

AGENDA ITEM 4.

ADOPTED RULES AND AMENDMENTS

Submitted for: Action

Summary: This item reports on the agency's proposed administrative rules and amendments, which were provided to the Commission at its last two meetings. Amendments have been proposed to three existing Parts as well as rules for one new program, the Community College Transfer Grant (CCTG) Program.

Text of the proposals was published in January triggering a 45-day public comment period which ended on March 7, 2011. No comments were received. At its meeting on April 1, 2011, the Commission accepted the proposed rules and amendments, following which the Executive Director authorized staff to initiate the second 45-day review period by submitting them to the Joint Committee on Administrative Rules (JCAR), the legislative support services agency responsible for reviewing all rulemaking action of state agencies. JCAR voted "no objection" to the proposed rules and amendments at its May 10, 2011 meeting.

While some technical changes have been made in response to JCAR staff suggestions and to conform to the Illinois Administrative Procedure Act, there have been no substantive changes from the rules and amendments as originally published. The anticipated effective date is July 2011, in time for the 2011-12 academic year. The full text of the rules and amendments is provided under separate cover.

Following approval and adoption of these rules and amendments by the Commission, the Executive Director will authorize staff to submit them to the Administrative Code Division of the Secretary of State for publication as final adopted rules and amendments. Once adopted, they will be communicated to ISAC's clients through publication in the Illinois Register, ISAC's electronic messaging service, as well as being posted to ISAC's website.

Action requested: That the Commission approve the following resolution:

"BE IT RESOLVED that the Commission approves and adopts the administrative rules and amendments, as modified during the rulemaking process, so that they can be effective for the 2011-12 academic year."

ILLINOIS STUDENT ASSISTANCE COMMISSION

ADMINISTRATIVE RULES AND AMENDMENTS

Background

ISAC annually reviews its administrative 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.

Proposed Rules and Amendments

Amendments have been proposed to three existing Parts: 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. In addition, Public Act 096-1299 created the 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 sets forth the applicant eligibility requirements, program procedures and institutional procedures in the event an appropriation is received in the future.

Highlights of the proposals are included in this item. The full text of the rules and amendments is provided under separate cover.

Rulemaking Process Overview

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. JCAR is the legislative support services agency responsible for reviewing all rulemaking action of state agencies. 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 are presented to the Commission for final adoption.

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 website and a message was sent to client groups announcing the public comment period. No public comments were received.

At its April 1, 2011 meeting, the Commission accepted the proposed rules and amendments, following which the Executive Director authorized staff to initiate the second 45-day review period by submitting them to the Joint Committee on Administrative Rules (JCAR). JCAR voted “no objection” to the proposed rules and amendments at its May 10, 2011 meeting.

While some technical changes have been made in response to JCAR staff suggestions and to conform to the Illinois Administrative Procedure Act, there have been no substantive changes from the rules and amendments as originally published. The anticipated effective date is July 2011, in time for the 2011-12 academic year.

Action Requested

Staff is requesting that the Commission approves and adopts the administrative rules and amendments, as modified thus far during the rulemaking process, so that they can be effective for the 2011-12 academic year.

HIGHLIGHTS OF ADMINISTRATIVE RULES AND AMENDMENTS

Rules and amendments are being proposed to the following Parts of 23 Illinois Administrative Code:

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 provides 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.