AGENDA ITEM 4.

PROPOSED RULES AND AMENDMENTS

Submitted for: Action

Summary: This item reports on the agency’s rules and amendments as proposed during the omnibus rulemaking cycle. The proposals were provided to the Commission at its February 9th meeting and include amendments to three different Parts as well as rules for one new ISAC program, the Community College Transfer Grant (CCTG) Program. Text of the proposed rules and amendments was published in the Illinois Register on January 21, 2011, triggering a 45-day public comment period.

The proposed rules and amendments are being presented to the Commission for consideration now that the public comment period has ended. No public comments were received and no substantive changes have been made since the initial publication; only technical modifications have been included that are a normal part of the rulemaking process.

Now that the public comment period has ended, a second 45-day review period is required during which time the proposed rules and amendments are reviewed by the Joint Committee on Administrative Rules (JCAR), the legislative support services agency responsible for reviewing all rulemaking action of state agencies. Following acceptance of the proposed rules and amendments by the Commission, the Executive Director may direct staff to submit the proposed rules and amendments to JCAR thus initiating the second 45-day review period.

Action requested: That the Commission approve the following resolution:

“BE IT RESOLVED that the Commission accepts the proposed rules and amendments, as modified thus far during the rulemaking process, for submission to the Joint Committee on Administrative Rules.”
Background

ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, to reflect technological advances in the delivery of student financial assistance and to clarify issues that have arisen during the previous year. Potential rules amendments were solicited from internal staff and the financial aid community, including the Illinois Association of Student Financial Aid Administrators (ILASFAA) Rules and Operations Advisory Committee.

Public Act 96-1299 created the new Community College Transfer Grant Program which provides grant assistance, subject to appropriation, to students who have received an associate’s degree at an Illinois community college and who are pursuing a baccalaureate degree at a public or private institution of higher education in Illinois. Although the effective date of the legislation was July 1, 2010, the program was not funded for FY2011. Proposed rulemaking for the program will set forth the applicant eligibility requirements, program procedures and institutional procedures in the event an appropriation is received for FY2012 and beyond.

Rulemaking Process Overview

The proposed rules and amendments are published in the Illinois Register, which commences a 45-day public comment period. The Illinois Register is the State’s official documentation of rules and regulations promulgated by state entities and maintained by the Illinois Secretary of State. If comments are received from the public, they are then reviewed by staff. Where appropriate, the proposed rules and amendments are revised based on comments and suggestions, and staff requests authority from the Commission to submit the proposed rules and amendments, as revised, to the Joint Committee on Administrative Rules (JCAR) for a second 45-day review period. During this review period, legislative review of the rules is conducted first by the JCAR staff and then at a meeting of the legislative members. After incorporating changes suggested by JCAR, the proposed rules and amendments will be presented to the Commission for final adoption. The anticipated effective date of these proposed rules and amendments is July 2011.

Current Rulemaking Cycle

The proposed rules and amendments were provided to the Commission at its February 9th meeting and were published in the Illinois Register on January 21, 2011. This initial publication triggered the 45-day public comment period that ended on March 7, 2011.

In order to maximize the opportunity for public input, in addition to being published in the Illinois Register, the proposed rules and amendments were posted to ISAC’s Web site and messages were posted announcing the public comment period. The ILASFAA Rules and Operations Advisory Committee also had an opportunity to review the changes. No public comments were received. No substantive changes have been made to any of the Parts since the initial publication; only minor technical modifications have been included that are a normal part of the rulemaking process.
Proposed Rules and Amendments

Highlights of the proposed amendments to existing rules are presented in this item, as well as rules for one new ISAC program – Community College Transfer Grant (CCTG) Program. Amendments have been proposed to three different Parts this year: Grant Program for Dependents of Correctional Officers, Grant Program for Dependents of Police or Fire Officers and the Illinois Special Education Teacher Tuition Waiver (SETTW) Program.

Action Requested

Staff is requesting the Commission accepts the proposed rules and amendments, as modified thus far during the rulemaking process, for submission to the Joint Committee on Administrative Rules (JCAR).
HIGHLIGHTS OF PROPOSED RULES AND AMENDMENTS

Rules and amendments are being proposed for the following Parts:

Part 2731  Grant Program for Dependents of Correctional Officers

The amendment proposed for this Part provides clarification that when a disability is involved, the child must be in the legal custody of the officer at the time the injury was sustained.

Part 2732  Grant Program for Dependents of Police or Fire Officers

The amendment proposed for this Part provides clarification that when a disability is involved, the child must be in the legal custody of the officer at the time the injury was sustained.

Part 2740  Community College Transfer Grant (CCTG) Program

Public Act 96-1299 created the new Community College Transfer Grant Program. Proposed rulemaking for the program will set forth the applicant eligibility requirements, program procedures and institutional procedures for students to receive a grant, subject to appropriation, who have received an associate’s degree at an Illinois community college and who are pursuing a baccalaureate degree at a public or private institution of higher education in Illinois.

Part 2765  Illinois Special Education Teacher Tuition Waiver (SETTW) Program

The amendments proposed for this Part provide clarification to ensure it is the university making the determination that a student is accepted or enrolled in a Special Education program in order for the student to be considered an eligible applicant. An additional modification is included that would allow an exception to the repayment period start date when a tuition recipient is transferring from one participating university to another and is continuously enrolled but not yet admitted to the special education teacher program.