

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 [101st General Assembly](#) Spring 2019 Session has concluded. Following are the bills that impact higher education.

BOARD INITIATIVES

Diversifying Higher Education Faculty in Illinois 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 been reconstituted. However, with a required 21 members, attaining a quorum has proven difficult. Therefore, IBHE requested 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 2719](#) (Ammons/Manar) and [SB 1788](#) (Bennett/Bennett). HB 2719 was amended and used by the Governor's Office to mandate that high school seniors file a Free Application for Federal Student Aid with the United States Department of Education, or sign a waiver filed with their school district, in order to receive their diploma. Both bills were signed into law as P.A. 101-180 and P.A. 101-354, respectively.

Revenues and Expenditures Report Extension (30 ILCS 105/13.5)

Per the State Finance Act, the Revenue and Expenditure report is due to the Governor and General Assembly 120 days after the conclusion of each fiscal year. IBHE would like to revise the due date for the Annual Report on Public University Revenue and Expenditures to 150 days after the conclusion of each fiscal year.

Lapse period spending for the previous fiscal year typically ends on August 31st. Public university budget officers receive final fiscal year-end financial statements from the university fiscal officers either the last week of September or the beginning of October. Information in these statements is used to complete Historical RAMP (Resource, Allocation and Management) data submitted to IBHE. Occasionally, adjustments, extractions and in some cases proration calculations of certain data have to be made since the financial statements may not match exactly what the legislative language requests for the Revenue and Expenditure report or what is requested in the Historical RAMP data. For these reasons, the current due date is very difficult to achieve.

Therefore, the revised due date of November 15 would operationally assist both IBHE and the public universities and would reduce the likelihood of audit findings.

Filed as [HB 2720](#) (Stuart/Sims) and [SB 1939](#) (McGuire/Harris). [SB 1939](#) was amended to become the funding bill for the capital projects. Both bills were signed into law as P.A. 101-267 and P.A. 101-32, respectively.

BILL IBHE OPPOSED

Community colleges BSN degree authority: [HB 1592](#) (Bristow) allows Malcolm X College in Chicago and Lewis and Clark Community College 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 ICCB and IBHE. *The bill was not advanced out of a House committee.*

[HB 205](#) (Villa/Van Pelt) had an amendment filed in the Senate to allow Malcolm X College in Chicago 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 required approval of both ICCB and IBHE. *IBHE again 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 call to ensure the bill did not gain enough support for passage.*

BILL IBHE SUPPORTED

GI Bill Compliance: [SB 1907](#) (Castro/Halpin) amends the University of Illinois Act; Southern Illinois University Management Act; Chicago State University Law; Eastern Illinois University Law; Governors State University Law; Illinois State University Law; Northeastern Illinois University Law; Northern Illinois University Law; Western Illinois University Law; and the Public Community College Act to provide per federal requirements for maintaining approval for VA education benefits under applicable law, 38 U.S.C. 3679(c), all active duty military and individuals receiving VA education benefits shall be deemed an Illinois resident for tuition purposes beginning with the 2019-2020 academic year.

Section 301 of Public Law 115-251 (Department of Veterans Affairs Expiring Authorities Act of 2018) amended 38 U.S.C. 3679(c) to provide that the VA Secretary shall disapprove public institutions of higher learning that fail to provide covered individuals, pursuing an education under Chapter 31 (Vocational Rehabilitation and Employment), with charges for tuition and fees that are same or less than the rate of tuition and fees charged to residents of the State in which the institution of higher learning is located, regardless of the covered individual's State of residence. The provisions of Section 301 apply to courses of education provided during any quarter, or term, as

applicable, which begin after March 1, 2019. The Illinois Department of Veterans' Affairs immediately upon receipt of notification of this change in federal law in December 2018 submitted a waiver request to the United States Department of Veterans Affairs. USDVA has indicated it is likely Illinois will receive a waiver, but USDVA has not yet granted. Past waivers were for six months. A six-month waiver will provide Illinois with a window for compliance up until the 2019-2020 academic year.

This legislation is a step toward compliance with Section 301 of Public Law 115-251 (Department of Veterans Affairs Expiring Authorities Act). This legislation will also preclude Illinois from having to seek future amendments of the law for this provision if the federal government opts to add additional chapters from the GI Bill family to this requirement, such as Chapter 1606 (Montgomery GI Bill-Selected Reserve) or Chapter 35 (Survivors and Dependents Educational Assistance), which are currently not covered. 38 U.S.C. 3679c prior to Section 301 of Public Law 115-251 covered individuals under Chapter 30 (Montgomery GI Bill) and Chapter 33 (Post 9/11 GI Bill).

The bill was signed into law as P.A. 101-424.

OTHER BILLS OF INTEREST

Religious Institution Exemption: [HB 2663](#) (McSweeney) and [SB 2150](#) (McConchie/West) amend the Private College Act and the Academic Degree Act to provide that a religious institution may file an annual application with the Board of Higher Education to become exempt from the educational requirements, standards, or demands under the Acts or those Acts' administrative rules and the Board may annually grant the exemption.

This legislation has had various versions introduced through the years, one recent attempt was during the spring session of the 98th General Assembly. While the bill was navigating the legislative process, the Illinois Bible Colleges Association filed a suit against the Illinois Board of Higher Education (IBHE) with the Northern District Court of the US. 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.

The current language was negotiated between the interested groups and IBHE in the spring of 2018 as an amendment to [SB 2822](#). IBHE tightened the requested exemption and more clearly defined which degrees these religious schools could offer. The bill passed out of the Senate but ran into problems advancing in the House.

HB 2663 was never called for a vote. SB 2150 was never called for a vote in the House after passing the Senate.

Uniform Admission: [HB 26](#) (Thapedi/Collins) creates the Public University Uniform Admission Act to require each public university in this State to admit first-time freshman applicants as undergraduate students if the applicant graduated with a grade point average in the top ten percent or was certified to be in the top ten percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and certain other conditions are met. This bill has been referred to in the media as the Top 10% bill.

The legislation was first introduced in the spring of 2017, but was never called for a vote. The bill was amended to create a pilot program at the directional universities (NIU, EIU, SIU, and WIU) with the same underlying provisions of the original bill. IBHE was neutral and the impacted universities supported. HB 26 has passed both chambers and is now awaiting gubernatorial action.

Grow Your Own Teachers Grant Program: [HB 35](#) (Mayfield/Martinez) and [SB 244](#) (Martinez/Mayfield) provide that Grown Your Own Illinois shall administer the Grow Your Own Teacher Education Initiative as a grant competition to fund consortia that will carry out Grow Your Own Teacher preparation programs. In provisions concerning selection of grantees, provides that the Board of Higher Education shall, subject to appropriation, allocate funds to Grow Your Own Illinois for the purpose of administering the program and awarding grants under the Act. This essentially transfers all powers and duties concerning the GYO grant program from IBHE to GYO Illinois.

This legislation was first introduced in the waning days of the spring 2018 session, and passed both chambers but was vetoed by Governor Rauner. SB 244 stalled in the House, but HB 35 was signed into law as P.A. 101-122.

Mental Health Action on Campus: [HB 2152](#) (Welch/McGuire) creates the Mental Health Early Action on Campus Act to provide that the board of trustees of each public college or university must designate an expert panel to develop and implement policies and procedures that (i) advise students, faculty, and staff on the proper procedures for identifying and addressing the needs of students exhibiting symptoms of mental health conditions, (ii) promote understanding of the rules of Section 504 of the federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 to increase knowledge and understanding of student protections under the law, and (iii) provide training if appropriate. Provides that because peer support programs may be beneficial in improving the emotional well-being of the student population, each public college or university must develop and implement a peer support program utilizing student peers to support individuals living with mental health conditions on campus; specifies best practices for the peer support programs. Provides that each public college or university must form strategic partnerships with local mental health service providers to improve overall campus mental wellness and augment on-campus capacity. Requires the Board of Higher Education to develop a Technical Assistance Center and specifies the duties of the Center. Makes all of the provisions of this Act subject to appropriations.

While the provisions of the bill are subject to appropriation, IBHE raised concerns that the appropriation level may be insufficient to accomplish the duties set forth herein. IBHE is not currently staffed at a level that could handle these additional duties, further we do not have anyone specialized in the mental health area. The sponsor agreed that a full appropriation would be necessary to implement the provisions of the bill in order to not place another unfunded mandate on higher education institutions. The Commission on Government Forecasting and Accountability, in cooperation with IBHE and ICCB, is to make a funding recommendation to the Governor and General Assembly by December 31, 2019. IBHE remained neutral on this bill as it progressed through the process. The bill has been signed into law as P.A. 101-251.