



**TABLE OF CONTENTS**

**June 19, 2015 Volume 39, Issue 25**

**PROPOSED RULES**

GAMING BOARD, ILLINOIS

Video Gaming (General)

11 Ill. Adm. Code 1800.....8363

SECRETARY OF STATE

Cancellation, Revocation or Suspension of Licenses or Permits

92 Ill. Adm. Code 1040.....8372

**ADOPTED RULES**

ILLINOIS COMMERCE COMMISSION

Rate Case Expense

83 Ill. Adm. Code 288.....8378

STUDENT ASSISTANCE COMMISSION, ILLINOIS

General Provisions

23 Ill. Adm. Code 2700.....8390

Illinois National Guard (ING) Grant Program

23 Ill. Adm. Code 2730.....8415

Illinois Veteran Grant (IVG) Program

23 Ill. Adm. Code 2733.....8425

Monetary Award Program (MAP)

23 Ill. Adm. Code 2735.....8434

State Scholar Program

23 Ill. Adm. Code 2760.....8447

Minority Teachers of Illinois (MTI) Scholarship Program

23 Ill. Adm. Code 2763.....8454

Golden Apple Scholars of Illinois Program

23 Ill. Adm. Code 2764.....8462

**NOTICE OF PUBLICATION ERROR**

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Fees and Charges

50 Ill. Adm. Code 2505.....8468

Credit for Reinsurance Ceded

50 Ill. Adm. Code 1104.....8469

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

HEALTHCARE AND FAMILY SERVICES

(HCBS) Waiver for Children Who Are Medically

Fragile – IL0278.....8470

(HCBS) Waiver Persons with Disabilities – IL0142.....8472

(HCBS) Waiver HCBS Waiver for Persons with Brain

Injury - IL0329.....8474

(HCBS) Waiver for Persons who are Elderly – IL0143.....8476

(HCBS) Waiver for Persons with HIV or AIDS – IL 0202.....	8478
<b>SECOND NOTICES RECEIVED</b>	
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices.....	8480

## 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 2015

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015

20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3) 

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1800.130	New Section
1800.330	Amendment
- 4) Statutory Authority: Section 78 (a) (3) and (b) of the Video Gaming Act [230 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking makes the following changes to the video gaming (general) rules (11 Ill. Adm. Code 1800):

New Section relating to Board meetings: The rulemaking adds a new Section 1800.130, entitled Board Meetings. The new Section cross-references the existing Board Meetings Section of the riverboat gambling rules (86 Ill. Adm. Code 3000.105), and states that the provisions of the cross-referenced section shall apply to Illinois Gaming Board meetings under the Video Gaming Act.

Disassociation: For licensees under the Video Gaming Act, Section 1800.330 of the video gaming rules (Economic Disassociation) currently authorizes the Board to order the disassociation of a person either holding an ownership interest, or meeting the standard for designation as a "person with significant interest or control" (PSIC), as this term is defined in Section 1800.110.

Section 1800.330 does not currently authorize the Board to direct the disassociation of those persons who lack an ownership interest and fall short of the threshold for PSIC designation, but whose involvement in a video gaming operation may nevertheless be sufficient to pose a threat to the integrity of a video gaming operation.

Accordingly, it is proposed to amend Section 1800.330 to authorize the Board to order the disassociation from a licensee of "any person connected with video gaming operations" upon a finding that economic disassociation is warranted.

Correction of error in table of contents: 39 Ill. Reg. 5401, effective March 27, 2015, changed the title of Section 1800.220 in the table of contents from "Continuing Duty to Report Violations" to "Continuing Duty to Report Information." Subsequently, 39 Ill. Reg. 5593, effective April 1, 2015, inadvertently changed the title of this Section back to "Continuing Duty to Report Violations." The proposed rulemaking amends the table of

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

contents by restoring the title of Section 1800.220 to "Continuing Duty to Report Information."

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

James Pllum  
Acting General Counsel  
Illinois Gaming Board  
160 North LaSalle Street  
Chicago IL 60601

fax: 312/814-7253  
james.pllum@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Licensees and applicants for licenses under the Video Gaming Act that qualify as small businesses are affected by the rulemaking insofar as they may be subject to orders of disassociation by the Board.
  - B) Reporting, bookkeeping or other procedures required for compliance: None

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because the need for it was unanticipated when the agenda was published.

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

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING  
SUBTITLE D: VIDEO GAMING  
CHAPTER I: ILLINOIS GAMING BOARDPART 1800  
VIDEO GAMING (GENERAL)

## SUBPART A: GENERAL PROVISIONS

Section	
1800.110	Definitions
1800.115	Gender
1800.120	Inspection
<u>1800.130</u>	<u>Board Meetings</u>

## SUBPART B: DUTIES OF LICENSEES

Section	
1800.210	General Duties of All Video Gaming Licensees
<u>1800.220</u>	Continuing Duty to Report <u>Information</u> Violations
1800.230	Duties of Licensed Manufacturers
1800.240	Duties of Licensed Distributors
1800.250	Duties of Licensed Video Terminal Operators
1800.260	Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270	Duties of Licensed Video Gaming Locations

## SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section	
1800.310	Grounds for Disciplinary Actions
1800.320	Minimum Standards for Use Agreements
1800.330	Economic Disassociation

## SUBPART D: LICENSING QUALIFICATIONS

Section	
1800.410	Coverage of Subpart
1800.420	Qualifications for Licensure
1800.430	Persons with Significant Influence or Control

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: LICENSING PROCEDURES

Section

- 1800.510 Coverage of Subpart
- 1800.520 Applications
- 1800.530 Submission of Application
- 1800.540 Application Fees
- 1800.550 Consideration of Applications by the Board
- 1800.555 Withdrawal of Applications
- 1800.560 Issuance of License
- 1800.570 Renewal of License
- 1800.580 Renewal Fees and Dates
- 1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section

- 1800.610 Coverage of Subpart
- 1800.615 Requests for Hearing
- 1800.620 Appearances
- 1800.625 Appointment of Administrative Law Judge
- 1800.630 Discovery
- 1800.635 Subpoenas
- 1800.640 Motions for Summary Judgment
- 1800.650 Proceedings
- 1800.660 Evidence
- 1800.670 Prohibition on Ex Parte Communication
- 1800.680 Sanctions and Penalties
- 1800.690 Transmittal of Record and Recommendation to the Board
- 1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

- 1800.710 Coverage of Subpart
- 1800.715 Notice of Proposed Disciplinary Action Against Licensees
- 1800.720 Hearings in Disciplinary Actions

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1800.725	Appearances
1800.730	Appointment of Administrative Law Judge
1800.735	Discovery
1800.740	Subpoenas
1800.745	Motions for Summary Judgment
1800.750	Proceedings
1800.760	Evidence
1800.770	Prohibition on Ex Parte Communication
1800.780	Sanctions and Penalties
1800.790	Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN  
LICENSED VIDEO GAMING LOCATIONS

## Section

1800.810	Location and Placement of Video Gaming Terminals
1800.820	Measurement of Distances from Locations
1800.830	Waivers of Location Restrictions

## SUBPART I: SECURITY INTERESTS

## Section

1800.910	Approvals Required, Applicability, Scope of Approval
1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,  
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

## Section

1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
1800.1030	Receipt of Video Gaming Terminals in the State
1800.1040	Transportation of Video Gaming Terminals Between Locations in the State
1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1065	Registration of Video Gaming Terminals
1800.1070	Disposal of Video Gaming Terminals

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: STATE-LOCAL RELATIONS

Section  
1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section  
1800.1210 Definitions  
1800.1220 Entities Authorized to Perform Fingerprinting  
1800.1230 Qualification as a Livescan Vendor  
1800.1240 Fingerprinting Requirements  
1800.1250 Fees for Fingerprinting  
1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section  
1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section  
1800.1410 Ticket Payout Devices  
1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section  
1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section  
1800.1610 Use of Gaming Device or Individual Game Performance Data

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 1800.130 Board Meetings**

The provisions of 86 Ill. Adm. Code 3000.105 shall apply to Board meetings under the Act.

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

**Section 1800.330 Economic Disassociation**

## ILLINOIS GAMING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- a) Each applicant or licensee shall provide a means for the economic disassociation of any person connected with video gaming operations~~who, with respect to that applicant or licensee, is a Person With Significant Influence or Control or holder of an Ownership Interest~~, in the event such economic disassociation is required by an order of the Board.
- b) Based upon findings from an investigation into the character, reputation, experience, associations, business probity, and financial integrity of any person connected with video gaming operations~~a Person With Significant Influence or Control or holder of an Ownership Interest~~, the Board may enter an order upon a licensee to require the economic disassociation of that~~such~~ person. A violation of an order of economic disassociation may result in a complaint under Subpart G. Any hearing concerning such complaint shall be a hearing on the merits of the Board's determination that economic disassociation is warranted. The licensee shall be considered the party to that~~such~~ hearing.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
1040.44	New Section
- 4) Statutory Authority: 625 ILCS 5/6-206(a)(47)
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rule sets for the sanctions for a conviction of 625 ILCS 5/11-502.1, possession of medical cannabis in a motor vehicle.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1040.20	Amendment	39 Ill. Reg. 3457; March 13, 2015
1040.1	Amendment	39 Ill. Reg. 4311; March 27, 2015
- 11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a state mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, [www.sos.il.us/departments/index/home](http://www.sos.il.us/departments/index/home) as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Jennifer Egizii  
Office of the Secretary of State

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Driver Services Department  
2701 South Dirksen Parkway  
Springfield IL 62723

217/557-4462

- 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) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1040  
CANCELLATION, REVOCATION OR SUSPENSION  
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
<u>1040.44</u>	<u>Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle</u>
1040.46	Suspension or Revocation for Fatal Accident and Personal Injury Suspensions or

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- Revocations
- 1040.48 Vehicle Emission Suspensions (Repealed)
  - 1040.50 Occupational Driving Permit
  - 1040.52 Driver Remedial Education Course
  - 1040.55 Suspension or Revocation for Driver's License Classification Violations
  - 1040.60 Release of Information Regarding a Disposition of Court Supervision
  - 1040.65 Offenses Occurring on Military Bases
  - 1040.66 Invalidation of a Restricted Driving Permit
  - 1040.70 Problem Driver Pointer System
  - 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person Identification Card
  - 1040.100 Rescissions
  - 1040.101 Reinstatement Fees
  - 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
  - 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
  - 1040.107 Suspension for Violation of Improperly Approaching a Stationary Emergency Vehicle
  - 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
  - 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
  - 1040.110 Bribery
  - 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
  - 1040.115 Suspension for Theft of Motor Fuel
  - 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting False/Fraudulent Documents; Notification by Department of Administrative Hearings
  - 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law Enforcement

AUTHORITY: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007;

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 25, 2013; amended at 37 Ill. Reg. 8832, effective June 17, 2013; amended at 38 Ill. Reg. 9591, effective April 15, 2014; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1040.44 Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle**

If any person has been convicted of violating Section 11-502.1(a), (b) or (c) of the IVC, the Department shall take the following action:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
<u>1<sup>st</sup> Conviction</u>	<u>6-month Suspension</u>
<u>2<sup>nd</sup> Conviction</u>	<u>12-month Suspension</u>
<u>3<sup>rd</sup> or Subsequent Conviction</u>	<u>Revocation</u>

(Source: Added at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Rate Case Expense
- 2) Code Citation: 83 Ill. Adm. Code 288
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
288.10	New Section
288.20	New Section
288.30	New Section
288.40	New Section
288.50	New Section
- 4) Statutory Authority: Implementing Sections 9-101, 9-201, 9-229 and 16-108.5 of, and authorized by Section 10-101 of, the Public Utilities Act [220 ILCS 5/9-101, 9-201, 9-229, 10-101 and 16-108.5]
- 5) Effective Date of Rules: June 5, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: August 8, 2014; 38 Ill. Reg. 16456
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: A number of stylistic or clarifying changes have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rulemaking: Courts have held that the expenses incurred by a public utility in preparing and presenting a rate case may be recovered in rates as an ordinary and reasonable cost of doing business. Section 9-229 of the Public Utilities Act now requires, however, that the Commission "specifically assess the justness and reasonableness of any amount expended by a public utility to compensate attorneys or technical experts to prepare and litigate a general rate case filing." See Commonwealth Edison Co. v. Illinois Commerce Comm'n, 2014 IL App (1st) 130302; People ex rel. Madigan v. Illinois Commerce Comm'n, 2011 IL App (1st) 101776. The new rules provide consistent guidance for assessing the justness and reasonableness of attorney and expert witness fees in rate case expense, in accordance with the statutory directive.
- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701

217/558-2387

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: PROVISIONS APPLICABLE TO  
MORE THAN ONE KIND OF UTILITYPART 288  
RATE CASE EXPENSE

Section	
288.10	Scope
288.20	Definitions
288.30	Required Support for Compensation Costs
288.40	Determination of Reasonable Compensation Costs
288.50	Compensation Costs Support Disclosure

AUTHORITY: Implementing Sections 9-101, 9-201, 9-229 and 16-108.5 of, and authorized by Section 10-101 of, the Public Utilities Act [220 ILCS 5/9-101, 9-201, 9-229, 10-101 and 16-108.5].

SOURCE: Adopted at 39 Ill. Reg. 8378, effective June 5, 2015.

**Section 288.10 Scope**

The requirements of this Part shall only apply to the rate case expenses described in subsections (a) and (b) and for which recovery is sought by the utility through rates:

- a) amounts expended by a utility to compensate outside counsel/support staff and outside technical experts/support staff to prepare and litigate a rate case filing; and
- b) amounts expended by a utility to compensate affiliate counsel/support staff and affiliate technical experts/support staff to prepare and litigate a rate case filing.

**Section 288.20 Definitions**

"Act" means the Illinois Public Utilities Act [220 ILCS 5].

"Flat fee contract" means a contract between a utility and outside counsel or an outside technical expert by which the utility pays an agreed upon amount, regardless of hours worked or billed.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

"Hourly rate contract" means a contract under which a utility agrees to compensate outside counsel or an outside technical expert based on hourly rates multiplied by hours billed.

"Miscellaneous expenses" means expenses billed by an outside counsel, outside technical expert, utility affiliate counsel, or utility affiliate technical expert for costs including, but not limited to, photocopying, travel, travel-related meals and lodging, if evidence establishes that those costs were excluded from the agreement with the utility as compensation for the rate case at issue.

"Not-to-exceed contract" means a contract between a utility and outside counsel or an outside technical expert by which the utility agrees to compensate the outside counsel or outside technical expert at an hourly rate for work billed, if there is a cap on the maximum amount that may be paid out under the contract.

"Outside counsel" means an attorney that is not employed by the utility or any of its affiliates who is retained to prepare and litigate a rate case filing subject to this Part on behalf of the utility.

"Outside counsel and outside technical expert compensation" means costs subject to the Commission's specific assessment as to justness and reasonableness, which include the following costs for which the utility seeks recovery as part of rate case expense in a rate case filing:

Outside counsel (attorney) fees, whether billed under an hourly rate contract, a flat fee contract, a not-to-exceed contract, or some other arrangement for compensation; including non-attorney support staff fees and reimbursement of miscellaneous incidental expenses.

Outside technical expert fees, whether billed under an hourly rate contract, a flat fee contract, a not-to-exceed provision, or some other arrangement for compensation; support staff fees; and reimbursement of miscellaneous expenses.

"Outside technical expert" means a consultant or other professional who is not employed by the utility or any of its affiliates that is retained to testify as an expert witness on behalf of the utility and/or otherwise assist the utility with the preparation and/or litigation of a rate case filing.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

"Support staff" means personnel performing functions under the direction and supervision of outside counsel, outside technical experts, utility affiliate counsel or utility affiliate technical experts in connection with a rate case filing subject to this Part, such as paralegals, legal assistants or other non-attorney/non-technical expert staff whose time is billed to the utility in connection with a rate case filing.

"Time entry" means a contemporaneously generated document that states the hours performed on a particular task, specifying the task performed and:

the applicable hourly rate, in the case of hourly rate billing or a contract with a not-to-exceed clause; or

the applicable estimated hourly rate, in the case of a flat fee contract.

"Utility affiliate counsel" means an attorney employed by a utility affiliate who prepares and litigates a rate case filing subject to this Part on behalf of the utility.

"Utility affiliate counsel and support staff and utility affiliate technical experts and support staff compensation" means costs subject to the Commission's specific assessment as to justness and reasonableness, which include the following costs for which the utility seeks recovery as part of rate case expense in a rate filing:

Expenses for utility affiliate counsel and related support staff for services rendered on a rate case, pursuant to an affiliate agreement, provided that the recovery of incentive compensation costs shall be excluded from rate case expense;

Expenses for utility affiliate technical experts and related support staff for services rendered on the rate case, pursuant to an affiliate agreement, provided that the recovery of incentive compensation costs shall be excluded from rate case expense.

"Utility affiliate technical expert" means a professional employed by a utility affiliate that is:

retained to testify as an expert witness on behalf of the utility and/or otherwise assist the utility with the preparation and/or litigation of a rate case filing; and

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

who is not a utility affiliate counsel as that term is defined.

**Section 288.30 Required Support for Compensation Costs**

- a) A utility subject to this Part shall, upon request during discovery, make information available to parties of record in order to assist those parties in the development of a recommended amount of rate case expense and for the Commission in assessing the justness and reasonableness of amounts paid to compensate all persons covered by Section 288.10. Information shall include, but not be limited to, the following:
  - 1) Facts and documentation describing the terms of the engagement between the utility and outside counsel/support staff and the utility and outside technical experts/support staff that include the nature of the services to be provided, by whom the services would be provided, and the hourly rates to be charged. In the case of a flat fee contract, this documentation shall include the estimated hourly rate charged for work of similar nature or some other unit of time measurement.
  - 2) For services provided, including, but not limited to, under an hourly rate contract, a flat fee contract, or a contract with a not-to-exceed provision, invoices disclosing time entries for each outside counsel/support staff that clearly indicate:
    - A) a description of the services provided;
    - B) by whom the services were provided;
    - C) the time spent providing the services on a daily basis;
    - D) the applicable hourly rate charged by the persons providing the services, or some other unit of time measurement; and
    - E) For outside counsel and their support staff, the applicable codes from the American Bar Association's Uniform Task-Based Management System Litigation Code Set or similar standardized billing system, if and to the extent that the outside counsel/support staff use that coding system in their billing invoices.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 3) For services provided under an hourly rate contract, including but not limited to a contract with a not-to-exceed provision, invoices or other documents disclosing time entries for each outside technical expert/support staff that clearly indicates:
  - A) a description of the services provided;
  - B) by whom the services were provided;
  - C) the time spent providing the services on a daily basis;
  - D) the hourly rate charged, or some other unit of time measurement.
- 4) For services provided under a flat fee contract, all invoices provided by the outside counsel/support staff or outside technical expert/support staff to the utility that are performed pursuant to the contract, as well as any existing invoices or documentation disclosing time entries and summaries of any proposals reviewed prior to the selection for service.
- 5) For a flat fee contract, documents created or reviewed by the utility in considering the reasonableness of the contracted fee, including any calculations that the utility performed or reviewed related to the fee prior to execution of the contract. This includes the estimated hourly rate that would be charged in an hourly rate contract and the presumed or estimated number of hours to be worked.
- 6) For services provided by utility affiliate counsel/support staff and utility affiliate technical experts/support staff, documentation that clearly indicates:
  - A) a description of the services provided;
  - B) the name and title of the persons providing the services;
  - C) the time spent providing the services on a daily basis; and
  - D) the amounts and rates charged, excluding incentive compensation costs.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- b) In addition to the information required in subsection (a), the utility shall provide the following information at the time of filing its direct case:
- 1) All information required by 83 Ill. Adm. Code 285.3085 (Schedule C-10) and 285.3090 (Schedule C-10.1).
  - 2) Invoices or documentation from the counsel and expert witnesses that specify the work performed, by whom the work was performed and the charges for the services.
  - 3) An explanation of the processes, procedures and controls the utility has in place to ensure that the work performed by all persons covered by Section 288.10 does not duplicate work performed by a utility employee.
  - 4) An explanation of the process, procedures and controls the utility has in place to ensure that the bills from all persons covered by Section 288.10 are accurate, reasonable and not redundant before payment is made to those vendors.
  - 5) An explanation of the reasonableness of the fees to be paid to all persons covered by Section 288.10 with consideration of the factors enumerated in Section 288.40.
  - 6) An explanation of the utility's rationale for the proposed amortization period of total rate case expense that approximates the time period between rate cases.
- c) The utility shall file at the time of filing its direct or rebuttal case and, if applicable, its surrebuttal case, and as otherwise directed by the Administrative Law Judge, a summary schedule of the compensation costs for which rate recovery is sought that includes, for all persons covered by Section 288.10, the following:
- 1) Identification of the outside counsel/support staff, outside technical experts/support staff, utility affiliate counsel/support staff, and utility affiliate technical experts/support staff;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 2) Total projected expense update, if the projection is the basis for the total requested rate case expense;
  - 3) Actual expense incurred to date, with supporting invoices made available upon request;
  - 4) Remaining costs projected to be incurred, if any; and
  - 5) Total rate case expense that was approved by the Commission in the utility's previous rate case for the work performed by all persons covered by Section 288.10.
- d) Inclusion of overhead expenses on the part of all persons covered by Section 288.10 (e.g., photocopying, binding) shall be accompanied by evidence that the rates charged the utility by the attorney or expert specifically exclude those overhead expenses from the rates charged to the utility.
- e) No later than five business days prior to the start of evidentiary hearings in the rate case, the utility shall file an affidavit signed by a utility representative with authority to make affirmations on behalf of the utility that, to the best of the utility representative's knowledge, information and belief:
- 1) The compensation paid or to be paid to all persons covered by Section 288.10 that the utility is seeking to recover as rate case expense in the instant rate case is supported by billings or other documentation that:
    - A) Are true and accurate;
    - B) Support costs that were reasonable to prepare and litigate the rate case;
    - C) Were reviewed and approved by utility management prior to payment; and
    - D) Are not duplicative;
  - 2) The utility paid or will pay the billed amounts requested to be recovered as rate case expense;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 3) Additional compensation, if any, to be paid to all persons covered by Section 288.10 that are not yet billed to the utility, or not yet performed, will be made in accordance with the affirmations required in this subsection (e); and
- 4) The filing of the utility representative affidavit is informational in nature and shall not be binding on the Commission in its assessment of the justness and reasonableness of the amount of rate case expense requested by the utility.
- f) All updates and supporting documentation of the rate case expense amounts requested by the utility for recovery in rates shall be submitted for inclusion in the evidentiary record of the rate case.

**Section 288.40 Determination of Reasonable Compensation Costs**

- a) Rate case expenses shall be addressed in the attorney review that occurs in post-trial briefs.
- b) The factors to be considered by the Commission in determining the justness and reasonableness of compensation costs for all persons covered by Section 288.10 may include, without limitation, the following:
  - 1) The fulfillment of the required support for compensation costs as required in Section 288.30;
  - 2) Identification of the type of service involved as either professional or support staff;
  - 3) Novelty, complexity or difficulty of the issues;
  - 4) Nature, extent and reasonableness of work performed that was considered at the time the work was performed, including, without limitation, the amount of support required for pleadings, discovery, briefing and hearings and the relevance of the work products to the justness and reasonableness of the proposed utility rates;
  - 5) Requisite skill required to perform services efficiently and accurately;

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 6) Professional credentials, including, without limitation, education, training, experience, achievements and reputation, in the applicable professional discipline;
- 7) The reasons why multiple outside counsel, outside technical experts, utility affiliate counsel or utility affiliate technical experts addressed the same issues;
- 8) Relevant evidence regarding the market rates concerning fees charged for comparable services, including, as applicable, fees charged in other rate cases in Illinois or fees charged in other jurisdictions for rate cases;
- 9) Hourly rates applicable to outside counsel and outside technical experts representing or retained by utilities and outside counsel or outside technical experts representing or retained by other entities that regularly appear in Commission proceedings; and
- 10) The reasonableness of the amount of time taken to perform a task.

**Section 288.50 Compensation Costs Support Disclosure**

- a) Information disclosed by the utility in support of compensation costs for all persons covered by Section 288.10 shall be afforded the same protections for privileged, confidential and proprietary information that exist under the Commission's Rules of Practice (83 Ill. Adm. Code 200), the Illinois Code of Civil Procedure [735 ILCS 5], the Illinois Rules of Evidence and other applicable Illinois law.
- b) When information or a document is withheld from disclosure or discovery on a claim that it is privileged pursuant to a common law or statutory privilege, any such claim shall be made expressly and shall be supported by a description of the nature of the documents, communications or things not produced or disclosed and the exact privilege that is being claimed.
- c) When there is a dispute regarding a claim of privilege, any party may file a motion seeking an in camera inspection of the documents in question by the Administrative Law Judge to resolve that dispute.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- d) Nothing in this Section is intended to preclude or otherwise change any protections or rights existing pursuant to the Illinois Code of Civil Procedure, the Illinois Supreme Court Rules, the Illinois Rules of Evidence, the Commission's Rules of Practice, or any other applicable law with respect to privileged information or documents.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2700.20	Amendment
2700.30	Amendment
2700.50	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 USC 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) Effective Date of Rule: July 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of this adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 16, 2015; 39 Ill. Reg. 1049
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: Changed lines 511-516 to "Postsecondary institutions that participate in MAP are required to have in place or establish a program, determined by the institution, that is intended to improve MAP recipients' success, retention and completion in higher education at that institution. Institutions shall annually submit to ISAC retention, completion and graduation rate data as well as advising and support program information. This information is intended to enhance ISAC's ability to evaluate and improve MAP effectiveness."

In lines 616-619, added "federal regulations, (See, e.g.," after "by" and deleted "&" after "668.15" and added "and" and after 668.16 reinstated the closing parenthesis and deleted ", and have in place programs that are intended to improve students' academic success, as determined by ISAC."

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to implement State statutory amendments and to clarify issues that have arisen during the previous year.

In addition ISAC proposes the following substantive amendment: The MAP Advising Working Group Final Report resulted in two recommendations to be implemented by ISAC to improve student success and completion in higher education. Institutions shall annually submit to ISAC graduation and completion rate data as well as information regarding student advising and support programs. Such information is intended to enhance ISAC's ability to evaluate and improve program effectiveness. When requesting additional reporting from institutions, ISAC will make reasonable efforts to minimize the administrative burden associated with fulfilling those requests.

- 16) Information and questions regarding this adopted rule shall be directed to:

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

847/ 948-8500 ext. 18032  
FAX: 847/ 831-8299  
email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED 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 Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 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 July 1, 2006; amended at 31 Ill. Reg. 9478, effective July 1, 2007; amended at 32 Ill. Reg.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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.

**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 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 USC 1071 et seq.), 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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"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 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.)

"Commission" – The 10 member Illinois Student Assistance Commission created by Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].

"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 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.

"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 provides part of the education program of students enrolled at the eligible institution, as codified in

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Section 2700.80. A contractual agreement differs from a consortium agreement, which is an agreement among 2 or more eligible institutions only.

"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 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 USC 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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"Distance Education" – A learning and teaching mode characterized by the separation of place or time between instructor and student, which includes programs and courses offered by correspondence and telecommunications.

"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.

"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 USC 1091).

"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.

"Expected Family Contribution" – The amount the student and the student's family may be reasonably expected to contribute toward the student's postsecondary education. Expected Family Contribution is defined at section 474 of the HEA (20 USC 1087nn).

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

"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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"Federal Regulations" – Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"FFELP" – The acronym for the Federal Family Education Loan Program, as 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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"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 Loan, the Federal PLUS Loan, the Federal Supplemental Loans for Students (SLS), and the Federal Consolidation Loan programs.

"HEA" – The acronym for the Higher Education Act of 1965, as amended, and codified at 20 USC 1070 et seq.

"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).

"High School Equivalency Certificate" – A certificate received after successfully completing a high school equivalency examination as defined in Section 3-15.12 of the School Code [105 ILCS 5/3-15.12].

"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.

"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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"Institution of Higher Learning" – An educational organization whose main campus is physically located in Illinois that:

provides at least a 2-year program of collegiate study in liberal arts or sciences, or associate degree or both, directly applicable toward the attainment of a baccalaureate degree, 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; or

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; and

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.

"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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"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 947/15] 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 to each and every full-time student for each term. Application, graduation, laboratory, breakage, add/drop fees, and 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 of Alaska (Section 50(a) of the Higher Education Student Assistance Act).*

"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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

accordance with section 401 of the HEA (20 USC 1070a et seq).

"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 USC 1078-2) and Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175].

"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 she/he is applying.

"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. Terms that begin after April 15 and end before September 16 are considered summer terms.

"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 Free Application for Federal Student Aid (FAFSA), physically resides within the State of Illinois and Illinois is his or her 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 his or her 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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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, then the applicant's residency shall be determined in accordance with the following 4 paragraphs.

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 his/her 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 after the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f) and (g)) that his/her domicile was the State of Illinois throughout such 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 the applicant can demonstrate that his/her 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.

"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 USC 1091).

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"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 USC 1078-1). No SLS loans have been made for periods of enrollment beginning on or after July 1, 1994.

"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 physically disabled children 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 USC 1078).

"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.

"Telecommunications Course" – A course offered principally through the use of television, audio, or computer transmission, including open broadcast, closed circuit, cable microwave, satellite, audio conferencing, computer conferencing, and video cassettes or disks, as defined at 34 CFR 600.2.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"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.

"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 39 Ill. Reg. 8390, effective July 1, 2015)

**Section 2700.30 General Institutional Eligibility Requirements**

- a) ISAC Program Participation Agreement
  - 1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.
  - 2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.
  - 3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.
  - 4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.
- b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.
- c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)
- d) Postsecondary institutions that participate in gift assistance programs shall

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

annually submit to ISAC a copy of their tuition refund policy. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary institutions that participate in MAP are required to have in place or establish a program, determined by the institution, that is intended to improve MAP recipients' success, retention and completion in higher education at that institution. Institutions shall annually submit to ISAC retention, completion and graduation rate data as well as advising and support program information. This information is intended to enhance ISAC's ability to evaluate and improve MAP effectiveness.

f) Postsecondary institutions that participate in gift assistance programs shall annually report their tuition and fee charges, as well as initial MAP advance payment requests, to ISAC on or before June 1 preceding each academic year.

- 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
- 2) The report shall match specific fee charges with the gift assistance programs that may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.
- 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.30(a) and 2733.30(e).)
  - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee that is attributable to tuition expenses may be financed with program benefits.
  - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.

g) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

confirmations and evaluation instruments.

- ~~h)~~ **g)** Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.
- ~~i)~~ **h)** Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
- ~~j)~~ **i)** Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection **(i)**.

  - 1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.
  - 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
  - 3) Institutional applicants that are fully accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the requirements of subsections **(i)**(4)(C) and (D).
  - 4) Public or private not for profit institutional applicants that do not meet the requirements of subsection **(i)**(3) may be approved to participate in ISAC gift assistance programs if the institution has:
    - A) obtained candidate status for the Higher Learning Commission of the North Central Association of Colleges and Schools accreditation.
    - B) applied for and is seeking degree-granting authority.
    - C) obtained at least 3 letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions that are approved to participate in the Monetary Award Program (MAP) and are accredited by the

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Higher Learning Commission of the North Central Association of Colleges and Schools.

D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules for gift assistance programs. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.

5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)

6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of 5 academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (j)(3) and if there are no outstanding audit exceptions.

~~k)~~ As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see section 487 of the HEA (20 USC 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.

~~l)~~ In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 ~~and~~ 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)

~~m)~~ Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- ~~n)m)~~ An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- ~~o)n)~~ When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.31 et seq.) and by the submission and Commission approval of a new application for participation with ISAC.

(Source: Amended at 39 Ill. Reg. 8390, effective July 1, 2015)

**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. These agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services Bureau (USCIS), Illinois Department of Healthcare and Family Services, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- 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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 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 Section 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:
    - 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) Data from one or more of the documents listed in this subsection (e)(3) may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. 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
    - B) Illinois high school or college transcript
    - C) Illinois driver's license
    - D) Utility or rent bills in the applicant's (or parent's) name
    - E) Illinois auto registration card
    - F) Residential lease in the applicant's (or parent's) name

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- G) Wage and tax statements (IRS Form W-2)
  - H) Statement of benefits history from the Illinois Department of Healthcare and Family Services
  - I) State of Illinois identification card issued by the Secretary of State
  - J) Statement of benefits from the Illinois Department of Employment Security
  - K) Statement of benefits from the Social Security Administration
  - L) Illinois voter's registration card
  - M) Property tax bill
  - N) IRS Form 1099-Miscellaneous Income Statements
- 4) 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.
- 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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 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 USC 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.
- ~~a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.~~
- ~~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. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services Bureau (USCIS), Illinois Department of Healthcare and Family Services, Illinois Department of Revenue, and Illinois Department of Children and Family Services.~~
- ~~e) When requesting payment for ISAC gift assistance programs, the postsecondary institution is certifying that the applicants are eligible for the assistance. 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.~~
- ~~d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.~~

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- e) ~~If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.~~
- f) ~~If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also 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.~~
- g) ~~Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution:~~
  - 1) ~~Residency status shall be verified if the institution has any information that indicates the applicant may not be a resident of Illinois.~~
  - 2) ~~Residency status shall be verified for each applicant who is selected for verification and has changed dependency status to become an independent student.~~
  - 3) ~~Residency verification shall not be required for an applicant who received payment of a MAP award during the previous academic year.~~
  - 4) ~~Residency verification shall not be required for an applicant who was enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) for the preceding consecutive 12 months prior to the start of the academic year for which assistance is requested.~~
  - 5) ~~Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. 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~~

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- ~~B) Illinois high school or college transcript~~
- ~~C) Illinois driver's license~~
- ~~D) Utility or rent bills in the applicant's (or parent's) name~~
- ~~E) Illinois auto registration card~~
- ~~F) Residential lease in the applicant's (or parent's) name~~
- ~~G) Wage and tax statements (IRS Form W-2)~~
- ~~H) Statement of benefits history from the Illinois Department of Healthcare and Family Services~~
- ~~I) State of Illinois identification card issued by the Secretary of State~~
- ~~J) Statement of benefits from the Illinois Department of Employment Security~~
- ~~K) Statement of benefits from the Social Security Administration~~
- ~~L) Illinois voter's registration card~~
- ~~M) Property tax bill~~
- ~~N) IRS Form 1099—Miscellaneous Income Statements~~
- 6) 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.)
- h) 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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

~~in an academic year, the verification process must be completed before the institution may request payment.~~

- i) ~~When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USC 1087kk et seq.), the institution shall retain documentation that demonstrates the appropriateness of the adjustment.~~

(Source: Amended at 39 Ill. Reg. 8390, effective July 1, 2015)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2730.30	Amendment
2730.40	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) Effective Date of Rule: July 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 16, 2015; 39 Ill. Reg. 1075
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: To designate potential state benefits available via the Illinois National Guard Grant (ING) Program as the last payer for veterans with less than 100% Post-9/11 GI Bill eligibility who are concurrently drawing ING benefits. The proposed change is intended to maximize benefit preservation for veterans that qualify for both potentially available state benefits and the Post-9/11 GI Bill.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted rule shall be directed to:

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

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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.

**Section 2730.30 Program Procedures**

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- a) The recipient is exempt from paying the following:
  - 1) tuition;
  - 2) registration fees;
  - 3) graduation fees;
  - 4) general activity fees;
  - 5) matriculation fees; and
  - 6) term fees.
  
- b) The recipient is responsible for payment of other fees, including the following:
  - 1) book rental fees;
  - 2) laboratory and supply fees;
  - 3) air flight fees;
  - 4) hospital and health insurance fees;
  - 5) room and board;
  - 6) parking fees;
  - 7) student union fees;
  - 8) athletic fees;
  - 9) proficiency or placement exam fees and other similar fees; and
  - 10) service fees.
  
- c) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement. Benefits are applicable for noncredit courses.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- d) Benefits are limited to use only at Illinois public senior universities and at any Illinois public community college.
- e) Within the constraints of appropriation levels, two semester or three quarter term payments and one summer term payment are made directly to the institution after it officially certifies to ISAC that the applicant has registered and is attending classes. No seminars or other special terms are covered under the grant. Summer term is considered the final term of the academic and fiscal year.
- f) Benefits for eligible recipients who have completed less than 10 years of active duty service in the Illinois National Guard are limited to the equivalent of four academic years of full-time enrollment.
- g) Benefits for eligible recipients who have completed 10 years of active duty service in the Illinois National Guard are limited to the equivalent of six academic years of full-time enrollment.
- 1) Benefits for an academic year shall be determined on the basis of credit hours in which the qualified applicant enrolls. Each credit hour (and noncredit hour for which benefits are used) will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

- 2) When a qualified applicant becomes eligible to receive educational assistance under Section 2730.40(b), the number of units used will be calculated as follows:

- A) Multiply the percentage of the tuition and fee charges exempted by the ING Grant by the number of credit hours attempted.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

B) Convert the result to eligibility units, as described in the table in subsection (g)(1).

~~3)2)~~ Eligible recipients who have completed less than 10 years of active duty service in the Illinois National Guard may continue to reapply and accumulate up to 120 units. Eligible recipients who have completed 10 years of active duty service in the Illinois National Guard may continue to reapply and accumulate up to 180 units. Full program benefits may be extended for one additional term if the recipient has accumulated fewer than the maximum number of eligibility units but does not have enough units remaining for the number of hours in which she/he is enrolled for the term.

~~4)3)~~ If an eligible recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for 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.

~~5)4)~~ In the event that the recipient withdraws from a course or courses prior to the end of a term, a refund will be made according to the institution's refund withdrawal policy and eligibility units will be adjusted accordingly.

~~6)5)~~ The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.

- h) If a current year applicant is discharged, transferred to the inactive Illinois National Guard, or has membership extended by the Illinois National Guard, ISAC will send a revised eligibility letter or ineligibility letter to the applicant. In the case of discharge, a copy of the letter will be sent to the institution of record.
- i) Except as otherwise provided in this Part, if a recipient ceases to be an active status member of the Illinois National Guard during a term, benefits cease, and the student is responsible for the unpaid costs attributed to the remainder of the term. If an applicant becomes eligible during a term, in accordance with Section 2730.20(b), benefits will be prorated for that portion of the term for which the applicant is eligible, provided the application is submitted by the deadlines. Costs are prorated on the basis of the institution's scheduled days of instruction minus

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

institutionally scheduled holidays and examination periods.

Calculation: Total tuition cost divided by total instructional days = cost per day x days of eligibility = total proration.

- j) If the recipient of a grant awarded under this Part ceases to be a member of the Illinois National Guard, but has been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, then that recipient shall continue to be eligible for a grant for one year after his or her discharge from the Illinois National Guard, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of four years of full-time enrollment under this Part.
- k) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition. Institutions are permitted to require documentation of residency in order to determine in-district or out-of-district payment.
- l) If a student is eligible for both an Illinois National Guard Grant and a MAP grant, the Illinois National Guard benefits must be used first. A student cannot decline an Illinois National Guard Grant in favor of using MAP.
- m) If a recipient of the grant fails to complete his or her military obligation according to the agreement, all proceeds received must be repaid to the Illinois Department of Military Affairs. DMAIL will collect the funds, which will be used by ISAC for the purpose of this Part.

(Source: Amended at 39 Ill. Reg. 8415, effective July 1, 2015)

**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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- b) If a student is eligible for, and has indicated to the institution that he/she has elected to receive, educational assistance through the Post-9/11 GI Bill, and that assistance is an amount described at 38 USC 3313(c)(2), (c)(3), (c)(4), (c)(5), (c)(6) or (c)(7) (net cost of tuition and fees), 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)~~b)~~ 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)~~e)~~ Payment information will be sent each term to the institution no earlier than the application deadline date for that term. Payment claims must be submitted no later than 30 calendar days after payment information has been sent to the institution by ISAC. Supplemental payment claims must be submitted to ISAC no later than 45 calendar days after the original payment information was sent to the institution with the exception of summer term supplements which must be submitted by the same deadline as the original payment claim for summer term. All payment claims received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through August 31) following the conclusion of the fiscal year. 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.
- e)~~d)~~ 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;
  - 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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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 (~~ed~~).

~~f)e~~) 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)f~~) 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 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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 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 39 Ill. Reg. 8415, effective July 1, 2015)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2733.30	Amendment
2733.40	Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)]
- 5) Effective Date of Rule: July 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 16, 2015; 39 Ill. Reg. 1085
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: Only grammatical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: To designate potential state benefits available via the Illinois Veteran Grant (IVG) Program as the last payer for veterans with less than 100% Post-9/11 GI Bill eligibility who are concurrently drawing IVG benefits. The proposed change is intended to maximize benefit preservation for veterans that qualify for both potentially available state benefits and the Post-9/11 GI Bill. The amendment to

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 2733.40(g) introduces changes to clarify and separate the requirements for the reconciliation of IVG data and IVG funds based on recommendations from staff.

- 16) Information and questions regarding this adopted rule shall be directed to:

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Illinois Student Assistance Commission  
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The full text of the Adopted Amendments begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2733  
ILLINOIS VETERAN GRANT (IVG) PROGRAM

## Section

2733.10	Summary and Purpose
2733.20	Applicant Eligibility
2733.30	Program Procedures
2733.40	Institutional Procedures

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

**SOURCE:** Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2462, effective February 1, 2005; amended at 29 Ill. Reg. 9912, effective July 1, 2005; amended at 30 Ill. Reg. 11646, effective July 1, 2006; amended at 32 Ill. Reg. 10313, effective July 1, 2008; amended at 36 Ill. Reg. 9426, effective July 1, 2012; amended at 37 Ill. Reg. 9522, effective July 1, 2013; amended at 39 Ill. Reg. 8425, effective July 1, 2015.

**Section 2733.30 Program Procedures**

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- a) An applicant must apply to ISAC for assistance under this Part. ISAC will issue a Notice of Eligibility to each qualified applicant.
- b) To receive an Illinois Veteran Grant, a qualified applicant must notify the institution of his or her eligibility no later than the last scheduled day of classes for the term for which a grant is requested.
- c) Benefits are applicable to both undergraduate and graduate enrollment. There are no minimum credit hour enrollment requirements and benefits are applicable for noncredit courses.
- d) Benefits are limited to use only at Illinois public universities and Illinois public community colleges.
- e) Costs exempted by the IVG:
  - 1) The recipient is exempt from paying costs as follows:
    - A) tuition and fees that meet the definition of tuition (see 23 Ill. Adm. Code 2700.20);
    - B) mandatory fees (see 23 Ill. Adm. Code 2700.20).
  - 2) A qualified applicant who has previously received benefits under this Part for a non-mandatory fee shall continue to receive benefits covering such fees while he or she is enrolled in a continuous program of study. The qualified applicant shall no longer receive a grant covering non-mandatory fees if he or she fails to enroll during an academic term, unless he or she is serving on federal active duty. The non-mandatory fees include the following:
    - A) instructional fees not meeting the definition of tuition;
    - B) application fees;
    - C) graduation and transcript fees;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- D) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees;
  - E) off-campus and other extension course fees;
  - F) air flight instructor and athletic fees; and
  - G) matriculation, service and other registration type fees.
- f) Recipients attending out-of-district community colleges receive tuition and fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition. Institutions are permitted to require documentation of residency in order to determine in-district or out-of-district payment.
- g) Benefits are limited to the equivalent of four academic years of full-time enrollment, which is measured in eligibility units. Recipients may accumulate up to 120 eligibility units.
- 1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) When a qualified applicant becomes eligible to receive educational assistance under Section 2733.40(b), the number of units used will be calculated as follows:
- A) Multiply the percentage of the tuition and mandatory fee charges covered by the IVG by the number of credit hours attempted.
  - B) Convert the result to eligibility units, as described in the table in

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

subsection (g)(1).

- ~~3)2)~~ Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 120 eligibility units but does not have enough units remaining for the number of hours in which he or she is enrolled for the term.
- ~~4)3)~~ In the event that a recipient withdraws from a course prior to the end of a term, a refund will be made according to the institution's refund withdrawal policy and eligibility units will be adjusted accordingly.
- ~~5)4)~~ The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of faculty contact hours.
- ~~6)5)~~ If, for any reason, the U.S. Department of Veteran Affairs (VA) terminates or suspends a veteran educational benefits program, assistance under this Part shall cease six months following this action. This does not include veterans who have begun receiving educational benefits under this Part. In the event that the VA resumes terminated or suspended educational benefits, all current rules will be enforced.

(Source: Amended at 39 Ill. Reg. 8425, effective July 1, 2015)

**Section 2733.40 Institutional Procedures**

- a) If a student is eligible for both an IVG and a Monetary Award Program (MAP) grant, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.
- ~~b)~~ If a student is eligible for, and has indicated to the institution that he/she has elected to receive educational assistance through, the Post-9/11 GI Bill, and that assistance is an amount described at 38 USC 3313(c)(2), (c)(3), (c)(4), (c)(5), (c)(6) or (c)(7) (net cost of tuition and fees), the institution must first apply Post-9/11 GI Bill benefits to the student's financial aid award. IVG benefits can then be used to cover the remaining IVG eligible tuition and mandatory fees.
- ~~c) b)~~ A notice of eligibility from ISAC must be used by the institution to establish a qualified applicant's initial eligibility.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- ~~d~~e) Institutions shall submit a payment request to ISAC.
- ~~e~~d) 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.
- ~~f~~e) The deadlines for submission of complete payment requests shall be September 15 for summer terms; January 15 for first term; and May 25 for second semester/second and third quarter. All claims, including supplemental claims, must be received by ISAC no later than July 1.
- ~~g~~f) The reimbursement to institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, institutions will be reimbursed in accordance with this subsection:
- 1) summer term claims received by the deadline date designated in subsection (e) will be paid, or prorated if funding is insufficient to pay all claims in full;
  - 2) if funds remain after summer term claims are paid, 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;
  - 3) if funds remain after first semester and first quarter claims are paid, then second semester/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;
  - 4) if funds remain after second semester/second and third quarter claims are paid, claims received by ISAC 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 (~~g~~f).

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- h)g) Institutions are required to reconcile payments, both payment data and actual funds, received through IVG 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 IVG funds claimed pursuant to this Section, the institution shall credit the IVG funds against the recipient's tuition and mandatory fee charges for the appropriate term.
  - 2) Within 30 days after the end of an academic term during which IVG funds are credited to recipient's 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; or
    - B) The amount of the claim applied to a student's tuition and mandatory 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 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 ~~an~~ 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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

unless the payment is received after the end of the applicable term. If the payment of claims is made after the end of the applicable term, 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 39 Ill. Reg. 8425, effective July 1, 2015)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
2735.30	Amendment
2735.35	New Section
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) Effective Date of Rulemaking: July 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 16, 2015; 39 Ill. Reg. 1094
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: Only grammatical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No.
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to implement State and federal statutory amendments and to clarify issues that have arisen during the previous year.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

In addition, ISAC proposes the following substantive amendment: For the 2015-16 and 2016-17 academic years, new proposed rulemaking, Section 2735.35, provides additional and specific consideration to the needs of dislocated workers. The intent is to allow applicants who are dislocated workers an opportunity to receive a MAP grant to attend college even if applying later than the general pool of applicants.

- 16) Information and questions regarding this adopted rule shall be directed to:

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED 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
<a href="#">2735.35</a>	<a href="#">Dislocated Workers</a>
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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

July 1, 2012; amended at 37 Ill. Reg. 9528, effective July 1, 2013; amended at 39 Ill. Reg. 8434, effective July 1, 2015.

**Section 2735.30 Program Procedures**

- a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 [USC](#) 1070a).)
- 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 Consideration Dates**  
In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than August 15 of, or immediately prior to, the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.
- d) **Priority Processing Guidelines**
  - 1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:
    - A) For applications with a FAFSA receipt date of no later than August 15 of or preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;
    - B) For applications with a FAFSA receipt date of August 16 or later, but no later than September 30, students who had not applied for MAP awards the previous regular school year will be considered

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;

- C) For applications with a FAFSA receipt date of October 1 or later, and until the date of final suspension of award announcements for that regular school year, all students will be considered for second semester/second and third quarter awards only.
- 2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.
- 3) 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 applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.
- 4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.
- e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of August 16 or later and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.
- f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.
- 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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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 110 ILCS 947/35(c); 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 his or her 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 three 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 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 he or she is enrolled for the term.
- n) A recipient may use no more than 75 MAP paid credit hours while enrolled at the freshman or sophomore level. Eligibility may be extended for one additional term at the freshman or sophomore level if the recipient has accumulated fewer than 75 MAP paid credit hours, but does not have enough credit hours of payment remaining for the number of hours for which he or she is enrolled for the term.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Upon progressing to the junior level or above, the recipient may use the remaining balance of MAP paid credit hours, up to the 135 credit hour maximum.

- o) The MAP grant shall not pay for academic programs intended to prepare a student for the [high school equivalency certificate](#) ~~General Educational Development (GED) test~~ or for a high school diploma. ~~(See, e.g., 23 Ill. Adm. Code 215.)~~
- 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 two 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 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,

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

enrollment must be in accordance with subsection (j) and 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 two semesters/three quarters of MAP assistance for any one qualified applicant enrolled on a full-time basis, or four semesters/six quarters of MAP for an applicant-enrolled on a half-time basis.

(Source: Amended at 39 Ill. Reg. 8434, effective July 1, 2015)

**Section 2735.35 Dislocated Workers**

- a) Dislocated workers, as defined by the federal Workforce Investment Act of 1998 (P.L. 105-220), shall receive additional and specific MAP consideration.
- b) Dislocated workers must meet all the MAP applicant eligibility requirements established by Section 2735.20.
- c) For the 2015-16 and 2016-17 academic years:
  - 1) A dislocated worker applicant will be considered for MAP assistance, even if the application date is after the suspension of award announcements for the general pool of applicants.
  - 2) In determining the number of grants to be offered, ISAC shall consider the financial resources needed to serve dislocated worker applicants who apply after the suspension of award announcements for the upcoming regular academic year, but prior to the beginning of that academic year. Dislocated worker applicants shall be considered until estimated financial resources are exhausted, but no later than August 15.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 39 Ill. Reg. 8434, effective July 1, 2015)

**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 Investment Act of 1998 (P.L. 105-220), the institution shall:
  - 1) Verify that the applicant indicated on the FAFSA that he or she is a dislocated worker; and
  - 2) Ensure that the applicant certifies to the institution that he or she is a dislocated worker as defined by the federal Workforce Investment Act of 1998.
- 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)e) 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 above-referenced programs.
- e)d) 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 which 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 which

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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) ~~of this Section~~. The institution of higher learning shall report the applicant's reduced grant award on the payment request.

~~f)~~e) 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)~~f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. 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.

~~h)~~g) Institutions of higher learning shall submit payment requests to ISAC.

~~i)~~h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:

- 1) The recipient must indicate his/her 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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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.

j)† 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).

k)† 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 ~~amount of actual~~ tuition and mandatory fee amount based on the number of credit hours enrolled~~expenses incurred~~.

l)† 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.

m)† 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 ten days prior to the start of classes for the term for which they are requesting payment.

n)† 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.

2) Within 30 days after the end of an academic term during which MAP

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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; or
  - B) The amount of the claim applied to a student's tuition and mandatory 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 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.
  - 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.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 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 39 Ill. Reg. 8434, effective July 1, 2015)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2760.20	Amendment
2760.30	Amendment
- 4) Statutory Authority: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)]
- 5) Effective Date of Rule: July 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 16, 2015, 39 Ill. Reg. 1107
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to clarify issues that have arisen during the previous year. We continue to increase the level of standardization in procedures, format and terminology throughout our programmatic rules.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

In addition, ISAC proposes the following substantive amendment: The New Illinois Learning Standards Incorporating the Common Core have been adopted in Illinois in conjunction with similar changes in over 40 other states, which resulted in the elimination of the Prairie State Achievement Exam (PSAE). We are deleting language in 2760.30(i) as the Agency no longer provides this service due to Personally Identifiable Information.

- 16) Information and questions regarding the adopted rule shall be directed to:

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

847/948-8500, ext. 18032  
FAX: 847/831-8299  
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The full text of the Adopted Amendments begins on the next page:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2760  
STATE SCHOLAR PROGRAM

Section	
2760.10	Summary and Purpose
2760.20	State Scholar Eligibility
2760.30	Program Procedures
2760.40	Institutional Procedures

**AUTHORITY:** Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

**SOURCE:** Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. 10346, effective July 1, 1994; amended at 19 Ill. Reg. 8395, effective July 1, 1995; amended at 20 Ill. Reg. 9251, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11222, effective July 18, 1997; amended at 22 Ill. Reg. 11170, effective July 1, 1998; amended at 24 Ill. Reg. 9201, effective July 1, 2000; amended at 29 Ill. Reg. 9928, effective July 1, 2005; amended at 31 Ill. Reg. 9516, effective July 1, 2007; amended at 32 Ill. Reg. 10325, effective July 1, 2008; amended at 33 Ill. Reg. 9776, effective July 1, 2009; amended at 39 Ill. Reg. 8447, effective July 1, 2015.

**Section 2760.20 State Scholar Eligibility**

- a) To be considered for the State Scholar Program, a high school student shall:
  - 1) demonstrate superior academic potential as measured by test scores and

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

high school records;

- 2) be a United States citizen or eligible noncitizen;
  - 3) be a resident of Illinois;
  - 4) rank in the upper half of his/her high school class at the end of the third semester prior to graduation from high school (normally the sixth semester); and
  - 5) attend an approved high school.
- b) To be considered for the State Scholar Program, a student must take the ACT or, the College Board's SAT Reasoning Test, ~~or the Prairie State Achievement Exam (PSAE)~~ during the third or fourth semester prior to graduation from high school (e.g., for a student attending high school for the traditional eight semesters, the exam must be taken during the fifth or sixth semester).
- 1) A student may take one or a combination of these examinations during the designated period. A student may also take the same standardized test more than once.
  - 2) All scores from such tests taken during the designated period must be submitted to ISAC.
  - 3) If a student submits scores from multiple examinations taken during the designated period, ISAC will use the highest score.
  - 4) When a student submits scores to ISAC, the student must report his/her academic level at the time the test was taken.
- c) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- d) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any special arrangements must take into account the test score submission deadline in subsections (b) and (c) ~~of this Section~~.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 39 Ill. Reg. 8447, effective July 1, 2015)

**Section 2760.30 Program Procedures**

- a) In order for its students to be considered for the State Scholar Program, a high school is to submit, in a format approved by ISAC, class ranks as of the third semester prior to graduation for students who desire to be considered for the Program. For high schools that cannot provide class ranks, non-weighted grade point averages as of the third semester prior to graduation must be provided.
- 1) Class ranks are calculated so that the class rank for the lowest grade point average (GPA) equals the total number of students being ranked.

Example: Class Rank	GPA
1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

- 2) The equivalent term rank shall be provided for students planning to graduate in other than the traditional four years (see Section 2760.20(b)).
- b) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:
- 1) The ACT ~~or the PSAT~~ composite score shall be the Illinois Standard Test Score.
- 2) SAT critical reading and math scores shall be added, and then converted to the Illinois Standard Test Score using the official ACT-SAT Concordance (SAT Critical Reading + Math (Score Range)) table available at [ACT's website www.act.org/aap/concordance](http://www.act.org/aap/concordance).
- c) High school class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:

$$\text{Percentile} = [\text{Size of Class MINUS (Rank in Class minus .5)}] \text{ divided by Size of Class}$$

- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.54 - 99.74	29
99.19 - 99.53	28
98.62 - 99.18	27
97.73 - 98.61	26
96.42 - 97.72	25
94.53 - 96.41	24
91.93 - 94.52	23
88.50 - 91.92	22
84.14 - 88.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.55 - 72.57	18
57.94 - 65.54	17
50.00 - 57.93	16

- d) An Illinois Weighted Selection Score for each student shall be computed by adding the Illinois Standard Test Score to the Illinois Standard Rank Score.
- e) In any academic year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.
- f) Notwithstanding the previous provisions in this Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95<sup>th</sup> percentile on the ACT, or the equivalent on a comparable examination, regardless of that student's class rank.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- g) A Certificate of Achievement and congratulatory letter are issued for each State Scholar. Subject to appropriation, each State Scholar who enrolls or is enrolled at least half-time in his or her first year at an Illinois institution of higher learning shall also receive a one-time grant of \$1,000 to be applied to tuition and mandatory fees. A student who has been awarded a Merit Recognition Scholarship may not be awarded a grant under this Part.
- h) A listing of State Scholars shall be available upon request to colleges, members of the General Assembly and to the media.
- ~~i) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges, universities and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.~~
- ~~i)j~~) High school officials or student candidates shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See 23 Ill. Adm. Code 2700.70, Appeal Procedures.)
- ~~i)k~~) If an appeal concerning an applicant's eligibility is received, ISAC shall request the high school verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

(Source: Amended at 39 Ill. Reg. 8447, effective July 1, 2015)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2763.20	Amendment
2763.30	Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)]
- 5) Effective Date of Rule: July 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 16, 2015, 39 Ill. Reg. 1114
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to implement State and federal statutory amendments and to clarify issues that have arisen during the previous year. We also continue to increase the level of standardization and simplification in procedures, format and terminology throughout our programmatic rules.
- 16) Information and questions regarding the adopted rule shall be directed to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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

847/948-8500 ext. 18032  
FAX: 847/831-8299  
email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2763  
MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

## Section

2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

**AUTHORITY:** Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

**SOURCE:** Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003; amended at 28 Ill. Reg. 9155, effective July 1, 2004; amended at 29 Ill. Reg. 9934, effective July 1, 2005; amended at 30 Ill. Reg. 11678, effective July 1, 2006; amended at 37 Ill. Reg. 9544, effective July 1, 2013; amended at 39 Ill. Reg. 8454, effective July 1, 2015.

**Section 2763.20 Applicant Eligibility**

- a) A qualified applicant shall be:
  - 1) a minority student;
  - 2) a resident of Illinois;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 3) a citizen or permanent resident of the United States;
  - 4) a high school graduate or a ~~high school equivalency~~ **General Educational Development (GED)** certificate recipient;
  - 5) enrolled or accepted for enrollment on at least a half-time basis;
  - 6) a student at an institution of higher learning;
  - 7) enrolled or accepted for enrollment in a course of study which, upon completion, qualifies the student to be certified as a preschool, elementary or secondary school teacher by the Illinois State Board of Education, including alternative teacher certification;
  - 8) maintaining a cumulative grade point average of no less than 2.5 on a 4.0 scale; and
  - 9) maintaining satisfactory academic progress as determined by the institution.
- b) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764), the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), or the Teach Illinois Scholarship Program (23 Ill. Adm. Code 2768), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 39 Ill. Reg. 8454, effective July 1, 2015)

**Section 2763.30 Program Procedures**

- a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.
  - 1) Applications are available from qualified institutions of higher learning, ISAC's Web site, ~~Illinois State legislative and Illinois Congressional offices,~~ and ISAC's Springfield, Deerfield and Chicago offices.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 2) ISAC will make renewal applications available to all qualified students who were awarded MTI Scholarships during the preceding regular school year.
  - 3) If the 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 at ISAC's Deerfield office.
- b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. *If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants.* [110 ILCS 947/50]
  - c) Notwithstanding the provisions of subsection (b) ~~of this Section~~, awards will be made first to renewing applicants.
  - d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
  - e) Scholarship funds are applicable towards up to two semesters/three quarters of study within a regular school year.
  - f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) ~~of this Section~~ and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.
  - g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their high school

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

equivalency GED certificates.

- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
  - 2) the recipient shall begin teaching within one year following the completion of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;
  - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
  - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;
  - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
  - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to subsection Section 2763.30(h) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 2) is enrolled on a full-time basis as a graduate student in a course of study related to the field of teaching at an institution of higher learning;
  - 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
  - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3)-~~of this Section~~ for one continuous period not to exceed two years, and is able to provide evidence of that fact;
  - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois; or
  - 6) is fulfilling teaching requirements associated with other programs administered by ISAC if he or she cannot concurrently fulfill them in a period of time equal to the length of the teaching obligation.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ~~10~~<sup>ten</sup> years after the scholarship converts to a loan. This ~~10~~<sup>ten</sup>-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
  - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
  - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact;
  - 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline; or
  - 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- k) During the time a recipient qualifies for any of the extensions listed in subsection (j) ~~of this Section~~, he or she shall not be required to make payments and interest shall not accrue.
- l) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
  - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
  - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., [34 CFR 682.402\(c\)](#) ~~34 CFR 653.42(k)(1)~~), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 39 Ill. Reg. 8454, effective July 1, 2015)

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Golden Apple Scholars of Illinois Program
- 2) Code Citation: 23 Ill. Adm. Code 2764
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2764.20	Amendment
2764.40	Amendment
- 4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)]
- 5) Effective Date of Rule: July 1, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rulemaking, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: January 16, 2015, 39 Ill. Reg. 1122
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: ISAC annually reviews its rules in order to implement State and federal statutory amendments. In addition, we are deleting language referencing institutional certification in Section 2764.40 as institutional certification is already required by 23 Ill. Adm. Code 2700.50(c) and (d).

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding the adopted rule shall be directed to:

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

847/948-8500 ext. 18032  
FAX: 847/831-8299  
email: [lynn.hynes@isac.illinois.gov](mailto:lynn.hynes@isac.illinois.gov)

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

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2764  
GOLDEN APPLE SCHOLARS OF ILLINOIS PROGRAM

## Section

2764.10	Summary and Purpose
2764.20	Applicant Eligibility
2764.30	Program Procedures
2764.40	Institutional Procedures

**AUTHORITY:** Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

**SOURCE:** Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed at 21 Ill. Reg. 11027 and new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1749, effective January 25, 2004; amended at 28 Ill. Reg. 9162, effective July 1, 2004; amended at 30 Ill. Reg. 11687, effective July 1, 2006; amended at 32 Ill. Reg. 10333, effective July 1, 2008; amended at 33 Ill. Reg. 9784, effective July 1, 2009; amended at 36 Ill. Reg. 13957, effective September 1, 2012; emergency amendment at 37 Ill. Reg. 15446, effective September 3, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 2898, effective January 15, 2014; amended at 39 Ill. Reg. 8462, effective July 1, 2015.

**Section 2764.20 Applicant Eligibility**

- a) All qualified applicants must be designated as a Golden Apple Scholar by the Golden Apple Foundation for Excellence in Teaching (the Foundation).
- b) A qualified applicant, at the time of designation as a Golden Apple Scholar by the Golden Apple Foundation for Excellence in Teaching, shall:

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) be a United States citizen or eligible noncitizen;
  - 2) be a resident of Illinois;
  - 3) be a high school graduate or a person who has received a [high school equivalency certificate](#) ~~General Educational Development (GED) Certificate~~;
  - 4) be enrolled at a four-year institution designated by the Foundation as a participating Illinois college or university; and
  - 5) have entered into a program agreement and promissory note with the Foundation and ISAC, as described in this Part.
- c) In order to receive scholarship assistance under this Part, a qualified applicant shall:
- 1) be enrolled in a postsecondary course of study leading to initial teacher certification or taking additional courses needed to gain Illinois State Board of Education (ISBE) approval to teach, including alternative teacher certification [110 ILCS 947/52];
  - 2) have earned a cumulative grade point average of 2.5 on a 4.0 scale if enrolled at the sophomore, junior or senior level; and
  - 3) have participated in all required programs and adhered to the residential guidelines and standards of conduct as a designated Golden Apple Scholar of the Foundation.
- d) In any academic year in which the qualified applicant accepts or receives financial assistance through the Paul Douglas Teacher Scholarship Program (23 Ill. Adm. Code 2762), the Minority Teachers of Illinois Scholarship Program (23 Ill. Adm. Code 2763), the Special Education Teacher Tuition Waiver Program (23 Ill. Adm. Code 2765), or the Teach Illinois Scholarship (23 Ill. Adm. Code 2768), the qualified applicant shall not be eligible for scholarship assistance under this Part.

(Source: Amended at 39 Ill. Reg. 8462, effective July 1, 2015)

**Section 2764.40 Institutional Procedures**

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- a) The institution shall submit eligibility information for selected recipients in sufficient time for ISAC to make award announcements.
- b) The institution shall submit ~~a certification of eligibility for selected recipients~~ with its request for payment, within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.
- c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that 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) Scholarship assistance provided under this Part shall be subject to the following conditions:
  - 1) A recipient may receive up to 8 semesters or 12 quarters of scholarship assistance under this program.
  - 2) Scholarship funds are applicable toward two semesters or three quarters of half-time and full-time study within an academic year.
  - 3) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 4) Program scholarships are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.
- 5) The annual scholarship amount shall be computed by the institution and be the lesser of:
  - A) tuition and fees plus room and board expenses charged by the institution;
  - B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus;
  - C) an amount not to exceed \$5,000 unless otherwise authorized by this Section.
- 6) The total amount of scholarship assistance awarded under this Section to a recipient of scholarship assistance under this Part in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.
- 7) A recipient of scholarship assistance under this Part may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the scholarship assistance awarded under this Section.
- 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.

(Source: Amended at 39 Ill. Reg. 8462, effective July 1, 2015)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Fees and Charges
- 2) Code Citation: 50 Ill. Adm. Code 2505
- 3) Illinois Register citation of recodified Part: Published in the 4/24/15 *Illinois Register* at 39 Ill. Reg. 5901
- 4) Explanation: When recodification of this Part was published in the 4/24/15 *Illinois Register*, the conversion table of present and recodified Sections inadvertently omitted mention of Illustrations A and B. JCAR regrets the error.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Fees and Charges
- 2) Code Citation: 50 Ill. Adm. Code 2505
- 3) Illinois Register citation of recodified Part: Published in the 4/24/15 *Illinois Register* at 39 Ill. Reg. 5901
- 4) Explanation: When recodification of this Part was published in the 4/24/15 *Illinois Register*, the conversion table of present and recodified Sections inadvertently omitted mention of Illustrations A and B. JCAR regrets the error.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)
2. Summary of information: Proposed Amendment of Home and Community Based Services (HCBS) Waiver HCBS Waiver for Children Who Are Medically Fragile, Technology Dependent – IL 0278

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the University of Chicago – Division of Specialized Care for Children (UIC-DSCC) propose to amend the HCBS Waiver for Children who are Medically Fragile, Technology Dependent – IL 0278. The proposed waiver amendment includes revisions and additions to the MFTD waiver capacity, Affordable Care Act (ACA) and qualifications for care coordination.

Illinois seeks public input into the development of the HCBS Waiver for Children who are Medically Fragile, Technology Dependent – IL0278 amendment through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at <http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx> with a link to this website on the UIC-DSCC website. 2) For persons that may not have access to the website, the proposed waiver amendment is available at UIC-DSCC offices across the State.

In addition to the two methods of notification, the operating agency of the HCBS Waiver for Children who are Medically Fragile, Technology Dependent – IL0278 has emailed language located in this notification and the HFS website to its stakeholders which include provider agencies and care coordination entities. UIC-DSCC has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver amendment including electronically at the HFS website or in person at any of the UIC-DSCC offices located across the State.

HFS will be accepting public input regarding the proposed amendment of the HCBS Waiver for Children who are Medically Fragile, Technology Dependent – IL0278 for a 30 day public comment period from June 19, 2015 through July 18, 2015. Those interested in providing input are asked to email feedback to the HFS web portal email address: [HFS.SWTransitionPlan@illinois.gov](mailto:HFS.SWTransitionPlan@illinois.gov); or mail their written input to the Illinois Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Ave East FL2, Springfield IL 62763.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The summary will include modifications to the initial waiver amendment and the reasons why or who the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services  
Attn: Waiver Management  
201 South Grand Ave East, 2<sup>nd</sup> FL  
Springfield IL 62763

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)
2. Summary of information: Proposed Renewal of Home and Community Based Services (HCBS) Waiver Persons with Disabilities – IL 0142

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the Illinois Department of Human Services-Division of Rehabilitative Services (DHS-DRS) propose to renew the HCBS Waiver for Persons with Disabilities – IL 0142. The proposed waiver renewal modifies the renewal posted on May 29, 2015 that included revisions and additions to allowable service settings, participant centered plan, extended state plan nursing services and prevention of spousal impoverishment and to also include a provision to modify waiver eligibility by increasing the minimum level of care threshold to match the nursing facility level.

Illinois seeks public input into the development of the HCBS Waiver for Persons with Disabilities – IL0142 renewal through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at <http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx> with links to this website located on the DHS-DRS HCBS website. 2) For persons that may not have access to the website, the waiver renewal application is available at DHS-DRS offices across the State.

In addition to the two methods of notification, the operating agency of the HCBS Waiver for Persons with Disabilities has emailed language located in this notification and the HFS website to its stakeholders which includes provider agencies and care coordination entities. DHS-DRS has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver renewal application including electronically at the HFS website or in person at any of the DHS-DRS offices located throughout the State of Illinois.

In accordance with modifications to a previously posted draft, HFS will be accepting public input regarding the proposed renewal of the HCBS Waiver for Persons with Disabilities – IL0142 for a 30 day public comment period from June 19, 2015 through July 18, 2015. Those interested in providing input are asked to email feedback to the HFS web portal email address: [HFS.SWTransitionPlan@illinois.gov](mailto:HFS.SWTransitionPlan@illinois.gov); or mail their written input to the Illinois Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Avenue East 2FL, Springfield IL 62763.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The summary will include modifications to the initial waiver renewal and the reasons why or why the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services  
Attn: Waiver Management  
201 South Grand Ave East, 2<sup>nd</sup> FL  
Springfield IL 62763

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)
2. Summary of information: Proposed Amendment of Home and Community Based Services (HCBS) Waiver HCBS Waiver for Persons with Brain Injury - IL 0329

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the Illinois Department of Human Services-Division of Rehabilitative Services (DHS-DRS) propose to amend HCBS Waiver for Persons with Brain Injury - IL 0329. The proposed waiver amendment includes a provision to modify waiver eligibility by increasing the minimum level of care threshold to match the nursing facility level.

Illinois seeks public input into the development of the HCBS Waiver for Persons with Brain Injury - IL 0329 amendment through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at <http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx> with links to this website located on the DHS-DRS HCBS website. 2) For persons that may not have access to the website, the waiver amendment application is available at DHS-DRS offices across the State.

In addition to the two methods of notification, the operating agency of the HCBS Waiver for Persons with Brain Injury has emailed language located in this notification and the HFS website to its stakeholders which includes provider agencies and care coordination entities. DHS-DRS has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver amendment application including electronically at the HFS website or in person at any of the DHS-DRS offices located throughout the State of Illinois.

HFS will be accepting public input regarding the proposed amendment of the HCBS Waiver for Persons with Brain Injury - IL 0329 for a 30 day public comment period from June 19, 2015 through July 18, 2015. Those interested in providing input are asked to email feedback to the HFS web portal email address: [HFS.SWTransitionPlan@illinois.gov](mailto:HFS.SWTransitionPlan@illinois.gov); or mail their written input to the Illinois Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Avenue East 2FL, Springfield IL 62763.

A summary of the public notice and comments will be incorporated into the amendment prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The summary will include modifications to the initial waiver amendment and the

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

reasons why or why the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services  
Attn: Waiver Management  
201 South Grand Ave East, 2<sup>nd</sup> FL  
Springfield IL 62763

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)
2. Summary of information: Proposed Renewal of Home and Community Based Services (HCBS) Waiver for Persons Who are Elderly – IL 0143

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the Illinois Department on Aging (IDoA) proposes to renew the HCBS Waiver for Persons Who Are Elderly – IL 0143. The proposed waiver renewal modifies the renewal posted on May 29, 2015 that included revisions and additions to the waiver cap, service settings and the participant centered plan and to also include a provision to modify waiver eligibility by increasing the minimum level of care threshold to match the nursing facility level.

Illinois seeks public input into the development of the HCBS Waiver for Persons who are Elderly – IL0143 renewal through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at <http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx> with a link to this website located on IDoA's HCBS website. 2) For persons that may not have access to the website, the waiver renewal application is available at Area Agencies on Aging and Care Coordination offices across the State.

In addition to the two methods of notification, the operating agency of the HCBS Waiver for Persons who are Elderly has emailed language located in this notification and the website to its stakeholders which includes provider agencies and care coordination entities. IDoA has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver renewal application including electronically at the HFS website or in person at any of the Area Agencies on Aging or Care Coordination offices located across the State.

In accordance with modifications to a previously posted draft, HFS will be accepting public input regarding the proposed renewal of the HCBS Waiver for Persons who are Elderly – IL0143 for a 30 day public comment period from June 19, 2015 through July 18, 2015. Those interested in providing input are asked to email their feedback to the HFS web portal email address: [HFS.SWTransitionPlan@illinois.gov](mailto:HFS.SWTransitionPlan@illinois.gov); or mail their written input to the Illinois Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Avenue East 2FL, Springfield IL 62763.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

A summary of the public notice and comments will be incorporated into the renewal prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The summary will include modifications to the initial waiver renewal and the reasons why or why the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services  
Attn: Waiver Management  
201 South Grand Ave East, 2<sup>nd</sup> FL  
Springfield IL 62763

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)
2. Summary of information: Proposed Amendment of Home and Community Based Services (HCBS) Waiver HCBS Waiver for Persons with HIV or AIDS - IL 0202

The Illinois Department of Healthcare and Family Services (HFS), in conjunction with the Illinois Department of Human Services-Division of Rehabilitative Services (DHS-DRS) propose to amend HCBS Waiver for Persons with HIV or AIDS - IL 0202. The proposed waiver amendment includes a provision to modify waiver eligibility by increasing the minimum level of care threshold to match the nursing facility level.

Illinois seeks public input into the development of the HCBS Waiver for Persons with HIV or AIDS - IL 0202 amendment through two separate statements of public notice and input. 1) Electronic public notice posted on the HFS website at <http://www2.illinois.gov/hfs/MedicalPrograms/HCBS/Pages/default.aspx> with links to this website located on the DHS-DRS HCBS website. 2) For persons that may not have access to the website, the waiver amendment application is available at DHS-DRS offices across the State.

In addition to the two methods of notification, the operating agency of the HCBS Waiver for Persons with HIV or AIDS has emailed language located in this notification and the HFS website to its stakeholders which includes provider agencies and care coordination entities. DHS-DRS has requested that these entities inform the public of the opportunities to access a copy of the proposed waiver amendment application including electronically at the HFS website or in person at any of the DHS-DRS offices located throughout the State of Illinois.

HFS will be accepting public input regarding the proposed amendment of the HCBS Waiver for Persons with HIV or AIDS - IL 0202 for a 30 day public comment period from June 19, 2015 through July 18, 2015. Those interested in providing input are asked to email feedback to the HFS web portal email address: [HFS.SWTransitionPlan@illinois.gov](mailto:HFS.SWTransitionPlan@illinois.gov); or mail their written input to the Illinois Department of Healthcare and Family Services, ATTN: Waiver Management, 201 South Grand Avenue East 2FL, Springfield IL 62763.

A summary of the public notice and comments will be incorporated into the amendment prior to HFS submitting to the Federal Centers for Medicaid & Medicare Services (CMS). The summary will include modifications to the initial waiver amendment and the

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

reasons why or why the State of Illinois did not adopt specific comments or recommendations.

3. Name and address of person to contact concerning this information:

The Illinois Department of Healthcare and Family Services  
Attn: Waiver Management  
201 South Grand Ave East, 2<sup>nd</sup> FL  
Springfield IL 62763

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of June 2, 2015 through June 8, 2015. Rulemaking are scheduled for review at the Committee's July 14, 2015 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/16/15	<u>Office of the Attorney General</u> , Hospital Financial Assistance under the Fair Patient Billing Act (77 Ill. Adm. Code 4500)	4/17/14 39 Ill. Reg. 5536	7/14/15
7/16/15	<u>Illinois Racing Board</u> , Entries and Declarations (11 Ill. Adm. Code 1312)	4/10/15 39 Ill. Reg. 5347	7/14/15
7/16/15	<u>Department of Insurance</u> , Workers' Compensation Electronic Claims (50 Ill. Adm. Code 2908)	8/8/14 38 Ill. Reg. 16557	7/14/15
7/16/15	<u>Secretary of State</u> , Secretary of State Standard Procurement (44 Ill. Adm. Code 2000)	4/17/15 39 Ill. Reg. 5565	7/14/15

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 39, Issue 25 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

11 - 1800	.....	8363
92 - 1040	.....	8372

**ADOPTED RULES**

83 - 288	6/5/2015 .....	8378
23 - 2700	7/1/2015 .....	8390
23 - 2730	7/1/2015 .....	8415
23 - 2733	7/1/2015 .....	8425
23 - 2735	7/1/2015 .....	8434
23 - 2760	7/1/2015 .....	8447
23 - 2763	7/1/2015 .....	8454
23 - 2764	7/1/2015 .....	8462

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