

AGENDA ITEM 12.

EMERGENCY AND PROPOSED RULES AMENDMENTS

Submitted for: Information

Summary: This item reports on an emergency rules amendment that was filed for the Illinois Veteran Grant (IVG) Program, with a requested effective date of September 15, 2004. Emergency action was needed in order to avoid any disruption to the plans of the increasing numbers of active-duty troops returning home to Illinois from service in areas of hostilities and seeking to further their educational goals, some as early as this fall term. Recent hostilities in Iraq and Afghanistan have seen the mobilization of National Guard and Reserve members to serve alongside military personnel from the regular component of the U.S. Armed Forces on an unprecedented scale. The proposed amendments are necessary to provide equitable access to educational benefits, and are consistent with recent federal initiatives to enhance education benefits for active-duty National Guard and Reserve members.

Under existing administrative rules, Illinois residents who were members of a Reserve component and who were called to active duty for at least one year, or at least one day in a foreign country in a time of hostilities in that country, needed to have completed their initial enlistment contract before they were eligible to receive the Veteran Grant. In addition, members of the National Guard were not eligible for the Veteran Grant while they were active in the Guard. Both of these limitations are being withdrawn, in order to provide more equitable access to educational benefits for active-duty National Guard and Reserve members consistent with those provided to military personnel in the regular component of the U.S. Armed Forces.

As provided for in the Administrative Procedure Act, rules or amendments adopted on an emergency basis remain in effect for only 150 days; additional action is needed to extend the rules or amendments beyond that time frame. Accordingly, in order to make these changes permanent, staff filed a proposed amendment concurrently through the regular rulemaking process.

The full text of the emergency amendment is included in this item. The text of the proposed permanent amendment is identical.

Notices and text of the amendments will be published as required in the **Illinois Register**, with a publication date of September 17, 2004, and public comment on the proposed permanent amendment will be solicited through the regular rulemaking process.

Action requested: None

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NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.20 Applicant Eligibility

EMERGENCY

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. _____, effective September 15, 2004, for a maximum of 150 days;

Section 2733.20 Applicant Eligibility

EMERGENCY

- a) A qualified applicant shall be any member of the Armed Forces of the United States who has served at least one year of active duty and whose separation from such service has been characterized as honorable provided he/she:

- 1) was a:

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- A) resident of Illinois at the time of entering ~~federal active duty-the service~~ or within 6 months prior to entering the service; or
 - B) student at an Illinois public university or community college at the time of entering ~~federal active duty-the service~~; and
- 2) established or plans to establish Illinois residency within 6 months after separation from the Armed Forces, or if married to a person in continued military service:
- A) applied for this grant within 6 months after and including the date that the spouse was stationed within Illinois; or
 - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment or is residing with a spouse in continued military service who is currently stationed outside of Illinois.
- c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of subsections (a) and (b) is a qualified applicant if his/her separation from such service was characterized as honorable. If the applicant is still in the Armed Forces, ~~he/she must have completed his/her initial active duty commitment with service characterized as honorable. Upon discharge from the Armed Forces,~~ the veteran shall be subject to verification of continued eligibility for assistance under this Part upon discharge.
- d) Any member of the Illinois National Guard or a Reserve component of the Armed Forces who otherwise meets the eligibility requirements as set forth under this Part shall be considered a qualified applicant.
- ~~e)~~ A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- ~~f)~~ An individual is not a qualified applicant unless the individual's separation from the Armed Forces of the United States was characterized as honorable for each period of service.

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~~g)~~ An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:

- 1) the veteran's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
- 2) the veteran's separation prior to August 11, 1967 was characterized as honorable; or
- 3) the veteran's separation from such service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

~~h)~~ Members of the Reserve Officer Training Corps (ROTC) ~~and a state's National Guard~~ are not eligible for assistance under this Part.

~~i)~~ Applicants are not eligible if their only service has been attendance at a service academy.

~~j)~~ In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.

- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (DD Form 214) or Discharge Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.
- 2) If the applicant does not have a copy of the DD Form 214, he/she should submit documentation that provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the United States Department of Veterans Affairs.

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- 3) If the applicant is a member of the Armed Forces at the time of application, he/she shall submit a copy of the current Enlistment/Re-enlistment Document and a letter from the commanding officer. If the veteran is on an enlistment extension, copies of all extension contracts and a letter from the commanding officer must be provided with the application. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.

- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she may verify residency by providing one or more of the documents listed below:
 - A) Illinois driver's license issued during the relevant six month period;
 - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
 - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
 - D) Illinois motor vehicle registration issued during the relevant six month period;
 - E) Residential lease in the applicant's name for the relevant six month period;
 - F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;
 - G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
 - H) State of Illinois identification card issued during the relevant six month period; or
 - I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

(Source: Emergency amendment at 28 Ill. Reg. _____, effective September 15, 2004, for a maximum of 150 days)