



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1376

Introduced 2/13/2019, by Sen. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Board of Higher Education Act, the Public Community College Act, and the Higher Education Student Assistance Act. Increases the membership of the Board of Higher Education and makes other changes to the Board's membership. Provides that the Board may require the elimination of any program of instruction, research, or public service at a public university that exhibits a trend of low performance. Provides that, in evaluating a programmatic expansion or new program at a public institution of higher education, the Board, prior to approving the expansion or program, shall make certain findings about the region and the higher education infrastructure in this State. Provides that all of the rights, powers, duties, and functions vested by law in the Illinois Community College Board and the Illinois Student Assistance Commission are transferred to the Board of Higher Education on January 1, 2020. Abolishes the Illinois Community College Board and the Illinois Student Assistance Commission and provides for the transfer of personnel and property on that date.

LRB101 06904 AXK 51936 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Board of Higher Education Act is amended by  
5 changing Sections 2, 3, 4, and 7 and by adding Sections 5.5 and  
6 9.39 as follows:

7 (110 ILCS 205/2) (from Ch. 144, par. 182)

8 Sec. 2. Board of Higher Education.

9 (a) There is created a Board of Higher Education to consist  
10 of 15 ~~16~~ members as follows:

11 (1) 13 ~~10~~ members appointed by the Governor, by and  
12 with the advice and consent of the Senate. No less than 6  
13 of the members appointed under this subsection shall  
14 represent public universities and no less than 6 members  
15 shall represent public community colleges. Of the 13  
16 members, one member shall be a faculty member of a public  
17 university in this State, one member shall be a faculty  
18 member of a private college or university in this State,  
19 one member shall be faculty member of a public community  
20 college in this State, and one member shall represent the  
21 views of non-traditional students and shall be at least 24  
22 years old. The members under this subsection shall be  
23 residents of this State and shall be selected, as far as

1 practicable, on the basis of their knowledge of or interest  
2 or experience in problems of higher education. If the  
3 Senate is not in session or is in recess when appointments  
4 subject to its confirmation are made, the Governor shall  
5 make temporary appointments that shall be subject to  
6 subsequent Senate approval.; ~~one member of a public~~  
7 ~~university governing board, appointed by the Governor~~  
8 ~~without the advice and consent of the Senate; one member of~~  
9 ~~a private college or university board of trustees,~~  
10 ~~appointed by the Governor without the advice and consent of~~  
11 ~~the Senate; the chairman of the Illinois Community College~~  
12 ~~Board; the chairman of the Illinois Student Assistance~~  
13 ~~Commission; and~~

14 (2) Two nonvoting members who are students and are 2  
15 ~~student members~~ selected by an ~~the~~ recognized advisory  
16 committee of students of the Board of Higher Education, one  
17 of whom must be a student at a public university and the  
18 other a student at a public community college ~~a~~  
19 ~~non traditional undergraduate student who is at least 24~~  
20 ~~years old and represents the views of non traditional~~  
21 ~~students, such as a person who is employed or is a parent.~~  
22 ~~One of the 10 members appointed by the Governor, by and~~  
23 ~~with the advice and consent of the Senate, must be a~~  
24 ~~faculty member at an Illinois public university.~~

25 Subject to a requirement that Board members in office on  
26 the effective date of this amendatory Act of the 101st General

1 Assembly may serve the full term to which they were appointed,  
2 the appointment of Board members to terms that commence on or  
3 after the effective date of this amendatory Act of the 101st  
4 General Assembly shall be made in a manner that gives effect at  
5 the earliest possible time to the change that is required by  
6 this amendatory Act of the 101st General Assembly in the  
7 representative composition of the Board's membership. Student  
8 members in office on the effective date of this amendatory Act  
9 of the 101st General Assembly may serve the full term to which  
10 they were selected, and the selection of student members to  
11 terms that commence on or after the effective date of this  
12 amendatory Act of the 101st General Assembly shall be made in a  
13 manner that gives effect at the earliest possible time to the  
14 change that is required by this amendatory Act of the 101st  
15 General Assembly in the representative composition of the  
16 student membership.

17 (b) The Governor shall designate the Chairman of the Board  
18 to serve until a successor is designated. No more than 6 ~~7~~ of  
19 the members appointed by the Governor, excluding the Chairman,  
20 shall be affiliated with the same political party. ~~The 10~~  
21 ~~members appointed by the Governor with the advice and consent~~  
22 ~~of the Senate shall be citizens of the State and shall be~~  
23 ~~selected, as far as may be practicable, on the basis of their~~  
24 ~~knowledge of, or interest or experience in, problems of higher~~  
25 ~~education. If the Senate is not in session or is in recess,~~  
26 ~~when appointments subject to its confirmation are made, the~~

1 ~~Governor shall make temporary appointments which shall be~~  
2 ~~subject to subsequent Senate approval.~~

3 (Source: P.A. 100-167, eff. 1-1-18.)

4 (110 ILCS 205/3) (from Ch. 144, par. 183)

5 Sec. 3. Terms; vacancies.

6 (a) The members of the Board whose appointments are subject  
7 to confirmation by the Senate shall be selected for 6-year  
8 terms expiring on January 31 of odd numbered years.

9 (b) The members of the Board shall continue to serve after  
10 the expiration of their terms until their successors have been  
11 appointed.

12 (c) Vacancies on the Board in offices appointed by the  
13 Governor shall be filled by appointment by the Governor for the  
14 unexpired term. If the appointment is subject to Senate  
15 confirmation and the Senate is not in session or is in recess  
16 when the appointment is made, the appointee shall serve subject  
17 to subsequent Senate approval of the appointment.

18 (d) Each student member shall serve a term of one year  
19 beginning on July 1 of each year.

20 (e) The member of the Board representing public university  
21 governing boards and the member of the Board representing  
22 private college and university boards of trustees, who are  
23 appointed by the Governor before the effective date of this  
24 amendatory Act of the 101st General Assembly but are not  
25 subject to confirmation by the Senate, shall serve terms of one

1 year beginning on July 1.

2 (Source: P.A. 100-167, eff. 1-1-18.)

3 (110 ILCS 205/4) (from Ch. 144, par. 184)

4 Sec. 4. The Board shall hold regular meetings at times  
5 specified in its rules. Special or additional meetings may be  
6 held on call of the Chairman, or upon a call signed by at least  
7 6 members, or upon call of the Governor. Eight members of the  
8 Board shall constitute a quorum at all its meetings, but the  
9 approval of a new unit of instruction, research, or public  
10 service for a public institution of higher education, as  
11 provided in Section 7 shall require the concurrence of a  
12 majority of all the members of the Board.

13 ~~The Chairmen of the Illinois Community College Board and~~  
14 ~~the Illinois Student Assistance Commission holding membership~~  
15 ~~on the Board each may designate an alternate to attend any~~  
16 ~~meeting of the Board, and an alternate so designated shall have~~  
17 ~~all rights and privileges of regular membership while acting~~  
18 ~~for the Chairman who has so designated him or her.~~

19 The Board may employ and fix the compensation of  
20 professional and clerical staff and other assistants,  
21 including specialists and consultants, as it may deem  
22 necessary, on a full or part time basis.

23 (Source: P.A. 94-905, eff. 1-1-07.)

24 (110 ILCS 205/5.5 new)

1       Sec. 5.5. Transfer of powers from the Illinois Community  
2 College Board and Illinois Student Assistance Commission.

3       (a) All of the rights, powers, duties, and functions vested  
4 by law in the Illinois Community College Board or the Illinois  
5 Student Assistance Commission or in any office, council,  
6 committee, division, or bureau of the Illinois Community  
7 College Board or the Illinois Student Assistance Commission are  
8 transferred to the Board of Higher Education on January 1,  
9 2020.

10       (b) Personnel employed by the Illinois Community College  
11 Board or the Illinois Student Assistance Commission on December  
12 31, 2019 are transferred to the Board of Higher Education on  
13 January 1, 2020.

14       The Board of Higher Education shall continue in effect all  
15 collective bargaining agreements in existence on December 31,  
16 2019 between the Illinois Community College Board or the  
17 Illinois Student Assistance Commission and labor organizations  
18 representing personnel of the Illinois Community College Board  
19 or the Illinois Student Assistance Commission, respectively,  
20 and the Board of Higher Education shall continue to recognize  
21 these labor organizations as the exclusive bargaining  
22 representatives for the personnel, pursuant to the Illinois  
23 Educational Labor Relations Act or the Illinois Public Labor  
24 Relations Act.

25       The rights of State employees, the State, and its agencies  
26 under the Personnel Code and applicable collective bargaining

1 agreements and retirement plans are not affected by this  
2 subsection.

3 (c) All books, records, documents, property (real and  
4 personal), unexpended appropriations, including both obligated  
5 and unobligated appropriations, and pending business  
6 pertaining to the rights, powers, duties, and functions  
7 transferred to the Board of Higher Education under this Section  
8 shall be transferred and delivered to the Board of Higher  
9 Education on January 1, 2020, unless otherwise directed by the  
10 Governor. The Board of Higher Education is the successor agency  
11 of the Illinois Community College Board and the Illinois  
12 Student Assistance Commission for purposes of Section 9b of the  
13 State Finance Act and the Successor Agency Act.

14 (d) The rules, standards, and procedures of the Illinois  
15 Community College Board or the Illinois Student Assistance  
16 Commission that are in effect on December 31, 2019 and pertain  
17 to the rights, powers, duties, and functions transferred to the  
18 Board of Higher Education under this Section shall become the  
19 rules, standards, and procedures of the Board of Higher  
20 Education on January 1, 2020 and shall continue in effect until  
21 amended or repealed by the Board of Higher Education.

22 Any rules pertaining to the rights, powers, duties, and  
23 functions transferred to the Board of Higher Education under  
24 this Section that have been proposed by the Illinois Community  
25 College Board or the Illinois Student Assistance Commission but  
26 have not taken effect or been finally adopted or on before



1 December 31, 2019 shall become proposed rules of the Board of  
2 Higher Education on January 1, 2020, and any rulemaking  
3 procedures that have already been completed by the Illinois  
4 Community College Board or the Illinois Student Assistance  
5 Commission for those proposed rules need not be repeated.

6 (e) The rights, powers, duties, and functions transferred  
7 to the Board of Higher Education under this Section shall be  
8 vested in and exercised by the Board of Higher Education,  
9 subject to the provisions of this Section. An act done by the  
10 Board of Higher Education or an officer, employee, or agent of  
11 the Board of Higher Education in the exercise of the  
12 transferred rights, powers, duties, or functions shall have the  
13 same legal effect as if done by the Illinois Community College  
14 Board or the Illinois Student Assistance Commission or an  
15 officer, employee, or agent of the Illinois Community College  
16 Board or the Illinois Student Assistance Commission.

17 The transfer of rights, powers, duties, and functions to  
18 the Board of Higher Education under this Section does not  
19 invalidate any previous actions taken by or in respect to the  
20 Illinois Community College Board or the Illinois Student  
21 Assistance Commission or its officers, employees, or agents.

22 On January 1, 2020, references to the Illinois Community  
23 College Board or the Illinois Student Assistance Commission or  
24 its officers, employees, or agents in any document, contract,  
25 agreement, or law (other than this Section, Section 2-1 of the  
26 Public Community College Act, and Section 15 of the Higher

1 Education Student Assistance Act) shall, in appropriate  
2 contexts, be deemed to refer to the Board of Higher Education  
3 or its officers, employees, or agents.

4 The transfer of rights, powers, duties, and functions to  
5 the Board of Higher Education under this Section does not  
6 affect any person's rights, obligations, or duties, including  
7 any civil or criminal penalties applicable thereto, arising out  
8 of those transferred rights, powers, duties, and functions.

9 (110 ILCS 205/7) (from Ch. 144, par. 187)

10 Sec. 7. The Board of Trustees of the University of  
11 Illinois, the Board of Trustees of Southern Illinois  
12 University, the Board of Trustees of Chicago State University,  
13 the Board of Trustees of Eastern Illinois University, the Board  
14 of Trustees of Governors State University, the Board of  
15 Trustees of Illinois State University, the Board of Trustees of  
16 Northeastern Illinois University, the Board of Trustees of  
17 Northern Illinois University, the Board of Trustees of Western  
18 Illinois University, the Illinois Community College Board and  
19 the campuses under their governance or supervision shall not  
20 hereafter undertake the establishment of any new unit of  
21 instruction, research, or public service without the approval  
22 of the Board. The term "new unit of instruction, research, or  
23 public service" includes the establishment of a college,  
24 school, division, institute, department, or other unit in any  
25 field of instruction, research, or public service not

1 theretofore included in the program of the institution, and  
2 includes the establishment of any new branch or campus. The  
3 term does not include reasonable and moderate extensions of  
4 existing curricula, research, or public service programs which  
5 have a direct relationship to existing programs; and the Board  
6 may, under its rulemaking ~~rule-making~~ power, define the  
7 character of such reasonable and moderate extensions.

8 Such governing boards shall submit to the Board all  
9 proposals for a new unit of instruction, research, or public  
10 service. The Board may approve or disapprove the proposal in  
11 whole or in part or approve modifications thereof whenever in  
12 its judgment such action is consistent with the objectives of  
13 an existing or proposed master plan of higher education.

14 The Board of Higher Education is authorized to review  
15 periodically all existing programs of instruction, research,  
16 and public service at the State universities and colleges and  
17 to advise the appropriate board of control if the contribution  
18 of each program is not educationally and economically  
19 justified. Each State university shall report annually to the  
20 Board on programs of instruction, research, or public service  
21 that have been terminated, dissolved, reduced, or consolidated  
22 by the university. Each State university shall also report to  
23 the Board all programs of instruction, research, and public  
24 service that exhibit a trend of low performance in enrollments,  
25 degree completions, and high expense per degree. The Board may  
26 require the elimination of any program of instruction,

1 research, or public service at a State university that exhibits  
2 a trend of low performance. The Board shall compile an annual  
3 report that shall contain information on new programs created,  
4 existing programs that have been closed, eliminated, or  
5 consolidated, and programs that exhibit low performance or  
6 productivity. The report must be submitted to the General  
7 Assembly. The Board shall have the authority to define relevant  
8 terms and timelines by rule with respect to this reporting.

9 (Source: P.A. 97-610, eff. 1-1-12; revised 10-9-18.)

10 (110 ILCS 205/9.39 new)

11 Sec. 9.39. Evaluation of programmatic expansions and new  
12 programs. In evaluating programmatic expansions and new  
13 programs at public institutions of higher education, the Board,  
14 prior to approving such expansions or new programs, shall make  
15 the following findings:

16 (1) that such an expansion or new program is meeting an  
17 unmet need in that region of the State or serving an  
18 unserved or underserved population;

19 (2) in cases in which subdivision (1) cannot be  
20 satisfied, that a market-demand analysis has been  
21 performed to rationally justify that growth opportunity in  
22 the area will be forthcoming in the immediate future;

23 (3) that the institution has the ability, if so  
24 approved, to offer a quality program at a price point that  
25 is cheaper for students than existing options elsewhere in

1           the area; and  
2           (4) that the opening of such a program does not  
3           negatively impact the optimal efficiency of the existing  
4           higher education infrastructure in this State.

5           Section 10. The Public Community College Act is amended by  
6           changing Section 2-1 as follows:

7           (110 ILCS 805/2-1) (from Ch. 122, par. 102-1)

8           Sec. 2-1. Illinois Community College Board; abolition.

9           (a) There is created the Illinois Community College Board  
10          hereinafter referred to as the "State Board". The State Board  
11          shall consist of 12 members as follows: a nonvoting student  
12          member selected by the recognized advisory committee of  
13          students of the Illinois Community College Board, this student  
14          to serve for a term of one year beginning on July 1 of each  
15          year, except that the student member initially selected shall  
16          serve a term beginning on the date of such selection and  
17          expiring on the next succeeding June 30, and except that any  
18          student member or former student member may be selected by the  
19          recognized advisory committee of students of the State Board to  
20          serve a second term as the nonvoting student member of the  
21          State Board; and 11 members, one of whom shall be a senior  
22          citizen age 60 or over, to be appointed by the Governor by and  
23          with the advice and consent of the Senate. Beginning on July 1,  
24          2005, one of the 11 members appointed by the Governor, by and

1 with the advice and consent of the Senate, must be a faculty  
2 member at an Illinois public community college. Also beginning  
3 on July 1, 2005, one of the 11 members appointed by the  
4 Governor, by and with the advice and consent of the Senate,  
5 must be a member of the board of trustees of a public community  
6 college district. After the effective date of this amendatory  
7 Act of the 97th General Assembly, one of the 11 members to be  
8 appointed by the Governor, by and with the advice and consent  
9 of the Senate, must be the president of a public community  
10 college, the Chancellor of City Colleges of Chicago (Community  
11 College District No. 508), or the Chief Executive Officer of  
12 Illinois Eastern Community Colleges (Community College  
13 District No. 529). The membership requirements set forth in  
14 this Section apply only to the State Board and shall have no  
15 effect on the membership of the board of trustees of a  
16 community college district. The members first appointed under  
17 this amendatory Act of 1984 shall serve for a term of 6 years.  
18 After the expiration of the terms of the office of the members  
19 first appointed to the State Board, their respective successors  
20 shall hold office for a term of 6 years and until their  
21 successors are qualified and seated. In the event of vacancies  
22 on the State Board in offices appointed by the Governor  
23 occurring during a recess of the Senate, the Governor shall  
24 have the power to make temporary appointments until the next  
25 meeting of the Senate, when the vacancy shall be filled by  
26 nomination to be confirmed by the Senate.

1       (b) On January 1, 2020, the State Board is abolished and  
2       the terms of all members end. Except for references in this  
3       Section, beginning on January 1, 2020, references in this Act  
4       to the Illinois Community College Board shall, in appropriate  
5       contexts, be deemed to refer to the Board of Higher Education.

6       (Source: P.A. 97-1106, eff. 8-27-12.)

7           (110 ILCS 805/2-2 rep.)

8           (110 ILCS 805/2-3 rep.)

9           (110 ILCS 805/2-5 rep.)

10          (110 ILCS 805/2-8 rep.)

11          (110 ILCS 805/2-9 rep.)

12          Section 15. The Public Community College Act is amended by  
13       repealing Sections 2-2, 2-3, 2-5, 2-8, and 2-9.

14          Section 20. The Higher Education Student Assistance Act is  
15       amended by changing Section 15 as follows:

16           (110 ILCS 947/15)

17          Sec. 15. Illinois Student Assistance Commission;  
18       abolition.

19          (a) There is established the Illinois Student Assistance  
20       Commission, consisting of 10 persons to be appointed by the  
21       Governor with the advice and consent of the Senate. The  
22       membership of the Commission shall consist of one  
23       representative of the institutions of higher learning operated

1 by the State; one representative of the private institutions of  
2 higher learning located in the State; one representative of the  
3 public community colleges located in the State; one  
4 representative of the public high schools located in the State;  
5 citizens of the State chosen for their knowledge of and  
6 interest in higher education, but not employed by,  
7 professionally affiliated with, or members of the governing  
8 boards of any institution of higher learning located in the  
9 State, and one student member selected from nominations  
10 submitted to the Governor by multi-campus student  
11 organizations, including but not limited to, the recognized  
12 advisory committee of students of the Illinois Community  
13 College Board, the recognized advisory committee of students of  
14 the Board of Higher Education, and the recognized advisory  
15 committee of students of the Federation of Independent Illinois  
16 Colleges and Universities. The Governor shall designate one  
17 member, other than the student member, as chairman. Each member  
18 of the Commission, including the student member, shall serve  
19 without compensation, but shall be reimbursed for expenses  
20 necessarily incurred in performing his or her duties under this  
21 Act. Subject to a requirement that Commission members in office  
22 on the effective date of this amendatory Act of 1995 may serve  
23 the full term to which they were appointed, the appointment of  
24 Commission members to terms that commence on or after that  
25 effective date shall be made in a manner that gives effect at  
26 the earliest possible time to the change that is required by



1 this amendatory Act in the representative composition of the  
2 Commission's membership.

3 (b) The term of office of each member, other than the  
4 student member, is 6 years from July 1 of the year of  
5 appointment, and until his successor is appointed and  
6 qualified. If a member's tenure of office, other than that of  
7 the student member, is terminated for any reason before his or  
8 her term has expired, the Governor shall fill the vacancy by  
9 the appointment of a person who has the same representative  
10 status as the person whose term has been so terminated, and the  
11 new appointee shall hold office only for the remainder of that  
12 term and until a successor is appointed and qualified. The term  
13 of the student member shall be for 2 years from July 1 of each  
14 odd-numbered year. If the tenure of the student member is  
15 terminated for any reason, the vacancy shall be filled in the  
16 same manner as heretofore provided for a regular term of office  
17 appointment of the student member. The new student appointee  
18 shall hold office only for the remainder of that term. A  
19 student appointee's status on the Commission may not be  
20 considered in determining his or her eligibility for programs  
21 administered by the Commission.

22 (c) Before the effective date of this amendatory Act of the  
23 101st General Assembly, in ~~in~~ accordance with the provisions of  
24 the State Universities Civil Service Act, the Commission shall  
25 employ a professionally qualified person as the Executive  
26 Director of the Commission, and such other employees as may be

1 necessary to effectuate the purposes of this Act. Beginning on  
2 the effective date of this amendatory Act of the 101st General  
3 Assembly, to effectuate the purposes of this Act and in  
4 accordance with the State Universities Civil Service Act, the  
5 Board of Higher Education shall employ a professionally  
6 qualified person as an executive officer and such employees as  
7 may be necessary.

8 (d) The Commission shall meet at least once in each fiscal  
9 year, and may meet at other times which the Chairman may  
10 designate by giving at least 10 days' written notice to each  
11 member.

12 (e) On January 1, 2020, the Commission is abolished and the  
13 terms of all members end. Except for references in this  
14 Section, beginning on January 1, 2020, references in this Act  
15 to the Illinois Student Assistance Commission shall, in  
16 appropriate contexts, be deemed to refer to the Board of Higher  
17 Education.

18 (Source: P.A. 99-198, eff. 7-30-15.)

1 INDEX

2 Statutes amended in order of appearance

3 110 ILCS 205/2 from Ch. 144, par. 182

4 110 ILCS 205/3 from Ch. 144, par. 183

5 110 ILCS 205/4 from Ch. 144, par. 184

6 110 ILCS 205/5.5 new

7 110 ILCS 205/7 from Ch. 144, par. 187

8 110 ILCS 205/9.39 new

9 110 ILCS 805/2-1 from Ch. 122, par. 102-1

10 110 ILCS 805/2-2 rep.

11 110 ILCS 805/2-3 rep.

12 110 ILCS 805/2-5 rep.

13 110 ILCS 805/2-8 rep.

14 110 ILCS 805/2-9 rep.

15 110 ILCS 947/15