

APPROVED
March 15, 2023

John J. Lynch John Lynch
Interim General Counsel

Item #G-6
March 15, 2023

PROPOSED AMENDMENTS TO RULES: NURSE EDUCATOR FELLOWSHIP

Submitted for: Action.

Summary: This item seeks Board approval of proposed amendments to the rules to administer a fellowship program for Illinois nurse educators (23 Illinois Administrative Code 1105) as part of the Nurse Educator Assistance Act (P.A. 94-1020). The purpose of the Nurse Educator Fellowship program is to ensure the retention of well-qualified nursing faculty by supplementing nursing salaries at eligible institutions of higher learning that award degrees in nursing. Fellowship funds may be used for, but are not limited to, professional development, conference expenses, continued education, and professional dues.

The proposed amendments to the rules make changes to applicant eligibility, the nomination and approval processes, and fellowship amount. These amendments are in alignment with the goals and strategies of the higher education strategic plan, "A Thriving Illinois." Specifically, amendments address the Equity Goal to close equity gaps for students who have been left behind and the Growth Goal to increase talent and innovation to drive economic growth.

The Illinois Administrative Procedures Act specifies a three-step process for the proposal and adoption of administrative rules: (1) initial Board approval; (2) a publication and public notice period including a period for review by the staff and members of the legislative Joint Committee on Administrative Rules; and (3) final adoption by the Board.

Action Requested: That the Board approve the proposed amendments to the rules for administration of the nurse educator fellowship program (23 Illinois Administrative Code 1105) as part of the Nurse Educator Assistance Act (P.A. 94-1020) attached as Exhibit A, for publication in the Illinois Register for first notice and subsequent submission to JCAR for second notice.



STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

PROPOSED AMENDMENTS TO RULES: NURSE EDUCATOR FELLOWSHIP

This item requests approval of the proposed amendments to rules to administer the fellowship program for Illinois nurse educators (23 Illinois Administrative Code 1105) as part of the Nurse Educator Assistance Act (P.A. 94-1020). The Act authorizes the Illinois Board of Higher Education to administer a fellowship program for nurse educators at eligible Illinois institutions of higher education for the purpose of retaining well-qualified nursing faculty by supplementing nursing salaries. Fellowship funds may be used for, but are not limited to, professional development, conference expenses, continued education, and professional dues.

The proposed amendments to the rules make changes to applicant eligibility, the nomination and approval processes, and fellowship amount. These amendments are in alignment with the goals and strategies of the higher education strategic plan, “A Thriving Illinois.” Specifically, amendments address the Equity Goal to close equity gaps for students who have been left behind and the Growth Goal to increase talent and innovation to drive economic growth.

Major proposed amendments to 23 Illinois Administrative Code 1105 include:

- Updated institutional eligibility requirements such that Illinois institutions must have NCLEX-RN pass rates that meet Illinois Department of Financial and Professional Regulation (IDFPR) requirements or be on warning or probationary status no more than three years at the time of application.
- Updated fellowship eligibility requirements allowing applicants to apply every other year.
- Increase in fellowship award up to \$25,000.
- Updates to the nomination process including: (1) addition of up to five nominations from eligible institutions and (2) requirement for nominees to submit a fellowship plan outlining the anticipated use of Fellowship funds to enhance teaching, learning, scholarship, and/or professional practice.
- Updates to the approval process to include consideration of the impact of fellowship plans on traditionally underserved students and communities, including but not limited to, rural, low-income, and culturally and linguistically diverse populations.

IBHE staff has drafted the proposed amendments to rules, attached here as Exhibit A. Once approved by the Illinois Board of Higher Education, the proposed rules will be filed for publication in the Illinois Register. Following publication and a public notice period including a period for review by the staff and members of the legislative Joint Committee on Administrative Rules, the amended rules will be presented for adoption by the Board. Final presentation is tentatively scheduled for the August 2023 Board meeting.

Staff Recommendation

Staff recommends the adoption of the following resolution:

The Illinois Board of Higher Education hereby approves the proposed amendments to rules to administer a fellowship program for Illinois nurse educators (23 Illinois Administrative Code 1105) as part of the Nurse Educator Assistance Act (P.A. 94-1020) as detailed in the attached document for publication in the Illinois Register.

EXHIBIT A

ATTACHMENT: ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES SUBTITLE A: EDUCATION CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1105 NURSE EDUCATOR FELLOWSHIP PROGRAM

Section	
1105.100	Purpose of the Nurse Educator Fellowship Program
1105.200	Definitions
1105.300	Fellow Eligibility
1105.400	Nomination Process
1105.500	Approval Process
1105.600	Awards
1105.700	Fellow Responsibilities
1105.800	Post-Award Requirements

AUTHORITY: Implementing and authorized by Section 9.32 of the Board of Higher Education Act [110 ILCS 205].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 14363, effective August 16, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 19523, effective December 5, 2006; amended at 44 Ill. Reg. 11456, effective June 24, 2020; amended at 47 Ill. Reg. _____, effective _____.

Section 1105.100 Purpose of the Nurse Educator Fellowship Program

The purpose of the Nurse Educator Fellowship Program is to ensure the retention of well-qualified nursing faculty by supplementing nursing faculty salaries at institutions of higher learning that award degrees in nursing. [110 ILCS 205/9.32] The Program is designed to reward outstanding nursing faculty and provide an incentive to retain qualified faculty at Illinois institutions of higher learning.

Section 1105.200 Definitions

"Act" means the Board of Higher Education Act [110 ILCS 205].

"Board" means the Board of Higher Education.

"Institution of Higher Learning" means a public or nonpublic institution of higher education located within Illinois that offers associate, baccalaureate or post-baccalaureate degrees and that is authorized to operate in the State.

"Eligible Institution" means an institution of higher learning in Illinois with a pre-licensure registered professional nursing program approved by the Illinois Department of Financial and Professional Regulation; the institution must have NCLEX-RN pass rates that meet DFPR requirements or be on DFPR warning or probationary status no more than 3 years at the time of nomination. Eligible

institutions must also be accredited by the Commission on Collegiate Nursing Education (CCNE) or the Accreditation Commission for Education in Nursing, Inc. (ACEN).

"Fellow" means an individual who receives Fellowship assistance under this Program.

"Fellowship" means the *competitive award that supplements nursing faculty salaries to ensure the retention of well-qualified nursing faculty*. [110 ILCS 205/9.32]

"Fiscal Year" means the period of July 1 to June 30 of the following year.

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708]. GATA rules are cross-referenced in this Part.

"GATA Rule" means 44 Ill. Adm. Code 7000.

"GATU" means the Grant Accountability and Transparency Unit within the Illinois Governor's Office of Management and Budget.

"Illinois Nursing Workforce Center" means the center established within the Illinois Department of Financial and Professional Regulation *to address issues of supply and demand in the nursing profession, including issues of recruitment, retention, and utilization of nurse manpower resources*. [225 ILCS 65/75-10]

"Illinois Resident" means an individual who resides in the State of Illinois and is considered to be a resident by the Illinois Department of Revenue or Illinois Secretary of State.

"Indirect Facilities and Administrative Costs" means those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved.

"Nominating Institution" means an eligible institution that has submitted Fellowship nomination materials on behalf of a nursing faculty member at its institution.

"Program" means the Nurse Educator Fellowship Program required by Section 9.32 of the Act and this Part.

"Qualified Applicant" means a nursing faculty member, nominated by an eligible institution, who meets the requirements of Section 1105.300.

"Recipient Institution" means the eligible institution that receives a Fellowship directly from the Board on behalf of the Fellow.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1105.300 Fellow Eligibility

A qualified applicant must:

- a) be an Illinois resident;
- b) have a minimum of a master's degree in nursing;
- c) be employed in a full-time nursing faculty position at an eligible institution;
- d) have been employed by the nominating institution in a teaching position preparing registered professional nurses for a minimum of 12 months prior to submission of nomination materials;
- e) have made significant contributions to the nursing program; and
- f) have not received a Fellowship under this Program in the previous year.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1105.400 Nomination Process

- a) Eligible institutions will be notified by the Board when funding opportunities and nomination materials for the Nurse Educator Fellowship Program are available.
- b) Nomination materials may be obtained from the Illinois Board of Higher Education, 1 N. Old State Capitol Plaza, Suite 333, Springfield, Illinois 62701 or the Board's website at www.ibhe.org.
- c) Nominations from eligible institutions are limited to no more than 5 full-time nursing faculty members per campus annually.
- d) The chief nursing administrator at an eligible institution shall identify and nominate qualified applicants for the Fellowship by completing the nomination form included in the nomination materials.
- e) The nominee must complete the fellowship plan section of the nomination materials, indicating:
 - 2) intent to remain employed as a nursing faculty member with the nominating institution; and
 - 2) the anticipated use of Fellowship funds to enhance teaching, learning, scholarship, and/or professional practice.
- f) The nomination materials must include the Uniform Grant Application provided by GATU (see GATA Rule Section 7000.330) and be signed by the authorized representative of the nominating institution.
- g) Completed nomination materials in accordance with subsections (d), (e) and (f) must

be submitted to the Board by the announced deadline, which shall not be less than 45 days after the announcement and release of nomination materials.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1105.500 Approval Process

- a) The Board shall accept nominations for Fellowships in accordance with Section 1105.400.
- b) Board staff shall review nominations to ensure the eligibility requirements are met in accordance with Section 1105.300.
- c) Board staff shall make recommendations to the Board for approval of Fellowships based upon factors that shall include, but are not limited to, the following:
 - 1) Strength of the nomination by the chief nursing administrator and the nominee's personal statement regarding proposed use of funds and employment plans;
 - 2) Major accomplishments of the nominee, such as research, program improvements, and other nursing program contributions;
 - 3) Impact of fellowship plans on traditionally underserved students and communities, including but not limited to, rural, low-income, and culturally and linguistically diverse populations;
 - 4) Distribution of Fellowship recipients among the degree levels and sectors of eligible institutions that nominate qualified applicants for the program; and
 - 5) Tenure status (preference will be given to tenured/tenure-track faculty).
- d) For a nominating institution that is a prior fiscal agent of an award under this Part, the Board staff shall review available information on the institution's prior performance and consider that information when assessing institution risk. This is part of the grantee risk assessment required by GATU (see GATA Rule Section 7000.340).
- e) Upon Board approval, Fellowships can be made to the nominating institution, on behalf of the Fellow.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1105.600 Awards

- a) The amount of the Fellowship shall be no greater than \$25,000 with additional increases over time to be determined by the Board in accordance with costs of inflation.

- b) The number of Fellowships awarded in a given fiscal year is contingent upon available funding.
- c) If, for any reason, the appropriation to the Board is insufficient to fund Fellowships for all selected Fellows in accordance with subsection (a), all Fellowships shall be reduced pro rata as necessary.
- d) The purpose of the Fellowship is to enhance retention of well-qualified faculty by providing a salary supplement. At the discretion of the Fellow, funds may be used for, but are not limited to, professional development, conference expenses, continued education, professional dues, and other activities as defined in Section 1105.700.
- e) The Fellow and the nominating institution shall be notified of the award in writing upon approval by the Board.
- f) Fellowship funds may not be expended except pursuant to a Grant Agreement. Disbursement of funds without a Grant Agreement is prohibited.
- g) Board staff shall verify that the recipient institution is registered with GATA, has completed a prequalification process, and has been determined qualified by GATU (see GATA Rule Section 7000.70).
- h) The Board shall enter into a Grant Agreement with a qualified recipient institution using the Uniform Grant Agreement provided by GATU (see GATA Rule Section 7000.370).
- i) Upon Board approval and verification of employment by the recipient institution, funds will be disbursed to the recipient institution on behalf of the Fellow.
- j) The recipient institution shall:
 - 1) Serve as fiscal agent for the Board and receive the Fellowship funds on behalf of the Fellow;
 - 2) Use the Fellowship funds to supplement the salary of the Fellow. The Funds shall not supplant other revenue sources that support faculty salaries;
 - 3) Pay the Fellow in either a lump sum or installment plan in accordance with institutional payroll policies and procedures; and
 - 4) Not deduct indirect facilities or administrative costs from the Fellowship award.
- k) If the Fellow terminates employment with the recipient institution within 6 months after award notification from the Board:
 - 1) The Fellow shall repay the funds awarded to date. These funds shall be remitted to the Board for deposit in the General Revenue Fund.

- 2) Fellows are not entitled to funds not yet paid by the institution. The recipient institution must remit any unused portion of the Fellowship to the Board for deposit in the General Revenue Fund.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1105.700 Fellow Responsibilities

- a) As a condition for acceptance of the Fellowship, the Fellow shall agree to participate in the following activities:
 - 1) Collaboration with the Board and Illinois Nursing Workforce Center regarding statewide nursing issues, as needed and with approval from the recipient institution's chief nursing administrator;
 - 2) The Fellowship recognition ceremony hosted by the Illinois Nursing Workforce Center and Board; and
 - 3) Meetings or associated conferences sponsored by the Board or Illinois Nursing Workforce Center when attendance is approved by the recipient institution's chief nursing administrator.
- b) If the Fellow terminates employment with the recipient institution within 6 months after award notification from the Board, the Fellow shall repay the funds awarded to date. The Fellow or recipient institution shall contact the Board regarding the appropriate manner to remit the funds for deposit in the General Revenue Fund.
- c) Provide a final report describing Fellowship experiences and outcomes, including the use of funds. The Fellow shall submit the report to the nominating institution, the Illinois Nursing Workforce Center, and the Board.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1105.800 Post-Award Requirements

- a) Recipient institutions are subject to the Auditing Standards required by GATU (see GATA Rule Section 7000.90).
- b) Except as otherwise provided in this subsection (b), the recipient institution shall submit a financial report to the Board within 30 calendar days following the payment of the Fellowship to the Fellow. The report shall include the Fellow's name, recipient institution's name, date of payment, and amount of Fellowship award after payroll deductions. When the Fellowship award is split into more than one payment, a report must be submitted within 30 calendar days after each payment.
- c) The recipient institution shall take the following actions to complete grant closeout at the end of the fiscal year. (See GATA Rule Section 7000.440.)

- 1) Promptly refund any balances of unobligated cash that the Board paid in advance. Refunds shall be returned to the Board within 45 days after the end of the fiscal year.
- 2) Expend any encumbered grant funds during a lapse period of 60 days past the end of the fiscal year. Any encumbered but unexpended grant funds remaining at the end of the lapse period shall be returned to the Board within 45 days.

(Source: Amended at 47 Ill. Reg. _____, effective _____)