing employment obligation or nurse educator employment obligation tolled. The tolling of these requirements shall equal the recipient's period of deferment.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2749.335 ~~Discharge~~Waiver of Nursing Employment Obligation or Nurse Educator Employment Obligation

A ~~discharge~~waiver request of a recipient's nursing employment obligation or nurse educator employment obligation shall be submitted in writing to ~~ISAC~~the Department. The request shall detail the reasons for the ~~discharge~~waiver and be accompanied and supported by documentation as described in this Section.

- a) Reasons for a ~~discharge~~waiver request may include the recipient's:
- 1) Total and permanent disability;
 - 2) Incompetency; or
 - 3) Death.
- b) If the ~~discharge~~waiver is due to total and permanent disability, a formal request from a physician, advanced practice registered nurse, or physician's assistant (who is licensed to practice in the United States) is required. Accompanying this formal request, *proof of disability shall be:*
- 1) *A declaration from the Social Security Administration;*
 - 2) *From the Illinois Workers' Compensation Commission;*
 - 3) *From the U.S. Department of Defense; or*

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- 4) From *an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor*. (Section 3(21) of the Law)
- c) If a ~~discharge~~waiver is requested because the recipient is incompetent, the request shall be supported by a certified copy of the adjudication from a State or federal court of law. *No claim for repayment may be filed against the estate of an individual deemed incompetent*. (Sections 6 and 6.5(d) of the Law)
- d) If the ~~discharge~~waiver is requested because of the recipient's death, the request shall be supported by a certified copy of the recipient's death certificate. *No claim for repayment may be filed against the estate of a decedent*. (Sections 6 and 6.5(d) of the Law)

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Graduate and Retain Our Workforce (iGROW) Tech Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2750
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2750.20	Amendment
2750.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 65.120 of the Higher Education Student Assistance Act [110 ILCS 947/65.120].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to clarify eligibility criteria, awarding priority and possible reasons for an extension of the repayment obligation.
- 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? No
- 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:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission

ILLINOIS STUDENT ASSISTANCE COMMISSION

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500 West Monroe, 3rd Floor
Springfield, IL 62704

(217) 782-5161
jackie.eckley@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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

The full text of the Proposed Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2750
ILLINOIS GRADUATE AND RETAIN OUR WORKFORCE (iGROW) TECH
SCHOLARSHIP PROGRAM

Section	
2750.10	Summary and Purpose
2750.15	Definitions
2750.20	Applicant Eligibility
2750.30	Program Procedures
2750.40	Institutional Procedures

AUTHORITY: Implementing and authorized by Section 65.120 of the Higher Education Student Assistance Act [110 ILCS 947/65.120].

SOURCE: Adopted at 48 Ill. Reg. 4456, effective March 8, 2024; amended at 48 Ill. Reg. _____, effective _____.

Section 2750.20 Applicant Eligibility

A qualified applicant shall:

- a) be a resident of Illinois;
- b) *have graduated from high school or have received a State of Illinois High School Diploma and have maintained a cumulative grade point average of no less than 2.5 on a 4.0 scale* ~~while in high school~~;
- c) *pursue or intend to pursue a qualifying degree*;
- d) *be enrolled at an ISAC-approved institution of higher learning, on at least a half-time basis, in a course of study necessary to secure a qualifying degree; and* [110 ILCS 947.65/120]
- e) maintain satisfactory academic progress as determined by the institution.

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(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2750.30 Program Procedures

- a) An application for an iGROW award must be submitted annually, and an applicant must also complete the FAFSA®; ~~In~~ order to receive priority consideration for an award, an ISAC application and the federal FAFSA must be completed and received by a date established each year by the Commission and posted on the ISAC website, preceding the academic year for which the scholarship is being requested. No applications will be considered for processing if received after the published date unless funds remain available for disbursement.
- 1) Applications are available on ISAC's website (isac.org).
 - 2) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the application is complete and received at ISAC's Deerfield office.
- b) Scholarship assistance is limited to the full-time enrollment equivalent of 8 semesters or 12 quarters of payment for undergraduate study.
- c) ISAC will annually determine a maximum award amount. Award funds may not exceed ~~shall be applicable only up to and including to~~ *the full costs of tuition and fees, and room and board in the amount of the standard housing and food allowance used for all undergraduate students, at a public institution.* [110 ILCS 947.65/120] For recipients at private institutions, the award may not exceed the maximum amount payable to a student enrolled in the most expensive comparable program of study at a public institution.
- d) Awards are payable only for two semesters or three quarters in an academic year.
- e) ISAC shall select the recipients from among those who have submitted complete applications and have supplied required information, including qualified and timely new and renewal applicants.
- f) Awarding priority shall be given to renewal applicants who continue to meet the eligibility requirements; then those applicants who demonstrate academic

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excellence, demonstrate financial need or minority applicants. Once renewal applicants have been awarded, the awarding methodology shall consider academic excellence, financial need and minority status as evenly-weighted separate values that will be summed to determine an overall priority score.

- g) The total number of awards in a given fiscal year is contingent upon available funding. If funding is insufficient to pay all eligible applicants, awarding will be based on the date the completed application is received in ISAC's Deerfield office.
- h) Each qualified applicant who is selected to receive a scholarship shall be notified by ISAC. Applicants not receiving the scholarship will be notified as well.
- i) *The total amount of funds awarded to a qualified recipient in a given academic year, when added to other financial aid available to the qualified recipient for that year, shall not exceed the cost of attendance. If the amount of financial aid to be awarded to a qualified student exceeds the institution's cost of attendance, the iGROW Tech Scholarship shall be reduced by the amount by which the cost of attendance is exceeded. [110 ILCS 947.65/120]*
- j) If the recipient receives other assistance targeted specifically for tuition, fees, and room and board expenses, the combined assistance shall not exceed the total tuition, fees, and room and board expenses incurred by the student, and if it does, the institution shall reduce one of the awards accordingly.
- k) If the recipient is eligible for assistance under MAP, the recipient may not be eligible for a full iGROW award because MAP must be factored into the financial aid package prior to receiving iGROW assistance. The institution, however, may request an iGROW award to finance tuition and fees expenses not paid by MAP.
- l) ISAC pays scholarship funds directly to the institution of record in the name of the recipient.
- m) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign an Agreement/Promissory Note that is submitted to ISAC. The Agreement/Promissory Note shall include the following stipulations:

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- 1) *for each year of scholarship assistance received, the recipient pledges to work in Illinois in a qualifying job for a period of not less than one year, but in no event for a period of less than two years. [110 ILCS 947.65/120]*
 - 2) the recipient shall begin working within one year after completion of the program for which the recipient received assistance under this Part, and shall work on a continuous basis for the required period of time.
 - 3) if the work requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarship prorated according to the fraction of the employment obligation not completed, plus interest at a rate equal to 5%, and if applicable, reasonable collection fees.
 - 4) The recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.)
- n) *A recipient of a scholarship awarded under this Part will not be in violation of the agreement entered into pursuant to subsection (m) during the periods in which the recipient:*
- 1) *enrolls at a qualified institution on a full-time basis as a graduate student in a course of study related to the technology degree for which the recipient qualified for the scholarship;*
 - 2) *serves, for not more than three years, as a member of the United States Armed Forces;*
 - 3) *is temporarily totally disabled, for not more than three years, as established by a sworn affidavit of a licensed physician;*
 - 4) *is actively seeking but unable to find full-time employment with a State employer that satisfies the criteria set forth in subsection (m)(1) and is able to provide evidence of that fact; or*
 - 5) *becomes totally and permanently disabled as established by sworn affidavit of a qualified physician. [110 ILCS 947.65/120]*

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- om) *Scholarship recipients who withdraw from a program of computer science or other related major area of study (see Qualifying Degree), but remain enrolled in a qualified institution to continue their postsecondary studies in another academic discipline, shall not be required to commence repayment so long as they remain enrolled on a full-time basis or if special circumstances that warrant extension of repayment can be documented, including, but not limited to, service in the United States Armed Forces and temporary total disability. [110 ILCS 947.65/120]*

(Source: Amended at 48 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Behavioral Health Care Professional Loan Repayment Program
- 2) Code Citation: 23 Ill. Adm. Code 2753
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
2753.20	Amendment
2753.30	Amendment
- 4) Statutory Authority: Implementing the Community Behavioral Health Care Professional Loan Repayment Program Act [110 ILCS 996] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to update award amounts, awarding priority, and eligibility criteria based on P.A. 103-0056.
- 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? No
- 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:

Jackie Eckley
Agency Rules Coordinator

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield, IL 62704

(217) 782-5161
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- 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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2024

The full text of the Proposed Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2753
COMMUNITY BEHAVIORAL HEALTH CARE PROFESSIONAL
LOAN REPAYMENT PROGRAM

Section	
2753.10	Summary and Purpose
2753.15	Definitions
2753.20	Applicant Eligibility
2753.30	Program Procedures

AUTHORITY: Implementing the Community Behavioral Health Care Professional Loan Repayment Program Act [110 ILCS 996] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Adopted at 43 Ill. Reg. 7289, effective July 1, 2019; amended at 46 Ill. Reg. 12083, effective July 1, 2022; amended at 48 Ill. Reg. _____, effective _____.

Section 2753.20 Applicant Eligibility

A qualified applicant shall be:

- a) a resident of Illinois;
- b) a United States citizen or eligible noncitizen;
- c) a borrower with an outstanding balance due on an eligible educational loan;
- d) an individual who is not in default on a federally guaranteed educational loan and does not owe a refund on a grant or scholarship program administered by ISAC;
- e) a qualifying behavioral health professional who meets licensing requirements of the Department of Financial and Professional Regulation or certification as a Certified Alcohol and Drug Counselor from the Illinois Alcoholism and Other Drug Abuse Professional Certification Association;

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- f) *an individual who, for at least 12 consecutive months prior to applying for the grant, has worked as a behavioral health professional in a community mental health center, behavioral health clinic, substance use treatment center, or State-operated psychiatric hospital licensed or certified by the Department of Human Services or the Department of Healthcare and Family Services in an underserved or rural HPSA mental health discipline; and*
- g) *an individual who, for each year during which a grant is received, fulfills a separate 12 month period as a behavioral health professional in a community mental health center in an underserved or rural HPSA mental health discipline.*
[110 ILCS 996/30]

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 2753.30 Program Procedures

- a) Eligible educational loans include:
- 1) Stafford Loans;
 - 2) Perkins Loans;
 - 3) Graduate PLUS Loans;
 - 4) consolidation loans;
 - 5) medical student loans;
 - 6) Supplemental Loans for Students;
 - 7) alternative loans; and
 - 8) other types of government and institutional loans used for education expenses.
- b) Non-eligible loans include:
- 1) credit card payments;

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- 2) Parent PLUS Loans;
 - 3) loans that have been paid in full;
 - 4) loans from lending institutions that are not governed by State or federal regulations or loans from individuals or family members;
 - 5) any portion of a consolidated loan that cannot be directly attributed to the applicant; and
 - 6) non-education loans, such as home equity loans.
- c) All applicants annually must complete an ISAC application for the loan repayment program.
- 1) An application is available on ISAC's website.
 - 2) If the application is incomplete, ISAC will notify the applicant, who will have an opportunity to furnish the missing information. The application will only be considered for processing as of the date the application is complete and received by ISAC. No applications will be considered for processing if received after the published date unless funds remain available for disbursement.
 - 3) Renewal applicants may be required to submit a history of prior awards in order to show program proceeds do not exceed the total amount of outstanding eligible educational loans, including award proceeds received that were not used to repay educational loans.
- d) Grant assistance under this program may be received for up to 4 years.
- e) ISAC shall select the recipients from among those who have submitted complete applications, including qualified new applicants and those who filed timely renewal applications and have supplied information required in subsection (c).
- f) No less than 30% of the funding for grants under this Section each fiscal year shall be reserved for awards to minority applicants of African American or Black, Hispanic or Latinx, Asian, or Native American origin. If the Commission does not receive enough applications from qualified minorities on or before January 1 of a

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given fiscal year to award 30% of the funding to qualified minority applicants, then the Commission may award a portion of these reserved funds to other qualified applicants. [110 ILCS 996/25]

- gf)** The total number of grants awarded in a given fiscal year and the amount of each award as limited by subsection (g) is contingent upon available funding. If funding is insufficient to pay all eligible applicants, awarding will be determined in the following order:
- 1) renewal applicants, in the order in which their applications were received; then
 - 2) new applicants, using the mental health portion of the HPSA database to rank eligible rural and underserved applicants and giving priority to applicants in the areas that have the highest degree of shortage (score) for that applicant's profession. If multiple applicants receive the same score, their applications shall be given consideration in the order in which they were received.
 - A) If an applicant works for an organization located in an HPSA mental health discipline that has satellite clinics and the applicant works in more than one of the clinics, the highest HPSA mental health discipline score where the applicant works shall apply.
 - B) If an applicant works for different employers in multiple HPSA mental health disciplines having different degrees of shortage, the location having the highest HPSA mental health discipline score shall apply.
- hg)** The amount repaid by ISAC to the grantee shall be no more than the borrower's remaining balance on all eligible educational loans minus any grant payment made under this Part that was not used to pay the loan holder and shall not exceed:
- 1) ~~\$4035~~,000 per year for a psychiatrist;
 - 2) ~~\$2015~~,000 per year for an advanced practice registered nurse or a physician assistant;

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- 3) ~~\$2012~~,000 per year for a psychologist who holds a doctoral degree;
 - 4) ~~\$15,000~~~~6,500~~ per year for a licensed clinical social worker, ~~or~~ a licensed clinical professional counselor, or a licensed marriage and family therapist; and
 - 5) \$12,000 per year for a professional possessing a master's degree in counseling, psychology, social work, or marriage and family therapy;
 - 6) \$6,000 per year for a professional possessing a bachelor's degree in counseling, psychology, or social work; and
 - 7) ~~5)~~ ~~\$4,000~~~~2,500~~ per year for a substance use professional, a certified alcohol and drug counselor, or a certified recovery support specialist.
- h) Proceeds will be remitted directly to the holder of the loans to be repaid when the beneficiary designates ISAC as the disbursing agent for this purpose.
- i) The recipient and loan holder shall submit information for eligible educational loans in sufficient time for ISAC to make payments for each year in which the funds are awarded.
- k) If the recipient's loan holder receives an overpayment, the loan holder shall return the amount of the overage to ISAC. A supplemental request must be made by the recipient and processed by ISAC for any funds to be paid to another holder.
- k) When multiple loans are held by a single lending institution, the loan holder shall distribute the payment to one loan until paid in full.
- m) When possible, all loans held at a single lending institution shall be paid in full before monies are distributed to another loan holder.

(Source: Amended at 48 Ill. Reg. _____, effective _____)