

## AGENDA ITEM 5.

### PROPOSED ADMINISTRATIVE RULES

**Submitted for: Action**

**Summary:**

The Higher Education Student Assistance Act was amended to create the AIM HIGH Grant Pilot Program (110 ILCS 947/65), the appropriation for which will enable Illinois public universities to establish a merit-based, means-tested award program. The program's intent is to increase enrollment of Illinois residents at Illinois public universities and increase overall retention of Illinois college students in the state. Additionally, it is meant to encourage Illinois residents to attain a college degree by making college more affordable, while reducing the amount of student loan debt. These rules set forth the requirements by which the program will be implemented and administered, and are consistent with the amendments.

#### Ill. Adm. Code 2766 AIM HIGH Grant Pilot Program

**Emergency Rules:** Public Act 100-0587 created the AIM HIGH Grant Pilot Program and was signed into law on June 4, 2018, with an immediate effective date. Although the first awards will be granted for the 2019-20 academic year, because universities needed to quickly begin to prepare for the implementation of the program, including awareness efforts to their prospective students, ISAC staff filed with the Secretary of State emergency administrative rules that became effective upon filing on September 13, 2018, and will expire February 9, 2019, 150 days from the effective date. The rules provide the requirements by which the program will be implemented and administered at public university campuses.

**Proposed Rules:** As is customary, the proposed (non-emergency) administrative rules were filed simultaneously with the emergency rules. The language in both filings is the same, but the proposed rules will not expire and will become effective only after being subject to the entire administrative rules process.

Text of the proposed rules was first published in the *Illinois Register* on September 28, 2018 (42 Ill. Reg. 17265), triggering a 45-day public comment period that ended on November 11, 2018. One entity submitted comments regarding the proposed rules; the comments were directed toward Sections 2766.40 and 2766.50, and related to student eligibility and data reporting requirements. Because the issues raised are governed by statute, no action was taken to revise the rules language based on public comments. During the rulemaking period, however, ongoing communication between staff and the Illinois AIM HIGH Grant Program Advisory Committee (comprised of representatives from each of the 12 participating public university campuses), as well as discussion with staff members of the Joint Committee on Administrative Rules (JCAR), resulted in changes to the language originally published in the *Illinois Register*. Therefore, the foregoing text, while still adhering to the spirit and direction provided in Public Act 100.0587 (signed by the governor on June 4, 2018), differs from that version.

Following acceptance of the proposed rules by the Commission, the Executive Director may direct staff to submit the rules to JCAR for its review, thus initiating the second 45-day review period, followed by final consideration by JCAR.

**Action requested:**

That the Commission approve the following resolution:

“BE IT RESOLVED that the Commission accepts the proposed program rules cited in this agenda item for submission and consideration by the Joint Committee on Administrative Rules (JCAR); and, barring any material modification, or objection by JCAR, the Commission authorizes the Executive Director to proceed with adopting the program rules.”

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2766

AIM HIGH GRANT PILOT PROGRAM

Section

2766.10	Summary and Purpose
2766.15	Definitions
2766.20	Institutional Applicant Eligibility
2766.30	Program Procedures
2766.40	Institutional Procedures
2766.50	Student Applicant and Recipient Eligibility

**AUTHORITY:** Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947/65.100].

**SOURCE:** Former Part 2766 repealed at 31 Ill. Reg. 9523, effective July 1, 2007; new Part 2766 adopted by emergency rulemaking at 42 Ill. Reg. 17265, effective September 13, 2018, for a maximum of 150 days; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2766.10 Summary and Purpose**

- a) In an effort to increase enrollment of Illinois residents at Illinois public universities, increase overall retention of Illinois college students in Illinois and encourage Illinois residents to attain a college degree, state appropriated funds are to be used to enable Illinois public universities to establish a merit-based, means-tested award program known as the Aspirational Institutional Match Helping Illinois Grow Higher Education Grant Pilot Program (AIM HIGH) to make college more affordable at their campuses while reducing the amount of student loan debt. Each eligible public university campus must match those funds with non-loan financial aid for eligible students and maintain or exceed levels of financial aid to Illinois residents from fiscal year 2018. ISAC is responsible for administering the distribution of AIM HIGH grant funds to the public universities in compliance with this Part and governing laws.
- b) This Part establishes rules that govern AIM HIGH. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700 and 44 Ill. Adm. Code 7000.

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**Section 2766.15 Definitions**

*“Illinois High School” - any high school located in Illinois whether or not recognized by the State Board of Education.*

“Maintenance of Effort” or “MOE” - a requirement that in the academic year AIM HIGH funds are received by the public university campus, the total amount of qualifying non-loan financial aid the public university campus awards to its Illinois resident undergraduate students must be at least as much as those same awards in fiscal year 2018 and shall not include AIM HIGH funded awards or matching requirement awards made in that academic year.

“Matching Requirement” - a requirement that the public university campus use its own funds in the academic year for which the AIM HIGH funds are used, to equally match those AIM HIGH funds allocated to it, to award non-loan financial aid to its students who meet at least the qualifications described in Section 2766.50(b).

*“Public University” - any public 4-year university in Illinois.*

*“Public University Campus” - any campus under the governance or supervision of a public university. [110 ILCS 947/10]*

“Qualifying non-loan financial aid” – non-loan financial aid, the awarding of which is mostly within the control of the public university campus. The data requested to demonstrate this awarding shall be determined by ISAC and shall be applied uniformly across university campuses.

“Resident of Illinois” or “Illinois Resident” - defined by the laws governing eligibility for in-state tuition at the public university campus.

**Section 2766.20 Institutional Applicant Eligibility**

- a) A public university applicant is eligible to apply for and receive an allocation of an appropriation of AIM HIGH funds if it:
  - 1) submits a timely and complete application that includes a description of the award to be funded with AIM HIGH funds that meet program eligibility criteria in Section 2766.50(a), (b) and (c) to be used solely for non-loan financial aid at that university or university campus during the academic year, not including the summer term;

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- 2) certifies in good faith that it shall use its own funds in the academic year for which the AIM HIGH funds are requested, to equally match those AIM HIGH funds allocated to it, to award non-loan financial aid to its students who meet at least the qualifications described in Section 2766.50(b);
  - 3) certifies the total amount of qualifying non-loan financial aid it awarded to its Illinois resident undergraduate students in fiscal year 2018, which number shall serve as a baseline for its MOE going forward;
  - 4) certifies that during the academic year for which the AIM HIGH funds are requested it shall, in addition to awards made for the matching requirement, make a good faith effort to award qualifying non-loan financial aid to its Illinois resident undergraduate students, not including AIM HIGH funded awards, in an amount that is at least equal to the amount of aid awarded to its Illinois resident undergraduate students at that public institution in fiscal year 2018, or if such enrollment is less than in fiscal year 2018, that total amount calculated on a per student basis;
  - 5) has met all information reporting requirements in Section 2766.40(c);
  - 6) has not been suspended or disqualified from receiving an allocation for the upcoming academic year; and
  - 7) enters into an AIM HIGH Grant Agreement with ISAC.
- b) For renewal applications, in addition to complying with subsection (a), the public university campus shall:
- 1) demonstrate that it met its matching requirement and MOE in the previous academic year;
  - 2) in any academic year the public university campus fails to meet its entire matching requirement, demonstrate that it made a good faith effort to meet its matching requirement to be eligible for an allocation that is necessary to fund only renewal AIM HIGH funded awards in the next academic year; and

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- 3) in any academic year when the public university campus fails to make its entire MOE, demonstrate that it made a good faith effort to make its MOE to be eligible for:
  - A) 100% of its allocation of AIM HIGH funds if in the preceding academic year the public university campus made its entire MOE;
  - B) 90% of the previous academic year's AIM HIGH funds received and distributed by the public university campus if it is the second consecutive academic year the public university campus fails to make its entire MOE; and
  - C) an allocation that is necessary to fund only renewal AIM HIGH funded awards in any academic year where it is the third or more consecutive academic year that the public university campus fails to make its entire MOE.

**Section 2766.30 Program Procedures**

- a) Each year, in the month of August, ISAC will request from each public university campus the number of undergraduate students who are residents of Illinois and citizens or eligible noncitizens of the U.S. and who were enrolled at that public university campus in the previous academic year.
- b) ISAC will determine for each public university campus its proportionate allocation of appropriated funds for the upcoming academic year using enrollment data provided in subsection (a).
- c) After determining the allocation of the appropriation for each public university campus, ISAC will inform each public university campus of the amount of its available allocation for the upcoming academic year.
- d) Annually, each public university campus may opt to apply for all or part of its allocation of appropriated funds.
- e) If a public institution does not request all or part of its allocation, ISAC will reallocate those unclaimed funds, using the same methodology as the initial allocation determination, among the remaining universities that have indicated a desire to receive an additional allocation.

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- f) In order to receive a disbursement of AIM HIGH funds the university campus shall complete an application that shall be in a form provided by ISAC and shall include at a minimum the following information and documentation:
  - 1) the amount of the allocation the university has claimed for the upcoming academic year;
  - 2) the total university campus funds used to match funds received from ISAC in the previous academic year, if any;
  - 3) the total number of undergraduate students who are residents of Illinois from the previous academic year;
  - 4) all information and certifications that demonstrate eligibility as described in Section 2766.20 (Institutional Applicant Eligibility); and
  - 5) any other information or certifications required by law or the Grant Agreement.
- g) 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 completed application is received at ISAC's Springfield office at 500 West Monroe, 3<sup>rd</sup> Floor, Springfield, IL 62704.
- h) A university that does not submit a complete and timely application may not be eligible to receive its allocation. Instead, its share may be distributed by ISAC using the allocation determination methodology in subsection (a) to make the remaining funds available for other universities that filed timely applications and indicate a desire for an additional allocation.
- i) The total amount of grant funds to be distributed among eligible applicant universities in a given academic year is contingent upon available funding from the previous fiscal year and whether all eligible institutions elect to receive their full allocation.
- j) No funds shall be distributed to the public university campus until all AIM HIGH funds from the previous academic year have been reconciled and any awarded funds not used to fund awards in compliance with Section 2766.20 (Institutional Applicant Eligibility) have been returned.

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- k) Depending upon the number of academic years and the degree to which the public university campus fails to make its matching requirement or MOE, the university campus may be suspended from participating in AIM HIGH in an academic year, but shall be eligible to regain eligibility in the academic year following the suspension.
- l) When making the determination to reduce an award under Section 2766.20(b)(2) and (3), or suspend a university campus from AIM HIGH for not meeting its matching requirement or MOE under subsection (k), ISAC shall take into account the circumstances that may have contributed to this failure, such as, but not limited to:
  - 1) a reduction in state appropriations to fund the public university campus in that academic year;
  - 2) the number of matching requirement or MOE qualifying awards offered by the public institution, but not accepted by students in that academic year; and
  - 3) the commitment demonstrated by the public university campus to maintaining level tuition and mandatory fees for Illinois residents over multiple academic years.

**Section 2766.40 Institutional Procedures**

- a) In addition to complying with Section 2766.30 (Program Procedures), the public university campus shall be responsible for administering and making awards to students in compliance with this Section, Section 2766.50 and the policies of the university campus. For its own awards using its AIM HIGH allocation, a public university campus shall:
  - 1) *establish the amount of the award based on an individual or broad basis in compliance with Section 2766.50; [110 ILCS 947/65.100]*
  - 2) establish reasonable criteria consistent with eligibility criteria in Section 2766.50;
  - 3) use grant funds solely to fund awards of non-loan financial aid at that university campus during the academic year, not including summer terms;

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- 4) renew the award each year for each student who meets the renewal criteria established by the public university campus; consistent with the renewal eligibility criteria in Section 2766.50 in amounts not less than the amount provided in the student's first year at that university campus;
  - 5) give preference to eligible renewal applicants in any academic year funding is insufficient to award to all eligible applicants;
  - 6) *use its best efforts to delegate grant funds amongst a racially diverse range of students and not use a student's race, color, religion, sex (including gender identity, sexual orientation, or pregnancy), national origin, age, disability, or genetic information to disqualify him or her from receiving an AIM HIGH award;*
  - 7) post on its website the criteria and eligibility requirements and the amount of the AIM HIGH award and provide that information to ISAC and the Illinois Board of Higher Education (IBHE) to post on their respective websites;
  - 8) indicate in each initial student award application the renewal criteria for each academic year and not change those criteria for that recipient;
  - 9) make each renewal award contingent upon the availability of funding for the academic year in which the award is used; and
  - 10) reconcile and return the amount of AIM HIGH funds that were not used for awards in the academic year for which funds were granted before receiving the distribution of its allocation for the next academic year.
- b) Each institution shall be responsible for meeting its statutorily-mandated matching requirement and MOE to remain eligible for its allocation. See Sections 2766.15 and 2766.20.
  - c) Annually, on or about the end of each academic year, in a format determined by ISAC, each participating public university campus shall report the following information to ISAC:
    - 1) *the Program's impact on tuition revenue and enrollment goals and increase in access and affordability at the public university campus;*

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- 2) *total funds received by the public university campus under the Program;*
- 3) *total non-loan financial aid awarded to undergraduate students attending the public university campus;*
- 4) *total amount of funds matched by the public university campus;*
- 5) *total amount of funds refunded to ISAC by the public university campus;*
- 6) *the percentage of total financial aid including awards made with matching funds distributed under the Program by the public university campus; and*
- 7) *the total number of students receiving awards from the public university campus under the Program including awards made with matching funds and those students' name, date of birth, grade level, race, ethnicity, gender, income level, family size, Monetary Award Program eligibility, Pell Grant eligibility, and ZIP code of residence, the amount of each award and the total cost of attendance for each student after non-loan financial aid. This information shall include unit record data on those students regarding variables associated with the parameters of the public university campus's Program, including, but not limited to, a student's ACT or SAT college admissions test score, high school or university cumulative grade point average, or program of study. [110 ILCS 947/65.100]*

**Section 2766.50 Student Applicant and Recipient Eligibility**

- a) An eligible student applicant for funding from an AIM HIGH allocation shall:
  - 1) have attended an Illinois high school;
  - 2) be engaged in a program of study (i.e., course) that in due course will be completed by the end of the school year;
  - 3) complete an application for the award no later than 12 months from the last date of the school year within which the coursework was completed;
  - 4) apply to be enrolled for the first time at the public university campus where the award will be used; and

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- 5) meet all the student eligibility qualifications and requirements under subsection (b) before receiving an award.
- b) In order to meet the eligibility qualifications and requirements, an award recipient shall:
- 1) *be a resident of Illinois and a citizen or eligible noncitizen of the United States;*
  - 2) *file a Free Application for Federal Student Aid (FAFSA) and demonstrate financial need with a household income no greater than 6 times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2);*
  - 3) *meet the minimum cumulative grade point average or ACT or SAT college admissions test score, as determined by the public university campus;*
  - 4) *be enrolled in a participating public university campus as an undergraduate student on a full-time basis;*
  - 5) *have not yet received a baccalaureate degree or the equivalent of 135 semester credit hours;*
  - 6) *not be incarcerated;*
  - 7) *not be in default on any student loan nor owe a refund or repayment on any State or federal grant or scholarship; and*
  - 8) *meet any other reasonable criteria, as determined by the public university campus. [110 ILCS 947/65.100]*
- c) An AIM HIGH funded award recipient who meets the eligibility criteria for renewals shall be eligible for an AIM HIGH renewal award in subsequent academic years, the criteria for which shall be determined by the public university campus consistent with the criteria in this Section. AIM HIGH funded award renewal amounts shall be in an amount not less than the AIM HIGH funded amount from the renewal applicant's first year of attendance at the university campus, unless there is a reduction due to changes in the student's cost of attendance, including but not limited to:

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- 1) a reduction in credit hours in which he or she is enrolled, but remains a full time student; or
  - 2) switching to a course of study with a lower tuition rate.
- d) An AIM HIGH funded award recipient under subsection (a) or a renewal applicant thereof shall be eligible for non-loan financial aid in the amount determined by the public university campus during the academic year, not including summer terms and shall be eligible to receive other financial aid.
- e) The total amount of the AIM HIGH 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.
- f) Applicants eligible for an award using matching requirement funds must meet the criteria in subsection (b). Renewal availability and eligibility criteria shall be determined by the public university campus as required by subsection (b).