

LEGISLATIVE REPORT

Submitted for: Information.

Summary: This report updates the Board on General Assembly activity and gubernatorial action, including a summary of bills of particular interest to higher education.

Action Requested: None.

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

LEGISLATIVE REPORT

The [Senate](#) and [House](#) 2018 Spring Legislative Session has wrapped up. Following are the bills that impacted higher education.

BOARD INITIATIVES

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

The Illinois Board of Higher Education (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). [SB 3071](#) was never called for a Third Reading vote, but could be taken up during the fall veto session. [HB 5020](#) was advancing through the legislative process when the Higher Education Working Group needed a bill to attach one of their legislative initiatives to. [HB 5020](#) (Welch/Bennett) became the continuing MAP award initiative that Chair Cross mentioned in his opening comments. The bill passed both chambers and will be sent to the Governor for his approval.

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/Hammond). HB 5458 was never released from the House Rules Committee. SB 2969 was also advancing through the process when again the Working Group needed a bill. An amendment was filed to again allow the public universities to issue Certificates of Participation to start addressing deferred maintenance needs on their campuses. The universities lost this ability at the end of 2014 when the Act was sunset. However, there were some members objecting to this proposal, so a motion was filed to table the amendment. The motion was not taken up and the bill was not called for a vote in the House. This is another bill would could be resurrected during the fall veto session.

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/Tracy) and [SB 3090](#) (Oberweis). SB 3090 was never advanced out of committee. HB 5021 passed both chambers unanimously and now heads to the Governor's desk.

BILLS IBHE OPPOSED

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 and ICCB worked with the sponsor to remove references to postsecondary education, and following the adoption of the amendment, **withdrew our respective opposition**. Other stakeholders had issues with the bill, which stalled its progress. The sponsor is persistent in his desire to see these academies established, so the issue is likely to stay alive.*

Three-Year Teaching Degree: [HB 4956](#) (Cavaletto/Cunningham) 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, esp. in content knowledge.

HB 4956 was never advanced out of committee in the Senate. The lead sponsor in the House is retiring, so the bill is unlikely to resurface.

Religious Institution Exemption: [HB 5067](#) (Sauer) and [SB 2822](#) (McConchie/Welch) 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, postsecondary 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 Private Business and Vocational School (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 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 “postsecondary activities” without the guard rails of IBHE regulation or consumer protection.

*HB 5067 failed to advance out of committee in the House. After being encouraged to work on agreed language to SB 2822, IBHE put forth language that would tighten the requested exemption and more clearly define which degrees these religious schools could offer. **Upon adoption of the agreed language, IBHE removed our opposition.** The bill passed out of the Senate but ran into problems advancing in the House. The bill is dead for now, but may be reintroduced when the new General Assembly starts in January.*

Community colleges BSN degree authority: [SB 888](#) (Manar) allows a board of trustees of a community college district to establish and offer a baccalaureate-level nursing education program and confer a bachelor of science degree in nursing upon the meeting of specified conditions. It also requires approval of both the Illinois Community College Board and IBHE. The sponsor has tried five previous amendments to this bill to garner support by varying the number of programs or students that would be allowed. *Amendment #6 would have created a pilot program at Lewis & Clark Community College. This amendment also failed to garner enough support for the sponsor to advance the bill.*

The advocates of the bill decided to try a version in the House and filed [HB 5881](#) (Bristow) and amendment language to [SB 3045](#) (Manar/Bristow). Both of the versions in the House would have created pilot programs at Lewis & Clark and Malcolm X Community Colleges. *SB 3045 also failed to garner enough support for the sponsor to advance the bill. HB 5881 was not advanced out of a House committee.*

IBHE teamed with the public universities government affairs representatives, the Federation of Independent Colleges and Universities, and the American Nurses Association of Illinois to work the roll calls in both chambers to ensure the bills did not gain enough support for passage.

Professional Educator Licensure Test: [SB 2693](#) (Weaver/Pritchard) with regard to an applicant seeking a Professional Educator License or an Educator License with Stipulations, provides that an institution of higher learning may not require an applicant to complete the State Board’s recognized test of basic skills prior to the semester before student teaching or prior to the semester before starting the final semester of an internship. IBHE opposed because we do not believe it is in the student’s best interest to continue in a program they have little likelihood of success. *SB 2693 passed out of both chambers and will await gubernatorial action.*

BILLS IBHE SUPPORTED

AIM HIGH Grant Program: [SB 2927](#) (McGuire/Burke, K) creates the AIM HIGH Grant Pilot Program to provide that beginning with the 2019-2020 academic year, each public university in this State may establish a merit-based scholarship pilot program known as the AIM HIGH Grant Pilot Program. Further provides that each year, the Illinois Student Assistance Commission shall receive and consider applications from public universities to participate in the Program and the public university campuses shall distribute grant funds to eligible students.

Chair Cross and Director Bowman have been vocal supporters of a scholarship program to help keep Illinois' best and brightest students in our state. *SB 2927 passed both houses and will now be sent to the Governor's desk.*

Illinois Articulation Initiative Study: [SJR 76](#) (Rooney/Pritchard) directs the Board of Higher Education and the Illinois Community College Board to jointly identify any shortcomings in attaining the goals of the Illinois Articulation Initiative that the General Education Core Curriculum courses transfer between institutions with full credit towards a baccalaureate degree. *The resolution was adopted by the Senate, but no action has yet been taken by the House.*

OTHER BILLS OF INTEREST

Reverse transfer/degree advising/tuition waiver limit: [SB 2354](#) (McGuire/Stuart) provides that, beginning with the 2019-2020 academic year, the Board of Higher Education and the Illinois Community College Board shall develop a policy to foster the reverse transfer of credit for any student who has accumulated at least 15 hours of academic credit at a community college and a sufficient number of hours of academic credit at a State university in the prescribed courses necessary to meet a community college's requirements to be awarded an associate degree. Further provides that, beginning with the 2019-2020 academic year, each public institution shall require any student who, upon completing 30 academic credit hours, is interested in pursuing an associate degree or baccalaureate degree at the public institution in which he or she is enrolled or at another public institution to indicate all of his or her degree programs of interest. Provides that the public institution in which the student is enrolled shall make a reasonable attempt to conduct a meeting with the student and an academic advisor of the public institution, who shall inform the student of the prerequisite requirements for the student's degree programs of interest. Lastly, the bill provides that the Board of Higher Education may not limit the amount of tuition revenue that a public university may waive. And repeals provisions regarding tuition waiver limitations in various Acts relating to the governance of public universities in Illinois. These were all initiatives of the working group. *The bill passed both chambers unanimously and will now head to the Governor's desk.*

College and Career Interest Task Force: [HB 4781](#) (Brady/McGuire) creates the College and Career Interest Task Force to study the feasible methods by which the college or career interest data of a high school student in this State may be collected and shared amongst public institutions of higher education. Requires the Task Force to submit the findings of the study to the General Assembly on or before January 30, 2019, at which time the Task Force is dissolved. *The bill passed both houses and will await gubernatorial action.*

Southern Illinois University System legislation: HB 1292, HB 1293, HB 1294, and HR 1051 all regarded some facet of the Southern Illinois University (SIU) system. [HB 1292](#) (Hoffman) sought to separate the two SIU campuses into two separate universities, each with their own governance structure. *The bill was never called for a Third Reading vote.* [HB 1293](#) (Bristow) sought to change

the structure of the Board of Trustees, with 3 being graduates of SIUC, 3 being graduates of SIUE, and one not being a graduate of SIU. *The bill was never called for a Third Reading vote.* [HB 1294](#) (Stuart) sought to have the appropriation amounts for both campuses be equal. *The bill was never called for a Third Reading vote.* [HR 1051](#) (Stuart) urges the Illinois Board of Higher Education to conduct a study in regards to the governance structure of the Southern Illinois University system and the feasibility and viability of becoming two distinct universities with separate Boards of Trustees. *The resolution was not adopted by the House, but remains on the calendar order of resolutions so it may be adopted during the fall veto session.*

Education loan information pilot program: [SB 2559](#) (Stadelman/Wallace) provides that, beginning with the 2019-2020 academic year, the Illinois Student Assistance Commission shall develop a three-year education loan information pilot program for use by each public institution of higher education that enrolls students who are eligible to receive financial aid. Further provides that the program shall require that each public institution of higher education that receives education loan information for a student enrolled at the institution provide annually to the student or the parent or guardian of the student certain information relating to the education loans. *The bill passed both houses and now will await gubernatorial action.*

Dual Credit: Dual credit rose to the surface as a hot topic this spring with several pieces of legislation coming forward addressing the topic. None of these bills advanced passed both chambers, but the topic is likely to come up again either during fall veto session or after the seating of a new General Assembly in January.