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Governmental Agencies



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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
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15	April 1, 2024	April 12, 2024
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18	April 22, 2024	May 3, 2024
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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
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34	August 12, 2024	August 23, 2024
35	August 19, 2024	August 30, 2024
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37	September 3, 2024	September 13, 2024
38	September 9, 2024	September 20, 2024
39	September 16, 2024	September 27, 2024
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42	October 7, 2024	October 18, 2024
43	October 15, 2024	October 25, 2024
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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
2700.60	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 the definition of a regular school year, remove a document that can be used for Illinois residency verification and clarify audit procedures.
- 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:

Carly Mandarino

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

(847) 831-6753
carly.mandarino@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: July 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

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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. 12551, effective August 1, 2024; amended at 49 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.

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

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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

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the materials, to students who are not physically attending classes at the 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.

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

"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 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.

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

"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.

"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

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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.

"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

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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).

"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

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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 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.

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"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 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*

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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 terms or 3 quarter terms. The regular school year excludes summer terms. A summer term is any academic period that consists of one or more sessions of instruction between a spring and a fall semester, and/or one that is conducted during the months of June, July, and/or August. ~~Terms that begin after April 15 and end before September 16 are considered summer terms.~~

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"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 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

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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 will be considered a Resident of Illinois for the purpose of ISAC gift assistance in accordance with 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, 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.

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"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.

"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.

"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.

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"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 49 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
 - B) The applicant was enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Sections 2700.20 and 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:

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- 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) If the institution has information that 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 review the applicant's residency eligibility for ISAC gift assistance programs to determine whether it should be based on the Illinois resident parent.
- A) The institution will make this determination on a case-by-case basis upon confirming that the dependent student and Illinois parent reside in the State as evidenced by documentation as outlined in subsection (e)(4).
 - B) The institution shall notify ISAC of the determination.
 - 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 financial information on the FAFSA or Alternative Application, according to the instructions provided on the respective applications.
- 4) Data from one or more of the documents listed in this subsection (e)(4) may provide proof that an applicant (or parent) is an Illinois resident, as 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~~
 - AB) Illinois high school or college transcript

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- ~~B~~C) Illinois driver's license
 - ~~C~~D) Utility or rent bills in the applicant's (or parent's) name
 - ~~D~~E) Illinois auto registration card
 - ~~E~~F) Residential lease in the applicant's (or parent's) name
 - ~~F~~G) Wage and tax statements (IRS Form W-2)
 - ~~G~~H) Statement of benefits history from the Illinois Department of Healthcare and Family Services
 - ~~H~~I) State of Illinois identification card issued by the Secretary of State
 - ~~I~~J) Statement of benefits from the Illinois Department of Employment Security
 - ~~J~~K) Statement of benefits from the Social Security Administration
 - ~~K~~L) Illinois voter's registration card
 - ~~L~~M) Property tax bill
 - ~~M~~N) IRS Form 1099-Miscellaneous Income Statements
- 5) 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)
- 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.

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- 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. 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 49 Ill. Reg. _____, effective _____)

Section 2700.60 Audits and Investigations

- a) ISAC shall audit participating institutions of higher learning. All postsecondary institutions participating in ISAC gift assistance programs shall be audited for compliance with ISAC administered gift assistance programs on a schedule that is determined based on a risk assessment and the availability of ISAC resources. The factors used to determine when a review will be scheduled may include, but are not limited to, the following: dollar amounts awarded to the school for ISAC gift assistance programs, time elapsed since the last ISAC review, the institution's external or internal audit findings in the area of financial aid administration, ED findings or issues noted, results of investigations conducted by parties such as

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Inspectors General or Attorneys General, substantial increases in students awarded ISAC gift assistance, evidence that the institution is experiencing difficulty meeting the requirements of ISAC's rules or federal regulations, or issues in past audits conducted by ISAC. Secondary institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.

- b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED ~~verification~~ procedures.
- c) The institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the institution's chief executive officer. Audit findings may be appealed in accordance with Section 2700.70 (Appeal Procedures).
- d) If an audit identifies gift assistance funds that were claimed on behalf of ineligible students, the funds shall be repaid to ISAC by the institution.

(Source: Amended at 49 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section Number: 2730.40 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to change priority claim dates for the submission of payment requests from institutions following the removal of term deadline dates.
- 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:

Carly Mandarino
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

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(847) 831-6753
carly.mandarino@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: July 2024

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2730
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section

2730.10	Summary and Purpose
2730.20	Applicant Eligibility
2730.30	Program Procedures
2730.40	Institutional Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8406, effective July 1, 2001; amended at 26 Ill. Reg. 10013, effective July 1, 2002; amended at 27 Ill. Reg. 10338, effective July 1, 2003; amended at 29 Ill. Reg. 9904, effective July 1, 2005; amended at 30 Ill. Reg. 11623, effective July 1, 2006; amended at 32 Ill. Reg. 10305, effective July 1, 2008; amended at 36 Ill. Reg. 9408, effective July 1, 2012; amended at 37 Ill. Reg. 9504, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 15439, effective September 3, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 2891, effective January 15, 2014; amended at 39 Ill. Reg. 8415, effective July 1, 2015; amended at 41 Ill. Reg. 8121, effective July 1, 2017; amended at 44 Ill. Reg. 11008, effective July 1, 2020; amended at 47 Ill. Reg. 9458, effective July 1, 2023; amended at 49 Ill. Reg. _____, effective _____.

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Section 2730.40 Institutional Procedures

- a) The institution must establish a qualified applicant's initial eligibility before requesting payment from ISAC. A valid Illinois National Guard Grant eligibility letter may be used for this purpose.
- b) If a student is eligible for, and has indicated to the institution the intent to receive, educational assistance through the Post-9/11 GI Bill (38 ~~U.S.C.~~ USC, Chapter 33), the institution must first apply Post-9/11 GI Bill benefits to the student's financial aid award. ING Grant benefits can then be used to cover the remaining ING Grant eligible tuition and fees.
- c) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.
- d) ING Grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform institutions of the required priority dates. For the fall term, the priority claim date will be during the month of December; for the spring term, the priority claim date will be during May or June ~~the last two weeks of March or the first two weeks of April~~; for the summer term, the priority claim date will be during the month of July or August.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit payment requests beginning 10 days prior to the start of classes for the term for which payment is being requested.
- e) Claims will be paid as follows:
 - 1) first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;

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- 2) if funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;
 - 3) if funds still remain after the preceding claims are paid, summer term claims received by the designated deadline date will be paid, or prorated if remaining funds are insufficient to pay all summer claims in full;
 - 4) in the event that funds are not exhausted by summer term payments, claims received after the designated deadline dates will be paid or prorated; and
 - 5) timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection (e).
- f) Payments on behalf of a recipient will be made to only one institution per term. For any institution that has a concurrent registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.40(h).)
- g) Institutions are required to reconcile payments, both payment data and actual funds, received through ING and, as applicable, submit all necessary corrections to student records on a timely basis.
- 1) Within 30 days after and including the date of receiving payment of any ING funds claimed pursuant to this Section, the institution shall credit the ING funds against the recipients' tuition and eligible fee charges for the appropriate term.
 - 2) Within 30 days after the end of an academic term during which ING funds are credited to recipients' tuition and eligible fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for

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whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:

- A) The amount of the claim applied to a student's tuition and eligible fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
 - B) The amount of the claim applied to a student's tuition and eligible fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or
 - C) The amount of the claim applied to a student's tuition and eligible fee charges equaled the amount that the student was eligible to receive.
- 3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.
 - 4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term unless the payment is received after the end of the regular school year. If the payment of claims is made after the end of the regular school year, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.
 - 5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

(Source: Amended at 49 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2735.30	Amendment
2735.40	Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to add clarification to the definition of a regular school year following an update to the definition of a regular school year in ISAC's General Provisions.
- 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:

Carly Mandarino
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road

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Deerfield, IL 60015

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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: July 2024

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2735
MONETARY AWARD PROGRAM (MAP)

Section

2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.35	Dislocated Workers
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)

2735.APPENDIX A Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. 10043, effective July 15, 2004; amended at 29 Ill. Reg. 9920, effective July 1, 2005; amended at 30 Ill. Reg. 11654, effective July 1, 2006; amended at 36 Ill. Reg. 9432, effective

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July 1, 2012; amended at 37 Ill. Reg. 9528, effective July 1, 2013; amended at 39 Ill. Reg. 8434, effective July 1, 2015; amended at 43 Ill. Reg. 7281, effective July 1, 2019; amended at 43 Ill. Reg. 15025, effective January 1, 2020; amended at 44 Ill. Reg. 11032, effective July 1, 2020; emergency amendment at 46 Ill. Reg. 14590, effective August 8, 2022, for a maximum of 150 days; emergency expired January 4, 2023; amended at 47 Ill. Reg. 1038, effective January 5, 2023; amended at 49 Ill. Reg. _____, effective _____.

Section 2735.30 Program Procedures

- a) An application for a MAP grant must be submitted annually. An applicant uses the Free Application for Federal Student Aid (FAFSA).
- b) Applicants, spouses and the parents of applicants are required to submit financial information on the application that will be kept confidential, regarding income, asset value and non-taxable income.
- c) **Priority Deadline Date for Renewing Applicants**
No later than September 30, the Commission will annually publish a priority deadline date for renewing applicants. *In this subsection (c), renewing applicant means a student attending an institution of higher learning who received a MAP grant during the prior academic year.* [110 ILCS 947/35] Subject to appropriation, a renewing applicant who files by the published priority deadline date shall receive a grant if the program's eligibility requirements under this Section continue to be met. A renewing applicant's failure to apply by the priority deadline date would not disqualify an applicant from receiving a grant if sufficient funding is available to provide awards after that date.
- d) Awards will be announced concurrently, both for students who had not received a MAP award the previous regular school year and for students who did receive a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements. [\(See 23 Ill. Adm. Code 2700.20 for definition of a regular school year.\)](#)
- e) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not received a MAP award for the previous regular school year and to students who did receive a MAP award the previous regular school year.

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- f) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to 2 months after the final suspension date or until the completion of the processing cycle, whichever comes first.
- g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.
- h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.
- i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.
- j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
 - 1) maximum award specified at Section 35(c) of the Higher Education Student Assistance Act [110 ILCS 947]; or
 - 2) institution's tuition and mandatory fee charges on file with ISAC.
- k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student.
- l) For each credit hour of MAP benefits paid on behalf of the recipient, the recipient will be assessed one MAP paid credit hour toward the maximum usage. For each credit hour used, payment will be made to the school on behalf of the recipient in an amount equal to $\frac{1}{15}$ of the student's calculated term award amount, with a minimum of 3 hours and a maximum of 15 hours paid per term.
- m) A recipient may receive the equivalent of 135 semester credit hours of MAP benefits paid. Eligibility may be extended for one additional term if the recipient

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has accumulated fewer than 135 MAP paid credit hours but does not have enough credit hours of payment remaining for the number of hours for which the recipient is enrolled for the term.

- n) A recipient may use more than 75 MAP paid credit hours while enrolled at the freshman or sophomore level, although doing so may leave the student with insufficient remaining MAP eligibility to apply to all remaining credit hours required for the completion of a baccalaureate degree.
- o) The MAP grant shall not pay for academic programs intended to prepare a student for the high school equivalency certificate or for a high school diploma.
- p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, graduate-level courses leading to a degree above the baccalaureate level, or noncredit course offerings (except qualifying remedial courses). Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours).
- q) The MAP grant may be used by students repeating previously passed courses for the first time. The MAP grant may not be used for courses that a student has previously passed 2 or more times.
- r) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- s) MAP paid credit hours are assessed to a recipient whenever MAP funds are disbursed on behalf of the recipient.
- t) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.
- u) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not

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obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to other students.

- v) If a recipient's academic program involves out-of-state and/or foreign study, subsection (j) applies and enrollment must be in accordance with the following provisions:
- 1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.
 - 2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.
 - 3) An institution shall not request more than 2 semesters/3 quarters of MAP assistance for any one qualified applicant enrolled on a full-time basis, or 4 semesters/6 quarters of MAP for an applicant-enrolled on a half-time basis.

(Source: Amended at 49 Ill. Reg. _____, effective _____)

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) In order for applicants to receive additional and specific consideration as a dislocated worker, as defined by the federal Workforce Innovation and Opportunity Act, the institution shall:
 - 1) Verify that the applicant indicated on the FAFSA is a dislocated worker; and
 - 2) Ensure that the applicant certifies to the institution that the applicant is a dislocated worker as defined by the federal Workforce Innovation and Opportunity Act.

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- c) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- d) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the programs listed in this subsection.
- e) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
 - 1) A prepaid tuition plan is any program that exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program that reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (e)(1). The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- f) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.
- g) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.

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- h) The institution shall announce MAP eligibility, including the estimated award amount, using ISAC-provided award notification language. The institution shall also provide notification to affected students of any change in award eligibility that may occur during the academic year.
- i) Institutions of higher learning shall submit payment requests to ISAC.
- j) For any institution of higher learning that has concurrent registration opportunities, the following policy pertains:
 - 1) The recipient must indicate the institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.
 - 3) The amount paid cannot exceed the maximum term award for students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
 - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
 - 5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- k) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(v).
- l) If an announced recipient's credit hour enrollment decreases before the expiration of the tuition refund/withdrawal adjustment period, the institution shall only request payment up to the tuition and mandatory fee amount based on the number of credit hours enrolled.

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- m) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
- n) MAP grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning 10 days prior to the start of classes for the term for which they are requesting payment.
- o) Institutional Processing of Payments
 - 1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term [in the regular school year](#).
 - 2) Within 30 days after the end of an academic term during which MAP funds were credited to recipients' tuition and mandatory fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:
 - A) The amount of the claim applied to a student's tuition and mandatory fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals;
 - B) The amount of the claim applied to a student's tuition and mandatory fee charges was less than the amount that the student

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was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

- C) The amount of the claim applied to a student's tuition and mandatory fee charges equaled the amount that the student was eligible to receive.
- 3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.
- 4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the institutions regular school year unless the payment is received after the end of the regular school year. If the payment of claims are made after the end of the regular school year, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC. ([See 23 Ill. Adm. Code 2700.20 for definition of a regular school year.](#))
- 5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
- 6) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests ~~except for summer term~~ must be received by ISAC no later than July 1. ~~Summer term payment requests must be received no later than July 31.~~
- 7) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

(Source: Amended at 49 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Early Childhood Access Consortium for Equity (ECACE) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2751
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2751.10	New Section
2751.15	New Section
2751.20	New Section
2751.30	New Section
2751.40	New Section
- 4) Statutory Authority: Implementing Section 65.125 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.125 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: Rules are being established for this new program created by P.A. 103-0588.
- 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:

Carly Mandarino

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

(847) 831-6753
carly.mandarino@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: July 2024

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

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NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2751
EARLY CHILDHOOD ACCESS CONSORTIUM FOR EQUITY (ECACE)
SCHOLARSHIP PROGRAM

Section

2751.10	Summary and Purpose
2751.15	Definitions
2751.20	Applicant Eligibility
2751.30	Program Procedures
2751.40	Institutional Procedures

AUTHORITY: Implementing Section 65.125 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.125 and 20(f)].

SOURCE: Adopted at 49 Ill. Reg. _____, effective _____.

Section 2751.10 Summary and Purpose

- a) The Early Childhood Access Consortium for Equity (ECACE) Scholarship Program was created to address the shortage of qualified early childhood educators by encouraging the pursuit of credentials and advancement of already-held degrees in early childhood education, with an aim toward building a strong, well-prepared workforce.
- b) This Part establishes the rules which govern the Early Childhood Access Consortium for Equity (ECACE) Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2751.15 Definitions

"Incumbent Workforce" means someone currently working or having worked in the early childhood field, in either a licensed or license-exempt facility, including home-based child care, center-/community-based child care, Preschool for All programs, school-based preschool settings and Head Start Programs that serve

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children from birth to age 5. Acceptable positions include teachers, assistant teachers, directors, family child care providers and assistants.

"Licensed Facility" means a child care program in a center or home (family child care) that is licensed by the Illinois Department of Children and Family Services (DCFS).

"License-exempt Facility" means child care that is not required to be licensed by DCFS and may include programs operated by public or private elementary school systems, high schools or institutions of higher learning; programs conducted on federal government premises; and other programs recognized or registered with the Illinois State Board of Education (ISBE) if children in the program are aged three and older.

Section 2751.20 Applicant Eligibility

A qualified applicant shall:

- a) be a U.S. citizen or an eligible noncitizen or meet the undocumented student criteria of the RISE Act;
- b) be a member of the incumbent workforce, currently working or having worked in the early childhood field in a licensed or license-exempt facility that serves children from birth to age 5;
- c) be enrolled or accepted for enrollment, on a full- or part-time basis (at least 3 credit hours), at the undergraduate level at a public or non-profit private 2- or 4-year Gateways-entitled and Early Childhood Access Consortium for Equity member institution;
- d) be pursuing at least one of the following:
 - 1) an Associate of Applied Science degree (or related certificate) in early childhood education or an associate degree with a concentration in early childhood education;
 - 2) a bachelor's degree in early childhood education, with or without a Professional Educator License; and

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- e) be maintaining satisfactory academic progress as determined by the institution.

Section 2751.30 Program Procedures

- a) An application for the scholarship must be submitted annually and an applicant must also complete the Free Application for Federal Student Aid (FAFSA®) or the Alternative Application to receive a valid SAI. The ECACE application is available on ISAC's website. In order to receive priority consideration for an award, both applications, including all required documentation, must be completed and received by a priority date established each year by the Commission that will precede the academic year for which the scholarship is being requested.
 - 1) The ECACE application is available on ISAC's website.
 - 2) If the scholarship application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received by ISAC.
- b) Award funds shall be applicable to an applicant's total cost of attendance for an award year after other financial aid received, up to a maximum of \$7,500.
- c) Within the constraints of annual appropriation levels, two semester or three quarter term payments are made directly to the institution.
- d) ISAC shall select recipients from among those who have submitted complete applications and have supplied required information, including qualified timely renewal and new applicants.
- e) Awarding priority shall be given to renewal applicants, meaning those who were paid an ECACE benefit in the previous award year, who continue to meet the eligibility requirements. Applicants will be prioritized for awarding based on their SAI from the FAFSA or Alternative Application, from lowest to highest.
- f) The total number of awards in a given fiscal year is contingent on available funding. If funding is insufficient to pay all eligible applicants, awarding will be based on the date the completed application is received by ISAC.

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- g) Each qualified applicant who is selected to receive an award shall be notified by ISAC. Applicants not receiving the award will also be notified.
- h) The total amount of funds awarded to a qualified recipient in any 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 ECACE scholarship shall be reduced by the amount by which the cost of attendance is exceeded.
- i) ISAC pays award funds directly to the institution of record in the name of the recipient.
- j) *Prior to receiving scholarship assistance for any academic year, each qualified recipient must sign an agreement to pledge to continue or return to teaching or providing direct services in the early childhood care and education field in the State of Illinois after completion of their program of study. [110 ILCS 947/65.125]*

Section 2751.40 Institutional Procedures

- a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.
- b) Scholarship awards are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning 10 days prior to the start of classes for the term for which payment is being requested.

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- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship. Multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.
- d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.
- e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.
- f) Upon receipt of the scholarship funds, 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.
- g) The scholarship is applicable toward the applicant's full cost of attendance. The total amount of scholarship assistance awarded to a qualified applicant in an award year, when added to other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
- h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.