

LEGISLATIVE REPORT

Submitted for: Information.

Summary: This Legislative Report is an update to the Board on proposed legislative initiatives submitted to the Governor's Office on behalf of the Illinois Board of Higher Education.

Action Requested: None.

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

LEGISLATIVE REPORT

The [Senate](#) and [House](#) legislative sessions for the 2018 Spring Session have begun and the Illinois Board of Higher Education (IBHE) has been attending committee hearings and providing testimony on bills, as well as responding to legislative inquiries.

BOARD INITIATIVES

Diversifying Higher Education Faculty in Illinois Act Change (110 ILCS 930/3)

IBHE is looking to reduce the number of members on the Program Board from 21 to 11. During the budget impasse, the program received no funding thereby negating a need to meet. Since the Fiscal Year 2018 budget included funding for the program, the Board has had to be reconstituted. However, with 21 members, attaining a quorum is proving difficult. Therefore, IBHE is requesting to reduce the membership to 11.

All of these appointments are made by IBHE. Members receive no compensation nor are they reimbursed for expenses. We currently have 11 members of the Board. The Program Board is responsible for:

- (a) Establishing policy for administration of the DFI grant program authorized by the Act, including criteria to promote placement of grant recipients.
- (b) Reviewing and approving applications for participation in the DFI grant program.
- (c) Establishing subcommittees or panels as necessary to review applications and promote student placement.
- (d) Reporting annually to the IBHE on program outcomes and results, including lists of new and continuing scholarship award recipients by institution, level, and field of study; lists of recipients retained in the program from the previous year; lists of placements of most recent program graduates; a description of institutional efforts to place program graduates; and a description of policy and administrative actions designed to increase placement of grant recipients.

Filed as [HB 5020](#) (Brady) and [SB 3071](#) (Rooney)

Grant Language Change (110 ILCS 205/9.28)

The Graduation incentive grant program has not been funded for a number of years, but IBHE still receives audit findings for not submitting a budgetary recommendation. Therefore, we would like to remove subsection (d), which states: The Board of Higher Education shall annually submit to the Governor and the General Assembly a budgetary recommendation for grants under this Section and shall notify applicants for grant assistance that the award of grants under this Section is contingent upon the availability of appropriated funds.

This grant was last funded by the General Assembly in Fiscal Year 2004 for \$100,000. The money was distributed to Western Illinois University and Eastern Illinois University. The IBHE last recommended funding this grant in Fiscal Year 2005. (See the attached document for more information.)

Filed as [HB 5458](#) (Hammond) and [SB 2969](#) (Schimpf)

Seizure of Student Records (110 ILCS 205/16 new)

Granting the Board the statutory authority to seize student academic records when an institution is closing and records are in danger of being lost, hidden, destroyed, or otherwise made unavailable.

IBHE attempted to do this by rule, but JCAR stated that IBHE lacked the statutory authority. Therefore, we are seeking statutory authority to ensure students private records remain such.

Filed as [HB 5021](#) (Pritchard) and [SB 3090](#) (Oberweis)

An amendment has been filed in the Senate to provide that if an institution of higher education proposes to discontinue its operations, the chief administrative officer of the institution shall submit a plan to the Board of Higher Education for permanent retention of all academic records of the institution; defines "academic records" and "institution of higher education". Requires the plan to be approved by the Executive Director of the Board before it is executed. Also provides that if it appears to the Board that the academic records may become lost, hidden, destroyed, or otherwise made unavailable to the Board, the Board may seize and take possession of the records, on its own motion and without order of a court. Identical language drafted for the House version.

BILLS IBHE IS OPPOSING

Higher Education Centers of Excellence: [HB 4103](#) (Brady) and [SB 2234](#) (Rose) requires the Board of Higher Education to establish a uniform admission process online, which must be used at all public institutions of higher education; sets forth what components this admission process must include; requires the Board (i) to ensure that any high school student in this State with a 3.0 cumulative grade point average or better on a 4.0 scale (or the equivalent on a 5.0 scale) receives access to the opportunity of higher education, and (ii) to guarantee admission to a public university; requires cooperation by the State Board of Education, high schools, and public universities; requires the Board to conduct a study of the academic programs offered at each public university campus; sets forth the Board's duties concerning the study; requires the Board to use the results of the study and other specified factors to determine which academic programs should be prioritized at campuses of public universities and to create and designate Higher Education Strategic Centers of Excellence; requires the Board to work with the Illinois Community College Board (ICCB) to develop recommendations to integrate community colleges into this plan; sets forth additional Board of Higher Education duties concerning evaluating programmatic expansions and new programs and studying student financial aid and multi-year budgeting; and amends various Acts relating to the governance of public universities to make conforming changes.

This legislation changes the role of IBHE from a coordinating board to a governing board that directs the operations of the public institutions, and in some instances this includes community colleges. IBHE opposes this bill due to the significant fiscal impact on the agency as well as some of the components of the bill.

Prohibition on Nonessential Expenses: IBHE is joining with the Illinois Student Assistance Commission (ISAC) and ICCB, along with numerous agencies, in opposing [HB 4261](#) (Halbrook). The bill amends the State Budget Law to provide that for the fiscal years ending June 30, 2019, June 30, 2020, and June 30, 2021, no State funded agency, board, commission, department, university, or other entity organized within State government shall expend any funds on specified nonessential items and travel.

Defines "nonessential items" to include, but are not limited to, items of tangible personal property for purposes of promoting or advertising the name of the State government entity or its programs, missions, duties, or functions, such as magnets, buttons, bumper stickers, ribbons, awards, prizes, trophies, stationary, writing implements, legal pad holders, book bags, or other similar items.

Defines "nonessential travel" to mean travel for any member of the governing body or employee of a State funded agency, board, commission, department, university, or other State entity to attend seminars, conferences, or other similar events, whether conducted in this State or another state.

The travel prohibition on IBHE staff will be problematic. Many of the meetings attended by staff are conferences conducted through national organizations or the federal government to provide staff training.

We are also required to travel to certain meetings of regional and national groups in order to retain our membership.

IBHE opposes based on the agency's need for travel for staff training as well as membership requirements.

Vocational Academy Opportunity Act: [HB 4495](#) (Thapedi) creates the Vocational Academy Opportunity Act to create two vocational academies, one located in Cook County (Chicago) and the other in St. Clair County (East St. Louis), which shall be residential institutions. Provides that each academy shall be a State agency, funded by State appropriations, private contributions, and endowments. Further provides that the academies shall be governed by a single Board of Trustees for the collective operation and oversight of the academies. Specifies the duties and powers of the Board. Provides that each academy shall be empowered to lease or purchase real and personal property on commercially reasonable terms for the use by the academy.

IBHE opposes due to the following concerns we have with the legislation:

- The bill establishes a Board of Trustees to approve programs of study, but there are no other identified avenues of accreditation.
- In a resource-constrained environment where our existing universities, community colleges, K-12 schools, and early childhood settings are not adequately funded, it seems imprudent to establish two new state institutions.

- It is unclear how these vocational academies would provide differentiated opportunities from those already available in K-12 school vocational programs and community colleges.

Three-Year Teaching Degree: [HB 4956](#) (Cavaletto) amends the Educator Licensure Article of the School Code to provide that, beginning with the 2019-2020 academic year, every public university in this State that offers an educator preparation program must offer to those students enrolled in the educator preparation program a three-year degree completion program. Provides that prior to implementation of the program, a public university shall submit to the Board of Higher Education the curriculum and requirements of its program for approval. Provides that upon completion of the program, a student shall receive a bachelor's degree and qualify for entitlement for licensure.

IBHE opposes due to our belief that the provisions of the bill are not possible given accreditation requirements and the requirements of the Illinois State Board of Education (ISBE) for licensure, i.e., a baccalaureate degree. Institutions have redesigned their educator preparation programs for early childhood, elementary, middle level teachers and are just in the process of launching these in accordance with ISBE requirements – which includes MORE specialized work (not less) for each of these areas, especially in content knowledge.

Religious Institution Exemption: [HB 5067](#) (Sauer) and [SB 2822](#) (McConchie) amends the Private Business and Vocational Schools Act of 2012, the Private College Act, and the Academic Degree Act. Defines "religious institution" in these Acts. Provides that any religious institution (instead of any institution devoted entirely to the teaching of religion or theology) shall not be considered to be a private business and vocational school; makes related changes. Provides that no religious institution shall be subject to the educational requirements, standards, or demands contained in the Private College Act or the Academic Degree Act or in those Acts' administrative rules, and requires a religious institution to notify each of its students in writing that the religious degree being earned or course work earned at a religious, non-accredited, post-secondary educational institution may not transfer to other institutions.

This bill has had various version introduced through the years, the most recent attempt was in 2014 with [SB 2846](#) (Haine/Mautino). During the spring session of the 98th General Assembly, while this bill was navigating the legislative process, the Illinois Bible Colleges Association filed a suit against IBHE with the Northern District Court of the United States. The Court agreed that IBHE has the authority to approve or deny degree program applications from any institution.

This decision was appealed to the Seventh Circuit Court of Appeals, who upheld the lower court's decision.

IBHE opposes this legislation for the following reasons:

- It is entirely possible for faith-based institutions to successfully move through IBHE approval processes to operate and grant degrees (or PBVS programs). We have many examples of faith-based schools that have done so.
- The IBHE rules for degree-granting and PBVS institutions are silent as to matters of curriculum and faith-based content for the same. That is, our rules require a coherent, well-designed curriculum that meets the stated aims of the program, but staff do not evaluate proposals through any lens that would deem some faith-based tenets as acceptable and others not.

- The regulation of postsecondary education and credentials is a state matter of great importance dating back to the founding of our country and the existence of Harvard at the time. The state has a strong interest in ensuring postsecondary credentials have meaning, providers adhere to basic standards, and that provisions are in place to protect consumers and hiring entities in terms of the meaning of degrees/credentials.
- State and federal courts have already ruled on the matter and affirmed the position of the State of Illinois.
- Graduates of programs as proposed in the exemption legislation would carry credentials with absolutely no meaning in the broader “marketplace,” including employers outside the sphere of the faith-based entity offering the degree and other postsecondary institutions evaluating prior education for the purposes of credit transfer and/or admission to subsequent institutions for additional degrees.
- The exemption legislation would create an enormous loophole for predatory entities styling themselves as religious organizations to carry out low-quality “post-secondary activities” without the guard rails of IBHE regulation or consumer protection.

State Contract Funding: IBHE is joining many agencies in opposing [SB 2279](#) (Murphy), which provides that neither the State of Illinois nor an agency thereof shall enter into a contract, nor shall a contract be awarded, if there is not, prior to entering into such contract, an appropriation enacted for the funding of that contract.

The bill is intended to prevent state agencies from entering into contracts and committing funding without a state budget in place. This was a source of controversy during the budget delay last July.

There would be a negative fiscal impact to IBHE by hampering efforts to negotiate favorable contract terms close to the end of a fiscal year if no budget is in place.

Automatic Admission: [SB 3565](#) (Rose) requires the Board of Higher Education (i) to ensure that any high school student in this State with a 3.0 cumulative grade point average or better on a 4.0 scale (or the equivalent on a 5.0 scale) receives access to the opportunity of higher education, and (ii) to guarantee admission to a public university; requires cooperation by the State Board of Education and public universities. Requires all high schools to provide the time, opportunity, and guidance to fill out a Free Application for Federal Student Aid for any student wishing to do so.

IBHE opposes based on the admission requirements set forth in this bill as there have been other pieces of legislation which would allow uniform admissions that the Board has opposed. IBHE's opposition is based on the premise that it is not a good policy for the General Assembly or IBHE to dictate admission standards to our public universities. Admission standards are set by each institution based on their individual attributes for the student body. Current law does allow IBHE to set minimum admission standards.

Online Uniform Admissions Process: [SB 3566](#) (Rose) requires the Board of Higher Education to establish a uniform admission process online, which must be used at all public institutions of higher education; sets forth what components this admission process must include.

This bill states the admission process must include the following components:

- (1) The Board shall create a uniform admission application known as the "Universal App", to be accepted at all public institutions of higher education. The Board

shall make the Universal App available online on the Board's website and inform all high schools in this State of the availability of the Universal App online, and high school personnel shall provide this information to students and their parents or guardian. Universal App data must be sent to all public universities. An applicant who is not offered admission to a public university must be automatically referred to the community college district where the applicant resides and provided with enrollment information from that district.

- (2) If a public institution of higher education accepts a person for admission to the institution, the person shall receive a letter of acceptance from the institution, which shall set forth any grant or scholarship offers extended by the institution at that time. However, nothing shall prevent the institution from subsequently enhancing such grant or scholarship offers to the person.
- (3) The process must be integrated such that if an applicant is not accepted for admission to the public institution of higher education that he or she applied to, then the Board shall forward his or her Universal App to other public institutions of higher education whose admission standards are reasonably in line with the applicant's qualifications and who have programs and areas of study that the applicant wishes to enroll in. However, the Board, in so forwarding the Universal App to an institution that matches the applicant's qualifications and criteria, shall also ensure that it maximizes the optimal efficiencies of each academic department of an institution and each institution itself by forwarding the Universal App to institutions with a goal of ensuring that departments and institutions are operating with a critical mass of students to operate efficiently. The Board shall also forward the Universal App to the community college district where the applicant resides.
- (4) All admission decisions shall be made by each public institution of higher education, not the Board.

The requirements of this legislation would have a significant fiscal impact on IBHE. We do not have the resources (in headcount nor dollars) to undertake such a large request.

IBHE opposes based on the fact that we lack the resources to comply with the requirements of this bill.

BILLS IBHE IS SUPPORTING

Access to financial assistance for undocumented students: [HB 4503](#) (Hernandez) is intended to provide access to publicly funded student financial aid, excluding the need-based MAP grant, for Illinois students who are undocumented but are already eligible for in-state tuition at our state's public universities.

IBHE supports. Because Illinois provides instate tuition to undocumented students and its colleges and universities are generally supportive of including qualified students, including those under the federal DACA program, providing them the opportunity to pursue possible financial support to successfully complete their education is appropriate. Illinois needs the talent of all of its students to meet the goal of 60 percent of its workforce with a quality postsecondary degree or credential for the prosperity of the state.

IBHE/ICCB/ISAC Consolidation: [SB 2597](#) (Rose) amends the Board of Higher Education Act, the Public Community College Act, and the Higher Education Student Assistance

Act. Decreases the membership of the Board of Higher Education from 16 to 15. Gubernatorial appointments increases from 10 to 13, with at least 6 representing public universities and at least 6 representing public community colleges. Of the 13 members, one member shall be a faculty member of a public university in this State, one member shall be a faculty member of a private college or university in this State, one member shall be faculty member of a public community college in this State, and one member shall represent the views of non-traditional students and shall be at least 24 years old. These appointees are to be citizens of the State and confirmed by the Senate. There are to be two non-voting student members, one from a public university and one from a community college. The student members are to be appointed by the Student Advisory Committee of the Illinois Board of Higher Education (IBHE). Makes allowances for current serving Board members. Reduces the number of members that may be of the same political party from 7 to 6.

Provides that all of the rights, powers, duties, and functions vested by law in ICCB and ISAC are transferred to the Board of Higher Education on January 1, 2019. Also, transfers all employees of ICCB and ISAC to IBHE on January 1, 2019. Designates IBHE as the successor agency for the purposes of transferring appropriations made to ICCB and ISAC.

Abolishes the Illinois Community College Board and the Illinois Student Assistance Commission and provides for the transfer of personnel and property on that date.

IBHE supports the idea that for the first time, there would be a single body with authority over all of higher education in Illinois. It should be noted that IBHE does not believe that there would be any savings to the State by combining these agencies, just better coordination among our efforts to assist students and the higher education community.

Appropriation bills: [HB 5392](#) (Durkin) and [SB 3370](#) (Brady) contain the Governor's introduced Fiscal Year 2019 appropriations for the ordinary and contingent expenses of the Board of Higher Education and the Illinois Math and Science Academy. IBHE is scheduled to testify before the House Higher Education Appropriations Committee on April 26. IBHE testified before the Senate Appropriations II Committee on February 22 on the Fiscal Year 2019 budget proposals, including the Board's and the Governor's.

ATTACHMENT

Illinois Board of Higher Education Graduation Incentive Grant Program Program History FY2000-FY2004

Public Act 90-750, enacted in 1998, created the Graduation Incentive Grant Program to encourage public universities to provide incentives to undergraduate students to graduate with a baccalaureate degree within a designated time-period.

To participate in the grant program, universities were required to offer undergraduate students contracts under which the university commits to providing the courses, programs and support services necessary to enable contracting freshmen students to graduate within four years.

During the 5-year history of this program only two institutions applied for and received grant funds. Western Illinois University (GradTrac) was the initial grant applicant and Eastern Illinois University (EIU4) participated in the last two years of the program.

As seen in Table 1, WIU received the entire appropriation during the first three years of the program FY2000 - FY2002, and in FY2003 and FY2004 WIU and EIU both received awards. Funding for the program was eliminated in FY2005.

Institutional allocations were based on the number of students participating in the program at each institution; i.e. the number of students with signed contracts agreeing to meet the student requirements. In FY2004, 1,079 students participated in *GradTrac* at Western Illinois University and 216 students had signed up for *EIU4* at Eastern Illinois University.

Table 1
Graduation Incentive Grant Program
Appropriation and Grant Allocation History FY2000-FY2004

	FY2000	FY2001	FY2002	FY2003	FY2004
EIU	\$ -	\$ -	\$ -	\$ 9,990	\$ 16,860
WIU	50,000	50,000	75,000	90,010	83,140
Total	\$ 50,000	\$ 50,000	\$ 75,000	\$ 100,000	\$ 100,000

Source(s): IBHE: Board Items, Data Book and Grant Award Search (www.ibhe.org)
8/11/08