



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5531

by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

110 ILCS 205/7	from Ch. 144, par. 187
110 ILCS 205/8	from Ch. 144, par. 188
110 ILCS 805/2-26 new	
110 ILCS 805/2-27 new	
110 ILCS 805/3-2	from Ch. 122, par. 103-2
110 ILCS 805/3-25.1	from Ch. 122, par. 103-25.1
110 ILCS 805/5-11	from Ch. 122, par. 105-11

Amends the Board of Higher Education Act and the Public Community College Act. With respect to public community colleges, requires the approval of the establishment of new units of instruction, research, and public service and the review of existing programs of instruction, research, and public service to be made by the Illinois Community College Board rather than the Board of Higher Education. Removes a provision that requires the Illinois Community College Board to submit its budget proposal and plan for capital improvements of non-instructional facilities to the Board of Higher Education. Requires the Illinois Community College Board to develop a comprehensive community college plan. Requires the Illinois Community College Board to submit its budget proposal to the Governor, the General Assembly, the Governor's Office of Management and Budget, and the Commission on Government Forecasting and Accountability. Removes a reference to the Board of Higher Education's approval of a public community college's construction of a facility. Makes related changes.

LRB095 16071 NHT 42089 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT relating to 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 7 and 8 as follows:

6 (110 ILCS 205/7) (from Ch. 144, par. 187)

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

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

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

13 The Board of Higher Education is authorized to review
14 periodically all existing programs of instruction, research
15 and public service at the State universities ~~and colleges~~ and
16 to advise the appropriate board of control if the contribution
17 of each program is not educationally and economically
18 justified.

19 (Source: P.A. 89-4, eff. 1-1-96.)

20 (110 ILCS 205/8) (from Ch. 144, par. 188)

21 Sec. 8. The Board of Trustees of the University of
22 Illinois, the Board of Trustees of Southern Illinois
23 University, the Board of Trustees of Chicago State University,
24 the Board of Trustees of Eastern Illinois University, the Board
25 of Trustees of Governors State University, the Board of

1 Trustees of Illinois State University, the Board of Trustees of
2 Northeastern Illinois University, the Board of Trustees of
3 Northern Illinois University, and the Board of Trustees of
4 Western Illinois University, ~~and the Illinois Community~~
5 ~~College Board~~ shall submit to the Board not later than the 15th
6 day of November of each year its budget proposals for the
7 operation and capital needs of the institutions under its
8 governance or supervision for the ensuing fiscal year. Each
9 budget proposal shall conform to the procedures developed by
10 the Board in the design of an information system for State
11 universities and colleges.

12 In order to maintain a cohesive system of higher education,
13 the Board and its staff shall communicate on a regular basis
14 with all public university presidents. They shall meet at least
15 semiannually to achieve economies of scale where possible and
16 provide the most innovative and efficient programs and
17 services.

18 The Board, in the analysis of formulating the annual budget
19 request, shall consider rates of tuition and fees at the State
20 universities ~~and colleges~~. The Board shall also consider the
21 current and projected utilization of the total physical plant
22 of each campus of a university ~~or college~~ in approving the
23 capital budget for any new building or facility.

24 The Board of Higher Education shall submit to the Governor,
25 to the General Assembly, and to the appropriate budget agencies
26 of the Governor and General Assembly its analysis and

1 recommendations on such budget proposals.

2 Each state supported institution within the application of
3 this Act, other than a public community college, must submit
4 its plan for capital improvements of non-instructional
5 facilities to the Board for approval before final commitments
6 are made. Non-instructional uses shall include but not be
7 limited to dormitories, union buildings, field houses,
8 stadium, other recreational facilities and parking lots. The
9 Board shall determine whether or not any project submitted for
10 approval is consistent with the master plan for higher
11 education and with instructional buildings that are provided
12 for therein. If the project is found by a majority of the Board
13 not to be consistent, such capital improvement shall not be
14 constructed.

15 (Source: P.A. 89-4, eff. 1-1-96.)

16 Section 10. The Public Community College Act is amended by
17 changing Sections 3-2, 3-25.1, and 5-11 and adding Sections
18 2-26 and 2-27 as follows:

19 (110 ILCS 805/2-26 new)

20 Sec. 2-26. Comprehensive community college plan. The State
21 Board shall analyze the present and future aims, needs, and
22 requirements of the public community college system of this
23 State and develop a comprehensive plan for the integration,
24 coordination, efficient utilization, and expansion of the

1 facilities and curricula of public community colleges not only
2 in those areas that serve to bridge any gap between the
3 education and training provided to students through a secondary
4 education level and the education and training required for
5 gainful career employment, but also in those areas that will
6 promote or encourage freedom of movement and transfer of
7 students from public community colleges to public and private
8 universities. In developing a comprehensive community college
9 plan under this Section, the State Board shall give due
10 consideration to the ability of the plan to complement the
11 objectives of the master plan for higher education developed by
12 the Board of Higher Education. In addition, the State Board
13 shall engage in a continuing study, analysis, and evaluation of
14 the comprehensive community college plan developed under this
15 Section and may from time to time recommend to the General
16 Assembly any legislation that it deems necessary for the
17 implementation or effective operation of the plan.

18 (110 ILCS 805/2-27 new)

19 Sec. 2-27. Budget proposal. On or before the second
20 Wednesday of January of each year, the State Board shall submit
21 to the Governor, the General Assembly, the Governor's Office of
22 Management and Budget, and the Commission on Government
23 Forecasting and Accountability its budget proposal for the
24 operation and capital needs of the State Board and the public
25 community colleges under its jurisdiction for the ensuing

1 fiscal year.

2 (110 ILCS 805/3-2) (from Ch. 122, par. 103-2)

3 Sec. 3-2. Action on petition; report. Upon the receipt of
4 such a petition, the State Board shall, in cooperation with the
5 regional superintendent of the county or counties in which the
6 territory of the proposed district is located, cause a study to
7 be made of the territory of the proposed district and the
8 community college needs and condition thereof and the area
9 within and adjacent thereto in relation to existing facilities
10 for general education, including pre-professional curricula
11 and for training in occupational activities, and in relation to
12 a factual survey of the possible enrollment, assessed
13 valuation, industrial business, agricultural and other
14 conditions reflecting educational needs in the area to be
15 served, in order to determine whether in its judgment the
16 proposed district may adequately maintain a community college
17 in accordance with such desirable standards. In reviewing the
18 application the State Board shall consider the feasibility of
19 any proposed utilization of existing public or private
20 educational facilities and land within or in near proximity to
21 the boundary of the proposed district, and of contracting with
22 such public or private institutions for the provision of
23 educational programs. The State Board shall also determine
24 whether the proposal is in conformity with a comprehensive
25 community college plan developed by the State Board. If the

1 State Board finds as the result of its study that it is not
2 possible for the proposed district to produce a desirable
3 program of community college education at a reasonable cost, it
4 shall provide a brief statement of the reasons for this
5 decision and shall thereupon cause a copy of the statement to
6 be published in a newspaper or newspapers having a general
7 circulation in the territory of the proposed district and no
8 election shall be held or further proceedings had on said
9 petition to establish such a community college district. If
10 approved the State Board shall submit its findings to the Board
11 of Higher Education for a determination as to whether or not
12 the proposal is in conformity with a comprehensive community
13 college program. When the Board of Higher Education approves
14 the request for a new community college, the State Board shall
15 prepare a report of its ~~such~~ action on the petition. The report
16 shall contain a brief statement of the reasons for the decision
17 and a resume stating why the State Board deems it possible for
18 the proposed district to provide a desirable two-year college
19 program at reasonable cost, the conditions under which such
20 operation would be possible, the estimated results of such
21 operation in terms of local taxes, the nature and probable cost
22 of alternative methods of providing adequate community college
23 educational opportunities for students in the territory
24 involved and such other information as the State Board believes
25 may be helpful to the voters in such territory in voting on the
26 proposition to establish a community college district.

1 (Source: P.A. 84-509.)

2 (110 ILCS 805/3-25.1) (from Ch. 122, par. 103-25.1)

3 Sec. 3-25.1. Units of instruction. To evaluate and review
4 proposals ~~authorize application to the Illinois Community~~
5 ~~College Board~~ for the approval of new units of instruction,
6 research or public service as defined in this Section and to
7 establish or assist public community colleges in establishing
8 such new units following approval in accordance with the
9 provisions of this Act ~~and the Board of Higher Education Act.~~

10 No public community college shall hereafter undertake the
11 establishment of any new unit of instruction, research, or
12 public service without the approval of the State Board. The
13 governing board of a community college district shall submit to
14 the State Board all proposals for a new unit of instruction,
15 research, or public service. The State Board, in cooperation
16 with the Board of Higher Education, shall evaluate the proposal
17 with reference to any proposed master plan of higher education
18 developed by the Board of Higher Education, but the overriding
19 standard to be applied by the State Board in determining
20 whether to approve or disapprove the proposal in whole or in
21 part or approve modifications thereof shall be whether, in the
22 judgment of the State Board, the proposal is consistent with
23 the objectives of a comprehensive community college plan as
24 developed by the State Board for the public community college
25 system of this State.

1 The State Board is authorized to review periodically all
2 existing programs of instruction, research, and public service
3 at public community colleges and to advise the board of
4 trustees of each community college if the contribution of any
5 such program offered at the public community college is not
6 educationally and economically justified.

7 The term "new unit of instruction, research or public
8 service" includes the establishment of a college, school,
9 division, institute, department or other unit including majors
10 and curricula in any field of instruction, research, or public
11 service not theretofore included in the program of the
12 community college, and includes the establishment of any new
13 branch or campus of the institution. The term shall not include
14 reasonable and moderate extensions of existing curricula,
15 research, or public service programs which have a direct
16 relationship to existing programs; and the State Board may,
17 under its rule making power define the character of reasonable
18 and moderate extensions.

19 (Source: P.A. 88-322.)

20 (110 ILCS 805/5-11) (from Ch. 122, par. 105-11)

21 Sec. 5-11. Building construction; grants. Any public
22 community college which subsequent to July 1, 1972, commenced
23 construction of any facilities approved by the State Board or,
24 until the effective date of this amendatory Act of the 95th
25 General Assembly, that were approved by the State Board and the

1 Illinois Board of Higher Education may, after completion
2 thereof, apply to the State for a grant for expenditures made
3 by the community college from its own funds for building
4 purposes for such facilities in excess of 25% of the cost of
5 such facilities as approved by the State Board and the Illinois
6 Board of Higher Education. Such grant shall be contingent upon
7 said community college having otherwise complied with Sections
8 5-3, 5-4, 5-5 and 5-10 of this Act.

9 If any payments or contributions of any kind which are
10 based upon, or are to be applied to, the cost of such
11 construction are received from the Federal government, or an
12 agency thereof, subsequent to receipt of the grant herein
13 provided, the amount of such subsequent payment or
14 contributions shall be paid over to the Capital Development
15 Board by the community college for deposit in the Capital
16 Development Bond Interest and Retirement Fund.

17 (Source: P.A. 80-1200.)