

**97th GENERAL ASSEMBLY
LEGISLATIVE REPORT**

Submitted for: Information.

Summary: This report updates the Board on the status of legislation passed by the General Assembly, and the Governor's actions. The report includes a summary of bills of particular interest to higher education.

Action Requested: None.

STATE OF ILLINOIS
ILLINOIS BOARD OF HIGHER EDUCATION

**97TH GENERAL ASSEMBLY
LEGISLATIVE REPORT
2011 LEGISLATIVE SESSION**

The 97th General Assembly is nearing the midpoint of its spring session – April 15th is the deadline for passing bills out of the chamber of origin. The following week, or in the case of the Senate two weeks, legislators will take their spring break while paperwork moves back and forth across the Capitol rotunda.

So far, several important measures affecting higher education have passed one house or the other, or are poised at passage stage.

The most significant of those measures are companion bills to establish performance-based funding for higher education. House Bill 1503, sponsored by Rep. Chapin Rose, has passed the House. Senate Bill 1773, sponsored by Sen. Ed Maloney, who also is the Senate sponsor of HB 1503, was on 3rd Reading, passage stage, in the Senate as this report was drafted. Each bill would direct the Illinois Board of Higher Education to create a broad-based group to devise a system for allocating State resources to public institutions based on performance in achieving student success and certificate and degree completion.

The broad-based group includes representatives from the Governor's office, the General Assembly, public institutions of higher education, state agencies, business and industry, faculty unions, and others, as the Board deems appropriate.

The legislation would require, beginning in fiscal 2013, the Board's budget recommendations to include allocations to public universities and community colleges based on metrics to promote student success in degree and certificate completion. The metrics, to be adopted by the Board by rule, would adhere to certain principles:

- Consultation with institutions and other stakeholders;
- Provisions for at-risk students;
- Account for differentiated missions of institutions;
- Focus on goal of course, degree, and certificate completions, but also recognize other metrics related to community colleges including enrollments, transfer, and progress through certain milestones of achievement; and
- Maintain quality.

The bills state that in determining appropriate performance metrics, the Board may be guided by the report of the Higher Education Finance Study Commission.

Several measures affecting higher education students and institutions have passed one chamber or remain, at this writing, still alive to do so. Among the bills of note are:

- Senate Bill 131 (Sen. Martin Sandoval) would amend the state ethics act to create a separate Office of Inspector General for Higher Education to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, and other violations of the law. Public universities currently fall under the jurisdiction of the Office of Executive Inspector General.
- Senate Bill 59 (Sen. Ira Silverstein) would create the Student Transfer Achievement Reform Act to apply standards and requirements for the transfer of community college credits to a public university.
- Senate Bill 122 (Sen. Sandoval) would direct the Board of Higher Education to require that all public colleges and universities track the status of those students who are the first in their family to attend an institution of higher learning. It also would require IBHE to include data on first-generation students in its annual Underrepresented Groups Report to the General Assembly.
- Senate Bill 1883 (Sen. Maloney) would require each public university to report annually to the Board of Higher Education all programs that have been terminated, dissolved, reduced, or consolidated by the university, as well as all programs that exhibit a trend of low performance in enrollments and degree completions and high expense per degree. House Bill 1079 (Rep. Sandra Pihos) mirrors the Senate bill with the additional requirement that each university report tuition increases for the upcoming academic year and cost-saving measures undertaken during the previous fiscal year.
- Senate Bill 1798 (Sen. Maloney) would permit Eastern Illinois University to exceed, on a four-year trial, Board of Higher Education limits for institutional tuition waivers to increase access to college and make college more affordable for undergraduate students.
- House Bill 148 (Rep. Brandon Phelps) would permit qualified persons to carry concealed weapons. College and university leaders are seeking an exemption for campuses from the reach of the law.
- House Bill 3220 (Rep. Bob Pritchard) would create the Accountability in Higher Education Act, requiring public universities to develop annual academic, financial, and enrollment plans and to commit formally to meeting specified State policy objectives, in conjunction with the goals set forth in the *Illinois Public Agenda for College and Career Success*. The bill would direct the Illinois Board of Higher Education to develop performance indicators to measure whether universities are meeting State policy objectives.
- House Bill 1710 (Rep. Pritchard) would establish the College Planning Program, administered by the Illinois Student Assistance Commission, to target low-income and potential first-generation college students with programs to promote college awareness and planning.
- House Resolution 174 (Rep. Ken Dunkin) would direct the Auditor General to conduct a special audit of the College Illinois! prepaid tuition program.

Although the appropriations process will not culminate in a final state budget for another six weeks (with luck), there has been movement in the House to put some building blocks in place that could establish a contour of the FY 12 spending plan. With joint sponsorship of Speaker Michael J. Madigan and House Minority Leader Tom Cross, several bills passed the House to appropriate certain state obligations off the top of available revenues – debt service on bonds, employee healthcare insurance costs, and pension payments. In addition, the House has adopted resolutions that set the expected available revenues for fiscal 2012 at \$33.1 billion, and establish the portion of those revenues that will be available to various state agencies – for higher education, 8.71 percent.

Summaries of legislation related to higher education follow.

Illinois Public Agenda Goal 1: Increase Educational Attainment

House Bill 1710, Pritchard (Maloney)

Referred to Senate Assignments

Establishes the College Planning Program, to be administered by the Illinois Student Assistance Commission, providing that the Commission shall utilize the Program to target low-income and potential first-generation college students with programs to promote college awareness and planning. Sets forth provisions concerning the qualifications to participate in the Program, the benefits and services provided by the Commission, and Program disqualification.

Senate Bill 122, Sandoval

2nd Reading

Amends the Board of Higher Education Act, requiring all public institutions of higher education to track the status of those students who are the first in their family to attend an institution of higher education for purposes of inclusion in the underrepresented groups report to the General Assembly and the Governor.

Senate Bill 1799, Steans

3rd Reading

Amends the Teacher Certification Article of the School Code, providing that the State Board of Education, in consultation with the State Teacher Certification Board, shall have the power and authority to sanction teacher and administrator preparation programs, maintain a system of certification testing aligned with standards determined by the State Board of Education, and establish a code of ethics for all educators.

Illinois Public Agenda Goal 2: Ensure College Affordability

House Bill 1079, Pihos

1st Reading in the Senate

Amends the State Property Control Act and the Board of Higher Education Act, providing that, with respect to public universities, the Department of Central Management Services may require a listing of equipment items only for those items valued in excess of \$2,000. Provides that each State university shall report annually to the Board of Higher Education on programs of instruction, research, or public service that have been terminated, dissolved, reduced, or consolidated by the university, as well as all programs of instruction, research, or public service that exhibit a trend of low performance in enrollments and degree completions and high expense per degree. Requires each university to also report on any tuition increases for the upcoming academic year and any cost-saving measures undertaken during the previous fiscal year. Requires the Board to compile a report annually that shall contain all of this information and submit it to the General Assembly.

House Bill 1256, Colvin (Hutchinson)

1st Reading in Senate

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois to create the Diversity in Engineering Scholarship Program.

House Bill 1503, Rose (Maloney)**Referred to Senate Assignments**

Amends the Board of Higher Education Act, requiring the Illinois Board of Higher Education to incorporate performance-based funding into its annual budget request to the General Assembly, beginning with fiscal 2013, as recommended by the Higher Education Finance Study Commission.

House Bill 3220, Pritchard**1st Reading in the Senate**

Creates the Accountability in Higher Education Act, requiring public universities to develop annual academic, financial, and enrollment plans that outline (i) tuition and fee estimates, (ii) enrollment projections, (iii) retention policies and projections, and (iv) accepting a number of accountability measures, including meeting benchmarks related to accessibility and affordability, developed in consultation with statewide organizations representing faculty and staff. Also, requires public universities to commit themselves formally to meeting specified State policy objectives, in conjunction with the goals set forth in the *Illinois Public Agenda for College and Career Success*. Requires the Board of Higher Education to be responsible for developing performance indicators to measure whether public universities in this State are meeting State policy objectives, in conjunction with the goals set forth in the *Illinois Public Agenda for College and Career Success*.

House Resolution 4, Cole**Order of Resolutions**

Requests the Illinois Board of Higher Education to conduct a cost-neutral analysis of all relevant out-of-state tuition and fees charged by the University of Illinois in comparison to those charged by the flagship schools in surrounding states.

House Resolution 174, Durkin**Assigned to Executive Committee**

Directs the Auditor General to conduct a special audit of College Illinois! Operations.

Senate Bill 1773, Maloney**3rd Reading**

Amends the Board of Higher Education Act, requiring the Illinois Board of Higher Education to incorporate performance-based funding into its annual budget request to the General Assembly, beginning with fiscal 2013, as recommended by the Higher Education Finance Study Commission.

Senate Bill 1798, Maloney**3rd Reading**

Amends the Eastern Illinois University Law, providing that the Board of Trustees of Eastern Illinois University shall establish a pilot program to increase the Board of Higher Education's institutional tuition waiver limitation for the University over a 4-year period to increase access to college and make college more affordable for undergraduate students.

Senate Bill 1883, Maloney**2nd Reading**

Amends the Board of Higher Education Act, providing that each State university shall report annually to the Board of Higher Education on programs of instruction, research, or public service that have been terminated, dissolved, reduced, or consolidated by the university, as well as all programs of instruction, research, or public service that exhibit a trend of low performance in enrollments and degree completions and high expense per degree. Requires the Board to compile a report annually that shall contain all of this information and submit it to the General Assembly.

Illinois Public Agenda Goal 3: Address Workforce Needs**House Bill 166, Winters (Frerichs)****Referred to Senate Assignments**

Creates the Higher Education Green Jobs and Technology Act., providing that State university and community college representatives, in conjunction with research centers affiliated with these institutions that focus on clean or sustainable energy and that are located within the same geographic regions, may meet annually to develop collaborative efforts with regard to the green technology industry. Requires the Board of Higher Education and the Illinois Community College Board to annually publicize on their Internet websites information concerning efforts made by State universities and community colleges to promote the green technology industry, including the development of new academic degree and certificate programs, courses of instruction, and initiatives made by these State universities and community colleges to align green jobs programs with employer needs.

House Bill 1876, Cross (Holmes)**Referred to Senate Assignments**

Creates the Higher Education Technology Entrepreneur Center Act, providing that the board of trustees of each public university and community college district in this State is authorized to create a technology entrepreneur center for each campus.

Senate Bill 59, Silverstein**2nd Reading**

Creates the Student Transfer Achievement Reform Act.

Illinois Public Agenda Goal 4: Enhance Economic Growth**House Bill 3188, Gabel (Frerichs)****Referred to Senate Assignments**

Amends the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois, providing that the Department shall establish an easily accessible online database for the purpose of compiling research expertise, intellectual property, and ongoing sponsored research projects at academic institutions across the State.

Capital

Senate Bill 1323, Cullerton (Mautino)

Referred to House Rules Committee

Creates the Capital Projects Implementation Act, re-enacting certain provisions of Public Acts 96-34 and 96-37 relating to the implementation of capital projects. (Those Public Acts were declared invalid by the First District Appellate Court based on a single subject violation.)

Community Colleges

House Bill 304, Tracy

2nd Reading

Amends the Public Community College Act, providing that the tuition rate and fee limit of 1/3 of the per capita cost applies until the effective date of the amendatory Act and beginning again 3 years after the effective date of the amendatory Act.

House Bill 1374, Currie

Assigned to Executive Committee

Amends the State Employees Group Insurance Act of 1971, adding and excluding certain classes of persons from the definition of community college benefit recipient. Adds provisions concerning required employee contributions and the required payment by certain community college districts.

House Bill 1864, Lilly (Maloney)

Referred to Senate Assignments

Amends the Public Community College Act, providing that as of July 1, 2012, a community college district must maintain a minimum required combined in-district tuition and universal fee rate per semester credit hour equal to 70% (instead of 85%) of the State-average combined rate, as determined by the Illinois Community College Board, or the total revenue received by the community college district from combined in-district tuition and universal fees must be at least 30% of the total revenue received by the community college district, as determined by the Board, for equalization funding.

House Bill 2051, Reboletti (Pankau)

Referred to Senate Assignments

Provides for a 6-year term (rather than a 4-year term) for board of trustee members elected by trustee district in Community College District No. 502.

Senate Bill 1711, Haine

3rd Reading

Makes a technical change in a provision concerning contributions to the Community College Health Insurance Security Fund.

Senate Bill 1967, Maloney

3rd Reading

Amends the Public Community College Act, providing that the provisions requiring the award of a contract to the lowest responsible bidder do not prevent a community college from complying with the terms and conditions of a grant, gift, or bequest that provides the majority funding for the contract.

Universities

House Bill 148, Phelps

3rd Reading

Creates the Family and Personal Protection Act, permitting the county sheriff to issue permits to carry concealed firearms to persons at least 21 years of age who meet certain requirements. Requires an applicant for a permit to have completed specified training requirements developed by the Illinois Law Enforcement Training Standards Board consisting of classroom instruction and live firing exercises. Preempts home rule. Provides that a concealed firearm permit does not authorize a person to carry a concealed firearm into any public library without the authorization or approval by the governing entity of the library.

House Bill 1349, Jakobsson

Assigned to Executive Committee

Amends the Uncollected State Claims Act, providing that a public university may delete from its records debts of \$1,000 or more certified as uncollectible when the debt is more than 8 years old. Amends the Illinois State Collection Act of 1986, providing that Illinois public universities are not subject to certain provisions of the Act setting out requirements for entering into deferred payment plans or compromising past due debts.

House Bill 1852, Brady (Brady)

Referred to Senate Assignments

Amends the Liquor Control Act of 1934, providing that alcoholic liquors may be sold at retail in buildings of golf courses owned by Illinois State University in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises.

House Bill 1877, Barickman (Cultra)

Referred to Senate Assignments

Amends the Illinois Controlled Substances Act, providing the University of Illinois the ability to request the Department of Financial and Professional Regulation to issue a registration to the University of Illinois Veterinary Teaching Hospital.

House Bill 1957, Nekritz (Trotter)

Referred to Senate Assignments

Amends the Chicago State University Law and the Illinois State University Law, providing that on January 1, 2012, the Illinois Institute for Entrepreneurship Education transfers from Illinois State University to Chicago State University.

Senate Bill 1668, Holmes (Pritchard)

Referred to House Rules Committee

Amends the Liquor Control Act of 1934, providing that alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Northern Illinois University for events that the Board may determine are public events and not student-related activities.

Miscellaneous

House Bill 106, Jakobsson (Trotter)

Referred to Senate Assignments

Amends the Abandoned Newborn Infant Protection Act, expanding the definition of the term "police station" to include a campus police department located on any public or private college or university.

House Bill 225, Jakobsson

2nd Reading

Amends the Illinois Educational Labor Relations Act, excluding students from the definition of "educational employee", and deletes language that provides that the term "student" includes graduate assistants primarily performing duties that are pre-professional.

House Bill 1353, Pritchard

2nd Reading

Amends the School Code, prohibiting a nominee for a General Assembly scholarship from being a relative of the member of the General Assembly making the nomination. Provides that each member of the General Assembly may delegate to the Illinois Student Assistance Commission the authority to nominate persons for General Assembly scholarships that the member would otherwise be entitled to award.

House Bill 1715, Durkin

2nd Reading

Amends the Freedom of Information Act, providing that a public body is not required to copy and make available for public inspection a public record that is published on the public body's website if the public body's Freedom of Information officer certifies that the online record is a true and accurate copy of the original record maintained by the public body.

House Bill 1949, Jakobsson (Maloney)

Referred to Senate Assignments

Amends the Illinois Police Training Act, providing that the Executive Director of the Illinois Board of Higher Education shall no longer serve on the Illinois Law Enforcement Training Standards Board, and the Clerk of the Circuit Court of Cook County shall serve on the Board.

House Bill 3131, Pihos (Pankau)

Referred to Senate Assignments

Amends the Open Meetings Act, providing that any required agenda must be sufficiently descriptive to give the public reasonable notice of the items that will be considered or will be the subject of final action at the meeting, and requires the public body conducting a public meeting to ensure that at least one copy of any requested notice and agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the meeting.

Senate Bill 1, Cullerton (Madigan)

Sent to the Governor

Amends the Illinois Governmental Ethics Act, providing that holdover appointees, temporary appointees, and acting appointees to offices requiring Senate confirmation may not continue in office longer than stated limited periods.

Senate Bill 131, Sandoval**2nd Reading**

Amends the State Officials and Employees Ethics Act, authorizing the Governor to appoint an Executive Inspector General for Higher Education to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of the Act by public institutions of higher education, their officers, and their employees.

Pensions**House Bill 116, Madigan****Passed the House**

Appropriates \$980,485,000 to the State Universities Retirement System for the State's FY 2012 contribution.

House Bill 145, Franks**2nd Reading**

Amends the Illinois Pension Code, providing that no assets of any retirement system shall be invested in any foreign company that has an equity tie to the government of Iran, and exempts any foreign company providing humanitarian aid to the Iranian people through either a governmental or non-governmental organization. Requires the retirement system to sell, redeem, divest, or withdraw any investment held in violation.

Senate Bill 2187, Clayborne, Jr.**2nd Reading**

Amends the Downstate Teachers and State Universities Articles of the Illinois Pension Code. Extends, by 5 years, the period during which certain types of salary increases may be excluded from the calculation of a 6% salary increase above which employees must make additional contributions.