



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5532

by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

110 ILCS 205/1	from Ch. 144, par. 181
110 ILCS 205/7	from Ch. 144, par. 187
110 ILCS 205/8	from Ch. 144, par. 188
110 ILCS 205/9.07	from Ch. 144, par. 189.07
110 ILCS 205/10	from Ch. 144, par. 190
110 ILCS 805/2-11	from Ch. 122, par. 102-11
110 ILCS 805/2-26 new	
110 ILCS 805/2-27 new	
110 ILCS 805/2-28 new	
110 ILCS 805/3-2	from Ch. 122, par. 103-2
110 ILCS 805/3-3	from Ch. 122, par. 103-3
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. Terminates the rights, powers, duties, and responsibilities of the Board of Higher Education with respect to the public community college system and transfers those rights, powers, duties, and responsibilities to, and provides for their assumption and exercise by, the Illinois Community College Board.

LRB095 16014 NHT 42032 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 1, 7, 8, 9.07, and 10 as follows:

6 (110 ILCS 205/1) (from Ch. 144, par. 181)

7 Sec. 1. The following terms shall have the meanings
8 respectively prescribed for them, except when the context
9 otherwise requires:

10 (a) "Public institutions of higher education": The
11 University of Illinois; Southern Illinois University; Chicago
12 State University; Eastern Illinois University; Governors State
13 University; Illinois State University; Northeastern Illinois
14 University; Northern Illinois University; Western Illinois
15 University; ~~the public community colleges of the State~~ and any
16 other public universities, ~~colleges and community colleges~~ now
17 or hereafter established or authorized by the General Assembly.

18 (b) "Board": The Board of Higher Education created by this
19 Act.

20 (c) "Engineering college" has the meaning ascribed to it in
21 the Professional Engineering Practice Act of 1989.

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

1 (110 ILCS 205/7) (from Ch. 144, par. 187)

2 Sec. 7. The Board of Trustees of the University of
3 Illinois, the Board of Trustees of Southern Illinois
4 University, the Board of Trustees of Chicago State University,
5 the Board of Trustees of Eastern Illinois University, the Board
6 of Trustees of Governors State University, the Board of
7 Trustees of Illinois State University, the Board of Trustees of
8 Northeastern Illinois University, the Board of Trustees of
9 Northern Illinois University, the Board of Trustees of Western
10 Illinois University, ~~the Illinois Community College Board~~ and
11 the campuses under their governance or supervision shall not
12 hereafter undertake the establishment of any new unit of
13 instruction, research or public service without the approval of
14 the Board. The term "new unit of instruction, research or
15 public service" includes the establishment of a college,
16 school, division, institute, department or other unit in any
17 field of instruction, research or public service not
18 theretofore included in the program of the institution, and
19 includes the establishment of any new branch or campus. The
20 term does not include reasonable and moderate extensions of
21 existing curricula, research, or public service programs which
22 have a direct relationship to existing programs; and the Board
23 may, under its rule making power, define the character of such
24 reasonable and moderate extensions.

25 Such governing boards shall submit to the Board all
26 proposals for a new unit of instruction, research, or public

1 service. The Board may approve or disapprove the proposal in
2 whole or in part or approve modifications thereof whenever in
3 its judgment such action is consistent with the objectives of
4 an existing or proposed master plan of higher education.

5 The Board of Higher Education is authorized to review
6 periodically all existing programs of instruction, research
7 and public service at the State universities ~~and colleges~~ and
8 to advise the appropriate board of control if the contribution
9 of each program is not educationally and economically
10 justified.

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

12 (110 ILCS 205/8) (from Ch. 144, par. 188)

13 Sec. 8. The Board of Trustees of the University of
14 Illinois, the Board of Trustees of Southern Illinois
15 University, the Board of Trustees of Chicago State University,
16 the Board of Trustees of Eastern Illinois University, the Board
17 of Trustees of Governors State University, the Board of
18 Trustees of Illinois State University, the Board of Trustees of
19 Northeastern Illinois University, the Board of Trustees of
20 Northern Illinois University, and the Board of Trustees of
21 Western Illinois University, ~~and the Illinois Community~~
22 ~~College Board~~ shall submit to the Board not later than the 15th
23 day of November of each year its budget proposals for the
24 operation and capital needs of the institutions under its
25 governance or supervision for the ensuing fiscal year. Each

1 budget proposal shall conform to the procedures developed by
2 the Board in the design of an information system for State
3 universities and colleges.

4 In order to maintain a cohesive system of higher education,
5 the Board and its staff shall communicate on a regular basis
6 with all public university presidents. They shall meet at least
7 semiannually to achieve economies of scale where possible and
8 provide the most innovative and efficient programs and
9 services.

10 The Board, in the analysis of formulating the annual budget
11 request, shall consider rates of tuition and fees at the State
12 universities ~~and colleges~~. The Board shall also consider the
13 current and projected utilization of the total physical plant
14 of each campus of a university ~~or college~~ in approving the
15 capital budget for any new building or facility.

16 The Board of Higher Education shall submit to the Governor,
17 to the General Assembly, and to the appropriate budget agencies
18 of the Governor and General Assembly its analysis and
19 recommendations on such budget proposals.

20 Each state supported institution within the application of
21 this Act must submit its plan for capital improvements of
22 non-instructional facilities to the Board for approval before
23 final commitments are made. Non-instructional uses shall
24 include but not be limited to dormitories, union buildings,
25 field houses, stadium, other recreational facilities and
26 parking lots. The Board shall determine whether or not any

1 project submitted for approval is consistent with the master
2 plan for higher education and with instructional buildings that
3 are provided for therein. If the project is found by a majority
4 of the Board not to be consistent, such capital improvement
5 shall not be constructed.

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

7 (110 ILCS 205/9.07) (from Ch. 144, par. 189.07)

8 Sec. 9.07. Admission standards.

9 (a) ~~Subject to the provisions of subsection (b),~~ To
10 establish minimum admission standards for ~~public community~~
11 ~~colleges, colleges and~~ State universities. However,
12 notwithstanding any other provision of this Section or any
13 other law of this State, the minimum admission standards
14 established by the Board shall not directly or indirectly
15 authorize or require a State ~~college or~~ university to
16 discriminate in the admissions process against an applicant for
17 admission because of the applicant's enrollment in a charter
18 school established under Article 27A of the School Code.
19 Admission standards for out-of-state students may be higher
20 than for Illinois residents.

21 (b) (Blank). ~~Implementation of the new statewide minimum~~
22 ~~admission requirements and standards for public colleges and~~
23 ~~universities in Illinois established and announced by the Board~~
24 ~~in December, 1985 shall be deferred as provided in this~~
25 ~~subsection. The Board shall not attempt to implement or~~

1 ~~otherwise effect adoption and establishment of those minimum~~
2 ~~admission requirements and standards in any public community~~
3 ~~college, college or State university prior to the fall of 1993,~~
4 ~~and no public community college, college or State university~~
5 ~~shall be under any duty or obligation to implement, establish~~
6 ~~or otherwise apply those minimum admission requirements and~~
7 ~~standards to any entering freshmen prior to the fall of 1993.~~
8 ~~The Board of Higher Education shall provide the State~~
9 ~~Superintendent of Education, on or before January 1, 1990,~~
10 ~~descriptions of course content, and such other criteria as are~~
11 ~~necessary to determine and certify whether all school districts~~
12 ~~maintaining grades 9-12 are offering courses which satisfy the~~
13 ~~minimum admission requirements and standards established and~~
14 ~~announced by the Board. In addition, there shall be established~~
15 ~~a 9 member committee composed of 3 members selected by the~~
16 ~~Board of Higher Education, 3 members selected by the State~~
17 ~~Superintendent of Education and 3 members selected by the~~
18 ~~President of the Illinois Vocational Association. The~~
19 ~~committee shall be appointed within 30 days after the effective~~
20 ~~date of this amendatory Act. It shall be the duty and~~
21 ~~responsibility of the committee to identify and develop courses~~
22 ~~and curricula in the vocational education area which meet the~~
23 ~~minimum admission requirements and standards to be established~~
24 ~~and implemented under this Section. The first meeting of the~~
25 ~~committee shall be called by the Executive Director of the~~
26 ~~Board of Higher Education within 10 days after the committee is~~

1 ~~appointed. At its first meeting the committee shall organize~~
2 ~~and elect a chairperson. The committee's report shall be~~
3 ~~prepared and submitted by the committee to the Board of Higher~~
4 ~~Education, the Illinois State Board of Education and the~~
5 ~~General Assembly by April 1, 1989.~~

6 (c) (Blank). ~~By March 1, 1980, the Boards shall develop~~
7 ~~guidelines which: (1) place the emphasis on postsecondary~~
8 ~~remedial programs at Public Community Colleges and (2) reduces~~
9 ~~the role of the state universities in offering remedial~~
10 ~~programs. By June 30, 1981, the Board shall report to the~~
11 ~~General Assembly the progress made toward this transition in~~
12 ~~the emphasis on remedial programs at the postsecondary level~~
13 ~~and any legislative action that it deems appropriate.~~

14 (Source: P.A. 89-450, eff. 4-10-96.)

15 (110 ILCS 205/10) (from Ch. 144, par. 190)

16 Sec. 10. The Board of Trustees of the University of
17 Illinois, the Board of Trustees of Southern Illinois
18 University, the Board of Trustees of Chicago State University,
19 the Board of Trustees of Eastern Illinois University, the Board
20 of Trustees of Governors State University, the Board of
21 Trustees of Illinois State University, the Board of Trustees of
22 Northeastern Illinois University, the Board of Trustees of
23 Northern Illinois University, and the Board of Trustees of
24 Western Illinois University, ~~and the Illinois Community~~
25 ~~College Board~~ shall retain all the powers and duties heretofore

1 given and conferred upon them by statute, except insofar as
2 they are limited by the powers and duties delegated to the
3 Board of Higher Education by this Act.

4 Nothing, however, in this Act shall be construed to prevent
5 individual State universities ~~and colleges~~ from establishing
6 higher minimum admission requirements and higher minimum
7 admission requirements may be established for out-of-state
8 students than for Illinois residents.

9 All of the rights, powers, duties, and responsibilities
10 vested by law, rule, or regulation in the Board of Higher
11 Education immediately before the effective date of this
12 amendatory Act of the 95th General Assembly with respect to the
13 Illinois Community College Board and the public community
14 colleges of this State and all business pending before the
15 Board of Higher Education immediately before that effective
16 date with respect to the Illinois Community College Board and
17 the public community colleges of this State are hereby
18 transferred by operation of law to the Illinois Community
19 College Board. The Illinois Community College Board shall
20 succeed to and complete all matters of pending business
21 transferred to it as provided under this Section and shall
22 succeed to, assume, and exercise for itself and with respect to
23 the several public community colleges of this State all rights,
24 powers, duties, and responsibilities formerly exercised by the
25 Board of Higher Education under this Act or under any other
26 law, rule, or regulation with respect to the Illinois Public

1 Community College Board and the public community colleges of
2 this State.

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

4 Section 10. The Public Community College Act is amended by
5 changing Sections 2-11, 3-2, 3-3, 3-25.1, and 5-11 and adding
6 Sections 2-26, 2-27, and 2-28 as follows:

7 (110 ILCS 805/2-11) (from Ch. 122, par. 102-11)

8 Sec. 2-11. Articulation procedures. The State Board, in
9 cooperation with baccalaureate degree-granting institutions,
10 ~~the four-year colleges~~ is empowered to develop articulation
11 procedures to the end that maximum freedom of transfer among
12 community colleges and between community colleges and
13 baccalaureate and associate degree-granting institutions be
14 available, and consistent with minimum admission policies
15 established by the Board of Higher Education. However, the
16 State Board is authorized to establish minimum admission
17 policies for public community colleges, and the provisions of
18 this Section shall not be deemed to authorize the Board of
19 Higher Education to have or exercise any powers with respect to
20 establishing admission policies applicable to public community
21 colleges.

22 (Source: P.A. 78-669.)

23 (110 ILCS 805/2-26 new)

1 Sec. 2-26. Exercising of rights, powers, duties. The
2 Illinois Community College Board shall succeed to, assume, and
3 exercise for itself and with respect to the public community
4 colleges of this State all rights, powers, duties, and
5 responsibilities transferred to the Illinois Community College
6 Board by this amendatory Act of the 95th General Assembly and
7 formerly exercised with respect to the Illinois Community
8 College Board and the public community colleges of this State
9 by the Board of Higher Education.

10 (110 ILCS 805/2-27 new)

11 Sec. 2-27. Comprehensive community college plan. The State
12 Board shall analyze the present and future aims, needs, and
13 requirements of the public community college system of this
14 State and develop a comprehensive plan for the integration,
15 coordination, efficient utilization, and expansion of the
16 facilities and curricula of public community colleges not only
17 in those areas that serve to bridge any gap between the
18 education and training provided to students through a secondary
19 education level and the education and training required for
20 gainful career employment, but also in those areas that will
21 promote or encourage freedom of movement and transfer of
22 students from public community colleges to public and private
23 universities. In developing a comprehensive community college
24 plan under this Section, the State Board shall give due
25 consideration to the ability of the plan to complement the

1 objectives of the master plan for higher education developed by
2 the Board of Higher Education. In addition, the State Board
3 shall engage in a continuing study, analysis, and evaluation of
4 the comprehensive community college plan developed under this
5 Section and may from time to time recommend to the General
6 Assembly any legislation that it deems necessary for the
7 implementation or effective operation of the plan.

8 (110 ILCS 805/2-28 new)

9 Sec. 2-28. Budget proposal. On or before the second
10 Wednesday of January of each year, the State Board shall submit
11 to the Governor, the General Assembly, the Governor's Office of
12 Management and Budget, and the Commission on Government
13 Forecasting and Accountability its budget proposal for the
14 operation and capital needs of the State Board and the public
15 community colleges under its jurisdiction for the ensuing
16 fiscal year.

17 (110 ILCS 805/3-2) (from Ch. 122, par. 103-2)

18 Sec. 3-2. Action on petition; report. Upon the receipt of
19 such a petition, the State Board shall, in cooperation with the
20 regional superintendent of the county or counties in which the
21 territory of the proposed district is located, cause a study to
22 be made of the territory of the proposed district and the
23 community college needs and condition thereof and the area
24 within and adjacent thereto in relation to existing facilities

1 for general education, including pre-professional curricula
2 and for training in occupational activities, and in relation to
3 a factual survey of the possible enrollment, assessed
4 valuation, industrial business, agricultural and other
5 conditions reflecting educational needs in the area to be
6 served, in order to determine whether in its judgment the
7 proposed district may adequately maintain a community college
8 in accordance with such desirable standards. In reviewing the
9 application the State Board shall consider the feasibility of
10 any proposed utilization of existing public or private
11 educational facilities and land within or in near proximity to
12 the boundary of the proposed district, and of contracting with
13 such public or private institutions for the provision of
14 educational programs. The State Board shall also determine
15 whether the proposal is in conformity with a comprehensive
16 community college plan developed by the State Board. If the
17 State Board finds as the result of its study that it is not
18 possible for the proposed district to produce a desirable
19 program of community college education at a reasonable cost, it
20 shall provide a brief statement of the reasons for this
21 decision and shall thereupon cause a copy of the statement to
22 be published in a newspaper or newspapers having a general
23 circulation in the territory of the proposed district and no
24 election shall be held or further proceedings had on said
25 petition to establish such a community college district. If
26 approved ~~the State Board shall submit its findings to the Board~~

1 ~~of Higher Education for a determination as to whether or not~~
2 ~~the proposal is in conformity with a comprehensive community~~
3 ~~college program. When the Board of Higher Education approves~~
4 ~~the request for a new community college,~~ the State Board shall
5 prepare a report of its ~~such~~ action on the petition. The report
6 shall contain a brief statement of the reasons for the decision
7 and a resume stating why the State Board deems it possible for
8 the proposed district to provide a desirable two-year college
9 program at reasonable cost, the conditions under which such
10 operation would be possible, the estimated results of such
11 operation in terms of local taxes, the nature and probable cost
12 of alternative methods of providing adequate community college
13 educational opportunities for students in the territory
14 involved and such other information as the State Board believes
15 may be helpful to the voters in such territory in voting on the
16 proposition to establish a community college district.

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

18 (110 ILCS 805/3-3) (from Ch. 122, par. 103-3)

19 Sec. 3-3. Notice and hearing on petition. If the State
20 ~~Board of Higher Education disapproves the request for a new~~
21 ~~community college, no election shall be held or further~~
22 ~~proceedings had on such petition to establish a community~~
23 ~~college district. If the Board of Higher Education approves the~~
24 request to establish a community college district, the State
25 Board shall cause notice of a hearing on the petition to be

1 given by publishing a notice thereof at least once each week
2 for 3 successive weeks in at least one newspaper having general
3 circulation within the territory of the proposed district, and
4 if no such newspaper exists, then the publication shall be made
5 in 2 or more newspapers which together cover the territory with
6 general circulation. The notice shall state when and to whom
7 the petition was presented, the description of the territory of
8 the proposed district, and the day on which the hearing upon
9 the petition and the report of the State Board will be held. On
10 such day or on a day to which the State Board shall continue
11 said hearing, the State Board or a hearing officer appointed by
12 it shall hear the petition, present the report and determine
13 the sufficiency of the petition as herein prescribed, and may
14 adjourn the hearing from time to time or continue the matter
15 for want of sufficient notice or for other good cause. The
16 State Board or a hearing officer appointed by it shall hear any
17 additional evidence as to the school needs and conditions of
18 the territory and in the area within and adjacent thereto and
19 if a hearing officer is appointed he shall report a summary of
20 the testimony to the State Board. Whereupon the State Board
21 shall determine whether it is for the best interests of the
22 schools of such area and the educational welfare of the
23 students therein that such district be organized, and shall
24 determine also whether the territory described in the petition
25 is compact and contiguous for college purposes.

26 (Source: P.A. 78-669.)

1 (110 ILCS 805/3-25.1) (from Ch. 122, par. 103-25.1)

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

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

24 The State Board is authorized to review periodically all
25 existing programs of instruction, research, and public service

1 at public community colleges and to advise the board of
2 trustees of each community college if the contribution of any
3 such program offered at the public community college is not
4 educationally and economically justified.

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

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

18 (110 ILCS 805/5-11) (from Ch. 122, par. 105-11)

19 Sec. 5-11. Building construction; grants. Any public
20 community college which subsequent to July 1, 1972, commenced
21 construction of any facilities approved by the State Board or,
22 until the effective date of this amendatory Act of the 95th
23 General Assembly, that were approved by the State Board and the
24 Illinois Board of Higher Education may, after completion
25 thereof, apply to the State for a grant for expenditures made

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

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

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