



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1641

Introduced 2/26/2021, 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, 2022. Abolishes the Illinois Community College Board and the Illinois Student Assistance Commission and provides for the transfer of personnel and property on that date.

LRB102 15670 CMG 21034 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 9.40 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
10 consist 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
2 interest or experience in problems of higher education. If
3 the Senate is not in session or is in recess when
4 appointments subject to its confirmation are made, the
5 Governor shall make temporary appointments that shall be
6 subject to subsequent Senate approval.; ~~one member of a~~
7 ~~public university governing board, appointed by the~~
8 ~~Governor without the advice and consent of the Senate; one~~
9 ~~member of a private college or university board of~~
10 ~~trustees, appointed by the Governor without the advice and~~
11 ~~consent of the Senate; the chairman of the Illinois~~
12 ~~Community College Board; the chairman of the Illinois~~
13 ~~Student Assistance 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,
17 one of whom must be a student at a public university and
18 the 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 102nd 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 102nd
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 102nd 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 102nd 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 102nd 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 102nd
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
7 subject to confirmation by the Senate shall be selected for
8 6-year 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
14 the 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
17 subject 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 102nd General Assembly but are not
25 subject to confirmation by the Senate, shall serve terms of

1 one 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~~
17 ~~have all rights and privileges of regular membership while~~
18 ~~acting 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
4 vested by law in the Illinois Community College Board or the
5 Illinois Student Assistance Commission or in any office,
6 council, committee, division, or bureau of the Illinois
7 Community College Board or the Illinois Student Assistance
8 Commission are transferred to the Board of Higher Education on
9 January 1, 2022.

10 (b) Personnel employed by the Illinois Community College
11 Board or the Illinois Student Assistance Commission on
12 December 31, 2021 are transferred to the Board of Higher
13 Education on January 1, 2022.

14 The Board of Higher Education shall continue in effect all
15 collective bargaining agreements in existence on December 31,
16 2021 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
8 Section shall be transferred and delivered to the Board of
9 Higher Education on January 1, 2022, unless otherwise directed
10 by the Governor. The Board of Higher Education is the
11 successor agency of the Illinois Community College Board and
12 the Illinois Student Assistance Commission for purposes of
13 Section 9b of the State Finance Act and the Successor Agency
14 Act.

15 (d) The rules, standards, and procedures of the Illinois
16 Community College Board or the Illinois Student Assistance
17 Commission that are in effect on December 31, 2021 and pertain
18 to the rights, powers, duties, and functions transferred to
19 the Board of Higher Education under this Section shall become
20 the rules, standards, and procedures of the Board of Higher
21 Education on January 1, 2022 and shall continue in effect
22 until amended or repealed by the Board of Higher Education.

23 Any rules pertaining to the rights, powers, duties, and
24 functions transferred to the Board of Higher Education under
25 this Section that have been proposed by the Illinois Community
26 College Board or the Illinois Student Assistance Commission

1 but have not taken effect or been finally adopted or on before
2 December 31, 2021 shall become proposed rules of the Board of
3 Higher Education on January 1, 2022, and any rulemaking
4 procedures that have already been completed by the Illinois
5 Community College Board or the Illinois Student Assistance
6 Commission for those proposed rules need not be repeated.

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

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

23 On January 1, 2022, references to the Illinois Community
24 College Board or the Illinois Student Assistance Commission or
25 its officers, employees, or agents in any document, contract,
26 agreement, or law (other than this Section, Section 2-1 of the

1 Public Community College Act, and Section 15 of the Higher
2 Education Student Assistance Act) shall, in appropriate
3 contexts, be deemed to refer to the Board of Higher Education
4 or its officers, employees, or agents.

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

11 (110 ILCS 205/7) (from Ch. 144, par. 187)

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

1 school, division, institute, department, or other unit in any
2 field of instruction, research, or public service not
3 theretofore included in the program of the institution, and
4 includes the establishment of any new branch or campus. The
5 term does not include reasonable and moderate extensions of
6 existing curricula, research, or public service programs which
7 have a direct relationship to existing programs; and the Board
8 may, under its rulemaking power, define the character of such
9 reasonable and moderate extensions.

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

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

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

12 (Source: P.A. 101-81, eff. 7-12-19.)

13 (110 ILCS 205/9.40 new)

14 Sec. 9.40. Evaluation of programmatic expansions and new
15 programs. In evaluating programmatic expansions and new
16 programs at public institutions of higher education, the
17 Board, prior to approving such expansions or new programs,
18 shall make the following findings:

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

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

1 (3) that the institution has the ability, if so
2 approved, to offer a quality program at a price point that
3 is cheaper for students than existing options elsewhere in
4 the area; and

5 (4) that the opening of such a program does not
6 negatively impact the optimal efficiency of the existing
7 higher education infrastructure in this State.

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

10 (110 ILCS 805/2-1) (from Ch. 122, par. 102-1)

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

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

1 citizen age 60 or over, to be appointed by the Governor by and
2 with the advice and consent of the Senate. Beginning on July 1,
3 2005, one of the 11 members appointed by the Governor, by and
4 with the advice and consent of the Senate, must be a faculty
5 member at an Illinois public community college. Also beginning
6 on July 1, 2005, one of the 11 members appointed by the
7 Governor, by and with the advice and consent of the Senate,
8 must be a member of the board of trustees of a public community
9 college district. After the effective date of this amendatory
10 Act of the 97th General Assembly, one of the 11 members to be
11 appointed by the Governor, by and with the advice and consent
12 of the Senate, must be the president of a public community
13 college, the Chancellor of City Colleges of Chicago (Community
14 College District No. 508), or the Chief Executive Officer of
15 Illinois Eastern Community Colleges (Community College
16 District No. 529). The membership requirements set forth in
17 this Section apply only to the State Board and shall have no
18 effect on the membership of the board of trustees of a
19 community college district. The members first appointed under
20 this amendatory Act of 1984 shall serve for a term of 6 years.
21 After the expiration of the terms of the office of the members
22 first appointed to the State Board, their respective
23 successors shall hold office for a term of 6 years and until
24 their successors are qualified and seated. In the event of
25 vacancies on the State Board in offices appointed by the
26 Governor occurring during a recess of the Senate, the Governor

1 shall have the power to make temporary appointments until the
2 next meeting of the Senate, when the vacancy shall be filled by
3 nomination to be confirmed by the Senate.

4 (b) On January 1, 2022, the State Board is abolished and
5 the terms of all members end. Except for references in this
6 Section, beginning on January 1, 2022, references in this Act
7 to the Illinois Community College Board shall, in appropriate
8 contexts, be deemed to refer to the Board of Higher Education.

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

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

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

19 (110 ILCS 947/15)

20 Sec. 15. Illinois Student Assistance Commission;
21 abolition.

22 (a) There is established the Illinois Student Assistance
23 Commission, consisting of 10 persons to be appointed by the

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

1 were appointed, the appointment of Commission members to terms
2 that commence on or after that effective date shall be made in
3 a manner that gives effect at the earliest possible time to the
4 change that is required by this amendatory Act in the
5 representative composition of the Commission's membership.

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

25 (c) Before the effective date of this amendatory Act of
26 the 102nd General Assembly, in ~~in~~ accordance with the

1 provisions of the State Universities Civil Service Act, the
2 Commission shall employ a professionally qualified person as
3 the Executive Director of the Commission, and such other
4 employees as may be necessary to effectuate the purposes of
5 this Act. Beginning on the effective date of this amendatory
6 Act of the 102nd General Assembly, to effectuate the purposes
7 of this Act and in accordance with the State Universities
8 Civil Service Act, the Board of Higher Education shall employ
9 a professionally qualified person as an executive officer and
10 such employees as may be necessary.

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

15 (e) On January 1, 2022, the Commission is abolished and
16 the terms of all members end. Except for references in this
17 Section, beginning on January 1, 2022, references in this Act
18 to the Illinois Student Assistance Commission shall, in
19 appropriate contexts, be deemed to refer to the Board of
20 Higher Education.

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

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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 205/9.40 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