

# ICCTA ACTION ALERT

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August 2006

## SUMMER LEGISLATIVE UPDATE

Although state lawmakers will not return to Springfield until after the November 7 general election, there are several ongoing public-policy issues of interest to community colleges.

### ETHICS ACT

In 2003, the State Officials and Employees Ethics Act revised Illinois laws regulating the ethical conduct, political activities, and giving and receiving of gifts by public officials and employees. One section of the Act specifically applies to "units of local government"; a different section pertains to state agencies and boards. Because Illinois community college districts are described as "units of local government" in the Illinois Constitution and in numerous citations throughout state law, the colleges have complied with the local government provisions of the Act and established their own local ethics codes and commissions.

On October 5, 2005, the Illinois Attorney General issued a legal opinion that community college districts fall within the definition of **state agencies** (rather than units of local government) and that their employees are **state employees** (rather than employees of units of local government) for purposes of the Ethics Act. As a result, community colleges and their employees are now unclear as to their status under the Act. To comply with the state-agency provisions of the Act, community colleges will find it necessary to follow the ethics requirements for state agencies as well as the state personnel policies established by the Illinois Community College Board, instead of the local ethics requirements and local personnel policies adopted by their own boards of trustees.

The Illinois Community College Trustees Association and the Illinois Presidents Council are working together on several legislative and judicial options to clarify the Ethics Act as it pertains to community colleges. Additional information will be available within the next few weeks.

### SALE OF ISAC STUDENT LOAN PORTFOLIO

The Illinois Student Assistance Commission is considering selling or restructuring its student loan portfolio in order to fund the new \$34 million MAP Plus grant program. (MAP Plus is a one-time program to provide grants of up to \$500 to college sophomores, juniors and seniors with family incomes below \$200,000.) Many lawmakers and education advocates, including ICCTA, are concerned about the impact of such a sale on student loan interest rates and on other ISAC programs (such as its student counseling and College Zone outreach centers). ISAC is expected to announce its decision at its September 29 meeting in Chicago.

### NEW LAWS AFFECTING COMMUNITY COLLEGES

**HB 4406** Higher Education Grant for Child Raised by a Grandparent (Jones)

**ICCTA Position:** MONITOR

**Status:** Signed into law as Public Act 94-0968

Provides a \$1,000 grant to a person for his or her first year of full-time attendance at an institution of higher learning if he or she (i) is in the legal custody of his or her grandparent and receives public aid assistance under the Illinois Public Aid Code, (ii) has graduated from high school with a cumulative grade point average of at least 3.0 on a 4.0 scale, and (iii) has been recommended for the grant by the principal of his or her high school.

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**HB 5429 Mobile Response Workforce Training Program (Reis / Jones)**

**ICCTA Position: MONITOR**

**Status: Signed into law as Public Act 94-0890**

Requires the Illinois Community College Board to implement and administer a 3-year, mobile response workforce training pilot program at three community colleges to address the fact that businesses are struggling to recruit a qualified workforce because of the emergence of new technologies and subsequent skill requirements.

**SB 49 Pension Code Reform (Schoenberg / Gordon)**

**ICCTA Position: SUPPORT**

**Status: Signed into law as Public Act 94-1057**

Corrects most of the unintended consequences of last year's pension reform legislation (embodied in SB 27). Sets forth procedures for calculating, reviewing, and collecting certain employer contributions based on excess salary, usually overtime and overload assignments, and permits exceptions to a 6% salary increase limitation in those cases. Provides that when assessing payment for when an employer must make certain contributions, the State Universities Retirement System and the Teachers' Retirement System of the State of Illinois shall exclude for a specified time period various salary increases and payments.

**SB 585 Illinois Open Meetings Act – Redefinition of a Public Meeting (Cullerton / Flider)**

**ICCTA Position: MONITOR**

**Status: Signed into law as Public Act 94-1058**

Amends the Illinois Open Meetings Act by redefining the definition of a public meeting to include all forms of electronic communication. SB 585 also 1) sets parameters for public officials when they choose to participate in an open meeting by video conference, telephone or other electronic means, and 2) requires that a quorum of members of a public body must be physically present in order for other members to participate in a meeting electronically. **For community college boards, four (4) members of the board would be required to be physically present to conduct a meeting, and up to three (3) members are permitted to connect to the meeting electronically.** Effective January 1, 2007.

**SB 1827 Expanded Definition of Energy Conservation (Harmon / Mathias)**

**ICCTA Position: SUPPORT**

**Status: Signed into law as Public Act 94-1062**

Amends the Local Government Energy Conservation Act, the School Code, the Public University Energy Conservation Act, and the Public Community College Act. Defines "energy conservation measure" to include energy conservation measures that reduce energy consumption or reduce operating costs, including future labor costs, future costs for contracted services, and related capital expenditures. Provides that a unit of local government, public university, or public community college district may enter into a guaranteed energy savings contract if it finds that the amount it would spend on the energy conservation measures recommended in the proposal would not exceed the amount to be saved in either energy costs or operational costs, or both, within a 20-year period (now, a 10-year period) from the date of installation, if the recommendations in the proposal are followed.

**SB 2225 University Remediation (Maloney / McCarthy)**

**ICCTA Position: MONITOR**

**Status: Signed into law as Public Act 94-1056**

Provides that if a public university admits a student who needs remedial coursework, then the university must require that the student complete the remedial coursework.

**SB 2235                      Grow Your Own Teachers Act (Martinez / Golar)**

**ICCTA Position:            MONITOR**

**Status:                      Signed into law as Public Act 94-0979**

Changes the name of the "Grow Our Own Teacher Education Act" to the "Grow Your Own Teacher Act." Defines "developmental classes" and makes changes to the definition of "parent and community leaders" and "schools serving a substantial percentage of low-income students." Replaces references to "student" and "participant" with "candidate" throughout the Act. Provides that the State Board shall establish criteria that address the inclusion in the planned program of strategies derived from community organizing that will help candidates develop tools for working with parents and other community members. Provides for partial loan forgiveness for shortened periods of service in hard-to-staff schools or hard-to-staff teaching positions.

**SB 2286                      Speech Pathology Associates Degree (Righter / Rose)**

**ICCTA Position:            SUPPORT**

**Status:                      Signed into law as Public Act 94-0869**

Amends the Illinois Speech-Language Pathology and Audiology Practice Act. Provides that a person who, in addition to meeting certain other requirements, has received, prior to June 1, 2003, an associate degree from a speech-language pathology assistant program approved by the Illinois Community College Board is qualified to be licensed as a speech-language pathology assistant.

**SB 2312                      IBHE Non-Traditional Student Member (Maloney / Joyce)**

**ICCTA Position:            SUPPORT**

**Status:                      Signed into law as Public Act 94-0905**

Adds an additional student member to the Illinois Board of Higher Education. The student must be a non-traditional undergraduate student who is at least 24 years old and represents the views of non-traditional students, such as a person who is employed or is a parent

**SB 2778                      Emergency Worker Attendance in College Classes (Sieben / Pritchard)**

**ICCTA Position:            MONITOR**

**Status:                      Signed into law as Public Act 94-0957**

Amends the Volunteer Emergency Worker Job Protection Act and the Volunteer Fire Protection Association Act. Provides that no public university or community college attendance policy or attendance policy of a faculty member thereof may in any way penalize a student who is a volunteer emergency worker or volunteer fire protection association member for absence from class caused by the performance of his or her duties as a volunteer.

**LEGISLATIVE TASK FORCES**

**House Joint Resolution 122    Joint Task Force on Community Colleges (McCarthy / Collins)**

**ICCTA Position:            SUPPORT**

**Status:                      ADOPTED by both houses**

Creates a Joint Task Force on Community Colleges to review the present community college system and its future. The task force will be facilitated by the Illinois Community College Board and report its findings to the Illinois General Assembly by December 31, 2006.

**Senate Joint Resolution 91    Joint Task Force on Community Colleges (McCarthy / Collins)**

**ICCTA Position:            SUPPORT**

**Status:                      ADOPTED by both houses**

Creates the Joint Task Force on the College Insurance Program to review the Program and consider whether the City Colleges of Chicago should be included. The task force will be facilitated by the Illinois Department of Healthcare and Family Services and report its findings to the Illinois General Assembly by October 31, 2006.

***ICCTA appreciates its many allies in the legislative arena. Special thanks are due to the Illinois Presidents Council, the Illinois Community College Board, and the Illinois Board of Higher Education.***

■ **For additional legislative updates, call ICCTA at 1-800-454-2282** ■