

APPROVED

Minutes of the 420th
Meeting of the
Illinois Community College Board
Harry L. Crisp II Community College Center
Second Floor Conference Room
401 East Capitol Avenue
Springfield, IL

November 18, 2016

RECOMMENDED ACTION

It is recommended that the following motion be adopted:

The Illinois Community College Board hereby approves the Board minutes of the November 18, 2016 meeting as recorded.

Item #1 – Roll Call and Declaration of Quorum

Vice Chair Terry Bruce called the Board meeting to order at 9:02 a.m. and asked Ann Knoedler to call roll. The following Board members were present: Dustin Heurman, Doug Mraz, Cheryl Hyman, Guy Alongi, Teresa Garate, and Jake Rendleman and student Board member Ugne Narbutaite. Board members Laz Lopez, Suzanne Morris, Nick Kachiroubas, and Ann Kalayil were absent. A quorum was declared.

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At this time, Vice Chair Terry Bruce asked the Board if there was any objection to allowing Board member Ann Kalayil, who was unable to attend due to a work related conflict, to participate in the Board meeting via teleconference. The Board did not have any objections. Dr. Ann Kalayil is recorded in the minutes as being present and allowed to vote.

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Item #2 – Announcements and Remarks by Mr. Terry Bruce, Board Vice Chair

Vice Chair Bruce did not have any comments at this time.

Item #3 – Board Members Comments

Dr. Teresa Garate stated that the stress of the election has caused a 200% increase in calls to the suicide hotlines in the Chicagoland area. The resources available need to be shared.

Item #4 – Executive Director Report

Dr. Karen Hunter Anderson began by stating it has been a tough couple of months for ICCB staff. Even though Ellen Andres is participating in the meeting today, she was in a serious car crash a few weeks ago and is still on the mend. Josh Beneze, who was our student board member a couple of years ago and has been a full time employee for ICCB for about a year in adult education/workforce, suffered an aneurism while in Rhode Island at a conference.

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ICCB staff is working on setting up a fund-source for Josh to help him and his family meet the expenses. Your thoughts and well-wishes are welcomed for both Ellen and Josh.

Congratulations to Diane Gallagher, trustee at Highland Community College, who received the 2016 ACCT Central Region Trustee Leadership Award at the October National ACCT Meeting in New Orleans. Diane is the longest-serving trustee on the Highland Board, and she has served on state and national leadership positions since 2001.

Congratulations also to College of Lake County for receiving the Central Region Equity Award. College of Lake County has addressed the issue of diversity in their hiring practices, student enrollment, and student success outcomes.

Congratulations to Brandon Lewis, a student at LLCC, who was the 2016 Lincoln Academy of Illinois Student Laureate.

ICCB welcomed three new employees. Two in the IT division, Gracelyn Roman and Daniel Casey, one as an Administrative Assistant to provide support for third floor staff, Nicole Roth, and one in Systems Finance, Aubrey Hopkins.

Congratulations to Board member Dustin Heuerman and his partner, Tony Serna on their recent marriage. Mr. Serna is a nurse at Carle Hospital in Champaign, and ICCB would welcome his insights into the BSN discussion.

Now that the election is over, many academics, organizations, and government officials are pondering how the new administration will address the issues in higher education. It's possible that the community colleges could expect the following:

- Fewer regulations and greater support for-profit institutions
- Educational credentialing through non-traditional routes, such as corporations, businesses and industry
- More student loans through private banks
- Reduction in PELL Grants
- Weakening of Title IX
- Elimination of some programs and departments, such as the Department of Education and/or the USDOE Office for Civil Rights
- Less support for undocumented students – it's been recommended that DACA (Deferred Action for Childhood Arrivals) students not apply for deferral at this time

On the positive side:

- Greater emphasis on career education
- Fewer regulations on such legislation as the Gainful Employment Act and overtime pay
- Caps for student loan repayments
- Postsecondary innovation grants
- Investment in postsecondary infrastructure -- including some workforce development grants

The following names have been mentioned as possible leaders of education:

- Tony Zeiss, North Carolina Community College President/Education Secretary
- Ben Carson
- William Evans, Hoover Institute
- Various legislators

- Michelle Rhee, DC school Chancellor
- Scott Walker

Some community college supporters remain in leadership positions, including Senator Patty Murray, Congresswoman Virginia Foxx, and Senator Lamar Alexander.

In conclusion, ICCB is hopeful for a resolution to the state budget impasse and some rest and relaxation for all during the holidays. On behalf of the ICCB staff, Dr. Anderson wishes the Board a joyful Thanksgiving, a peaceful holiday season, and a Happy New Year!

Item #5 - Committee Reports

Item #5.1 - Academic, Workforce, and Student Support

The committee met on Thursday, November 17th at 5:00 p.m. with Dr. Dustin Heurman, Jake Rendleman, Ugne Narbitaite, Dr. Brian Durham, Jennifer Foster, and Nathan Wilson in attendance.

I. SELECTION OF A CHAIR AND VICE CHAIR:

- Dr. Dustin Heurman was selected as the Chair; Jake Rendleman was selected as Vice-Chair

II. APPRENTICESHIP AGREEMENT:

- Dr. Durham went over ongoing work focused on the development of an Apprenticeship agreement for the state's community college system.
- This agreement is based upon the HLC policy that limits the credit hours that can be awarded for third party curriculum to 50% of the credit hours of a degree program. For example, if an AAS was 60 credit hours, a college could only award 30 credit hours for an IBEW apprenticeship program (or similar program).
- This agreement was initiated because a couple of colleges ran afoul of HLC with the credits they were offering and the ICCB was contacted by Legislative leadership to address the issue.
- The agreement reflects those efforts and is also built upon collaboration with the Illinois Workforce Investment Board's Apprenticeship Taskforce.
- To date the agreement has been shared with legislative staff, Chief Academic Officers and labor leaders.
- Going forward the agreement has yet to be vetted with the IWIB Apprenticeship Taskforce, the Higher Learning Commission, the College Presidents and ultimately the Board, most likely at the January meeting.

III. WORKFORCE EDUCATION STRATEGIC PLAN:

- Jennifer Foster reported that the ICCB will work with the facilitators, Maher & Maher and the Illinois Center for Specialized Professional Support (ICSPPS), to develop a Workforce Strategic Plan based upon the recommendations set forth in Phase I: Regional Summits held in the fall / spring 2015.
- The regional summits were held in the 10 Economic Development Regions in the state.
- The summits were an opportunity to hear feedback from employers on workforce issues, presentation of economic and community college data, and break out groups to gather input from the different regions.
- Next steps include:
 - Convening a steering committee with partners all across the education and workforce system;

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- Organize the steering committee into four strategic goals:
 - Increase early career-related education and exposure
 - Address essential and occupational skills gaps
 - Align Education and Training programs to employers' needs
 - Strengthen connection among public partners and engagement with alignment with business
- The initial meeting will be December 9, 2017 with meetings in between.
- The final meeting is in April / May 2017.

IV. STUDENT TO CAREER OUTCOMES DATA TOOL:

- Nathan Wilson discussed the Student to Career Outcomes Data Tool.
- In an effort to enhance community college and ICCB's ability to track student outcomes in the workforce, ICCB and IDES are collaborating to establish a Community College Student to Career Outcome Data Web Tool.
- ICCB and community college institutional analysts will have the ability to track student career earnings, career job stability, and area of instruction to career industries via user-friendly data visualization tools. Potential uses with the web tool information include strategic planning, key performance indicators, student and employer engagement, and program effectiveness measurement.
- ICCB will be implementing a phased approach with the project with pilot colleges already established and technical work beginning in early 2017.
- This serves to maximize the longitudinal data system.
- Phase I work should happen within the next 4-5 months.
- Most of the funding for the project will come from IDES in order to build the tool, buy the software and the server space. Funding is required to scale it up.

V. SARA AGREEMENT:

- Dr. Durham discussion the State Authorization Reciprocity Agreement (SARA).
- SARA is a national initiative to address the need for all institutions to be authorized to operate in any state from which they have a distance learning student.
- This agreement avoids putting an undue burden on institutions to work through regulations in 50 states.
- SARA reduces that burden by simplifying and unifying authorization processes in participating states. Institutions in SARA states are able to join SARA, paying a fee for participation.
- Illinois became a SARA state in 2015 following the passage of the Illinois Distance Learning Act in 2014.
- 23 college districts have joined SARA to date: Black Hawk, Carl Sandburg, Danville, Illinois Central, Illinois Eastern, Illinois Valley, Joliet, John A. Logan, John Wood, Lake County, Lake Land, McHenry, Moraine Valley, Morton, Oakton, Parkland, Sauk Valley, South Suburban, Southeastern, Spoon River, Triton, and Waubensee.

VI. COMMITTEE STRUCTURE AND NEXT STEPS:

- A discussion related to how the committee should operate ensued, particularly around any issues that may emerge from new units of instruction.
- Chairman Heuerman discussed his desire to have major discussions around academic issues in the committee.

VII. OTHER DISCUSSION AND RECOMMENDATIONS:

- Chairman Heuerman reminded the committee that the Open Meetings Act does apply so care must be taken in communications between members.

Item #5.2 - Finance, Operations, and External Affairs

A chair and vice chair were supposed to be chosen; however, it was decided by the members to wait until the next meeting in January.

As of December 31, 2016, State funds will run out for operations and grants; however, Federal funds will still be available for Adult Education and Career and Technical Education.

For fiscal year 2016, the timeliness of state payments are as follows: operating funds have been distributed, the system is waiting on Adult Education and grant state funding, and the state funds for Career and Technical Education have been paid, but the system is currently waiting on the Federal funding to be distributed. The Governor's Office has proposed a balanced budget for fiscal year 2018. IBHE/ICCB/ISAC will be requested to conduct a joint meeting with the Governor's Office to discuss their budgets.

The ICCB staff has been in discussions with the ICCTA on the mandatory trustees training that will take effect early next year. The final procedure will be approved at the January 2017 ICCB Board meeting.

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Item #4.1 – Acknowledgement of Mr. Jim Berberet, Former President, Cook County High School Equivalency Office

Dr. Anderson and Ms. Jennifer Foster presented Mr. Jim Berberet, with a certificate of recognition for his valuable service as the Former President of the Cook County High School Equivalency Office.

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Item #6 - High School Equivalency Task Force Report

Jennifer Foster reported in 2015, the Illinois Community College Board (ICCB) approved the recommendations of the High School Equivalency (HSE) Taskforce to adopt and make available statewide three assessments to certify the receipt of an Illinois High School Equivalency Certificate. These assessments include: GED®, HiSet®, and the TASC®. The Taskforce also provided an additional recommendation to form an HSE Alternative Credentialing Methods (ACM) Taskforce to examine other ways in which an Illinois High School Equivalency Certificate could be granted.

The ACM Taskforce was formed in March 2016 and was made up of representatives from Adult Education providers, Community Based Organizations, School Districts, Regional Offices of Education, State agencies, Career Technical Education, Illinois State Board of Education, Regional Superintendents, and Philanthropic Organizations. The Taskforce met four times to review three very different options. These options include the National External Diploma Program, the Excel High School, and the Wisconsin High School Equivalency Program. An oral presentation was given providing an overview of each option.

The ACM Taskforce evaluated each option or curricula based on the following:

- Geographic Access
- Affordability
- Accessibility
- Implementation
- Rigor
- Content Standard Alignment
- College and Career Readiness
- Recognition by Employers and Postsecondary Institutions

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In October 2016, the ACM Taskforce submitted to the ICCB the following recommendations:

- To create an alternative HSE credential based on a candidate's high school transcript/HSE credit.
- To create an alternative HSE credential based on a candidate's post-secondary credit.
- To create an alternative HSE credential based on a candidate's foreign diploma.
- To create a competency based education alternative HSE credential but use a working group to further investigate the criteria and requirements.

It was recommended to adopt the Wisconsin High School Equivalency Program. However, it would need to be formatted for the state of Illinois. No action was needed at this meeting, but the recommendations will be included as part of the Board Consent Agenda at the January 2017 ICCB Board meeting.

Item #7 - Illinois Board of Higher Education Report

ICCB Board member Dr. Teresa Garate reported the IBHE held a full-day Board Retreat and a separate full-day training for their trustees and Board members. During the IBHE regularly scheduled Board meeting, Chair Tom Cross stated he will be putting together a small Executive Committee made up of a specific number of their Board members to conduct non-action Board business. The Executive Committee would then present their recommendations to the full Board during the regularly scheduled Board meetings. Dr. Garate recommended to the IBHE that a community college representative would need to be included in that Executive Committee.

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At this time, Vice Chair Bruce asked that the Board now hear from the Advisory Organization before hearing Item #8 and Item #8.1. The Board did not have an objection.

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Item #9 – Advisory Organizations

Item #9.1 - Illinois Council of Community College Presidents (ICCCP)

Dr. Tom Ramage, President of Parkland College and the President of the ICCCP, stated that during the last meeting of the ICCCP there were discussions on:

- Budget:
 - The Spring will bring more cash flow problems and, more lengthy discussions of layoffs
- Baccalaureate Degrees in Nursing (BSN):
 - Not all community colleges are interested in pursuing the BSN; however, the Council, as well as the ICCTA, is in agreement to support the **option** of community colleges who are interested in pursuing the degrees

Recently, the legislature held a hearing to discuss the BSN. Dr. Ramage, Dr. Lori Sundberg, two hospital personnel, a community college trustee, and a community college student were all present to testify for the colleges to offer Baccalaureate Degrees in Nursing. In opposition were delegates from the Illinois Board of Higher Education (IBHE), University of Illinois, Urbana-Champaign (UIUC), Southern Illinois University, Edwardsville (SUIE), and the Federation of Independent Illinois Colleges and Universities (FIICU).

Significant amount of students are turned away from the Universities' BSN Degree programs, so there is a need for the community colleges to supply students with this degree right after they complete their associate degrees.

The BSN will not cost additional funds for the community colleges. The General Assembly requested the colleges provide them with documentation on their cost estimates for providing the BSN. The matter will then be revisited during the spring legislative session.

Item #9.2 – Student Advisory Council (SAC)

Ugne Narbutaite stated the SAC conducted their meeting last week. They declared November 16th to be Contact Your Legislator Day on campus. Either a table was set up on campus for students to call their local legislators or they could write letters voicing their concerns in an attempt to “make education better.” During Advocacy Day, the students announced their theme will be centered on offering the BSN at community colleges.

Item #9.3 – Illinois Community College Trustees Association (ICCTA)

Mike Monaghan reported the ICCTA met a week ago in Naperville and conducted discussions on the following items:

- Mandatory trustees training:
 - In effect on January 1, 2017 for newly re-appointed and re-elected trustees
 - Community colleges may be a provider of the training if they chose to be
 - ICCTA is currently putting together delivery options for the training
 - Via web;
 - video recording; or
 - physically conducting the program at the college
 - The unfunded mandate training will need to be given every first, third, and fifth year of the trustees term
 - IBHE recently held an all-day trustee training which cost \$500 per trustee
- Strategic Plan
- Monitoring / reviewing the pension legislation
- Baccalaureate Degrees (BSN):
 - Endorsed a resolution in support for community colleges to offer

Item #9.4 – Illinois Community College Faculty Association (ICCFA)

Dr. Allen Levandowski briefly gave a the Board a little background about himself stating he is a product of the Illinois Community College System, College of Lake County. He then reported that the ICCFA Teaching and Learning Conference was held in October and was not well attended due to budget restraints. Next year they will be merging with the ICCCA, which will hopefully help with the attendance. The next meeting of the ICCFA will be held this afternoon.

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The Board took a break at 10:47 a.m. and returned at 10:57 p.m.

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Item #8 - Baccalaureate in Nursing Report

Over 20 states across the country offer baccalaureate degrees through their community colleges. Eleven states offer baccalaureate degrees in nursing through community colleges. This movement of the Bachelor of Science degree in Nursing (BSN) being offered through community colleges emanates from the effort of medical professionals and their respective organizations to set the minimum educational requirement to practice professional nursing at the BSN level. In addition, an increased demand for healthcare specialists due to rapid changes in health care and technology, an aging population, and the retirement of the present-day nursing workforce have brought attention to the current and projected shortages in this career field.

The Illinois Council of Community College Presidents (ICCCP) have recommended that Illinois consider granting authority to Illinois Community Colleges to offer and grant BSN degrees where there is determined a local need for such a program. The attached white paper, “The Bachelor of Science in Nursing, The Recommendation for Illinois Community Colleges” advocates for the pursuit of this authority in Illinois. This authority, if enacted, would not mandate the creation of BSN programs but would provide the ability for colleges to pursue this option if needed in their local area. The paper cites evidence of the growing demand for BSN and the inability of the higher education system in Illinois to meet the required supply.

The presentation highlighted the national perspective surrounding the BSN and the ICCCP’s efforts on the issue.

Dr. Ann Kalayil stated that it’s important for the colleges to meet industry standards in keeping up with the change in technology. Dr. Durham stated the ICCB makes sure of that during their program approval process and it’s also monitored in the accreditation process of the program and the college.

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Dr. Ann Kalayil left the meeting at 11:16 a.m. and the phone was turned off.

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Dr. Teresa Garate stated that many BSN degree holders are leaving the field due to low pay and increased workloads, which causes more of a shortage. As the Chancellor of City Colleges of Chicago, Ms. Hyman believed it a good idea that this allows the individual colleges to make their own decision to offer the BSN on their own need and best interest. Ms. Hyman pointed out there was a lot of missing data and criteria that the Board should see and understand before making this decision. Dr. Dustin Heuerman agreed with Ms. Hyman that it is a good idea to allow the individual colleges to make their own decision to offer the BSN on their own need and best interest. Through the program approval process, the colleges would need to provide documentation that proved to ICCB it is indeed in their own individual best interest to offer the BSN.

Item #8.1 - Baccalaureate in Nursing Recommendation

Vice Chair Bruce stated the role of the Board is to continue to move the IL Community College System forward. A letter in support of the BSN in community colleges from Chair Laz Lopez, who was unable to attend the Board meeting, was distributed to the members.

Dr. Dustin Heuerman made a motion, which was seconded by Jake Rendleman, to approve the following items:

The Illinois Community College Board supports the authorization of Illinois Community Colleges to opt to offer programs and grant degrees for the Bachelor of Science in Nursing.

A roll call vote was taken with the following results:

Guy Alongi	Yea	Doug Mraz	Yea
Teresa Garate	Yea	Jake Rendleman	Yea
Cheryl Hyman	Abstain	Ugne Narbutaite	Yea
Dustin Heuerman	Yea	Terry Bruce	Yea

The motion was approved. Dr. Ann Kalayil submitted a proxy vote: Yea. Cheryl Hyman abstained. Student Advisory vote: Yea.

Item #10 – New Units

Item #10.1 - Permanent Program Approval: Oakton Community College and Item #10.2 - Temporary Program Approval: Carl Sandburg College

Doug Mraz made a motion, which was seconded by Dustin Heuerman, to approve the following items:

The Illinois Community College Board hereby approves the following new units of instruction for the community colleges listed below:

PERMANENT PROGRAM APPROVAL

Oakton Community College

- Supply Chain Automation Associate of Applied Science (A.A.S.) degree (60 credit hours)

TEMPORARY PROGRAM APPROVAL

Carl Sandburg College

- CNC Programmer Certificate (32 credit hours)

The motion was approved by a unanimous voice vote. Student Advisory vote: Yea.

Item #11 – Consent Agenda

Doug Mraz made a motion, which was seconded by Dr. Dustin Heuerman, to approve the following items:

Item #11.1 - Minutes of the September 16, 2016 Board Meeting

The Illinois Community College Board hereby approves the Board minutes of the September 16, 2016 meeting as recorded.

The motion was approved by a unanimous voice vote. Because they were not present at the September 16, 2016 Board meeting, Guy Alongi, Teresa Garate, and Jake Rendleman abstained. Student Advisory vote: Yea.

Item #12 – Consent Agenda

Jake Rendleman made a motion, which was seconded by Guy Alongi, to approve the consent agenda's remaining two items:

Item #12.1 - Illinois Community College Board Advisory Committee Member Appointments

The Illinois Community College Board hereby authorizes the Executive Director to make appointments for fiscal year 2017 to the Finance Advisory Committee, the MIS/Research Advisory Committee, and the Program Advisory Committee.

Item #12.2 - January 2017 Regulatory Agenda

The Illinois Community College Board hereby approves the following January 2017 Regulatory Agenda listed below:

ILLINOIS COMMUNITY COLLEGE BOARD
JANUARY 2017 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Administration of the Illinois Public Community College Act, 23 Ill. Adm. Code 1501

1) Rulemaking:

- A) Description: Public Act 99-0655 focuses on reducing data redundancy and eliminating data collections that are not vital to the goals established by the Illinois Community College Board. In addition the legislation updates the Public Community College Act by removing statutes that are outdated and/or expired. . As such, the Board proposes amendatory rules to eliminate the uniform financial reporting system data collections and Board approval of community college locally funded construction projects; locally funded purchase or lease of sites, buildings, equipment, machinery or land; and installment loan agreements.
- B) Statutory Authority: Public Community College Act [110 ILCS 805]
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date agency anticipates First Notice: Winter 2017
- E) Affect on small businesses, small municipalities or not for profit corporations: The Board believes this rulemaking will not affect small business, small municipalities, and not for profit corporations.
- F) Agency contact person for information:
Matt Berry
Rules Coordinator
Illinois Community College Board
401 East Capitol Avenue
Springfield, IL 6270
Telephone: 217/785-7411
Fax: 217/524-4981
- G) Related rulemakings and other pertinent information: None

2) Rulemaking:

- A) Description: The Board proposes the adoption of new community college rules pursuant to the reporting requirements outlined in Public Act 98-0792.
- B) Statutory Authority: Public Community College Act [110 ILCS 805]
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date agency anticipates First Notice: Spring 2017
- E) Affect on small businesses, small municipalities or not for profit corporations: The Board believes this rulemaking will not affect small business, small municipalities, and not for profit corporations.
- F) Agency contact person for information:
Matt Berry
Rules Coordinator
Illinois Community College Board
401 East Capitol Avenue
Springfield, IL 6270
Telephone: 217/785-7411
Fax: 217/524-4981
- G) Related rulemakings and other pertinent information: None

3) Rulemaking:

- A) Description: The Board proposes the adoption of new community college rules pursuant Public Act 99-309 and Public Act 99-845 that establishes in-district residency for tuition purposes for certain veterans and youth in the care of the

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- Department of Children and Family Services.
- B) Statutory Authority: Public Community College Act [110 ILCS 805]
 - C) Scheduled meeting/hearing dates: None have been scheduled.
 - D) Date agency anticipates First Notice: Spring 2017
 - E) Affect on small businesses, small municipalities or not for profit corporations: The Board believes this rulemaking will not affect small business, small municipalities, and not for profit corporations.
 - F) Agency contact person for information:
Matt Berry
Rules Coordinator
Illinois Community College Board
401 East Capitol Avenue
Springfield, IL 6270
Telephone: 217/785-7411
Fax: 217/524-4981
 - G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citations): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 5175
- 1) Rulemaking:
 - A) Description: The Board plans to review administrative rules related to public information and organization in 2017. The board anticipates updating existing rules and adopting new rules pertaining to board policy.
 - B) Statutory Authority: Public Community College Act [110 ILCS 805]
 - C) Scheduled meeting/hearing dates: None have been scheduled.
 - D) Date agency anticipates First Notice: Winter 2017
 - E) Affect on small businesses, small municipalities or not for profit corporations: The Board believes this rulemaking will not affect small business, small municipalities, and not for profit corporations.
 - F) Agency contact person for information:
Matt Berry
Rules Coordinator
Illinois Community College Board
401 East Capitol Avenue
Springfield, IL 6270
Telephone: 217/785-7411
Fax: 217/524-4981
 - G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citations): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 5100; Administration of the Illinois Public Community College Act 23 Ill. Adm. Code 1501; and State Community College of East St. Louis 23 Ill. Adm. Code 1600
- 1) Rulemaking:
 - A) Description: The State Community College of East St. Louis has been dissolved. The board anticipates repeal of these rules.
 - B) Statutory Authority: Public Community College Act [110 ILCS 805]
 - C) Scheduled meeting/hearing dates: None have been scheduled.
 - D) Date agency anticipates First Notice: Spring 2017
 - E) Affect on small businesses, small municipalities or not for profit corporations: The Board believes this rulemaking will not affect small business, small municipalities, and not for profit corporations.
 - F) Agency contact person for information:
Matt Berry
Rules Coordinator

Illinois Community College Board
401 East Capitol Avenue
Springfield, IL 6270
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Fax: 217/524-4981

- G) Related rulemakings and other: None

Item #12.3 - Administrative Rule Changes - Freedom of Information Act

The Illinois Community College Board hereby approves the repeal and subsequent adoption of new *Administrative Rules of the Illinois Community College Board, Public Access to Information* and authorizes its Executive Director to process the changes in accordance with the Illinois Administrative Procedures Act.

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER VIII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 5176
PUBLIC ACCESS TO INFORMATION (REPEALED)

Section

5176.110 Information Requests
5176.120 Minutes of Closed Sessions

AUTHORITY: Implementing and authorized by the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, pars. 201 et seq.), the Open Meetings Act (Ill. Rev. Stat. 1989, ch. 102, par. 42.06) and Section 5-15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15).

SOURCE: Adopted at 8 Ill. Reg. 15572, effective August 15, 1984; amended at 14 Ill. Reg. 14387, effective August 27, 1990; repealed at 40 Ill. Reg. _____, effective _____.

Section 5176.110 Information Requests

- a) Any person seeking electronic information or other records from the Illinois Community College Board may do so by contacting the Executive Director at 509 South Sixth Street, Room 400, Springfield, Illinois 62701-1874. Requests will be processed in accordance with the provisions of the Freedom of Information Act. In order for requests to be processed, the Board requires that the request be received in writing and include, at a minimum, the information listed below.
 - 1) the name, address, and phone number of the requestor;
 - 2) a description of the information requested;
 - 3) an indication of whether the records are to be inspected at the ICCB office or mailed to the requestor and, if sent, whether or not the copy(ies) is to be certified;
 - 4) the date of the request and when a response is required.
- b) A form for providing this information is available from the ICCB Executive Director.
- c) Records requested and approved for release may be inspected at the ICCB Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, except on designated holidays.
- d) Records which are stored and retrieved by electronic data processing means will be printed in a format understandable to the person not familiar with electronic data processing. If information is requested on a disk or tape, the requestor must furnish a disk or tape to the Illinois Community College Board. The Illinois Community College Board will provide a description of the disk or tape format to the requestor.

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- e) Information requests that necessitate special computer analyses will be provided within a time frame determined appropriate by the Deputy Director for Research.
- f) Computerized unit record data containing information on individuals (student enrollment and completion records and faculty and staff records) will be provided under the following conditions:
 - 1) there is written agreement from the requestor that the data will be used only for specified research purposes;
 - 2) there is written agreement from the requestor that the data will not be provided to a third party;
 - 3) record identifiers (Social Security Numbers) will be removed before records are released by the ICCB unless the data release is covered under the Family Educational and Privacy Act, 20 U.S.C. Section 1232g(b)(1). This section indicates that records may be disclosed to "other school officials, including teachers within the educational institution or local educational agencies," who have been determined by such agency or institution to have "legitimate educational interests."
- g) All data provided will be at the costs specified below unless the Executive Director elects to waive such fees:

Certification fee	\$ 1.00 per request
Paper copy from paper original	
8½" x 11"	\$.25
8½" x 14"	\$.25
Larger than legal size	\$ 1.00
Paper copy from microfilm original	Commercial cost of reproduction
Videocassette/Audiocassette	Commercial cost of reproduction
Computer paper	\$.65 per 1,000 lines
Computer printout	_____
Computer tape (1600 BPI only) (requestor must provide tape)	\$500.00 per CPU hour
Diskettes (requestor must provide diskette)	_____

Section 5176.120 Minutes of Closed Sessions

The ICCB will review its closed session minutes in January and July of each year to determine if such minutes, or any part of such minutes, may be released as public documents. The Board Chairman and Vice Chairman, prior to the January and July meetings, will review the minutes of all closed sessions conducted during the previous six months and made a recommendation for action to the Board based on the relevant provisions of the Public Community College Act (Ill. Rev. Stat. 1989, ch. 122, pars. 101 et seq.), the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, pars. 201 et seq.), and the Open Meetings Act (Ill. Rev. Stat. 1989, ch. 102, pars. 41 et seq.).

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER VIII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 5176
ACCESS TO RECORDS OF THE ILLINOIS COMMUNITY COLLEGE BOARD (NEW)
SUBPART A: INTRODUCTION

Section	
5176.100	Summary and Purpose
5176.105	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
5176.200	Records that Will Be Disclosed
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5176.APPENDIX A Fee Schedule for Duplication and Certification of Records

AUTHORITY: Implementing and authorized by Section 3(h) of the Freedom of Information Act [5 ILCS 140/3(h)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 15572, effective August 15, 1984; amended at 14 Ill. Reg. 14387, effective August 27, 1990; former Part repealed at 40 Ill. Reg. _____, and new Part adopted at 40 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 5176.100 Summary and Purpose

- a) This Part states the policy of the Illinois Community College Board (Board) for making its records available for reasonable public inspection while, at the same time, protecting legitimate interests in confidentiality.
- b) This Part:
 - 1) Establishes the following classifications for records in the Board's possession:
 - A) Records that shall be disclosed; and
 - B) Records that shall be withheld from disclosure;
 - 2) Contains the procedures by which requesters may obtain records in the Board's possession; and
 - 3) Contains the procedures for claiming and determining that records submitted to the Board are exempt from disclosure.

Section 5176.105 Definitions

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act [5 ILCS 140]. The following definitions are applicable for purposes of this Part:

"Act" means Public Community College Act [110 ILCS 805].

"Board" means the Illinois Community College Board as established by the Act.

"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:

to access and disseminate information concerning news and current or passing events;

for articles or opinion or features of interest to the public; or

for the purpose of academic, scientific, or public research or education. (Section 2(c-10) of FOIA)

"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Board. (Section 2(d) of FOIA)

"Executive Director" means the executive officer of the Board.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

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"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)

"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Board. (Section 2(c) of FOIA)

"Recurrent requester" means a person that, in the 12 months immediately preceding the request, has submitted to the same public body a minimum of 50 requests for records, a minimum of 15 requests for records within a 30-day period, or a minimum of 7 requests for records within a 7 day period. For the purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods, in this definition when the principal purpose of the requests is to access and disseminate information concerning news and current or passing events, for articles of opinion or features of interest to the public, or for the purpose of academic, scientific, or public research or education. For the purposes of this definition, "request" means a written document (or oral request, if the public body chooses to honor oral requests) that is submitted to a public body via personal delivery, mail, telefax, electronic mail, or other means available to the public body and that identifies the particular public record the requester seeks. One request may identify multiple records to be inspected or copied. (Section 2(g) of FOIA)

"Requester" is any person who has submitted to the Board a written request, electronically or on paper, for records.

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

SUBPART B: CLASSIFICATION OF RECORDS

Section 5176.200 Records that Will Be Disclosed

Upon request meeting the requirements of this Part, the Board shall disclose to the requester all records requested except that it shall not disclose certain records as provided in Section 5176.205 or 5176.210. Records covered under this Section shall include, but are not limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Board are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Board under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Board prior to disclosure. (Section 2.10 of FOIA)*
- c) *Criminal history records. The following documents maintained by the Board pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
 - 1) *Court records that are public;*
 - 2) *Records that are otherwise available under State or local law; and*
 - 3) *Records in which the requesting party is the individual identified, except as provided under Section 7(1)(d)(vi) of FOIA. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Board are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 5176.205 or 5176.210 may be redacted. (Section 2.20 of FOIA)*

Section 5176.205 Records that Will Be Withheld from Disclosure

- a) For exemptions from FOIA that are stated in FOIA, see Section 7(1) of the Act.
- b) *A record that is not in the possession of the Board but is in the possession of a party with whom the Board has contracted to perform a governmental function on behalf of the Board, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Board for purposes of Subpart C. (Section 7(2) of FOIA)*

Section 5176.210 Statutory Exemptions

For exemptions from FOIA that are stated in other statutes, see Section 7.5 of the Act.

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE BOARD

Section 5176.300 Submittal of Requests for Records

- a) Any request for public records should be submitted in writing to the FOI Officer at the Board.
- b) The Board has one FOI Officer located in the Springfield office.
- c) Contact information for the FOI Officer can be found online at https://www.iccb.org/iccb/?page_id=491.
- d) FOIA requests may be submitted via mail, e-mail, fax, or hand delivery. Requests should be mailed or hand delivered to:

Illinois Community College Board
401 E. Capitol Avenue
Springfield IL 62701-1711
Attn: FOI Officer

- e) E-mailed requests should be sent to iccbfoia@iccb.state.il.us, contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 217/524-4981, Attn: FOI Officer.

Section 5176.305 Information To Be Provided in Requests for Records

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;
- b) As specific a description as possible of the records sought. Requests that the Board considers unduly burdensome or categorical may be denied. (See Section 3(g) of FOIA and Section 5176.405 of this Part.);
- c) A statement as to the requested medium and format for the Board to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Board to use in providing the records sought: for example, inspection at Board headquarters or providing paper or electronic copies;
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and
- f) A statement as to whether the request is for a commercial purpose.

Section 5176.310 Requests for Records for Commercial Purposes

- a) *It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Board. (Section 3.1(c) of FOIA)*
- b) *The Board shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
 - 1) *Provide to the requester an estimate of the time required by the Board to provide the records requested and an estimate of the fees to be charged, which the Board may require the person to pay in full before copying the requested documents;*
 - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 5176.205 or 5176.210;*
 - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
 - 4) *Provide the records requested. (Section 3.1(a) of FOIA)*
- c) *Unless the records are exempt from disclosure, the Board shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes. (Section 3.1(b) of FOIA)*

Section 5176.315 Records Maintained Online

- a) *Notwithstanding any provision of FOIA to the contrary, a public body is not required to copy a public record that is published on the public body's website. The public body shall notify the requester that the public record is available online and direct the requester to the website where the record can be reasonably accessed.*

- b) *If the person requesting the public record is unable to reasonably access the record online after being directed to the website pursuant to subsection (a), the requester may resubmit his or her request for the record stating his or her inability to reasonably access the record online, and the public body shall make the requested record available for inspection or copying as provided in Section 3 of FOIA. (Section 8.5 of FOIA)*

SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS

Section 5176.400 Timeline for Board Response

- a) *Except as stated in subsection (b) or (c), the Board will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Board fails to respond to a request within the requisite periods in this subsection (a) but thereafter provides the requester with copies of the requested records, it will not impose a fee for those copies. If the Board fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 5176.405. (Section 3(d) of FOIA) A written request from the Board to provide additional information shall be considered a response to the FOIA request.*
- b) *The time limits prescribed in subsection (a) may be extended for not more than 5 business days from the original due date for any of the following reasons:*
- 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
 - 2) *The request requires the collection of a substantial number of specified records;*
 - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
 - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*
 - 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
 - 6) *The request for records cannot be complied with by the Board within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Board; or*
 - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Board may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Board agree to extend the period for compliance, a failure by the Board to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
- d) *When additional time is required for any of the reasons set forth in subsection (b), the Board will, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Board fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Board issues an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 5176.405. (Section 3(f) of FOIA)*

Section 5176.405 Requests for Records that the Board Considers Unduly Burdensome

- a) *The Board will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Board, there is no way to narrow the request, and the burden on the Board outweighs the public interest in the information. Before invoking this exemption, the Board will extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.*
- b) *If the Board determines that a request is unduly burdensome, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Board. The response shall be treated as a denial of the request for information. (Section 3(g) of FOIA)*
- c) *Repeated requests from the same person for records that are unchanged or identical to records previously provided or properly denied under this Part shall be deemed unduly burdensome. (Section 3(g) of FOIA)*

Section 5176.410 Recurrent Requesters

- a) *Notwithstanding any provision of this Part to the contrary, the Board will respond to a request from a recurrent requester, as defined in Section 5176.105, within 21 business days after receipt. The response shall:
 - 1) *provide to the requester an estimate of the time required by the Board to provide the records requested and an estimate of the fees to be charged, which the Board may require the person to pay in full before copying the requested documents;*
 - 2) *deny the request pursuant to one or more of the exemptions set out in this Part;*
 - 3) *notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*
 - 4) *provide the records requested.**
- b) *Within 5 business days after receiving a request from a recurrent requester, the Board will notify the requester that the Board is treating the request as a recurrent request, of the reasons why the Board is treating the request as a recurrent request, and that the Board will send an initial response within 21 business days after receipt in accordance with subsection (a). The Board will also notify the requester of the proposed responses that can be asserted pursuant to subsection (a).*
- c) *Unless the records are exempt from disclosure, the Board will comply with a request within a reasonable period considering the size and complexity of the request. (Section 3.2 of FOIA)*

Section 5176.415 Requests for Records that Require Electronic Retrieval

- a) *A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.*
- b) *The Board will retrieve and provide electronic records only in a format and medium that is available to the Board.*

Section 5176.420 Denials of Requests for Records

- a) *The Board will deny requests for records when:
 - 1) *Compliance with the request would unduly burden the Board, as determined pursuant to Section 5176.405, and the requester has not reduced the request to manageable proportions; or*
 - 2) *The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 5176.205 or 5176.210 of this Part.**

- b) The denial of a request for records must be in writing.
 - 1) The notification shall include a description of the records denied; *the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial* (Section 9(a) of FOIA);
 - 2) *Each notice of denial shall also inform the person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor* (Section 9(a) of FOIA); and
 - 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority* (Section 9(b) of FOIA).
- c) A requester may treat the Board's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Board has given written notice pursuant to Section 5176.400(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Board fails to act within the time periods provided in Section 5176.400.* (Section 9(c) of FOIA)

Section 5176.425 Requests for Review of Denials – Public Access Counselor

- a) *A person whose request to inspect or copy a record is denied by the Board may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. The request for review shall be in writing, be signed by the requester, and include a copy of the request for access to records and any response from the Board.* (Section 9.5(a) of FOIA)
- b) *A person whose request to inspect or copy a record is made for a commercial purpose may not file a request for review with the Public Access Counselor. A person whose request to inspect or copy a record was treated by the Board as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the Board properly determined that the request was made for a commercial purpose.* (Section 9.5(b) of FOIA)
- c) *Within 7 business days after the Board receives a request for review from the Public Access Counselor, the Board shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor.* (Section 9.5(c) of FOIA)
- d) *Within 7 business days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Board may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy.* (Section 9.5(d) of FOIA)
- e) *The requester may, but is not required to, respond in writing to the answer within 7 business days and shall provide a copy of the response to the Board.* (Section 9.5(d) of FOIA)
- f) *In addition to the request for review, and the answer and response to the request, if any, a requester or the Board may furnish affidavits or records concerning any matter germane to the review.* (Section 9.5(e) of FOIA)

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- g) *A binding opinion from the Attorney General shall be binding upon both the requester and the Board, subject to administrative review under Section 5176.435. (Section 9.5(f) of FOIA)*
- h) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding opinion, the decision not to issue a binding opinion shall not be reviewable. (Section 9.5(f) of FOIA)*
- i) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Board will either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under Section 5176.435. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 5176.435. (Section 9.5(f) of FOIA)*
- j) *If the Board discloses records in accordance with an opinion of the Attorney General, the Board is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA. (Section 9.5(f) of FOIA)*
- k) *If the requester files suit under Section 5176.430 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor. (Section 9.5(g) of FOIA)*
- l) *The Attorney General may also issue advisory opinions to the Board regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Director of the Board or the Board's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Board in order to assist in the review. If the Board relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Board is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor. (Section 9.5(h) of FOIA)*

Section 5176.430 Circuit Court Review

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

Section 5176.435 Administrative Review

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Board shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section 5176.500 Inspection and Copying of Records

- a) The Board may make available records for personal inspection at the Board's headquarters office located at 401 E. Capitol Avenue, Springfield, or at another location agreed to by both the Board and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record. The Board may provide records in duplicate forms, including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs, computer disks and diazo.

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- b) *When a person requests a copy of a record maintained in an electronic format, the Board shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Board shall furnish it in the format in which it is maintained by the Board, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Board will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Board as soon as possible before the appointment.
- d) In order to maintain routine Board operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.
- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. A Board employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

Section 5176.505 Fees for Records

- a) In accordance with Section 5176.510, unless a fee is otherwise fixed by statute, the Board will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Board to reproduce records, the Board will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(b) of FOIA)*
- c) In order to expedite the copying of records that the Board cannot copy, due to the volume of the request or the operational needs of the Board, in the timelines established in Section 5176.400, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the public records at the Board headquarters in Section 5176.500, or at another location agreed to by both the Board and the requester. No original record shall be removed from State-controlled premises except under constant supervision of the agency responsible for maintaining the record.
- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Board may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Board will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records. (Section 6(a) of FOIA) Payment must be by check or money order sent to the Board, payable to "Treasurer, State of Illinois".*
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
 - 1) The requester, rather than the Board, must contract with the contractor;
 - 2) The requester is responsible for all fees charged by the contractor;
 - 3) The requester must notify the Board of the contractor to be used prior to the scheduled on-site inspection or copying;
 - 4) Only Board personnel may provide records to the contractor;
 - 5) The Board must have verification that the requester has paid the Board, if payment is due, for the copying of the records before providing the records to the contractor; and
 - 6) The requester must provide to the Board the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.

- f) *The Board may charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record. No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. The Board may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the Board. If the Board imposes a fee pursuant to this subsection (f), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (f) apply only to commercial requests. (Section 6(f) of FOIA)*

Section 5176.510 Reduction and Waiver of Fees

- a) *Fees may be reduced or waived by the Board if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Board will consider the following:*
- 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
 - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) *In setting the amount of the waiver or reduction, the Board will take into consideration the amount of materials requested and the cost of copying them. (Section 6(c) of FOIA)*
- c) *The Board will provide copies of records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.*
- d) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

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TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
Microfilm diazo from original	\$.50/diazo
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction

Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

NOTE: Expense for delivery other than by First Class U.S. Mail must be borne by the requester.

Item #12.4 - Comprehensive Agreement Regarding the Expansion of Educational Resources (CAREER) Additions

The Illinois Community College Board hereby approves the CAREER agreement, including the additions of College of Lake County, Parkland College, Oakton Community College, and William Rainey Harper College, to the agreement.

The motion was approved by a unanimous vote voice. Student Advisory vote: Yea.

Item #13 - Information Items

There was no discussion.

Item #13.1 - Fiscal Year 2017 Financial Statements

Item #13.2 - Administrative Rules Changes: ADA Grievance Procedures

These rules will be included on the January 20, 2017 ICCB Board meeting consent agenda.

Item #14 – Other Business

There was no other business.

Item #15 – Public Comment

There was no public comment.

Item #16 – Executive Session

The Board did not enter into Executive Session.

Item #17 – Executive Session Recommendations

There were no recommendations made.

Item #18 – Adjournment

Jake Rendleman made a motion, which was seconded by Dr. Dustin Heurman, to adjourn the Board meeting at 11:47 a.m.

The motion was approved by a unanimous vote voice. Student Advisory vote: Yea.