



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3006

Introduced 2/5/2020, 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, 2021. 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 17679 CMG 67106 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning higher 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 2021.

10 (b) Personnel employed by the Illinois Community College
11 Board or the Illinois Student Assistance Commission on December
12 31, 2020 are transferred to the Board of Higher Education on
13 January 1, 2021.

14 The Board of Higher Education shall continue in effect all
15 collective bargaining agreements in existence on December 31,
16 2020 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, 2021, 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, 2020 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, 2021 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, 2020 shall become proposed rules of the Board of
2 Higher Education on January 1, 2021, 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, 2021, 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 power, define the character of such
7 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. 101-81, eff. 7-12-19.)

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, 2021, the State Board is abolished and
2 the terms of all members end. Except for references in this
3 Section, beginning on January 1, 2021, 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, 2021, the Commission is abolished and the
13 terms of all members end. Except for references in this
14 Section, beginning on January 1, 2021, 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