



Sen. Scott M. Bennett

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10200HB5464sam001

LRB102 26054 NLB 37899 a

1 AMENDMENT TO HOUSE BILL 5464

2 AMENDMENT NO. _____. Amend House Bill 5464 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The P-20 Longitudinal Education Data System
5 Act is amended by changing Sections 10 and 20 as follows:

6 (105 ILCS 13/10)

7 Sec. 10. Definitions. In this Act:

8 "Community College Board" means the Illinois Community
9 College Board.

10 "Community colleges" has the meaning ascribed to that term
11 in Section 1-2 of the Public Community College Act.

12 "Early learning" means any publicly funded education and
13 care program supporting young children not yet enrolled in
14 kindergarten.

15 "Elementary" means kindergarten through eighth grade.

16 "Institution of higher learning" means a public or

1 non-public entity that meets one or more of the following: ~~has~~
2 ~~the meaning ascribed to that term in Section 10 of the Higher~~
3 ~~Education Student Assistance Act.~~

4 (1) is a public institution of higher education as
5 defined in the Board of Higher Education Act, other than a
6 public community college;

7 (2) is a public institution of higher education funded
8 by a State other than Illinois and approved by the Board of
9 Higher Education to operate in this State;

10 (3) is a non-public educational institution approved
11 by the Board of Higher Education to operate in this State
12 pursuant to the Private Business and Vocational Schools
13 Act of 2012;

14 (4) is a non-public institution authorized or approved
15 by the Board of Higher Education to operate in this State
16 pursuant to the Private College Act, the Academic Degree
17 Act, or the Dual Credit Quality Act; or

18 (5) is a non-public institution operating in this
19 State that is exempt from authorization or approval by the
20 Board of Higher Education pursuant to provisions of the
21 Private College Act or Academic Degree Act, including such
22 institutions authorized or approved by the Board of Higher
23 Education pursuant to the Dual Credit Quality Act.

24 "Longitudinal data system" means a student unit record
25 data system that links student records from early learning
26 through the postsecondary level, which may consist of separate

1 student unit record systems integrated through agreement and
2 data transfer mechanisms.

3 "Privacy protection laws" means the federal Family
4 Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g),
5 the Illinois School Student Records Act, the Personal
6 Information Protection Act, and any other State or federal law
7 relating to the confidentiality and protection of personally
8 identifiable information.

9 "Research organization" means a governmental entity,
10 institution of higher learning, public policy or advocacy
11 organization, or other person or entity conducting educational
12 research that (i) is qualified to perform educational research
13 and protect the privacy of student data, (ii) is seeking to
14 perform research for a non-commercial purpose authorized by
15 privacy protection laws, and (iii) agrees to perform the
16 research pursuant to a written agreement meeting the
17 requirements of privacy protection laws and this Act.

18 "School" means any elementary or secondary educational
19 institution, charter school, vocational school, special
20 education facility, or any other elementary or secondary
21 educational agency or institution, but does not include a
22 non-public school.

23 "Secondary" means ninth through twelfth grade.

24 "State Board" means the State Board of Education.

25 "State Education Authorities" means the State Board,
26 Community College Board, and Board of Higher Education.

1 (Source: P.A. 96-107, eff. 7-30-09.)

2 (105 ILCS 13/20)

3 Sec. 20. Collection and maintenance of data.

4 (a) The State Board is authorized to collect and maintain
5 data from school districts, schools, and early learning
6 programs and disclose this data to the longitudinal data
7 system for the purposes set forth in this Act. The State Board
8 shall collect data from charter schools with more than one
9 campus in a manner that can be disaggregated by campus site.
10 The State Board may also disclose data to the longitudinal
11 data system that the State Board is otherwise authorized by
12 law to collect and maintain.

13 On or before July 1, 2010, the State Board shall establish
14 procedures through which State-recognized, non-public schools
15 may elect to participate in the longitudinal data system by
16 disclosing data to the State Board for one or more of the
17 purposes set forth in this Act.

18 Subject to the availability of funding through
19 appropriations made specifically for the purposes of this Act,
20 the State Board shall establish or contract for the
21 establishment of a technical support and training system to
22 assist school districts, schools, and early learning programs
23 with data submission, use, and analysis.

24 (b) The Community College Board is authorized to collect
25 and maintain data from community college districts and

1 disclose this data to the longitudinal data system for the
2 purposes set forth in this Act. The Community College Board
3 may also disclose data to the longitudinal data system that
4 the Community College Board is otherwise authorized by law to
5 collect and maintain.

6 Subject to the availability of funding through
7 appropriations made specifically for the purposes of this Act,
8 the Community College Board shall establish or contract for
9 the establishment of a technical support and training system
10 to assist community colleges with data submission, use, and
11 analysis.

12 (c) The Board of Higher Education is authorized to collect
13 and maintain data from any ~~public~~ institution of higher
14 learning, other than community colleges, and disclose this
15 data to the longitudinal data system for the purposes set
16 forth in this Act. The Board of Higher Education may also
17 disclose data to the longitudinal data system that the Board
18 of Higher Education is otherwise authorized by law to collect
19 and maintain.

20 ~~The Beginning on July 1, 2012, the~~ Board of Higher
21 Education is authorized to collect and maintain data from any
22 non-public institution of higher learning enrolling one or
23 more students in this State. The Board of Higher Education is
24 authorized to ~~receiving Monetary Award Program grants and any~~
25 ~~non public institution of higher learning that confers~~
26 ~~graduate and professional degrees, pursuant to Section 35 of~~

1 ~~the Higher Education Student Assistance Act, and disclose this~~
2 data to the longitudinal data system for the purposes set
3 forth in this Act. ~~Prior to July 1, 2012, any non-public~~
4 ~~institution of higher learning may elect to participate in the~~
5 ~~longitudinal data system by disclosing data for one or more of~~
6 ~~the purposes set forth in this Act to the Board of Higher~~
7 ~~Education or to a consortium that has contracted with the~~
8 ~~Board of Higher Education pursuant to this subsection (c).~~

9 ~~The Board of Higher Education may contract with one or~~
10 ~~more voluntary consortiums of non-public institutions of~~
11 ~~higher learning established for the purpose of data sharing,~~
12 ~~research, and analysis. The contract may allow the consortium~~
13 ~~to collect data from participating institutions on behalf of~~
14 ~~the Board of Higher Education. The contract may provide for~~
15 ~~consultation with a representative committee of participating~~
16 ~~institutions and a representative of one or more organizations~~
17 ~~representing the participating institutions prior to the use~~
18 ~~of data from the consortium for a data sharing arrangement~~
19 ~~entered into with any party other than a State Education~~
20 ~~Authority pursuant to Section 25 of this Act. The contract may~~
21 ~~further provide that individual institutions of higher~~
22 ~~learning shall have the right to opt out of specific uses of~~
23 ~~their data or portions thereof for reasons specified in the~~
24 ~~contract. Student-level data submitted by each institution of~~
25 ~~higher learning participating in a consortium that has~~
26 ~~contracted with the Board of Higher Education pursuant to this~~

1 ~~paragraph shall remain the property of that institution. Upon~~
2 ~~notice to the consortium and the Board of Higher Education,~~
3 ~~any non-public institution of higher learning shall have the~~
4 ~~right to remove its data from the consortium if the~~
5 ~~institution has reasonable cause to believe that there is a~~
6 ~~threat to the security of its data or its data is used in a~~
7 ~~manner that violates the terms of the contract between the~~
8 ~~consortium and the Board of Higher Education. In the event~~
9 ~~data is removed from a consortium pursuant to the preceding~~
10 ~~sentence, the data must be returned by the institution to the~~
11 ~~consortium after the basis for removal has been corrected. The~~
12 ~~data submitted from the consortium to the Board of Higher~~
13 ~~Education must be used only for agreed-upon purposes, as~~
14 ~~stated in the terms of the contract between the consortium and~~
15 ~~the Board of Higher Education. Non public institutions of~~
16 ~~higher learning submitting student level data to a consortium~~
17 ~~that has contracted with the Board of Higher Education~~
18 ~~pursuant to this paragraph shall not be required to submit~~
19 ~~student level data to the Board of Higher Education.~~

20 Subject to the availability of funding through
21 appropriations made specifically for the purposes of this Act,
22 the Board of Higher Education shall establish or contract for
23 the establishment of a technical support and training system
24 to assist institutions of higher learning, other than
25 community colleges, with data submission, use, and analysis.
26 ~~The Board of Higher Education shall seek and may make~~

1 ~~available grant funding to a consortium including non public~~
2 ~~institutions of higher learning to provide assistance in the~~
3 ~~development of a data collection system.~~ The Board of Higher
4 Education shall engage in a cooperative planning process with
5 public and non-public institutions of higher learning and
6 statewide higher education associations in connection with all
7 of the activities authorized by this subsection (c).

8 (d) The State Education Authorities shall establish
9 procedures and requirements relating to the submission of data
10 authorized to be collected pursuant to this Section, including
11 requirements for data specifications, quality, security, and
12 timeliness. All early learning programs, schools, school
13 districts, and institutions of higher learning subject to the
14 data collection authority of a State Education Authority
15 pursuant to this Section shall comply with the State Education
16 Authority's procedures and requirements for data submissions.
17 A State Education Authority may require that staff responsible
18 for collecting, validating, and submitting data participate in
19 training and technical assistance offered by this State if
20 data is not submitted in accordance with applicable procedures
21 and requirements.

22 (Source: P.A. 96-107, eff. 7-30-09; 96-1249, eff. 7-23-10.)

23 Section 10. The Private Business and Vocational Schools
24 Act of 2012 is amended by changing Sections 20, 30, 35, 37, 50,
25 55, 70, and 75 as follows:

1 (105 ILCS 426/20)

2 Sec. 20. Permit of approval. No person or group of persons
3 subject to this Act may establish and operate or be permitted
4 to become incorporated for the purpose of (1) operating a
5 private business and vocational school or (2) creating or
6 developing a course of instruction, non-degree program of
7 study, or program of study curriculum in order to sell such
8 courses of instruction or curriculum to a private business and
9 vocational school, without obtaining from the Board a permit
10 of approval, provided that a permit of approval is not
11 required for a program that is devoted entirely to religion or
12 theology or a program offered by an institution operating
13 under the authority of the Private College Act, the Academic
14 Degree Act, or the Board of Higher Education Act. Application
15 for a permit must be made to the Board upon forms furnished by
16 it. The Board may not approve any application for a permit of
17 approval that has been plagiarized, in part or in whole.
18 Additionally, the Board may not approve any application for a
19 permit of approval that has not been completed in its
20 entirety. Permits of approval are not transferable. Whenever a
21 change of ownership of a school occurs, an application for a
22 permit of approval for the school under the changed ownership
23 must immediately be filed with the Board. Whenever an owner,
24 partnership, or corporation operates a school at different
25 locations, an application for a permit of approval must be

1 filed for each location. A school must have approval prior to
2 operating at a location and must make application to the Board
3 for any change of location and for a classroom extension at a
4 new or changed location. Each application required to be filed
5 in accordance with the provisions of this Section must be
6 accompanied by the required fee under the provisions of
7 Sections 75 and 85 of this Act, and all such applications must
8 be made on forms prepared and furnished by the Board. The
9 permit of approval must be prominently displayed at some place
10 on the premises of the school at each school location open to
11 the inspection of all interested persons. The Board shall
12 maintain, open to public inspection, a list of schools, their
13 classroom extensions, and their courses of instruction
14 approved under this Act and may annually publish such a list.
15 Issuance of the permit of approval by the Board does not denote
16 that the school or any program offered by the school is
17 recommended, guaranteed, or endorsed by the Board or that the
18 Board is responsible for the quality of the school or its
19 programs, and no school may communicate this to be the case. No
20 guarantee of employability of school graduates is made by the
21 Board in its approval of programs or schools, and no school may
22 communicate such information.

23 (Source: P.A. 97-650, eff. 2-1-12.)

24 (105 ILCS 426/30)

25 Sec. 30. Exemptions. For purposes of this Act, the

1 following shall not be considered to be a private business and
2 vocational school:

3 (1) Any institution devoted entirely to the teaching
4 of religion or theology.

5 (2) Any in-service program of study and subject
6 offered by an employer, provided that no tuition is
7 charged and the instruction is offered only to employees
8 of the employer.

9 (3) Any educational institution that (A) enrolls a
10 majority of its students in degree programs and has
11 maintained an accredited status with a regional
12 accrediting agency that is recognized by the U.S.
13 Department of Education or (B) enrolls students in one or
14 more bachelor-level programs, enrolls a majority of its
15 students in degree programs, and is accredited by a
16 national or regional accrediting agency that is recognized
17 by the U.S. Department of Education or that (i) is
18 regulated by the Board under the Private College Act or
19 the Academic Degree Act or is exempt from such regulation
20 under either the Private College Act or the Academic
21 Degree Act solely for the reason that the educational
22 institution was in operation on the effective date of
23 either the Private College Act or the Academic Degree Act
24 or (ii) is regulated by the State Board of Education.

25 (4) Any institution and the franchisees of that
26 institution that exclusively offer a program of study in

1 income tax theory or return preparation at a total
2 contract price of no more than \$400, provided that the
3 total annual enrollment of the institution for all such
4 courses of instruction exceeds 500 students and further
5 provided that the total contract price for all instruction
6 offered to a student in any one calendar year does not
7 exceed \$3,000.

8 (5) Any person or organization selling mediated
9 instruction products through a media, such as tapes,
10 compact discs, digital video discs, or similar media, so
11 long as the instruction is not intended to result in the
12 acquisition of training for a specific employment field,
13 is not intended to meet a qualification for licensure or
14 certification in an employment field, or is not intended
15 to provide credit that can be applied toward a certificate
16 or degree program.

17 (6) Schools with no physical presence in this State.
18 Schools offering instruction or programs of study, but
19 that have no physical presence in this State, are not
20 required to receive Board approval. Such an institution
21 must not be considered not to have a physical presence in
22 this State unless it has received a written finding from
23 the Board that it has no ~~a limited~~ physical presence. In
24 determining whether an institution has no physical
25 presence, the Board shall require all of the following:

26 (A) Evidence of authorization to operate in at

1 least one other state and that the school is in good
2 standing with that state's authorizing agency.

3 (B) Evidence that the school has a means of
4 receiving and addressing student complaints in
5 compliance with any federal or state requirements.

6 (C) Evidence that the institution is providing no
7 instruction in this State.

8 (D) Evidence that the institution is not providing
9 core academic support services, including, but not
10 limited to, admissions, evaluation, assessment,
11 registration, financial aid, academic scheduling, and
12 faculty hiring and support in this State.

13 (7) A school or program within a school that
14 exclusively provides yoga instruction, yoga teacher
15 training, or both.

16 (Source: P.A. 99-705, eff. 1-1-17.)

17 (105 ILCS 426/35)

18 Sec. 35. Institution and program approval criteria. Each
19 entity seeking a permit of approval is required to demonstrate
20 that it satisfies institution-approval criteria and that each
21 program of study offered meets the program-approval criteria
22 in this Act and any applicable rules. The following standard
23 criteria are intended to measure the appropriateness of the
24 stated educational objectives of the educational programs of a
25 given institution and the extent to which suitable and proper

1 processes have been developed for meeting those objectives.
2 Information related to the satisfaction of the approval
3 criteria outlined in this Section must be supplied to the
4 Board by institutions on forms provided by the Board.
5 Additional information may be requested by the Board to
6 determine the institution's ability to satisfy the criteria.
7 The following must be considered as part of, but not
8 necessarily all of, the criteria for approval of institutions
9 and the programs offered under this Act:

10 (1) Qualifications of governing board members, owners,
11 and senior administrators. At a minimum, these individuals
12 must be of good moral character and have no felony
13 criminal record.

14 (2) Qualifications of faculty and staff.

15 (3) Demonstration of student learning and quality of
16 program delivery.

17 (4) Sufficiency of institutional finances. The
18 institution must demonstrate that it has the financial
19 resources sufficient to meet its financial obligations,
20 including, but not limited to, refunding tuition pursuant
21 to the institution's stated policies. The school must
22 tender financial records, including, but not limited to,
23 financial statements, income statements, and cash flow
24 statements.

25 (5) Accuracy, clarity, and appropriateness of program
26 descriptions. Institutional promotional, advertising, and

1 recruiting materials must be clear, appropriate, and
2 accurate.

3 (6) Sufficiency of facilities and equipment. At a
4 minimum, these must be appropriate and must meet
5 applicable safety code requirements and ordinances.

6 (7) Fair and equitable refund policies. At a minimum,
7 these must be fair and equitable, must satisfy any related
8 State or federal rules, and must abide by the standards
9 established in Section 60 of this Act and the rules
10 adopted for the implementation of this Act.

11 (8) Appropriate and ethical admissions and recruitment
12 practices. At a minimum, recruiting practices must be
13 ethical and abide by any State or federal rules.

14 (9) Recognized accreditation status. Accreditation
15 with an accrediting body approved by the U.S. Department
16 of Education may be counted as significant evidence of the
17 institution's ability to meet curricular approval
18 criteria.

19 (10) Meeting employment requirements in the field of
20 study. The institution must clearly demonstrate how a
21 student's completion of the program of study satisfies
22 employment requirements in the occupational field. Such
23 information must be clearly and accurately provided to
24 students. If licensure, certification, or their equivalent
25 is required of program graduates to enter the field of
26 employment, the institution must clearly demonstrate that

1 completion of the program will allow students to achieve
2 this status.

3 (11) Enrollment agreements that, at a minimum, meet
4 the requirements outlined in Section 40 of this Act.

5 (12) Clearly communicated tuition and fee charges.
6 Tuition and fees and any other expense charged by the
7 school must be appropriate to the expected income that
8 will be earned by graduates. No school may have a tuition
9 policy or enrollment agreement that requires that a
10 student register for more than a single semester, quarter,
11 term, or other such period of enrollment as a condition of
12 the enrollment nor shall any school charge a student for
13 multiple periods of enrollment prior to completion of the
14 single semester, quarter, term, or other such period of
15 enrollment.

16 (13) Legal action against the institution, its parent
17 company, its owners, its governing board, or its board
18 members. Any such legal action must be provided to the
19 Board and may be considered as a reason for denial or
20 revocation of the permit of approval.

21 (Source: P.A. 97-650, eff. 2-1-12.)

22 (105 ILCS 426/37)

23 Sec. 37. Disclosures. All schools shall make, at a
24 minimum, the disclosures required under this Section clearly
25 and conspicuously on their Internet websites. The disclosure

1 shall consist of a statement containing the following
2 information for the most recent 12-month reporting period of
3 July 1 through June 30:

4 (1) The number of students who were admitted in the
5 course of instruction as of July 1 of that reporting
6 period.

7 (2) Additions during the year due to:

8 (A) new starts;

9 (B) re-enrollments; and

10 (C) transfers into the course of instruction from
11 other courses of instruction at the school.

12 (3) The total number of students admitted during the
13 reporting period (the number of students reported under
14 paragraph (1) of this Section plus the additions reported
15 under subparagraphs (A), (B), and (C) of paragraph (2) of
16 this Section.

17 (4) Of the total course of instruction enrollment, the
18 number of students who:

19 (A) transferred out of the course of instruction
20 to another course of instruction;

21 (B) completed or graduated from a course of
22 instruction;

23 (C) withdrew from the school;

24 (D) are still enrolled.

25 (5) The number of students listed in paragraph (4) of
26 this Section who:

- 1 (A) were placed in their field of study;
- 2 (B) were placed in a related field;
- 3 (C) placed out of the field;
- 4 (D) were not available for placement due to
- 5 personal reasons;
- 6 (E) were not employed.

7 (6) The number of students who took a State licensing

8 examination or professional certification examination, if

9 any, during the reporting period, as well as the number

10 who passed.

11 (7) The number of graduates who obtained employment in

12 the field who did not use the school's placement

13 assistance during the reporting period; such information

14 may be compiled by reasonable efforts of the school to

15 contact graduates by written correspondence.

16 (8) The average starting salary for all school

17 graduates employed during the reporting period; such

18 information may be compiled by reasonable efforts of the

19 school to contact graduates by written correspondence.

20 (9) The following clear and conspicuous caption, set

21 forth with the address and telephone number of the Board's

22 office:

23 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED

24 WITH THE BOARD OF HIGHER EDUCATION."

25 (10) If the United States Department of Education

26 places the school on either the Heightened Cash Monitoring

1 2 payment method or the reimbursement payment method, as
2 authorized under 34 CFR 668.162, a clear and conspicuous
3 disclosure that the United States Department of Education
4 has heightened monitoring of the school's finances and the
5 reason for such monitoring. Such disclosure shall be made
6 within 14 days of the action of the United States
7 Department of Education both on the school's website and
8 to all students and prospective students on a form
9 prescribed by the Board.

10 An alphabetical list of names, addresses, and dates of
11 admission by course or course of instruction and a sample copy
12 of the enrollment agreement employed to enroll the students
13 listed shall be filed with the Board's Executive Director on
14 an annual basis. The list shall be signed and verified by the
15 school's chief managing employee.

16 (Source: P.A. 97-650, eff. 2-1-12.)

17 (105 ILCS 426/50)

18 Sec. 50. Requirements for approved institutions.

19 (a) Each school and each of the non-degree programs of
20 study offered by the school shall be issued a permit of
21 approval ~~approved~~ for one year. The permit shall be renewed
22 annually and every fifth year pursuant to Section 75 of this
23 Act ~~5 years~~, subject to the terms and conditions of approval,
24 including without limitation the submission of required
25 reporting and the payment of required charges and fees under

1 the provisions of Section 75 of this Act, and compliance with
2 any other requirements in this Act or supporting rules.
3 Failure to so comply at any time ~~during the 5 years~~ is grounds
4 for immediate revocation of the permit of approval.
5 Information requested by the Board must be submitted annually
6 or, in special circumstances, at the request of the Board.
7 Failure to do so is grounds for immediate revocation of the
8 permit of approval. Each non-degree program of study must be
9 approved by the Board as well. Regardless of when the program
10 was approved, all programs of study must be approved again
11 with the institutional approval every 5 years ~~at the end of the~~
12 ~~5-year approval period~~ or in conjunction with an earlier
13 review if so required under this Act or the administrative
14 rules adopted in support of this Act. ~~The Board's Executive~~
15 ~~Director has the authority to order any school subject to this~~
16 ~~Act to cease and desist operations if the school is found to~~
17 ~~have acted contrary to the standards set forth in this Act or~~
18 ~~the supporting administrative rules.~~

19 (b) Any school that is institutionally accredited by an
20 accrediting agency that is recognized by the U.S. Department
21 of Education or the Council for Higher Education Accreditation
22 shall be issued a permit of approval valid for 5 years for each
23 non-degree program of study offered by the school. The permit
24 shall be subject to (i) the terms and conditions of approval,
25 including, without limitation, the submission of required
26 reporting, (ii) the payment of required charges and fees under

1 the provisions of Section 75 of this Act, and (iii) compliance
2 with any other requirements under this Act or administrative
3 rule. The failure of a school to comply at any time during the
4 5-year term of the permit of approval shall be grounds for the
5 immediate revocation of the permit of approval. Information
6 requested by the Board must be submitted annually or, in
7 certain circumstances, at the request of the Board. The
8 failure of the school to submit the requested information
9 shall be grounds for the immediate revocation of the permit of
10 approval. Each non-degree program of study must be approved by
11 the Board. Regardless of the date a school received initial
12 approval of a program of study, all programs of study must be
13 reapproved for a permit of approval at the end of each 5-year
14 approval period or in conjunction with an earlier review if
15 otherwise required by this Act or administrative rule.

16 (c) The Board may order any school subject to this Act to
17 cease and desist operations if the school is found to have
18 acted contrary to the standards set forth in this Act or
19 administrative rule.

20 (Source: P.A. 97-650, eff. 2-1-12.)

21 (105 ILCS 426/55)

22 Sec. 55. Maintenance of approval. Institutions covered
23 under this Act must meet the following requirements to receive
24 and maintain approval:

25 (1) Provide a surety bond. A continuous surety company

1 bond, written by a company authorized to do business in
2 this State, for the protection of contractual rights,
3 including faithful performance of all contracts and
4 agreements for students and their parents, guardians, or
5 sponsors. The Board shall establish the bond amount by
6 rule. The amount of the bond must be sufficient to provide
7 for the repayment of full tuition to all students enrolled
8 at the institution in the event of closure of the
9 institution. Evidence of the continuation of the bond must
10 be filed annually with the Board. The surety bond must be a
11 written agreement that provides for monetary compensation
12 in the event that the school fails to fulfill its
13 obligations to its students and their parents, guardians,
14 or sponsors. The surety bonding company shall guarantee
15 the return to students and their parents, guardians, or
16 sponsors of all prepaid, unearned tuition in the event of
17 school closure. A condition of the bond shall be that the
18 bond agent shall notify the Board in the event the bond is
19 no longer in effect.

20 (2) Provide to the Board and each student the school's
21 policy for addressing student complaints. Included in this
22 process, the school must provide in its promotional
23 materials and on its Internet website the Board's address
24 and Internet website for reporting complaints.

25 (3) Provide on the institution's Internet website and
26 in promotional materials and enrollment agreements the

1 Internet website, address, and phone number of the Board
2 for students to report complaints.

3 (4) Provide evidence of liability insurance, in such
4 form and amount as the Board shall from time to time
5 prescribe pursuant to rules adopted under this Act, to
6 protect students and employees at the school's places of
7 business and at all classroom extensions, including any
8 work-experience locations.

9 (5) Provide data as requested by the Board to support
10 the satisfaction of the requirements of this Act or to
11 provide vocational and technical educational data for the
12 longitudinal data system created under the P-20
13 Longitudinal Education Data System Act.

14 (6) Pay required fees as described under the
15 provisions of Section 75 of this Act by prescribed
16 deadlines.

17 (7) With respect to advertising programs of study, all
18 of the following apply:

19 (A) A school may state that it is approved to offer
20 a program of study or authorized to award a
21 certificate in this State only after that approval has
22 been officially granted and received in writing from
23 the Board.

24 (B) A school shall not advertise or state in any
25 manner that it is accredited by the Board to award
26 degrees or certificates.

1 (C) No school may publish or otherwise communicate
2 to prospective students, faculty, staff, or the public
3 misleading or erroneous information about the
4 certificate or degree-granting status of a given
5 institution.

6 (D) All advertisements or solicitations by
7 approved schools shall only reference the Board's
8 approval by stating that the school is approved by the
9 "Division of Private Business and Vocational Schools".

10 (E) All advertisements or solicitations by
11 approved schools shall contain the school's official
12 Internet website address.

13 (8) Permit the Board's Executive Director or his or
14 her designees to inspect the school or classes thereof
15 from time to time with or without notice and to make
16 available to the Board's Executive Director or his or her
17 designees, at any time when required to do so,
18 information, including financial information, pertaining
19 to the operation and ~~to~~ the activities of the school
20 required for the administration of this Act and the
21 standards and rules adopted under this Act.

22 (9) Maintain satisfactory student retention and
23 graduation rates and State licensing examination or
24 professional certification examination passage rates.
25 Student retention and graduation rates must be maintained
26 that are appropriate to standards in the field. A State

1 licensing examination or professional certification
2 examination passage rate of at least 50% of the average
3 passage rate for schools within the industry for any State
4 licensing examination or professional certification
5 examination must be maintained. In the event that the
6 school fails to do so, then that school shall be placed on
7 probation for one year. If that school's passage rate in
8 its next reporting period does not exceed 50% of the
9 average passage rate of that class of school as a whole,
10 then the Board shall revoke the school's approval for that
11 program to operate in this State. In addition, this shall
12 be grounds for reviewing the institution's approval to
13 operate. The Board shall develop, by rule, a procedure to
14 ensure the veracity of the information required under this
15 Section.

16 (10) Not enter into an enrollment agreement wherein
17 the student waives the right to assert against the school
18 or any assignee any claim or defense he or she may have
19 against the school arising under the agreement. Any
20 provisions in an enrollment agreement wherein the student
21 agrees to such a waiver shall be rendered void.

22 (11) Not have a tuition policy or enrollment agreement
23 that requires that a student register for more than a
24 single semester, quarter, term, or other such period of
25 enrollment as a condition of the enrollment nor charge a
26 student for multiple periods of enrollment prior to

1 completion of a single semester, quarter, term, or other
2 such period of enrollment.

3 (12) Provide the Board with a copy of any notice of
4 warning or suspension or revocation received from an
5 accrediting agency or State or federal oversight body
6 within 15 days after receipt of the notice. The school
7 shall, at the same time, inform the Board, in writing, on
8 actions being taken to correct all deficiencies cited.

9 (13) Maintain a fair and equitable refund policy and
10 abide by it. Such a policy shall abide by any State or
11 federal rules as appropriate. The same policy shall apply
12 to all students equally.

13 (14) Act in an ethical manner.

14 (Source: P.A. 97-650, eff. 2-1-12.)

15 (105 ILCS 426/70)

16 Sec. 70. Closing of a school.

17 (a) In the event a school proposes to discontinue its
18 operations, the chief administrative officer of the school
19 shall cause to be filed with the Board the original or legible
20 true copies of all such academic records of the institution as
21 may be specified by the Board.

22 (b) These records shall include, at a minimum, the
23 academic records of each former student that is traditionally
24 provided on an academic transcript, such as, but not limited
25 to, courses taken, terms, grades, and other such information.

1 (c) In the event it appears to the Board that any such
2 records of an institution discontinuing its operations is in
3 danger of being lost, hidden, destroyed, or otherwise made
4 unavailable to the Board, the Board may seize and take
5 possession of the records, on its own motion and without order
6 of court.

7 (d) The Board shall maintain or cause to be maintained a
8 permanent file of such records coming into its possession.

9 (e) As an alternative to the deposit of such records with
10 the Board, the institution may propose to the Board a plan for
11 permanent retention of the records. The plan must be put into
12 effect only with the approval of the Board.

13 (f) When a postsecondary educational institution now or
14 hereafter operating in this State proposes to discontinue its
15 operation, such institution shall cause to be created a
16 teach-out plan acceptable to the Board, which shall fulfill
17 the school's educational obligations to its students. Should
18 the school fail to deliver or act on the teach-out plan, the
19 Board is in no way responsible for providing the teach-out.

20 (g-5) The school shall release any institutional holds
21 placed on any students record, regardless of the type of hold
22 placed on the student record.

23 (g) The school and its designated surety bonding company
24 are responsible for the return to students of all prepaid,
25 unearned tuition. As identified in Section 55 of this Act, the
26 surety bond must be a written agreement that provides for

1 monetary compensation in the event that the school fails to
2 fulfill its obligations. The surety bonding company shall
3 guarantee the return to the school's students and their
4 parents, guardians, or sponsors of all prepaid, unearned
5 tuition in the event of school closure. Should the school or
6 its surety bonding company fail to deliver or act to fulfill
7 the obligation, the Board is in no way responsible for the
8 repayment or any related damages or claims.

9 (Source: P.A. 97-650, eff. 2-1-12.)

10 (105 ILCS 426/75)

11 Sec. 75. Application and renewal fees. The Board may not
12 approve any application for a permit of approval or program of
13 study that has been plagiarized in part or whole and may return
14 any such application for a permit of approval or program of
15 study. Additionally, the Board may not approve any application
16 for a permit of approval or program of study that has not been
17 completed in its entirety. Fees for application and renewal
18 may be set by the Board by rule. Fees shall be collected for
19 all of the following:

20 (1) An original school application for a permit
21 ~~certificate~~ of approval.

22 (2) An initial school application for a permit
23 ~~certificate~~ of approval upon occurrence of a change of
24 ownership.

25 (3) An annual school application for renewal of a

1 certificate of approval.

2 (4) A school application for a change of location.

3 (5) A school application for a classroom extension.

4 (6) If an applicant school that has not remedied all
5 deficiencies cited by the Board within 12 months after the
6 date of its original application for a permit ~~certificate~~
7 of approval, an additional original application fee for
8 the continued cost of investigation of its application.

9 (7) Transcript processing.

10 (Source: P.A. 97-650, eff. 2-1-12.)

11 Section 15. The Developmental Education Reform Act is
12 amended by changing Section 100-30 as follows:

13 (110 ILCS 175/100-30)

14 Sec. 100-30. Institutional plans; report.

15 (a) On or before May 1, 2022, each university shall submit
16 to the Board of Higher Education and each community college
17 shall submit to the Illinois Community College Board its
18 institutional plan for scaling evidence-based developmental
19 education reforms to maximize the probability that a student
20 will be placed in and successfully complete introductory
21 college-level English language or mathematics coursework
22 within 2 semesters at the institution. At a minimum, a plan
23 submitted by an institution shall include all of the
24 following:

1 (1) A description of the current developmental
2 education models offered by the institution. If the
3 institution does not currently offer developmental
4 education coursework, it must provide details regarding
5 its decision not to offer developmental education
6 coursework and the pathways that are available to students
7 deemed to be insufficiently prepared for introductory
8 college-level English language or mathematics coursework.

9 (2) A description of the developmental education
10 models that will be implemented and scaled and the basis
11 of the evidence and associated data that the institution
12 considered in making the decision to scale each model.

13 (3) Baseline data and benchmarks for progress,
14 including, but not limited to, (i) enrollment in
15 credit-bearing English language or mathematics courses,
16 (ii) rates of successful completion of introductory
17 college-level English language or mathematics courses, and
18 (iii) college-credit accumulation.

19 (4) Detailed plans for scaling reforms and improving
20 outcomes for all students placed in traditional
21 developmental education models or models with comparable
22 introductory college-level course completion rates. The
23 plan shall provide details about the expected improvements
24 in educational outcomes for Black students as result of
25 the proposed reforms.

26 (b) On or before February 15 ~~January 1~~, 2023 and every 2

1 years thereafter, the Board of Higher Education and Illinois
2 Community College Board shall collect data and report to the
3 General Assembly and the public the status of developmental
4 education reforms at institutions. The report must include
5 data on the progress of the developmental education reforms,
6 including, but not limited to, (i) enrollment in
7 credit-bearing English language or mathematics courses, (ii)
8 rates of successful completion of introductory college-level
9 English language or mathematics courses, and (iii)
10 college-credit accumulation. The data should be disaggregated
11 by gender, race and ethnicity, federal Pell Grant status, and
12 other variables of interest to the Board of Higher Education
13 and the Illinois Community College Board.

14 (c) On or before February 15 ~~January 1~~, 2024 and every 2
15 years thereafter, the Board of Higher Education and Illinois
16 Community College Board, in consultation with institutions of
17 higher education and other stakeholders, shall consider
18 additional data reporting requirements to facilitate the
19 rigorous and continuous evaluation of each institution's
20 implementation plan and its impact on improving outcomes for
21 students in developmental education, particularly for Black
22 students.

23 (Source: P.A. 101-654, eff. 3-8-21.)

24 Section 20. The Board of Higher Education Act is amended
25 by changing Sections 1, 3, 6, 7, 8, 9.16, 11, and 16 as

1 follows:

2 (110 ILCS 205/1) (from Ch. 144, par. 181)

3 Sec. 1. The following terms shall have the meanings
4 respectively prescribed for them, except when the context
5 otherwise requires:

6 "Public institutions of higher education": The University
7 of Illinois; Southern Illinois University; Chicago State
8 University; Eastern Illinois University; Governors State
9 University; Illinois State University; Northeastern Illinois
10 University; Northern Illinois University; Western Illinois
11 University; the public community colleges of the State and any
12 other public universities, colleges and community colleges now
13 or hereafter established or authorized by the General
14 Assembly.

15 "Board": The Board of Higher Education created by this
16 Act.

17 "Private institution of higher education": Any institution
18 of higher education that is subject to the Private College Act
19 or the Academic Degree Act.

20 (Source: P.A. 100-167, eff. 1-1-18.)

21 (110 ILCS 205/3) (from Ch. 144, par. 183)

22 Sec. 3. Terms; vacancies.

23 (a) The members of the Board whose appointments are
24 subject to confirmation by the Senate shall be selected for

1 6-year terms expiring on January 31 of odd numbered years.

2 (b) The members of the Board shall continue to serve after
3 the expiration of their terms until their successors have been
4 appointed.

5 (c) Vacancies on the Board in offices appointed by the
6 Governor shall be filled by appointment by the Governor for
7 the unexpired term. If the appointment is subject to Senate
8 confirmation and the Senate is not in session or is in recess
9 when the appointment is made, the appointee shall serve
10 subject to subsequent Senate approval of the appointment.

11 (d) Each student member shall serve a term of one year
12 beginning on July 1 of each year and until a successor is
13 appointed and qualified.

14 (e) The member of the Board representing public university
15 governing boards and the member of the Board representing
16 private college and university boards of trustees, who are
17 appointed by the Governor but not subject to confirmation by
18 the Senate, shall serve terms of one year beginning on July 1.

19 (Source: P.A. 100-167, eff. 1-1-18.)

20 (110 ILCS 205/6) (from Ch. 144, par. 186)

21 Sec. 6. The Board, in cooperation with the Illinois
22 Community College Board, shall analyze the present and future
23 aims, needs and requirements of higher education in the State
24 of Illinois and prepare a strategic ~~master~~ plan for the
25 development, expansion, integration, coordination and

1 efficient utilization of the facilities, curricula and
2 standards of higher education for public institutions of
3 higher education in the areas of teaching, research and public
4 service. The strategic ~~master~~ plan shall also include higher
5 education affordability and accessibility measures. The Board,
6 in cooperation with the Illinois Community College Board,
7 shall formulate the strategic ~~master~~ plan and prepare and
8 submit to the General Assembly and the Governor drafts of
9 proposed legislation to effectuate the plan. The Board, in
10 cooperation with the Illinois Community College Board, shall
11 engage in a continuing study, an analysis, and an evaluation
12 of the strategic ~~master~~ plan so developed, and it shall be its
13 responsibility to recommend, from time to time as it
14 determines, amendments and modifications of any strategic
15 ~~master~~ plan enacted by the General Assembly.

16 (Source: P.A. 99-655, eff. 7-28-16.)

17 (110 ILCS 205/7) (from Ch. 144, par. 187)

18 Sec. 7. The Board of Trustees of the University of
19 Illinois, the Board of Trustees of Southern Illinois
20 University, the Board of Trustees of Chicago State University,
21 the Board of Trustees of Eastern Illinois University, the
22 Board of Trustees of Governors State University, the Board of
23 Trustees of Illinois State University, the Board of Trustees
24 of Northeastern Illinois University, the Board of Trustees of
25 Northern Illinois University, the Board of Trustees of Western

1 Illinois University, the Illinois Community College Board and
2 the campuses under their governance or supervision shall not
3 hereafter undertake the establishment of any new unit of
4 instruction, research, or public service without the approval
5 of the Board. The term "new unit of instruction, research, or
6 public service" includes the establishment of a college,
7 school, division, institute, department, or other unit in any
8 field of instruction, research, or public service not
9 theretofore included in the program of the institution, and
10 includes the establishment of any new branch or campus. The
11 term does not include reasonable and moderate extensions of
12 existing curricula, research, or public service programs which
13 have a direct relationship to existing programs; and the Board
14 may, under its rulemaking power, define the character of such
15 reasonable and moderate extensions.

16 Such governing boards shall submit to the Board all
17 proposals for a new unit of instruction, research, or public
18 service. The Board may approve or disapprove the proposal in
19 whole or in part or approve modifications thereof whenever in
20 its judgment such action is consistent with the objectives of
21 an existing or proposed strategic ~~master~~ plan of higher
22 education.

23 The Board of Higher Education is authorized to review
24 periodically all existing programs of instruction, research,
25 and public service at the State universities and colleges and
26 to advise the appropriate board of control if the contribution

1 of each program is not educationally and economically
2 justified. Each State university shall report annually to the
3 Board on programs of instruction, research, or public service
4 that have been terminated, dissolved, reduced, or consolidated
5 by the university. Each State university shall also report to
6 the Board all programs of instruction, research, and public
7 service that exhibit a trend of low performance in
8 enrollments, degree completions, and high expense per degree.
9 The Board shall compile an annual report that shall contain
10 information on new programs created, existing programs that
11 have been closed or consolidated, and programs that exhibit
12 low performance or productivity. The report must be submitted
13 to the General Assembly. The Board shall have the authority to
14 define relevant terms and timelines by rule with respect to
15 this reporting.

16 (Source: P.A. 101-81, eff. 7-12-19.)

17 (110 ILCS 205/8) (from Ch. 144, par. 188)

18 Sec. 8. The Board of Trustees of the University of
19 Illinois, the Board of Trustees of Southern Illinois
20 University, the Board of Trustees of Chicago State University,
21 the Board of Trustees of Eastern Illinois University, the
22 Board of Trustees of Governors State University, the Board of
23 Trustees of Illinois State University, the Board of Trustees
24 of Northeastern Illinois University, the Board of Trustees of
25 Northern Illinois University, the Board of Trustees of Western

1 Illinois University, and the Illinois Community College Board
2 shall submit to the Board not later than the 15th day of
3 November of each year its budget proposals for the operation
4 and capital needs of the institutions under its governance or
5 supervision for the ensuing fiscal year. Each budget proposal
6 shall conform to the procedures developed by the Board in the
7 design of an information system for State universities and
8 colleges.

9 In order to maintain a cohesive system of higher
10 education, the Board and its staff shall communicate on a
11 regular basis with all public university presidents. They
12 shall meet at least semiannually to achieve economies of scale
13 where possible and provide the most innovative and efficient
14 programs and services.

15 The Board, in the analysis of formulating the annual
16 budget request, shall consider rates of tuition and fees and
17 undergraduate tuition and fee waiver programs at the State
18 universities and colleges. The Board shall also consider the
19 current and projected utilization of the total physical plant
20 of each campus of a university or college in approving the
21 capital budget for any new building or facility.

22 The Board of Higher Education shall submit to the
23 Governor, to the General Assembly, and to the appropriate
24 budget agencies of the Governor and General Assembly its
25 analysis and recommendations on such budget proposals.

26 The Board is directed to form a broad-based group of

1 individuals representing the Office of the Governor, the
2 General Assembly, public institutions of higher education,
3 State agencies, business and industry, statewide organizations
4 representing faculty and staff, and others as the Board shall
5 deem appropriate to devise a system for allocating State
6 resources to public institutions of higher education based
7 upon performance in achieving State goals related to student
8 success and certificate and degree completion.

9 Beginning in Fiscal Year 2013, the Board of Higher
10 Education budget recommendations to the Governor and the
11 General Assembly shall include allocations to public
12 institutions of higher education based upon performance
13 metrics designed to promote and measure student success in
14 degree and certificate completion. Public university metrics
15 must be adopted by the Board by rule, and public community
16 college metrics must be adopted by the Illinois Community
17 College Board by rule. These metrics must be developed and
18 promulgated in accordance with the following principles:

19 (1) The metrics must be developed in consultation with
20 public institutions of higher education, as well as other
21 State educational agencies and other higher education
22 organizations, associations, interests, and stakeholders
23 as deemed appropriate by the Board.

24 (2) The metrics shall include provisions for
25 recognizing the demands on and rewarding the performance
26 of institutions in advancing the success of students who

1 are academically or financially at risk, including
2 first-generation students, low-income students, and
3 students traditionally underrepresented in higher
4 education, as specified in Section 9.16 of this Act.

5 (3) The metrics shall recognize and account for the
6 differentiated missions of institutions and sectors of
7 higher education.

8 (4) The metrics shall focus on the fundamental goal of
9 increasing completion of college courses, certificates,
10 and degrees. Performance metrics shall recognize the
11 unique and broad mission of public community colleges
12 through consideration of additional factors including, but
13 not limited to, enrollment, progress through key academic
14 milestones, transfer to a baccalaureate institution, and
15 degree completion.

16 (5) The metrics must be designed to maintain the
17 quality of degrees, certificates, courses, and programs.

18 In devising performance metrics, the Board may be guided by
19 the report of the Higher Education Finance Study Commission.

20 Each State university must submit its plan for capital
21 improvements of non-instructional facilities to the Board for
22 approval before final commitments are made if the total cost
23 of the project as approved by the institution's board of
24 control is in excess of \$2 million. Non-instructional uses
25 shall include but not be limited to dormitories, union
26 buildings, field houses, stadium, other recreational

1 facilities and parking lots. The Board shall determine whether
2 or not any project submitted for approval is consistent with
3 the strategic ~~master~~ plan for higher education and with
4 instructional buildings that are provided for therein. If the
5 project is found by a majority of the Board not to be
6 consistent, such capital improvement shall not be constructed.
7 (Source: P.A. 99-655, eff. 7-28-16.)

8 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

9 Sec. 9.16. Underrepresentation of certain groups in higher
10 education. To require public institutions of higher education
11 to develop and implement an equity plan and practices that
12 include methods and strategies to increase the access,
13 retention, completion, and student loan repayment rates
14 ~~participation~~ of minorities, rural students, adult students,
15 women, and individuals with disabilities who are traditionally
16 underrepresented in education programs and activities. To
17 encourage private institutions of higher education to develop
18 and implement an equity plan and practices. For the purpose of
19 this Section, minorities shall mean persons ~~who are citizens~~
20 ~~of the United States or lawful permanent resident aliens of~~
21 ~~the United States~~ and who are any of the following:

22 (1) American Indian or Alaska Native (a person having
23 origins in any of the original peoples of North and South
24 America, including Central America, and who maintains
25 tribal affiliation or community attachment).

1 (2) Asian (a person having origins in any of the
2 original peoples of the Far East, Southeast Asia, or the
3 Indian subcontinent, including, but not limited to,
4 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
5 the Philippine Islands, Thailand, and Vietnam).

6 (3) Black or African American (a person having origins
7 in any of the black racial groups of Africa).

8 (4) Hispanic or Latino (a person of Cuban, Mexican,
9 Puerto Rican, South or Central American, or other Spanish
10 culture or origin, regardless of race).

11 (5) Native Hawaiian or Other Pacific Islander (a
12 person having origins in any of the original peoples of
13 Hawaii, Guam, Samoa, or other Pacific Islands).

14 The Board shall adopt any rules necessary to administer
15 this Section. The Board, in collaboration with the Illinois
16 Community College Board, shall also do the following:

17 (a) require all public institutions of higher education to
18 develop and submit an equity plan and implement practices
19 that, at a minimum, close gaps in enrollment, retention,
20 completion, and student loan repayment rates for
21 underrepresented groups and encourage all private institutions
22 of higher education to develop and submit such equity plans
23 and implement such practices ~~plans for the implementation of~~
24 ~~this Section;~~

25 (b) conduct periodic review of public institutions of
26 higher education and private institutions of higher education

1 to determine compliance with this Section; and if the Board
2 finds that a public institution of higher education is not in
3 compliance with this Section, it shall notify the institution
4 of steps to take to attain compliance;

5 (c) provide advice and counsel pursuant to this Section;

6 (d) conduct studies of the effectiveness and outcomes of
7 the methods and strategies outlined in an institution's equity
8 plan, as well as others designed to increase participation and
9 success of students in education programs and activities in
10 which minorities, rural students, adult students, women, and
11 individuals with disabilities are traditionally
12 underrepresented, and monitor and report the outcomes for
13 ~~success of students as a result of the implementation of~~
14 ~~equity plans in such education programs and activities;~~

15 (e) require components of an institution's equity plan to
16 include strategies to increase ~~encourage~~ minority student
17 recruitment, ~~and~~ retention, and student loan repayment rates
18 in colleges and universities. In implementing this paragraph,
19 the Board shall undertake but need not be limited to the
20 following: the establishment of guidelines and plans for
21 public institutions of higher education and private
22 institutions of higher education for minority student
23 recruitment, ~~and~~ retention, and student loan repayment rates,
24 including requirements to establish campus climate and culture
25 surveys, the review and monitoring of minority student
26 services, programs, and supports implemented at public

1 institutions of higher education and private institutions of
2 higher education to determine their compliance with any
3 guidelines and plans so established, the determination of the
4 effectiveness and funding requirements of minority student
5 services, programs, and supports at public institutions of
6 higher education and private institutions of higher education,
7 the dissemination of successful programs as models, and the
8 encouragement of cooperative partnerships between community
9 colleges, ~~and~~ local school attendance centers, and 4-year
10 colleges and universities to support enrollment of which are
11 ~~experiencing difficulties in enrolling~~ minority students ~~in~~
12 ~~four-year colleges and universities;~~

13 (f) mandate all public institutions of higher education
14 and encourage all private institutions of higher education to
15 submit data and information essential to determine compliance
16 with this Section. The Board shall prescribe the format and
17 the date for submission of this data and any other education
18 equity data; and

19 (g) report to the General Assembly and the Governor
20 annually with a description of the plans submitted by each
21 public institution of higher education and each private
22 institution of higher education for implementation of this
23 Section, including financial data relating to the most recent
24 fiscal year ~~expenditures for specific minority programs,~~ the
25 effectiveness of such plans and programs and the effectiveness
26 of the methods and strategies developed by the Board in

1 meeting the purposes of this Section, the degree of compliance
2 with this Section by each public institution of higher
3 education and each private institution of higher education as
4 determined by the Board pursuant to its periodic review
5 responsibilities, and the findings made by the Board in
6 conducting its studies and monitoring student outcomes and
7 institutional success as required by paragraph (d) ~~of~~ of this
8 Section. With respect to each public institution of higher
9 education and each private institution of higher education,
10 such report also shall include, but need not be limited to,
11 information with respect to each institution's minority
12 program budget allocations; minority student admission,
13 retention and graduation and student loan repayment rate
14 statistics; admission, retention, ~~and~~ graduation, and student
15 loan repayment rate statistics of all students who are the
16 first in their immediate family to attend an institution of
17 higher education; number of financial assistance awards, not
18 including student loans, to undergraduate and graduate
19 minority students; and minority faculty representation. This
20 paragraph shall not be construed to prohibit the Board from
21 making, preparing or issuing additional surveys or studies
22 with respect to minority education in Illinois.

23 (Source: P.A. 102-465, eff. 1-1-22.)

24 (110 ILCS 205/11) (from Ch. 144, par. 191)

25 Sec. 11. In the formulation of a strategic ~~master~~ plan of

1 higher education and in the discharge of its duties under this
2 Act, the Board shall give consideration to the problems and
3 attitudes of private junior colleges, private colleges and
4 universities, and of other educational groups,
5 instrumentalities and institutions, and to specialized areas
6 of education, as they relate to the overall policies and
7 problems of higher education.

8 (Source: P.A. 82-622.)

9 (110 ILCS 205/16)

10 Sec. 16. Record retention requirements when ~~Closing~~ an
11 institution of higher education closes; student records;
12 institutional transfer agreements.

13 (a) In this Section:

14 "Academic records" means the academic records of each
15 former student of an institution of higher education that is
16 traditionally provided on an academic transcript, including,
17 but not limited to, courses taken, terms, grades, and any
18 other similar information.

19 "Institution of higher education" means any publicly or
20 privately operated university, college, junior college,
21 business, technical or vocational school, or other educational
22 institution offering degrees and instruction beyond the
23 secondary school level. "Institution of higher education" does
24 not include a public community college.

25 "Institutional transfer agreement" means an articulation

1 agreement or transfer agreement between 2 or more institutions
2 of higher education wherein one institution agrees to accept
3 the transfer of earned student credits from a former student
4 of an institution that has discontinued operations.

5 (b) In the event an institution of higher education
6 proposes to discontinue its operations, the chief
7 administrative officer of the institution shall submit a plan
8 to the Board for permanent retention of all academic records,
9 including student records and academic records of the
10 institution. The plan must be approved by the Executive
11 Director of the Board before it is executed. In addition, the
12 plan shall include the release of any institutional holds
13 placed on any student record, regardless of the type of hold
14 placed on a student record.

15 (c) If it appears to the Board that the academic records,
16 including student records and academic records, of an
17 institution of higher education kept pursuant to an approved
18 plan under subsection (b) of this Section may become lost,
19 hidden, destroyed, or otherwise made unavailable to the Board,
20 the Board may seize and take possession of the records, on its
21 own motion and without order of a court.

22 (Source: P.A. 100-1008, eff. 8-21-18.)

23 Section 25. The Higher Education Cooperation Act is
24 amended by changing Sections 4 and 5 as follows:

1 (110 ILCS 220/4) (from Ch. 144, par. 284)

2 Sec. 4. A program of financial assistance to programs of
3 interinstitutional cooperation, in higher education is
4 established to implement the policy of encouraging such
5 cooperation in order to achieve an efficient use of
6 educational resources, an equitable distribution of
7 educational services, the development of innovative concepts
8 and applications, and other public purposes.

9 The Board of Higher Education shall administer this
10 program of financial assistance and shall distribute the funds
11 appropriated by the General Assembly for this purpose in the
12 form of grants to not-for-profit corporations organized to
13 administer programs of interinstitutional cooperation in
14 higher education or to public or nonpublic institutions of
15 higher education participating in such programs.

16 In awarding grants to interinstitutional programs under
17 this Act, the Board shall consider in relation to each such
18 program whether it serves the public purposes expressed in
19 this Act, whether the local community is substantially
20 involved, whether its function could be performed better by a
21 single existing institution, whether the program is consistent
22 with the Illinois strategic ~~master~~ plan for higher education,
23 and such other criteria as it determines to be appropriate.

24 No grant may be awarded under this Section for any program
25 of sectarian instruction or for any program designed to serve
26 a sectarian purpose.

1 As a part of its administration of this Act the Board may
2 require audits or reports in relation to the administrative,
3 fiscal and academic aspects of any interinstitutional program
4 for which a grant is awarded under this Act. The Board shall
5 annually submit to the Governor and the General Assembly a
6 budgetary recommendation for grants under this Act.

7 (Source: P.A. 85-244.)

8 (110 ILCS 220/5) (from Ch. 144, par. 285)

9 Sec. 5. Any not-for-profit corporation organized to
10 administer an interinstitutional program of higher education
11 may be recognized under this Section if it has been in
12 existence for 3 years or longer, it is structured for
13 continuing operation, it is substantial in scope, it is
14 oriented to and supported by the community in which it is
15 located and it is consistent with the Illinois strategic
16 ~~master~~ plan for higher education.

17 In each request of the Board of Higher Education to the
18 General Assembly for the appropriation of funds for the
19 purpose of making grants under this Act the Board shall
20 specify the amount of the grant proposed for each
21 not-for-profit corporation recognized under this Section.

22 The following not-for-profit corporations are recognized
23 for the purposes of this Section:

24 The Quad Cities Graduate Study Center.

25 (Source: P.A. 77-2813.)

1 Section 30. The Private College Act is amended by changing
2 Sections 3, 4, and 5 and by adding Section 4.5 as follows:

3 (110 ILCS 1005/3) (from Ch. 144, par. 123)

4 Sec. 3. (a) Applications submitted to the Board for a
5 certificate of approval to operate a post-secondary
6 educational institution shall contain a statement of the
7 following:

8 1. the proposed name of the institution and its proposed
9 location;

10 2. the nature, extent and purposes of the courses of study
11 to be given;

12 3. the fees to be charged and the conditions under which
13 the fees are to be paid;

14 4. the education and experience of the members of the
15 teaching staff;

16 5. the degrees to be issued to students upon completion of
17 courses of instruction.

18 (b) The Board may not approve any application for a
19 certificate of approval that has been plagiarized, in part or
20 in whole. Additionally, the Board may not approve any
21 application that has not been completed in its entirety and
22 such application shall be returned to the post-secondary
23 educational institution.

24 (Source: P.A. 80-1309.)

1 (110 ILCS 1005/4) (from Ch. 144, par. 124)

2 Sec. 4. Upon the filing of an application for a
3 certificate of approval the Board shall make an examination to
4 ascertain:

5 1. That each course of instruction to be offered or given
6 is adequate, suitable, and proper;

7 2. That the fee to be charged for the courses of
8 instruction, and the conditions and terms under which such
9 fees are to be paid are reasonable;

10 3. That an adequate physical plant and adequate facilities
11 are provided;

12 4. That the members of the teaching staff are adequately
13 prepared to fulfill their instructional obligations;

14 5. That the institution does not promise or agree to any
15 right or privilege in respect to professional examinations or
16 to the practice of any profession in violation of the laws of
17 this State;

18 6. That the institution does not offer inducements that
19 are designed to deceive the prospective student or make any
20 promises which it does not have the present means or ability to
21 perform;—

22 7. That the proposed degree program is educationally and
23 economically consistent with the educational priorities and
24 needs of this State and meets a need that is not currently met
25 by existing institutions and is supported by clear evidence of

1 need.

2 If the examination shows that the applicant has such
3 qualifications a certificate of approval shall be issued.

4 (Source: P.A. 80-1309.)

5 (110 ILCS 1005/4.5 new)

6 Sec. 4.5. Disclosure of heightened monitoring of finances.

7 Any institution with a certificate of approval under this Act
8 is required to make the following disclosures:

9 (1) If the United States Department of Education
10 places the institution on either the Heightened Cash
11 Monitoring 2 payment method or the reimbursement payment
12 method, as authorized under 34 CFR 668.162, a clear and
13 conspicuous disclosure that the United States Department
14 of Education has heightened monitoring of the
15 institution's finances and the reason for such monitoring.
16 Such disclosure shall be made within 14 days of the action
17 of the United States Department of Education both on the
18 institution's website and to all students and prospective
19 students on a form prescribed by the Board.

20 (2) Any other disclosure the Board requires by rule
21 adopted pursuant to this Act.

22 (110 ILCS 1005/5) (from Ch. 144, par. 125)

23 Sec. 5. A certificate of approval of a post-secondary
24 educational institution may be revoked for any of the

1 following:

2 1. Violation of any of the conditions governing the
3 issuance of the certificate;

4 2. Failure to comply with any of the rules adopted by the
5 Board;

6 3. Fraudulent conduct on the part of any person conducting
7 the institution or of any person, acting within the scope of
8 his employment, employed by the owners or persons conducting
9 the institution, on account of which conduct any student
10 enrolled in the institution has been injured or has suffered
11 financial loss;—

12 4. Failure to allow any duly authorized employee, or other
13 representative of the Board, to enter upon the premises of any
14 post-secondary educational institution or have access through
15 electronic means to inspect or otherwise examine the same and
16 any books, papers, or other records pertaining to the degree
17 granting program of such institution, including, but not
18 limited, to financial records such as balance sheets, income
19 statements, and cash flow statements.

20 (Source: P.A. 80-1309.)

21 Section 35. The Academic Degree Act is amended by changing
22 Sections 4 and 6 and by adding Section 5.5 as follows:

23 (110 ILCS 1010/4) (from Ch. 144, par. 234)

24 Sec. 4. Period before award.→ (a) Unless a degree granting

1 institution was authorized to operate in Illinois, or was in
2 operation, on August 14, 1961, it shall not award any earned
3 degree until one year after it has filed a written notice with
4 and until such institution has received the authorization and
5 approval of the Board. Except as permitted under Section 5, no
6 educational organization or entity shall be authorized to
7 award any degree nor be approved as a degree granting
8 institution unless it requires an appropriate period of
9 instruction to be in residence. The notice shall be under oath
10 or affirmation of the principal officer of the institution and
11 shall contain: the name and address of the degree granting
12 institution; the names and addresses of the president or other
13 administrative head and of each member of the board of
14 trustees or other governing board; a description of the degree
15 or degrees to be awarded and the course or courses of study
16 prerequisite thereto; and such additional information relevant
17 to the purposes of this Act as the Board may prescribe. An
18 amendment to the notice shall be under oath or affirmation of
19 the principal officer of the institution and shall be filed
20 with the Board prior to the award of any degree not contained
21 in the original notice or prior amendments thereto. A degree
22 authorized in an amendment shall not be awarded until one year
23 after the filing of the amendment with and the authorization
24 of the Board. The submission of the regular catalog of the
25 institution shall, if it covers the matters hereinabove
26 mentioned, be deemed to constitute compliance herewith.

1 (b) A degree granting institution shall keep the notice
2 which it shall have filed with the Board current at all times.
3 For this purpose, it shall report annually, by appropriate
4 amendment of the notice, any change in any fact previously
5 reported.

6 (c) The Board shall not approve any notice or amendment
7 thereto filed pursuant to this Section unless it finds the
8 facts stated therein to be correct and further finds that such
9 facts constitute compliance with the requirements of this Act
10 for degree granting institutions.

11 (d) The Board may not approve any notice, amendment, or
12 application that has been plagiarized, in part or in whole,
13 and may return any notice, amendment, or application.
14 Additionally, the Board may not approve any notice, amendment,
15 or application that has not been completed in its entirety.
16 Any such uncompleted notice, amendment, or application shall
17 be returned to the degree granting institution.

18 (e) The Board may not approve any proposed degree program
19 unless it is educationally and economically consistent with
20 the educational priorities and needs of this State and meets a
21 need that is not currently met by existing institutions and is
22 supported by clear evidence of need.

23 (Source: P.A. 80-1309.)

24 (110 ILCS 1010/5.5 new)

25 Sec. 5.5. Disclosure of heightened monitoring of finances.

1 Any institution approved by the Board under this Act shall
2 make the following disclosures:

3 (a) If the United States Department of Education places
4 the institution on either the Heightened Cash Monitoring 2
5 payment method or the reimbursement payment method, as
6 authorized under 34 CFR 668.162, a clear and conspicuous
7 disclosure that the United States Department of Education has
8 heightened monitoring of the institution's finances and the
9 reason for such monitoring. Such disclosure shall be made
10 within 14 days of the action of the United States Department of
11 Education both on the institution's website and to all
12 students and prospective students on a form prescribed by the
13 Board.

14 (b) Any other disclosure the Board requires by rule
15 adopted pursuant to this Act.

16 (110 ILCS 1010/6) (from Ch. 144, par. 236)

17 Sec. 6. Right of inspection; Penalty for refusal or
18 obstruction. Any duly authorized employee or other
19 representative of the Board may enter upon the premises of any
20 degree granting institution or may have access through
21 electronic means to ~~and~~ inspect or otherwise examine the same
22 and any books, papers or other records pertaining to the
23 degree granting program of such institution including, but not
24 limited to, financial records such as balance sheets, income
25 statements, and cash flow statements. For failure to permit

1 such entry, inspection or examination or for obstruction
2 thereof, the Board may invalidate any notice filed with it by
3 the degree granting institution and revoke any authorization
4 made pursuant to Section 4 of this Act and may refuse to accept
5 another notice from or on behalf of such institution or any
6 person connected with the administration thereof until such
7 refusal or obstruction has been withdrawn. Any action taken
8 pursuant to this Section shall be in addition to any other
9 penalty which may be imposed for violation of this Act.

10 (Source: P.A. 80-1309.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."