

## AGENDA ITEM 10.

### ADOPTING CERTAIN RULES AMENDMENTS

**Submitted for:** Action

**Summary:** This item reports on and seeks approval regarding the agency's administrative rules governing two Parts: Public Information, Rulemaking and Organization; and Information Requests. Pursuant to the Administrative Procedure Act, the process by which a state agency adopts the administrative rules which govern its own internal operations differs from the familiar process ISAC uses in adopting rules governing its programs. Unlike the latter category of (programmatic) rules, which are subject to review and comment by both the public and the Joint Committee on Administrative Rules (JCAR), an agency's internal rules may be amended simply by vote of the Commission.

The full text of the rules amendments is included in this item, as is the Notice of Adopted Amendments, which contains a brief description of the changes that have been made. The text is marked with underlines/overstrikes to show all additions/deletions.

As it has been several years since these internal rules were last amended, the changes are predominantly updates of such information as organizational structure, divisional and job titles, and fees for Freedom of Information Act (FOIA) requests.

At this point, once the Commission approves, staff is prepared to submit these amendments to the Administrative Code Division of the Secretary of State for publication as final adopted amendments.

Again, under the administrative Procedure Act, this is the only action necessary for final adoption. Once adopted, they will be communicated to ISAC's clients through publication in the **Illinois Register** and various client communications, as well as being posted to ISAC's Web site.

**Action requested:** That the Commission approve the following resolution:

**“BE IT RESOLVED** that the Commission approves and adopts the amendments to the agency's rules on Public Information, Rulemaking and Organization; and the agency's rules on Information Requests.”

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5375
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
5375.10	Amendment
5375.100	Amendment
5375.210	Amendment
5375.220	Amendment
5375.230	Amendment
5375.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective date of amendments: February 1, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act, there is no public comment period and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]
- 10) Has JCAR issued a Statement of Objections to these amendments? There is no JCAR review of these rules, which govern the internal workings of this agency. [5 ILCS 100/5-15(b)]
- 11) Difference(s) between proposed and final version: In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act, there is no public comment period or JCAR review of these rules and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? In accordance with Section 5-15(b) of the Illinois

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Administrative Procedure Act, there is no public comment period or JCAR review of these rules and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]

- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: The rules have been expanded to provide details regarding rulemaking and the structure of the Commission. In addition, the rules were updated to reflect changes made to the internal organization of ISAC.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015  
PH: (847) 948-8500 ext. 2216  
FAX: (847) 831-8327  
email: lhynes@isac.org

The full text of the adopted amendments begins on the following page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE F: EDUCATIONAL AGENCIES  
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 5375  
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section  
5375.10 Information

SUBPART B: RULEMAKING

Section  
5375.100 Rulemaking Procedures

SUBPART C: ORGANIZATION

Section  
5375.210 The Commission  
5375.220 Agency Organization  
5375.230 Procedures for Persons desiring to address the Commission at a Commission Meeting  
~~Public Statements at Commission Meetings~~

5375.APPENDIX A Organization Chart

AUTHORITY: Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 17, 1980; amended at 4 Ill. Reg. 34, p. 208, effective August 9, 1980; amended at 6 Ill. Reg. 8413, effective June 30, 1982; rules repealed and new rules adopted at 8 Ill. Reg. 2505, effective February 10, 1984; amended at 8 Ill. Reg. 17022, effective September 5, 1984; amended at 11 Ill. Reg. 17836, effective October 16, 1987; transferred from Chapter XII, 2 Ill. Adm. Code 5275 (State Scholarship Commission) to Chapter XIV, 2 Ill. Adm. Code 5375 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17867; amended at 16 Ill. Reg. 7497, effective April 22, 1992; amended at 19 Ill. Reg. 11384, effective August 1, 1995; amended at 20 Ill. Reg. 15073, effective November 15, 1996;

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amended at 24 Ill. Reg. 9189, effective July 1, 2000; amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009.

SUBPART A: PUBLIC INFORMATION

**Section 5375.10 Information**

- a) The public can obtain information about the Illinois Student Assistance Commission (ISAC) and its programs by contacting one of ~~ISAC's~~ ~~ISSC's~~ offices located in Deerfield, Chicago or Springfield. General information is also available at ISAC's Web site, [www.collegezone.com](http://www.collegezone.com).
- b) Requests for inspection or copying of specific ISAC's public records must be submitted as a Freedom of Information Act (FOIA) request and must be made in accordance with ISAC's rules. (See 2 Ill. Adm. Code 5376.)

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

SUBPART B: RULEMAKING

**Section 5375.100 Rulemaking Procedures**

- a) The ~~Commission's adoption of rules must proceed~~ ~~Illinois Student Assistance Commission promulgates rules~~ in accordance with the Illinois Administrative Procedure Act [5 ILCS 100], specifically, the rulemaking procedures of Article 5 of that Act. Those rulemaking procedures do not apply to certain exempt matters, i.e., any matter relating solely to agency management or personnel practices or to public property, loans, or contracts [5 ILCS 100/5-35 (a)].
- b) With respect to non-exempt matters, the Commission's rulemaking procedures follow the requirements of the Illinois Administrative Procedure Act [5 ILCS 100/5]. ISAC's staff develops proposed rules and amendments to existing rules and submits ~~ISAC staff shall develop proposed rules and submit~~ them for public comment through publication in the Illinois Register. All written public comments submitted on proposed ISAC rules and amendments are presented to the Commission for consideration. The Executive Director may recommend changes in the proposed rules and amendments based upon comments received.
- c) The Commission may hold a special hearing for the purpose of receiving public comments on the proposed rules and amendments, and may appoint a member of

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the staff to serve as a hearing officer to conduct such a hearing.

- d) After receiving the Executive Director's recommendation and the written comments from the public, the Commission shall vote whether to accept, modify or reject the proposed rules and amendments. After disposition by the Commission, the Executive Director shall submit the proposed rules and amendments for review by the Joint Committee on Administrative Rules (JCAR).
- e) After the expiration of the JCAR review period, the proposed rules and amendments are re-submitted to the Commission for approval and adoption. Rules and amendments adopted by the Commission are filed with the Office of the Secretary of State and published in the Illinois Register.
- f) The Executive Director may promulgate Emergency and Peremptory Rules and amendments in accordance with the Illinois Administrative Procedure Act.
- g) Rules and amendments relating to the exempt matters described in Section 5375.100(a), including without limitation, ISAC management, personnel practices, public property, loans or contracts may be adopted, amended or repealed by action of the Commission, and shall be effective immediately upon adoption. A certified copy of such rules and amendments relating to exempt matters shall be filed with the Secretary of State.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

SUBPART C: ORGANIZATION

**Section 5375.210 The Commission**

- a) The Commission was created by the Higher Education Student Assistance Act [110 ILCS 947/15]. Commission members are called "Commissioners." Commissioners are appointed by the Governor with the advice and consent of the Senate [110 ILCS 947/15(a)]. Senate confirmation of a person appointed by the Governor to be a Commission member is a necessary prerequisite to becoming a member. However, while a gubernatorial appointment is pending Senate approval, the Commissioner designee will be invited to attend and observe Commission meetings at ISAC's expense but will not vote. ~~When the Commission consists of ten appointed and confirmed members a quorum shall be six. When the Commission consists of nine or eight members a quorum shall be five. When the Commission's active membership is reduced to seven or less members, the quorum shall be four.~~

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- b) ~~The Governor designates one member of the Commission, other than the student member, to serve as Chairman [110 ILCS 947/15(a)]. Commissioners are appointed by the Governor with the advice and consent of the Senate. (See Section 15 of the Higher Education Student Assistance Act [110 ILCS 947/15].) While a Gubernatorial appointment is pending Senate approval, the Commissioner designee will be invited to attend and observe Commission meetings at ISAC's expense but will not vote.~~
- c) A Vice-Chairman shall be elected by a vote of the Commission. A new election for Vice-Chairman shall occur whenever the term of the incumbent Vice-Chairman expires or whenever the Governor designates a new Chairman. ~~The Vice-Chairman shall preside at all meetings in the absence of the Chairman. In the absence of the Chairman and the Vice-Chairman, the senior member present in length of service since original appointment shall assume the chair to conduct business.~~
- d) ~~The Chairman of the Commission presides at Commission meetings. The Vice-Chairman shall preside at all meetings in the absence of the Chairman. In the absence of the Chairman and the Vice-Chairman, a member designated by the Chairman shall preside at the Commission meetings. In the absence of such a designation by the Chairman, the most senior member based on length of service since original appointment shall preside at a Commission meeting if the Chairman and Vice-Chairman are not in attendance. — Any expenses incurred by members to attend out of state meetings or out of state public appearances shall be approved in advance by the Chairman.~~
- e) The Commission shall convene at least one (1) time~~approximately six times~~ per year. All Commission meetings shall be conducted in accordance with the Open Meetings Act [5 ILCS 120/1.01].
- f) ~~When the Commission consists of ten appointed and confirmed members, a quorum shall be six. When the Commission consists of nine or eight appointed and confirmed members, a quorum shall be five. When the Commission consists of seven or fewer appointed and confirmed members, the quorum shall be four. Matters on which the Commission shall deliberate and vote shall include, but not be limited to, the following:~~
- 1) ~~Formula for determining grant eligibility for the Monetary Award Program (see: 23 Ill. Adm. Code 2735.30);~~

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- ~~2) Budget requests which are submitted to the General Assembly for appropriation;~~
- ~~3) Budget for the operations of the Illinois Designated Account Purchase Program;~~
- ~~4) Issuance of bonds pursuant to Section 145 of the Education Loan Purchase Program Law [110 ILCS 947/145];~~
- ~~5) Rate of the insurance premium on guaranteed student loans (see: 23 Ill. Adm. Code 2720.80);~~
- ~~6) Salary and terms of employment of the Executive Director and salary ranges for other ISAC employees; and~~
- ~~7) Promulgation of rules, in accordance with Section 5375.100.~~

- g) Except as otherwise provided in the Open Meetings Act, [5 ILCS 120/2.02(a)] (e.g. an emergency meeting), each Commissioner shall be given at least 10 days' written notice of any meeting of the Commission. Commission meetings shall be convened pursuant to notice given in accordance with the Open Meetings Act [5 ILCS 120/1.01 et seq.].

The Commission shall adopt a schedule of regular meetings at the beginning of each calendar year, including the date, time, and place of each scheduled meeting [See 5 ILCS 120/2.02]. The Chairman has full authority to determine all procedural issues incident to a Commission meeting. Should a Commissioner dispute an action of the Chairman, the Commission shall refer to Robert's Rules of Order, Newly Revised, for the appropriate method of resolution.

- h) Matters on which the Commission shall deliberate and vote shall include, but not be limited to, the following:
- 1) Formula for determining grant eligibility for the Monetary Award Program (see 23 Ill. Adm. Code 2735);
  - 2) Budget requests that are submitted to the General Assembly for appropriation;

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- 3) The budget for the operations of the Illinois Designated Account Purchase Program and *College Illinois!*<sup>SM</sup> Prepaid Tuition Program;
  - 4) Investment policies, contract pricing and fees, and appointment of investment advisory panel members, investment managers, and marketing agent for the *College Illinois!*<sup>SM</sup> Prepaid Tuition Program;
  - 5) Issuance of bonds or other securities pursuant to Section 145 of the Education Loan Purchase Program Law [110 ILCS 947/145];
  - 6) The amount of the federal default fee, to be charged to the borrowers (or absorbed by the Commission) on guaranteed student loans (see: 23 Ill. Adm. Code 2720.80);
  - 7) Promulgation of rules, in accordance with Section 5375;
  - 8) Based upon the recommendations of the Chairman, appointment of, and the salary and terms of employment of, the Executive Director of the Commission; and
  - 9) Delegation to the Executive Director and other ISAC staff, of authority to execute and deliver contracts, agreements and similar instruments.
- i) The Chairman (or other presiding officer) has full authority to determine all procedural issues incident to a Commission meeting. In the absence of a resolution adopted by the Commission to the contrary, meetings will be conducted in accordance with the most recently published edition of Robert's Rules of Order, Newly Revised.
  - j) Members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred in performing his or her duties, in accordance with the rules and guidelines established for the reimbursement of expenses incurred by members of boards and commissions of the government of the State of Illinois. For out-of-state travel by a Commissioner, expense reimbursement shall be withheld unless such out-of-state travel was approved in advance by the Chairman.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

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**Section 5375.220 Agency Organization**

a) The Commission has delegated to ISAC staff the responsibility for the administration of all ISAC programs. Final actions and decisions of the Executive Director pertaining to applicants, institutions, and lenders may be appealed to an independent hearing officer (such hearing officer is otherwise known as an administrative law judge, as defined in the Administrative Procedure Act [5 ILCS 100/1-151]). (See 23 Ill. Adm. Code 2700.70 for administrative appeal procedures relating to the matters set forth in this paragraph (a))

b)a) The locations and telephone numbers for ISAC offices are as follows:

- 1) 1755 Lake Cook Road, Deerfield, Illinois 60015-5209, (847)948-8500;
- 2) 100 W. Randolph St., Suite 3-200, Chicago, Illinois 60601-3219~~60601-3293~~, (312) 814-6334~~(312)814-3745~~; and
- 3) 500 West Monroe, 3rd floor, Springfield, Illinois 62704-1876, (217)782-6767.

~~b) Agency officers' and directors' offices are located as follows:~~

- ~~1) Deerfield — Chief Program Officer; Business and Financial Services; Program Services; Information Services; Compliance; Administration Deputy Program Officer; IDAPP and Capital Development; IDAPP Operations; Deputy Executive Director; Facility and Administrative Services; Internal Audit; General Counsel, Scholarships, Grants, Loans and College Illinois; and Human Resources and Development;~~
- ~~2) Chicago — General Counsel and Director, IDAPP Marketing; and~~
- ~~3) Springfield — Executive Director; Chief Financial Officer; Deputy Chief Financial Officer; Client Relations; Federal Relations; State Relations; Research, Planning and Policy Analysis; and Illinois Prepaid Tuition Program.~~

c) ISAC's organizational structure is illustrated on the chart labeled Appendix A, of this Part.

~~d) The Commission has delegated to ISAC staff responsibility for the administration of all ISAC programs. See: 23 Ill. Adm. Code: Subtitle A, Chapter XIX. ISAC~~

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~~staff actions and decisions may be appealed to an independent hearing officer. See: 23 Ill. Adm. Code 2700.70.~~

- ~~e) The Executive Director and his or her designee have authority to approve expenditures and contracts. The Commission, by resolution, may also delegate signatory authority to other members of the ISAC staff.~~

(Source: Amended at 33 Ill. \_\_\_, effective February 1, 2009)

**Section 5375.230 Procedures for Persons desiring to address the Commission at a Commission Meeting~~Public Statements at Commission Meetings~~**

- a) ~~Individuals may request that notice of Commission meetings be sent to them; upon request, will be mailed an agenda and notice of all regularly scheduled Commission meetings.~~
- b) Unless otherwise permitted by the Chairman, persons~~Persons~~ desiring to address the Commission shall make a written request to the Executive Director at least five (5) business days prior to the meeting provided that, with respect to any emergency meeting, persons desiring to address the Commission shall make a written request to the Executive Director at least one (1) business day prior to the date of the emergency meeting. Any such request to address the Commission must include the name, telephone number or e-mail contact information and street address of the person requesting to address the Commission. The request shall also include the name and street address of the organization or group to be represented by the person, if any, and a summary of the presentation. no later than five business days prior to the meeting. Any such request must include the name and address of the individual wishing to speak, the name of the organization or group to be represented, if any, and a summary of the presentation.
- c) Unless otherwise permitted by the Chairman (or other presiding officer), all~~All~~ presentations shall be limited to a maximum of five (5) uninterrupted minutes. When more than three (3) persons desire to address the Commission for or against a given issue or agenda item, the Chairman (or other presiding officer) may direct the persons or organizations with similar views on an issue or agenda item to designate representatives so that no more than three (3) persons speak for and three (3) persons speak against the issue or agenda item.~~comment for or against a given issue/item, the Chairman may direct the group of similar voice to designate representatives so as not to exceed three voices for or three against the issue/item.~~
- d) The Chairman (or other presiding officer), with the consent of the members, can

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rule to recognize or not recognize any proposed presenter who asks to address the Commission but who had not requested to do so in writing in accordance with Section 5375.230(b) at an earlier date. Preference will be given to presenters who had made written requests in accordance with Section 5375.230(b)~~those who had made written requests~~.

- e) All presenters shall be encouraged, but not required, to submit their presentation~~comments~~ in writing.

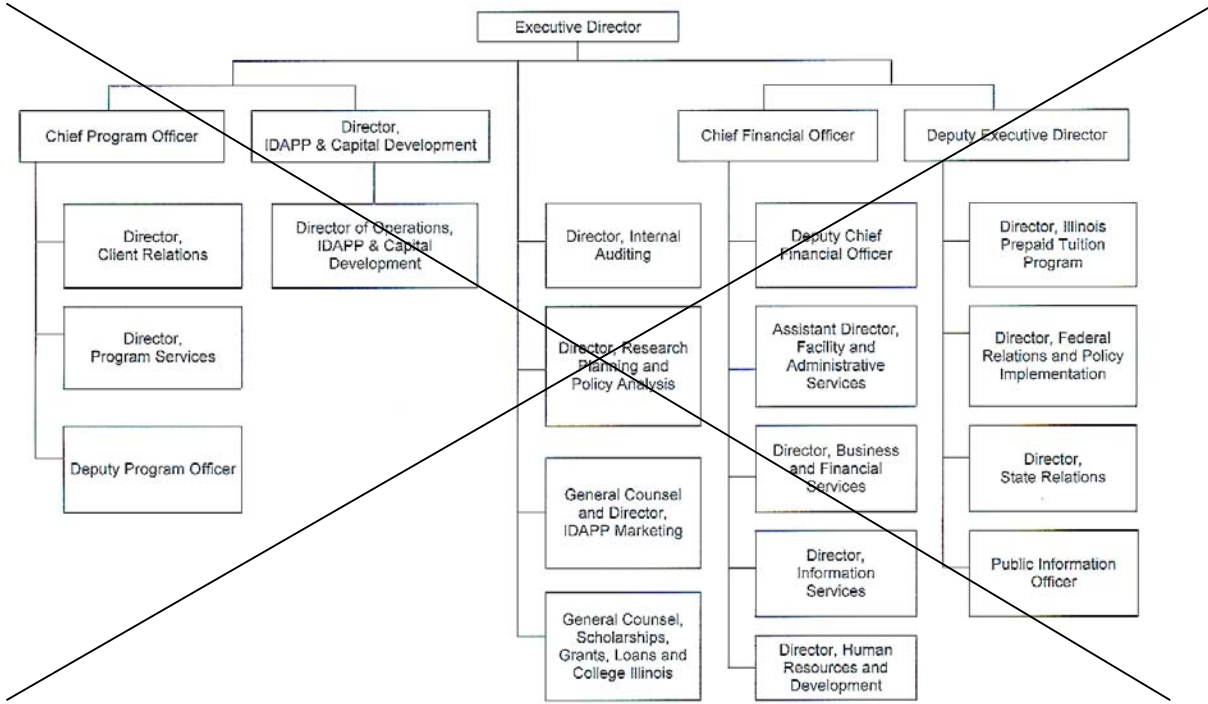
(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

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Section 5375.APPENDIX A Organization Chart



(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 2, 2009)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Information Requests
- 2) Code Citation: 2 Ill. Adm. Code 5376
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
5376.10	Amendment
5376.20	Amendment
5376.110	Amendment
5376.120	Amendment
5376.210	Amendment
5376.220	Amendment
5376.310	Amendment
5376.320	Amendment
5376.410	Amendment
5376.420	Amendment
5376.430	Amendment
5376.APPENDIX A	Amendment
5376. APPENDIX B	New
- 4) Statutory Authority: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15(a) of the Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective date of amendments: February 1, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, 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 Illinois Register: In accordance with Section 5-15(b) of the Illinois Administrative Procedure Act, there is no public comment period and ISAC can amend its internal rules by filing a certified copy with the Secretary of State. [5 ILCS 100/5-15(b)]
- 10) Has JCAR issued a Statement of Objections to these amendments? There is no JCAR review of these rules, which govern the internal workings of this agency. [5 ILCS 100/5-15(b)]

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- 11) Difference(s) between proposed and final version: There is no JCAR review of these rules, which govern the internal workings of this agency. [5 ILCS 100/5-15(b)]
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There is no JCAR review of these rules, which govern the internal workings of this agency. [5 ILCS 100/5-15(b)]
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: The rules have been expanded to provide more details regarding information requests. The fee schedule contained in Appendix A has been updated.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Lynn Hynes  
Agency Rules Coordinator  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield, IL 60015  
PH: (847) 948-8500 ext. 2216  
FAX: (847) 831-8327  
email: lhynes@isac.org

The full text of the adopted amendments begins on the following page:

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TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE F: EDUCATIONAL AGENCIES  
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 5376  
INFORMATION REQUESTS

SUBPART A: INTRODUCTION

Section	
5376.10	<u>Overview</u> , Summary and Purpose
5376.20	Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section	
5376.110	<u>How, to Whom, and Where Requests are Submitted</u> <del>Person to Whom Requests are Submitted</del>
5376.120	<u>Form, Content and Method of Transmitting Requests</u> <del>Form and Content of Requests</del>

SUBPART C: PROCEDURES FOR RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section	
5376.210	Time Line for Response
5376.220	Types of Responses

SUBPART D: APPEAL PROCEDURES

Section	
5376.310	Appeal of Denial
5376.320	Executive Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS

Section	
5376.410	Inspection of Records
5376.420	Copies of Public Records
5376.430	General Materials Available from ISAC

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5376.APPENDIX A Fee Schedule

5376.APPENDIX B Form to Request Public Records

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15(a) of the Administrative Procedure Act [5 ILCS 100/5-15(a)], and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 8 Ill. Reg. 19069, effective September 26, 1984; transferred from Chapter XII, 2 Ill. Adm. Code 5276 (State Scholarship Commission) to Chapter XIV, 2 Ill. Adm. Code 5376 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17859; amended at 19 Ill. Reg. 11375, effective August 1, 1995; amended at 24 Ill. Reg. 9171, effective July 1, 2000; amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009.

SUBPART A: INTRODUCTION

**Section 5376.10 Overview, Summary and Purpose**

- a) These rules are established by the Illinois Student Assistance Commission (the “Commission” or “ISAC”) to implement the provisions of the Freedom of Information Act [5 ILCS 140, as amended]~~[5 ILCS 140]~~. The purpose of these rules is to support the policy of providing public access to the public records in ISAC’s~~the possession of the Illinois Student Assistance Commission (ISAC)~~ while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) These rules create a procedure by which the public may request and obtain public records. Therefore, these rules~~they~~ are adopted~~being filed~~ in accordance with Section 4~~(b) of of the Illinois Administrative Procedure Act [5 ILCS 140/4]~~. Further, the terms used in these rules shall have the same meanings as those contained in the Freedom of Information Act (FOIA) [5 ILCS 140/ (b)].
- c) FOIA contains various provisions exempting certain public records from inspection and copying. [See 5 ILCS 140/7].
- d) FOIA does not require ISAC to create new records, to maintain records that it does not keep or to prepare them in a new format to accommodate a request for public information.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

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**Section 5376.20 Definitions**

The terms used in these rules have the same meanings as those contained in the Freedom of Information Act.

“Executive Director” is the head of ISAC, a public body for purposes of FOIA.

"FOIA" means the Freedom of Information Act [5 ILCS 140, as amended]~~[5 ILCS 140]~~.

"Freedom of Information Officer" means an ISAC staff member who is individual responsible for receiving and responding to requests for public records.

"Requester" means a person who submits a request for public records under ~~the~~ FOIA.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

**Section 5376.110 Person to Whom and Where Requests are Submitted**

a) In order to properly log and track requests for public records submitted to ISAC, and to process the requests as efficiently as possible, all requests for public records must comply with this Section and with Section 5376.120.

b) Requests for public records that do not comply with this Section and with Section 5376.120 shall not be accepted by ISAC.

c) Requests for public records shall be submitted to ISAC’s Freedom of Information Officer at the following address:

Freedom of Information Officer  
Illinois Student Assistance Commission  
100 West Randolph, Ste. 3-200  
Chicago, Illinois 60601-3219  
ATTN: FOIA REQUEST

d) Members of the public may obtain the Freedom of Information Request Form (Appendix B) from any of ISAC’s offices. However, requests for public records

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will only be accepted at the ISAC office specified above.

- e) Requests for ISAC public records made in person at ISAC's Chicago Office shall be submitted either by delivery of written request conforming to Section 5376.120 or in person on the "Form to Request Public Records" that is contained in APPENDIX B of this Part. Requests for public records shall be submitted to the ISAC Freedom of Information Officer at the following address:

~~Freedom of Information Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Rd.  
Deerfield, Illinois 60015-5209  
ATTN: FOIA Request~~

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

**Section 5376.120 Form, Content and Method of Transmitting Requests ~~Form and Content of Requests~~**

- a) Requests for ISAC public records may be transmitted in person, by mail, or via private mail or courier service and shall be in writing. Requests may be made in writing or orally.
- b) A request for ISAC public records must reasonably identify the records sought. Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in the FOIA and these rules shall not apply to oral requests.
- c) Requests for ISAC public records shall be signed by the requester. A request for public records shall contain the following information:
- 1) ~~the full name, address and telephone number of the requester;~~
  - 2) ~~a specific description of the public records sought; and~~
  - 3) ~~whether the request is for inspection of public records, copies of public records, or both.~~
- d) A requester shall include the following information in any request for ISAC public records:

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- 1) the full name, mailing address and telephone number of the requester;
- 2) a specific description of the public records sought; and
- 3) whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

SUBPART C: PROCEDURES FOR RESPONSE TO REQUESTS  
FOR PUBLIC RECORDS

**Section 5376.210 Time Line for Response**

- a) ~~ISAC~~ shall respond to a written request for public records within seven (7)7 working days after the receipt of such request.
- b) ISAC may notify the requester that an~~requestor~~ ~~than~~ extension of time is necessary to respond to the request. ISAC shall provide written notice within seven (7)7 working days of receiving the request and shall state the reasons why an extension of time is necessary. The extension shall not exceed an additional seven (7)7 working days and can only be used for the reasons outlined~~outlines~~ in ~~the~~ FOIA. [5 ILCS 140/3(d)]

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

**Section 5376.220 Types of Responses**

- a) ISAC shall respond to a request for public records in one of three ways:
  - 1) approve the request;
  - 2) approve the request in part and deny it in part; or
  - 3) deny the request.
- b) Upon the approval (or partial approval) of a request for ISAC public records, ISAC may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.

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- c) A denial (or partial denial) of a request for ISAC public records shall be made in writing. It shall state the reasons for the denial and shall disclose the names and titles of individuals responsible for the decision. It shall also give notice of the right to appeal to the Executive Director ~~of ISAC~~.
- d) Categorical requests creating an undue burden upon ISAC shall be denied only after extending to the requester an opportunity to reduce the request to manageable proportions, in accordance with Section 3(f) of ~~the~~ FOIA [5 ILCS 140/3(f)].
- e) When a request for ISAC public records is denied on the grounds that the records are exempt under Section 7 of FOIA, the notice of denial shall identify the exemption claimed [5 ILCS 140/7]. Failure to respond to a written request within 7 working days shall be considered a denial of the request.
- f) Failure to respond to a written request within seven (7) working days shall be considered a denial of the request.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 2, 2009)

SUBPART D: APPEAL PROCEDURES

**Section 5376.310 Appeal of Denial**

- a) If the Freedom of Information Officer denies a request for public records, the requester may appeal the denial to the Executive Director. The notice of appeal shall be made in writing, shall comply with this Section, and shall be hand-delivered, sent by mail, or via courier service to the following address: A person whose request has been denied by the Freedom of Information Officer may appeal the denial to the Executive Director of ISAC. The notice of appeal shall be made in writing and sent to:

Executive Director  
Illinois Student Assistance Commission  
100 West Randolph Street, Ste. 3-200  
Chicago, Illinois 60601-3219  
ATTN: FOIA APPEAL  
~~Executive Director~~  
~~Illinois Student Assistance Commission~~

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~~500 West Monroe, 3rd Floor  
Springfield, Illinois 62704-1876  
ATTN: FOIA Appeal~~

- b) The notice of appeal shall be submitted with the following required materials: include a copy of the original request for public records, a copy of ISAC's written~~the~~ denial, and a statement of the reasons why the appeal should be granted.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 2, 2009)

**Section 5376.320 Executive Director's Response to Appeal**

The Executive Director shall respond to an appeal within seven (7)~~7~~ working days after receiving a notice of appeal that complies with Section 5376.310~~thereof~~. The Executive Director shall either affirm the denial or provide access to the requested public records. Failure by the Executive Director to respond within seven (7)~~7~~ working days shall be considered an affirmation of the denial.

Each denial of an appeal by the Executive Director shall inform the requester of the right to judicial review under Section 11 of FOIA [5 ILCS 1401/11].

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS

**Section 5376.410 Inspection of Records**

- a) Generally, public records will be made available for inspection during ISAC's~~the~~ normal working hours (8:30 a.m. to 4:40 p.m. CST)~~of ISAC.~~ ISAC will provide a location for the requester to inspect the public records.
- b) Documents, which the requester~~person~~ wishes to have copied, shall be segregated during the course of the inspection. Generally, all copying will~~shall~~ be done by ISAC staff~~employees~~.
- c) An ISAC employee ~~of ISAC~~ shall be present during the inspection. The requester~~person requesting records~~ may be prohibited from bringing bags, briefcases, or other containers into the inspection room.

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(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

**Section 5376.420 Copies of Public Records**

- a) Copies of public records shall be provided to the requester only after the~~upon~~ payment of any charges ~~that~~which are due.
- b) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule ~~for Duplication of Public Records~~" which is contained in APPENDIX A~~Exhibit A of this Part~~.
- c) Fees shall be waived if the requester is an agency of the State of Illinois, an Illinois constitutional officer or a member of the Illinois General Assembly. Fees may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest.~~Charges shall be waived if the request is from a State agency, a constitutional officer or a member of the General Assembly. Charges may be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest and in all cases where the total of material requested does not exceed ten pages.~~

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

**Section 5376.430 General Materials Available from ISAC**

ISAC shall make the following materials available to members of the public at no charge:

- a) A brief description of the organizational structure and budget of ISAC.
- b) A brief description of the means for requesting information and public records; and
- c) A list of types and categories of public records maintained by ISAC.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

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**Section 5376.APPENDIX A Fee Schedule**

Some ISAC public records are in book or pamphlet form. A fee may be assessed for such materials based on the cost incurred by ISAC for the creation and publishing of such records.

<u>DESCRIPTION</u>	<u>FEE</u>
a) Duplication	
Paper copy from paper original (8.5" x 11" or smaller <del>per copy</del> (possibly different charges for different sizes)	\$ <del>.35 per page</del> <u>.25</u>
<u>Paper copy from paper original (larger than 8.5" x 11")</u>	<u>.75 per page</u>
Paper copy from microimaged original (per copy) (possibly different charges for different sizes)	<u>1.00 per page</u> <del>.25</del>
Paper copy from microfilm or microfiche original (per copy) (possibly different charges for different sizes)	<u>1.00 per page</u> <del>.50</del>
<u>External copying service</u>	<u>Actual Cost</u>
b) Data Retrieval from Computer Systems	
Computer programming time (per hour)	\$ <del>75.00</del> <u>50.00</u>
Computer processing time (per actual <u>Computer Processing Unit</u> , or CPU minute)	<del>\$</del> <del>50.00</del> <u>20.00</u>
c) Data Production Media Cost	
	\$
CD-ROM (each)	<u>10.00</u> <del>100.00</del>
Diskette (each)	\$ <u>10.00</u> <del>15.00</del>
Electronic	No Charge

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)

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**Section 5376.APPENDIX B Request for Public Records**

Request Public Records – To be completed by the requester and submitted at the following address of the Illinois Student Assistance Commission (ISAC):

Freedom of Information Officer  
c/o General Counsel Division  
Illinois Student Assistance Commission  
100 West Randolph Street, Ste 3-200  
Chicago, Illinois 60601-3219

This is a request for public records of the Illinois Student Assistance Commission  
(PLEASE PRINT)

Date of request:

Time of request:

REQUESTER CONTACT INFORMATION:

Name:

Address:

Telephone:

Please describe the public records sought:

Indicated below are important details of the request (see “Fee Schedule” for costs):

MARK “x” here: \_\_\_\_\_ if the request is ONLY for inspection of public records

MARK “x” here: \_\_\_\_\_ if the request is ONLY for copies of public records; or

MARK “x” here: \_\_\_\_\_ if the request is for both inspection and copies.

Signature of requester:

Date signed by requester:

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INTERNAL USE ONLY:

Name of ISAC employee:

Title of ISAC employee:

Signature of ISAC employee:

ISAC #F      1/08 (on      2M1/08) Printed by authority of the State of Illinois.

(Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective February 1, 2009)