

APPROVED
JUNE 13, 2017

Item #VII-13
June 13, 2017

**ADOPTED REPEAL OF RULE:
ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY PROGRAM**

Submitted for: Action.

Summary: This item seeks final adoption to repeal the Illinois Consortium for Educational Opportunity Program rule. The proposed repeal was approved by the Board at the March 14, 2017 meeting. The legislation authorizing this program was amended to create the Diversifying Higher Education Faculty in Illinois Program and a new rule was adopted by the Board in 2006 (23 Ill. Adm. Code 1080).

This request is part of IBHE's participation in the Cutting the Red Tape Initiative that encourages state entities to conduct a comprehensive review of administrative rules and policies, pursuant to Executive Order #2016-13.

In accordance with the Illinois Administrative Procedures Act [5 ILCS 100], the proposed amendments were published in the *Illinois Register* on April 21, 2017, which initiated the 45-day public notice period. No comments were received during this time. The proposed repealer will be reviewed by the staff and members of the Joint Committee on Administrative Rules (JCAR). The proposed repeal will be considered by JCAR at the July meeting.

Action Requested: That the Illinois Board of Higher Education adopt the repeal of Illinois Consortium for Educational Opportunity Program rules (23 Ill. Admin. Code 2400), pending JCAR certification.

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

**ADOPTED REPEAL OF RULE:
ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY PROGRAM**

This item seeks final adoption to repeal the Illinois Consortium for Education Opportunity Program rule. On March 14, 2017 the Board approved the proposed repeal of the rule.

The Act creating the Illinois Consortium for Educational Opportunity Program (ICEOP) was amended in 2004 to create the Diversifying Higher Education Faculty in Illinois Program (DFI) program. The Board implemented these legislative changes by adopting a new rule in 2006 (23 Ill. Adm. Code 1080, Diversifying Higher Education Faculty in Illinois Program (DFI)). The Board rules for the DFI program continue to be in effect today and repealing the rules for the ICEOP has no impact on the DFI program.

There are no recipients of awards who would continue to be governed by this rule so this is the appropriate time to repeal the rules implementing ICEOP. The current rule is outdated and should be removed from the Board administrative rules to prevent confusion with the DFI program.

This repeal will also be shared with the Cutting the Red Tape Council as part of IBHE's comprehensive review of administrative rules.

In accordance with the Illinois Administrative Procedures Act [5 ILCS 100], the proposed repealer was published in the *Illinois Register* on April 21, 2017, which initiated the 45-day public notice period. No comments were received during this time. The proposed repealer will be reviewed by the staff and members of the Joint Committee on Administrative Rules (JCAR). The proposed repealer will be considered by JCAR at the July 2017 meeting.

Staff Recommendation

Staff recommends the adoption of the following resolution:

The Illinois Board of Higher Education hereby adopts the repeal of Illinois Consortium for Educational Opportunity Program rule (23 Ill. Adm. Code 2400), pending JCAR certification.

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XV: ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

PART 2400
ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY PROGRAM

Section	
2400.10	Purpose
2400.20	Definitions
2400.30	ICEOP Program Guidelines
2400.40	Determining and Administering Awards
2400.50	Fulfillment of the Conditions of the Award
2400.60	Application Procedures

AUTHORITY: Implementing and authorized by The Illinois Consortium for Educational Opportunity Act (Ill. Rev. Stat. 1989, ch. 144, pars. 2301 et seq.).

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 13402, effective July 28, 1986 for a maximum of 150 days; emergency expired December 25, 1986; adopted at 11 Ill. Reg. 4674, effective March 6, 1987; amended at 14 Ill. Reg. 12262, effective July 16, 1990; amended at 14 Ill. Reg. 19178, effective November 27, 1990; amended at 15 Ill. Reg. 10069, effective June 24, 1991; repealed at 41 Ill. Reg. ____, effective _____.

Section 2400.10 Purpose

This Part provides for the administration of Illinois Consortium for Educational Opportunity Act (Ill. Rev. Stat. 1989, ch. 144, pars. 2301 et seq.) and the program of financial aid under this Act called the Illinois Consortium for Educational Opportunity Program (ICEOP).

Section 2400.20 Definitions

"Academic Year" means the period of time beginning with fall term in one calendar year and running through the end of summer term in the following calendar year.

"Act" means the Illinois Consortium for Educational Opportunity Act.

"Board" means the Board of Higher Education.

"Consortium Board" means the representatives of the institutions of higher education participating in the Consortium established under the Act.

"Illinois Resident" means any United States citizen or lawful permanent resident alien of the United States who meets as least one of the following requirements:
Has earned an educational diploma at an institution of education located in this State, or

Is a registered voter in the State of Illinois and has lived in Illinois for a period of at least three years prior to applying for a grant.
The status of the Illinois residency of the student at the time of initial

matriculation in this program will hold for his or her entire time in his or her graduate or professional study at the ICEOP institution.

"Institution of higher learning" means an educational institution of any kind which offers a postsecondary education and credential upon completion, titled a "degree."

"Traditionally underrepresented minority group" means any of the racial minority groups designated in the Act which are represented in Illinois postbaccalaureate enrollment at a percentage rate less than the percentage of the racial minority group's representation in the total Illinois population. The Board shall annually determine which racial groups are underrepresented based upon census data and annual graduate enrollment reports from Illinois institutions of higher education.

Section 2400.30 ICEOP Program Guidelines

- a) An ICEOP participating institution shall:
 - 1) be an institution of higher education as defined in the Act;
 - 2) actively recruit students who will be eligible for ICEOP awards and verify to the Consortium Board that applicants for ICEOP financial assistance meet all eligibility requirements;
 - 3) maintain records for award recipients including program application materials, contracts and records of award payments;
 - 4) provide award recipients with academic and support services, such as mentoring, counseling, and other activities that would enhance the chances for degree completion and success in achieving the goals of the program;
 - 5) supervise payment of awards from the funds awarded by the Consortium Board;
 - 6) collect, process and forward to the Consortium Board by March 1 of each year all new applications and renewal forms from eligible students; and
 - 7) assist award recipients who complete their program of study in seeking a position in teaching or administration in an Illinois institution of higher learning or on an Illinois higher education governing board staff or a position as an employee of this State in an education related capacity which the Consortium Board determines to be education related. Such positions may include but shall not be limited to administrative positions in State elementary/secondary and higher education agencies.
- b) For the applicant student to be eligible to participate in the ICEOP, the student shall establish and the applicable institution shall verify that the student applicant meets the following criteria:

- 1) *he or she is an Illinois resident;*
 - 2) *he or she is a citizen or lawful permanent resident alien of the United States;*
 - 3) *he or she is a member of a racial minority identified in the Act;*
 - 4) *he or she has earned a baccalaureate degree from an institution of higher learning;*
 - 5) *he or she has been admitted as a student pursuing a doctoral, master's, or postbaccalaureate professional degree and will pursue this degree objective at least as a half-time student, as defined by the institution;*
 - 6) *he or she has signed an agreement to meet the Act's employment conditions if an ICEOP award is accepted;*
 - 7) *his or her financial resources are such that in the absence of a ICEOP grant the individual will be prevented from pursuing a graduate or professional degree at the institution; and*
 - 8) *he or she has above-average academic ability to pursue a graduate or professional degree, as evidenced by the following:*
 - A) *completion of a baccalaureate degree from an institution of higher learning (Section 7 of the Illinois Consortium for Educational Opportunity Act (the Act), Ill. Rev. Stat. 1989, ch. 144, par. 2307);*
 - B) *minimum grade point average of C+ (2.75 on a grade scale of 4.00 = A) in the last 60 hours of undergraduate work; and*
 - C) *admission to a post-baccalaureate degree program at an ICEOP participating institution.*
- c) In order to maintain eligibility in the program and in order to be considered for subsequent ICEOP grants, an awardee must meet scholastic requirements and eligibility for financial assistance as required by the institution in which she or he is enrolled as an ICEOP participant.

Section 2400.40 Determining and Administering Awards

- a) In determining the recipients of the awards, the Consortium Board shall consider:
 - 1) whether students are enrolled full-time in doctoral programs or admitted to other traditionally recognized terminal degree programs, i.e., programs leading to career positions for which no further degree is necessary such as the Master of Fine Arts degree;
 - 2) for master's degree programs nominees, whether students express the clear intent to pursue doctoral education or enroll in programs leading to

- careers in higher education; and
- 3) the disciplines and fields of study, other financial aid programs that are available to minority students and the number of years normally required for the graduate or professional program in which the student is enrolled.
- b) In determining the recipients of awards, the Consortium Board shall:
 - 1) consider only members of traditionally underrepresented minority groups who are underrepresented in particular fields of study;
 - 2) favor recipients who received awards in previous years who maintain conditions of eligibility as enumerated in Section 2400.30(b), and have made satisfactory academic progress toward a degree, as determined by each institution, provided that no student shall receive assistance for more than four years.
 - c) A full-time student is eligible for the maximum annual award. A student enrolled at least half-time but less than full-time is eligible for one-half of the maximum annual award.
 - d) In administering the award, the Consortium Board shall:
 - 1) direct the Board to deliver the awards to the institution to disburse to the recipients, conditioned upon the recipients' satisfactory academic progress; and
 - 2) attempt to achieve distribution of the awards among participating institutions so that the awards are distributed equitably within fields of study and geographic locations in the State of Illinois and between public and private institutions of higher education.
 - e) Grant funds shall be distributed by participating institutions to grantees in equal monthly payments during the period of ICEOP enrollment, not to exceed 12 months per award.

Section 2400.50 Fulfillment of the Conditions of the Award

- a) *As a condition for acceptance of the award, the recipient shall agree to accept one of the following:*
 - 1) *A teaching or nonteaching full-time appointment at an Illinois institution of higher learning; or*
 - 2) *A position at one of the higher education governing boards; or*
 - 3) *A position as an employee of this State in an education related capacity which the Consortium Board determines to be education related. Such positions may include but shall not be limited to administrative positions in State elementary/secondary and higher education agencies.*

- b) *The recipient shall accept such position or positions for a period equal to the number of years that he or she was a participant in the ICEOP (Section 10 of the Act).*
- c) Failure of the recipient to fulfill the award conditions as provided for in subsections (a) or (b) above shall require the recipient to repay 20 percent of the total amount of the award on a ten-year repayment schedule.
- d) All grants shall be subject to the provisions of the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, pars. 2206 et seq.).

Section 2400.60 Application Procedures

- a) The Board shall provide information about the ICEOP to institutions of higher education for distribution.
- b) Application materials shall be distributed by participating institutions of higher education.
- c) A student shall apply directly to the institution of higher education which he or she plans to attend, and the applications shall be forwarded with the institution's verification and endorsement to the Consortium Board.
- d) A student who received an award in a previous year shall reapply for the next year's award directly to the institution in which he or she is enrolled or intends to enroll. The renewal form shall be forwarded with the institution's verification and endorsement to the Consortium Board.
- e) Each participating institution of higher education shall request awards annually from the Consortium Board on behalf of those students recruited and admitted.
- f) Institutions shall submit their requests for awards to the Consortium Board by March 1 each year prior to the start of the academic year in which awards are funded.