



Rep. Linda Chapa LaVia

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1 AMENDMENT TO SENATE BILL 1795

2 AMENDMENT NO. _____. Amend Senate Bill 1795 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Private Business and Vocational Schools Act of 2012.

6 Section 5. Purpose. It is the purpose of this Act to
7 provide for the protection, education, and welfare of the
8 citizens of the this State; to provide for the education,
9 protection, and welfare of the students of its private business
10 and vocational schools; and to facilitate and promote quality
11 education and responsible, ethical, business practices in each
12 of the private business and vocational schools enrolling
13 students in this State.

14 Section 10. Validity of certificates under the Private
15 Business and Vocational Schools Act. Certificates of approval

1 granted by the State Board of Education under the Private
2 Business and Vocational Schools Act, which is repealed by this
3 Act, shall remain valid through June 30, 2012.

4 Section 15. Definitions. As used in this Act, unless the
5 context otherwise requires:

6 "Board" means the Board of Higher Education established
7 under the Board of Higher Education Act.

8 "Certificate of completion" or "certificate" means any
9 designation, appellation, series of letters or words, or other
10 symbol that signifies or purports to signify that the recipient
11 thereof has satisfactorily completed a private business and
12 vocational school's program of study that is beyond the
13 secondary school level, but not a post-secondary degree program
14 at the associate, baccalaureate, master's, doctoral, or
15 post-baccalaureate, professional degree level.

16 "Chief managing employee" is the individual who is the head
17 administrator or supervisor at a school's principal location.

18 "Educational institution" or "institution" means an
19 organization that promotes business and vocational education,
20 even though the institution's principal effort may not be
21 exclusively educational in nature.

22 "Enrollment agreement" means any agreement or instrument,
23 however named, that creates or evidences an obligation binding
24 a student to purchase a program of study from a school.

25 "Non-degree program of study" or "program of study" means

1 any designation, appellation, series of letters or words, or
2 other symbol that signifies or purports to signify that the
3 recipient has satisfactorily completed an organized academic
4 program of study beyond the secondary school level, such as a
5 certificate, but below the associate's degree level and that
6 does not include any recognized degree program such as an
7 associate's, baccalaureate, master's, or doctoral degree, a
8 post-baccalaureate, professional degree, or a post-degree
9 certificate, such as a post-baccalaureate certificate,
10 post-master's certificate, or post-doctoral certificate.

11 "Program of study" as used in this definition means any
12 academic program beyond the secondary school level, except for
13 a program that is devoted entirely to religion or theology, a
14 program offered by an institution operating under the authority
15 of the Private College Act, the Academic Degree Act, or the
16 Board of Higher Education Act, or a program of study of less
17 than one year in length operating under the statutory authority
18 granted to the Department of Financial and Professional
19 Regulation.

20 "Permit of approval" means a non-transferable permit,
21 issued by and pursuant to the authority of the Board of Higher
22 Education through its Division of Private Business and
23 Vocational Schools to a private business and vocational school
24 in the name of the school, that authorizes the school to
25 solicit students and to offer and maintain one or more courses
26 of instruction in compliance with the provisions of this Act

1 and such standards and rules as may be adopted by the Board.

2 "Private business and vocational school" or "school" means
3 an educational institution privately owned or operated by a
4 person, partnership, corporation, or other entity offering
5 courses of instruction for which tuition is charged, whether
6 such courses of instruction are offered on site, through
7 correspondence, by distance education, or by other methods, to
8 prepare individuals to do any of the following:

9 (1) To follow a trade or artistic occupation.

10 (2) To pursue a manual, mechanical, technical,
11 industrial, business, commercial, office, personal service
12 (other than nursing), or other non-professional
13 occupation.

14 (3) To follow a profession, if the profession is not
15 subject to licensing or registration under any existing
16 State statute requiring the licensing or registration of
17 persons practicing such profession or if the school is not
18 subject to the regulation of the agency with such licensing
19 or registration authority.

20 (4) To improve, enhance, or add to the skills and
21 abilities of the individual relative to occupational
22 responsibilities or career opportunities.

23 Section 20. Permit of approval. No person or group of
24 persons subject to this Act may establish and operate or be
25 permitted to become incorporated for the purpose of operating a

1 private business and vocational school without obtaining from
2 the Board a permit of approval, provided that a permit of
3 approval is not required for a program that is devoted entirely
4 to religion or theology or a program offered by an institution
5 operating under the authority of the Private College Act, the
6 Academic Degree Act, or the Board of Higher Education Act.
7 Application for a permit must be made to the Board upon forms
8 furnished by it. Permits of approval are not transferable.
9 Whenever a change of ownership of a school occurs, an
10 application for a permit of approval for the school under the
11 changed ownership must immediately be filed with the Board.
12 Whenever an owner, partnership, or corporation operates a
13 school at different locations, an application for a permit of
14 approval must be filed for each location. A school must have
15 approval prior to operating at a location and must make
16 application to the Board for any change of location and for a
17 classroom extension at a new or changed location. Each
18 application required to be filed in accordance with the
19 provisions of this Section must be accompanied by the required
20 fee under the provisions of Sections 75 and 85 of this Act, and
21 all such applications must be made on forms prepared and
22 furnished by the Board. The permit of approval must be
23 prominently displayed at some place on the premises of the
24 school at each school location open to the inspection of all
25 interested persons. The Board shall maintain, open to public
26 inspection, a list of schools, their classroom extensions, and

1 their courses of instruction approved under this Act and may
2 annually publish such a list. Issuance of the permit of
3 approval by the Board does not denote that the school or any
4 program offered by the school is recommended, guaranteed, or
5 endorsed by the Board or that the Board is responsible for the
6 quality of the school or its programs, and no school may
7 communicate this to be the case. No guarantee of employability
8 of school graduates is made by the Board in its approval of
9 programs or schools, and no school may communicate such
10 information.

11 Section 25. Award of certificates.

12 (a) A certificate may be awarded only by a private business
13 and vocational school approved by the Board to award such a
14 certificate or by an institution approved by the Board under
15 the authority of the Private College Act, the Academic Degree
16 Act, or the Board of Higher Education Act. No private business
17 and vocational school shall be authorized to award a
18 certificate or be approved as a certificate-granting
19 institution unless it provides documentation to the Board that
20 it satisfies the criteria for approval. The documentation
21 provided must be under oath or affirmation of the principal
22 officer of the private business and vocational school and shall
23 contain the name and address of the institution, the names and
24 addresses of the president or other administrative head and of
25 each member of the board of trustees or other governing board,

1 a description of the certificates to be awarded and the course
2 or courses of instruction prerequisite thereto, and such
3 additional information relevant to the purposes of this Act as
4 the Board may prescribe. Any amendment to the documentation
5 must be under oath or affirmation of the principal officer of
6 the institution and must be filed with the Board prior to the
7 award of any certificate.

8 (b) A certificate-granting institution shall keep the
9 documentation that it shall have filed with the Board current
10 at all times. For this purpose, it shall report annually, by
11 appropriate amendment of the notice, any change in a fact
12 previously reported.

13 The Board may not approve any documentation or amendment to
14 the documentation filed pursuant to this Section unless it
15 finds the facts stated therein to be correct and further finds
16 that such facts constitute compliance with the requirements of
17 this Act for institutions.

18 Failure to provide such documentation is grounds for
19 revocation of the permit of approval.

20 Section 30. Exemptions. For purposes of this Act, the
21 following shall not be considered to be a private business and
22 vocational school:

23 (1) Any institution devoted entirely to the teaching of
24 religion or theology.

25 (2) Any in-service program of study and subject offered

1 by an employer, provided that no tuition is charged and the
2 instruction is offered only to employees of the employer.

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

19 (4) Any institution and the franchisees of that
20 institution that exclusively offer a program of study in
21 income tax theory or return preparation at a total contract
22 price of no more than \$400, provided that the total annual
23 enrollment of the institution for all such courses of
24 instruction exceeds 500 students and further provided that
25 the total contract price for all instruction offered to a
26 student in any one calendar year does not exceed \$3,000.

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

10 (6) Schools with no physical presence in this State.
11 Schools offering instruction or programs of study, but that
12 have no physical presence in this State, are not required
13 to receive Board approval. Such an institution must not be
14 considered not to have a physical presence in this State
15 unless it has received a written finding from the Board
16 that it has a limited physical presence. In determining
17 whether an institution has no physical presence, the Board
18 shall require all of the following:

19 (A) Evidence of authorization to operate in at
20 least one other state and that the school is in good
21 standing with that state's authorizing agency.

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

25 (C) Evidence that the institution is providing no
26 instruction in this State.

1 (D) Evidence that the institution is not providing
2 core academic support services, including, but not
3 limited to, admissions, evaluation, assessment,
4 registration, financial aid, academic scheduling, and
5 faculty hiring and support in this State.

6 Section 35. Institution and program approval criteria.
7 Each entity seeking a permit of approval is required to
8 demonstrate that it satisfies institution-approval criteria
9 and that each program of study offered meets the
10 program-approval criteria in this Act and any applicable rules.
11 The following standard criteria are intended to measure the
12 appropriateness of the stated educational objectives of the
13 educational programs of a given institution and the extent to
14 which suitable and proper processes have been developed for
15 meeting those objectives. Information related to the
16 satisfaction of the approval criteria outlined in this Section
17 must be supplied to the Board by institutions on forms provided
18 by the Board. Additional information may be requested by the
19 Board to determine the institution's ability to satisfy the
20 criteria. The following must be considered as part of, but not
21 necessarily all of, the criteria for approval of institutions
22 and the programs offered under this Act:

23 (1) Qualifications of governing board members, owners,
24 and senior administrators. At a minimum, these individuals
25 must be of good moral character and have no felony criminal

1 record.

2 (2) Qualifications of faculty and staff.

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

5 (4) Sufficiency of institutional finances.

6 (5) Accuracy, clarity, and appropriateness of program
7 descriptions. Institutional promotional, advertising, and
8 recruiting materials must be clear, appropriate, and
9 accurate.

10 (6) Sufficiency of facilities and equipment. At a
11 minimum, these must be appropriate and must meet applicable
12 safety code requirements and ordinances.

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

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

21 (9) Recognized accreditation status. Accreditation
22 with an accrediting body approved by the U.S. Department of
23 Education may be counted as significant evidence of the
24 institution's ability to meet curricular approval
25 criteria.

26 (10) Meeting employment requirements in the field of

1 study. The institution must clearly demonstrate how a
2 student's completion of the program of study satisfies
3 employment requirements in the occupational field. Such
4 information must be clearly and accurately provided to
5 students. If licensure, certification, or their equivalent
6 is required of program graduates to enter the field of
7 employment, the institution must clearly demonstrate that
8 completion of the program will allow students to achieve
9 this status.

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

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

23 (13) Legal action against the institution, its parent
24 company, its owners, its governing board, or its board
25 members. Any such legal action must be provided to the
26 Board and may be considered as a reason for denial or

1 revocation of the permit of approval.

2 Section 37. Disclosures. All schools shall make, at a
3 minimum, the disclosures required under this Section clearly
4 and conspicuously on their Internet websites. The disclosure
5 shall consist of a statement containing the following
6 information for the most recent 12-month reporting period of
7 July 1 through June 30:

8 (1) The number of students who were admitted in the
9 course of instruction as of July 1 of that reporting
10 period.

11 (2) Additions during the year due to:

12 (A) new starts;

13 (B) re-enrollments; and

14 (C) transfers into the course of instruction from
15 other courses of instruction at the school.

16 (3) The total number of students admitted during the
17 reporting period (the number of students reported under
18 paragraph (1) of this Section plus the additions reported
19 under subparagraphs (A), (B), and (C) of paragraph (2) of
20 this Section.

21 (4) Of the total course of instruction enrollment, the
22 number of students who:

23 (A) transferred out of the course of instruction to
24 another course of instruction;

25 (B) completed or graduated from a course of

1 instruction;

2 (C) withdrew from the school;

3 (D) are still enrolled.

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

6 (A) were placed in their field of study;

7 (B) were placed in a related field;

8 (C) placed out of the field;

9 (D) were not available for placement due to
10 personal reasons;

11 (E) were not employed.

12 (6) The number of students who took a State licensing
13 examination or professional certification examination, if
14 any, during the reporting period, as well as the number who
15 passed.

16 (7) The number of graduates who obtained employment in
17 the field who did not use the school's placement assistance
18 during the reporting period; such information may be
19 compiled by reasonable efforts of the school to contact
20 graduates by written correspondence.

21 (8) The average starting salary for all school
22 graduates employed during the reporting period; such
23 information may be compiled by reasonable efforts of the
24 school to contact graduates by written correspondence.

25 (9) The following clear and conspicuous caption, set
26 forth with the address and telephone number of the Board's

1 office:

2 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED
3 WITH THE BOARD OF HIGHER EDUCATION."

4 An alphabetical list of names, addresses, and dates of
5 admission by course or course of instruction and a sample copy
6 of the enrollment agreement employed to enroll the students
7 listed shall be filed with the Board's Executive Director on an
8 annual basis. The list shall be signed and verified by the
9 school's chief managing employee.

10 Section 40. Enrollment agreements. A copy of the enrollment
11 agreement must be provided to the Board. Enrollment agreements
12 may be used by schools only if approved by the Board. The Board
13 shall develop a standard enrollment agreement for use by
14 schools approved or seeking approval under this Act. Schools
15 may create an enrollment agreement that meets the minimum
16 requirements of this Section, but it must be approved by the
17 Board prior to implementation. The student must be given a copy
18 of the enrollment agreement at the time the student signs that
19 agreement and at the time of the agreement's acceptance, if
20 those events occur at different times. The school shall retain
21 a signed copy of the fully executed enrollment agreement as a
22 part of the student's permanent record. No school may enter
23 into an enrollment agreement wherein the student waives the
24 right to assert against the school or any assignee any claim or
25 defense he or she may have against the school arising under the

1 agreement. Any provisions in an enrollment agreement wherein
2 the student agrees to such a waiver shall be rendered void.
3 Enrollment agreements shall include, at a minimum, a clear
4 descriptions of costs, refund policies, program information,
5 all disclosures required by this Act, the Board's Internet
6 website, the address and phone number of the Board for students
7 to report complaints, and any additional information the Board
8 may require by rule.

9 Section 45. Board approval. Each school approved by the
10 Board under this Act is responsible for the content of any
11 program offered. Issuance of the permit of approval does not
12 denote that the school or any program offered by the school is
13 recommended, guaranteed, or endorsed by the Board. Schools may
14 not advertise or communicate to students or the public in any
15 way that indicates endorsement of the school or any program by
16 the Board.

17 Section 50. Requirements for approved institutions. Each
18 school and each of the non-degree programs of study offered by
19 the school shall be approved for 5 years, subject to the terms
20 and conditions of approval, including without limitation the
21 submission of required reporting and the payment of required
22 charges and fees under the provisions of Section 75 of this
23 Act, and compliance with any other requirements in this Act or
24 supporting rules. Failure to so comply at any time during the 5

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

16 Section 55. Maintenance of approval. Institutions covered
17 under this Act must meet the following requirements to receive
18 and maintain approval:

19 (1) Provide a surety bond. A continuous surety company
20 bond, written by a company authorized to do business in
21 this State, for the protection of contractual rights,
22 including faithful performance of all contracts and
23 agreements for students and their parents, guardians, or
24 sponsors. The Board shall establish the bond amount by
25 rule. The amount of the bond must be sufficient to provide

1 for the repayment of full tuition to all students enrolled
2 at the institution in the event of closure of the
3 institution. Evidence of the continuation of the bond most
4 be filed annually with the Board. The surety bond must be a
5 written agreement that provides for monetary compensation
6 in the event that the school fails to fulfill its
7 obligations to its students and their parents, guardians,
8 or sponsors. The surety bonding company shall guarantee the
9 return to students and their parents, guardians, or
10 sponsors of all prepaid, unearned tuition in the event of
11 school closure. A condition of the bond shall be that the
12 bond agent shall notify the Board in the event the bond is
13 no longer in effect.

14 (2) Provide to the Board and each student the school's
15 policy for addressing student complaints. Included in this
16 process, the school must provide in its promotional
17 materials and on its Internet website the Board's address
18 and Internet website for reporting complaints.

19 (3) Provide on the institution's Internet website and
20 in promotional materials and enrollment agreements the
21 Internet website, address, and phone number of the Board
22 for students to report complaints.

23 (4) Provide evidence of liability insurance, in such
24 form and amount as the Board shall from time to time
25 prescribe pursuant to rules adopted under this Act, to
26 protect students and employees at the school's places of

1 business and at all classroom extensions, including any
2 work-experience locations.

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

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

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

12 (A) A school may state that it is approved to offer
13 a program of study or authorized to award a certificate
14 in this State only after that approval has been
15 officially granted and received in writing from the
16 Board.

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

20 (C) No school may publish or otherwise communicate
21 to prospective students, faculty, staff, or the public
22 misleading or erroneous information about the
23 certificate or degree-granting status of a given
24 institution.

25 (D) All advertisements or solicitations by
26 approved schools shall only reference the Board's

1 approval by stating that the school is approved by the
2 "Division of Private Business and Vocational Schools".

3 (E) All advertisements or solicitations by
4 approved schools shall contain the school's official
5 Internet website address.

6 (8) Permit the Board's Executive Director or his or her
7 designees to inspect the school or classes thereof from
8 time to time with or without notice and to make available
9 to the Board's Executive Director or his or her designees,
10 at any time when required to do so, information, including
11 financial information, pertaining to the activities of the
12 school required for the administration of this Act and the
13 standards and rules adopted under this Act.

14 (9) Maintain satisfactory student retention and
15 graduation rates and State licensing examination or
16 professional certification examination passage rates.
17 Student retention and graduation rates must be maintained
18 that are appropriate to standards in the field. A State
19 licensing examination or professional certification
20 examination passage rate of at least 50% of the average
21 passage rate for schools within the industry for any State
22 licensing examination or professional certification
23 examination must be maintained. In the event that the
24 school fails to do so, then that school shall be placed on
25 probation for one year. If that school's passage rate in
26 its next reporting period does not exceed 50% of the

1 average passage rate of that class of school as a whole,
2 then the Board shall revoke the school's approval for that
3 program to operate in this State. In addition, this shall
4 be grounds for reviewing the institution's approval to
5 operate. The Board shall develop, by rule, a procedure to
6 ensure the veracity of the information required under this
7 Section.

8 (10) Not enter into an enrollment agreement wherein the
9 student waives the right to assert against the school or
10 any assignee any claim or defense he or she may have
11 against the school arising under the agreement. Any
12 provisions in an enrollment agreement wherein the student
13 agrees to such a waiver shall be rendered void.

14 (11) Not have a tuition policy or enrollment agreement
15 that requires that a student register for more than a
16 single semester, quarter, term, or other such period of
17 enrollment as a condition of the enrollment nor charge a
18 student for multiple periods of enrollment prior to
19 completion of a single semester, quarter, term, or other
20 such period of enrollment.

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

1 (13) Maintain a fair and equitable refund policy and
2 abide by it. Such a policy shall abide by any State or
3 federal rules as appropriate. The same policy shall apply
4 to all students equally.

5 (14) Act in an ethical manner.

6 Section 60. Refund policy. The Board shall establish
7 minimum standards for a fair and equitable refund policy that
8 must be applied by all institutions subject to this Act. The
9 same refund policy must be applied to all students even if they
10 are not eligible for federal financial aid. Schools that are
11 accredited by an accrediting body recognized by the U.S.
12 Department of Education and approved to participate in offering
13 Federal Title IV student financial aid may apply the required
14 federal refund policy as long as the same policy is applied to
15 all students even if they are not eligible for federal
16 financial aid.

17 Section 65. Prohibition against advertising a school or
18 soliciting students without Board authorization. Prior to the
19 issuance of a permit of approval by the Board, no person or
20 organization shall advertise a school or any program of study
21 or solicit prospective students unless the person or
22 organization has applied for and received from the Board
23 authorization to conduct such activity. If the Board has
24 authorized such activity, all advertisements or solicitations

1 must reference the Board's approval by stating that the school
2 is approved by the "Division of Private Business and Vocational
3 Schools of the Illinois Board of Higher Education".

4 Section 70. Closing of a school.

5 (a) In the event a school proposes to discontinue its
6 operations, the chief administrative officer of the school
7 shall cause to be filed with the Board the original or legible
8 true copies of all such academic records of the institution as
9 may be specified by the Board.

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

14 (c) In the event it appears to the Board that any such
15 records of an institution discontinuing its operations is in
16 danger of being lost, hidden, destroyed, or otherwise made
17 unavailable to the Board, the Board may seize and take
18 possession of the records, on its own motion and without order
19 of court.

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

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

1 (f) When a postsecondary educational institution now or
2 hereafter operating in this State proposes to discontinue its
3 operation, such institution shall cause to be created a
4 teach-out plan acceptable to the Board, which shall fulfill the
5 school's educational obligations to its students. Should the
6 school fail to deliver or act on the teach-out plan, the Board
7 is in no way responsible for providing the teach-out.

8 (g) The school and its designated surety bonding company
9 are responsible for the return to students of all prepaid,
10 unearned tuition. As identified in Section 55 of this Act, the
11 surety bond must be a written agreement that provides for
12 monetary compensation in the event that the school fails to
13 fulfill its obligations. The surety bonding company shall
14 guarantee the return to the school's students and their
15 parents, guardians, or sponsors of all prepaid, unearned
16 tuition in the event of school closure. Should the school or
17 its surety bonding company fail to deliver or act to fulfill
18 the obligation, the Board is in no way responsible for the
19 repayment or any related damages or claims.

20 Section 75. Application and renewal fees. Fees for
21 application and renewal may be set by the Board by rule. Fees
22 shall be collected for all of the following:

23 (1) An original school application for a certificate of
24 approval.

25 (2) An initial school application for a certificate of

1 approval upon occurrence of a change of ownership.

2 (3) An annual school application for renewal of a
3 certificate of approval.

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

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

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

11 (7) Transcript processing.

12 Section 80. Private Business and Vocational Schools
13 Quality Assurance Fund. The Private Business and Vocational
14 Schools Quality Assurance Fund is created as a special fund in
15 the State treasury. All fees collected for the administration
16 and enforcement of this Act must be deposited into this Fund.
17 All money in the Fund must be used, subject to appropriation,
18 by the Board to supplement support for the administration and
19 enforcement of this Act and must not be used for any other
20 purpose.

21 Section 85. Violations under the Act.

22 (a) The Board's Executive Director has the authority to
23 order any school subject to this Act to cease and desist
24 operations if the school is found to have acted contrary to the

1 standards set forth in this Act or supporting rules.

2 (b) The Board's Executive Director shall, before refusing
3 to issue or renew, and before revocation of any certificate or
4 permit, at least 10 days prior to the date set for the hearing,
5 notify in writing the applicant for or holder of a certificate
6 or permit (the respondent) that a hearing shall be held on the
7 date designated to determine whether the respondent is
8 privileged to hold such certificate or permit, and shall afford
9 the respondent an opportunity to be heard in person or by
10 counsel in reference thereto. The written notice may be served
11 by delivery of the same personally to the respondent, or by
12 mailing the same by registered mail to the place of business
13 last specified by the respondent in the last notification to
14 the Board's Executive Director. At the time and place fixed in
15 the notice, the Board's Executive Director or his or her
16 designated hearing officer shall proceed to hear the charges
17 and both the respondent and the complainant shall be accorded
18 ample opportunity to present in person or by counsel such
19 statements, testimony, evidence, and arguments as may be
20 pertinent to the charges or to any defense thereto. The Board's
21 Executive Director or his or her designated hearing officer may
22 continue such hearing from time to time. If the Board's
23 Executive Director shall not be sitting at the time and place
24 fixed in the notice or at the time and place to which the
25 hearing shall have been continued, the Board's Executive
26 Director or his or her designated hearing officer shall

1 continue such hearing for a period not to exceed 30 days.
2 Failure of the respondent to appear on the date set for hearing
3 or failure to proceed as ordered by the Board's Executive
4 Director or his or her designated hearing officer shall
5 constitute a default and automatic revocation.

6 (c) The Board's Executive Director is authorized to
7 subpoena and bring before a hearing officer any person or
8 persons in this State and to take testimony either orally or by
9 deposition or by exhibit, with the same fees and mileage and in
10 the same manner as prescribed by law in judicial proceedings in
11 civil cases in circuit courts of this State. The Board's
12 Executive Director or the designated hearing officer shall
13 administer oaths to witnesses at any hearing that the Board's
14 Executive Director is authorized by law to conduct.

15 (d) Any circuit court, upon the application of the
16 respondent or complainant or of the Board's Executive Director,
17 may by order duly entered, require the attendance of witnesses
18 and the production of relevant books and papers before any
19 hearing the Board's Executive Director is authorized to
20 conduct, and the court may compel obedience to its order by
21 proceedings for contempt.

22 (e) The Board shall establish rules for the appeal of
23 decisions to revoke the permit of approval. At a minimum, the
24 rules shall include all of the following:

25 (1) The school must be notified of the revocation in
26 writing through registered mail or other appropriate

1 notification.

2 (2) The school has 10 business days after notification
3 to request an appeal of the decision.

4 (3) The Board shall not be required to schedule a
5 hearing and has the option to waive a hearing if the
6 institution has not operated for one continuous, 12-month
7 period or the institution has been abandoned; however, even
8 in these cases, the Board shall be required to revoke the
9 authority at a public hearing at which any opponent who is
10 injured or impacted by the revocation must be given the
11 opportunity to be heard.

12 (4) The Board shall designate a hearing officer, who
13 shall schedule and conduct a hearing.

14 (5) The hearing officer shall make a final
15 administrative decision, which decision may be reviewed
16 judicially by the circuit court in accordance with
17 subsection (f) of this Section.

18 (f) Any person affected by a final administrative decision
19 of the Board's Executive Director may have such decision
20 reviewed judicially by the circuit court of the county wherein
21 the person resides, or in the case of a corporation, wherein
22 the registered office is located. If the plaintiff in the
23 review proceeding is not a resident of this State, the venue
24 shall be in Sangamon County. The provisions of the
25 Administrative Review Law, and all amendments and
26 modifications thereof, and the rules adopted pursuant thereto,

1 shall apply to and govern all proceedings for the judicial
2 review of final administrative decisions of the Board's
3 Executive Director. "Administrative decisions" has the same
4 meaning as in Section 3-101 of the Code of Civil Procedure.

5 (g) Except for the violations enumerated in subsection (e)
6 of this Section, any owner, operator, or authorized agent of a
7 school who knowingly violates any provision of this Act is
8 guilty of a business offense.

9 (h) Any owner, operator, or authorized agent of a private
10 business and vocational school who commits any of the following
11 offenses is guilty of a Class A misdemeanor for the first
12 offense and a Class 4 felony for the second or subsequent
13 offense:

14 (1) Knowingly, and for the purpose of influencing or
15 inducing a person to enroll in the program of study offered
16 by the school, makes any false or misleading statements,
17 misrepresentations, or false promises to the person
18 regarding opportunities upon graduation from the school
19 for (i) employment in a business, industry, or trade, (ii)
20 admission to an institution of higher learning, or (ii)
21 admission to an occupational licensing examination.

22 (2) Knowingly, and with intent to defraud, retains in
23 excess of the school's refund policy prescribed in this Act
24 any unearned tuition or fees paid by a student who has
25 cancelled his or her enrollment agreement and is entitled
26 to a refund.

1 (3) Knowingly, and with intent to defraud,
2 misrepresents that any student who has cancelled his or her
3 enrollment agreement is presently enrolled in the school,
4 has completed the program of study, or has graduated from
5 the school.

6 (4) Knowingly uses or attempts to use students in any
7 commercial or manufacturing activity related to the
8 operation of the school and to the school's advantage and
9 profit, except to the extent that the school provides the
10 student with practical experience supplemental to the
11 course of instruction or except in the case of students who
12 are employed by the school and compensated for such
13 employment.

14 (i) The Board shall adopt rules to pursue resolution of
15 complaints. At a minimum, the rules shall include all of the
16 following:

17 (1) Student complaints must be submitted in writing to
18 the Board.

19 (2) Board staff shall contact the school about the
20 complaint by registered mail or other appropriate
21 notification. The school has 10 business days to respond to
22 the Board about the complaint. The Board shall provide a
23 resolution determination to the school. The school may
24 request a hearing about the proposed resolution within 10
25 business days after the delivery of the complaint by
26 registered mail or other appropriate notification. If the

1 school does not abide by the resolution determination, then
2 the Board can issue a cease and desist order to the school.
3 If the school does not comply with the cease and desist
4 order, then the Board may revoke the school's permit of
5 approval.

6 (3) The complaint may be forwarded to the institution's
7 accrediting body.

8 (4) The Board shall annually issue a public report
9 about the complaints received. At a minimum, the report
10 shall include the institution, the nature of the complaint,
11 and the current resolution status of the complaint. No
12 individual student shall be named in the report.

13 (j) Upon application of the Board's Executive Director, the
14 Attorney General or any State's Attorney, the Circuit Court of
15 each county in which a violation of this Act or the rules and
16 regulations has occurred, shall have jurisdiction to enjoin any
17 violation thereof.

18 (k) The following acts or omissions by an owner, operator,
19 or authorized agent of a private business and vocational school
20 shall constitute violations of this Act and unlawful practices
21 pursuant to the Consumer Fraud and Deceptive Business Practices
22 Act:

23 (1) False or misleading statements,
24 misrepresentations, or false promises that have the
25 tendency or capacity to influence or induce persons to
26 enroll in the program of study offered by the school.

1 (2) Failure or refusal of the school to make the
2 disclosures in advertising materials in the enrollment
3 agreement and on its Internet website as required by this
4 Act, or the making of false or inaccurate statements in
5 such disclosures.

6 (3) Failure or refusal of the school to refund fees and
7 unearned tuition, in accordance with the refund policy
8 prescribed by this Act, to any student who cancels his or
9 her enrollment agreement.

10 (4) Failure or refusal of the school to employ course
11 instructors under conditions presented to the Board to
12 satisfy the requirements of this Act or to provide the
13 equipment, facilities, or services necessary to implement
14 the program of study as presented to the Board to satisfy
15 the requirements of the Act.

16 (1) Whenever the Attorney General or a State's Attorney
17 receives a complaint against a private business and vocational
18 school that alleges one or more of the violations enumerated in
19 subsection (k) of this Section, he or she may conduct an
20 investigation to determine the validity of the complaint and,
21 if a violation or violations are found, may use any or all of
22 the remedies, penalties, or authority granted to him or her by
23 the Consumer Fraud and Deceptive Business Practices Act to
24 correct such violations and enforce the provisions of this Act.
25 Within 10 business days after receipt, the Board shall transmit
26 to the Attorney General and the appropriate State's Attorney

1 copies of complaints filed in the Board's office that allege
2 one or more of the violations enumerated in subsection (k) of
3 this Section.

4 (m) Any person who suffers damages as a result of a
5 violation of this Act committed by a school or its
6 representative may bring an action against the school. The
7 court, in its discretion, may award actual damages, treble
8 actual damages if fraud is proved, injunctive relief, and any
9 other relief that the court deems proper.

10 Such action may be commenced in the county where the school
11 is located or has its principal place of business or in the
12 county where the transaction or any substantial portion thereof
13 occurred.

14 In any action brought by a person under this Section, the
15 court may award, in addition to the relief provided in this
16 Section, reasonable attorney's fees and costs to the prevailing
17 party.

18 Either party to an action under this Section may request a
19 trial by jury.

20 Section 90. Rulemaking authority. The Board shall have
21 rulemaking authority as necessary and appropriate to implement
22 this Act. Rulemaking authority to implement this Act, if any,
23 is conditioned on the rules being adopted in accordance with
24 all provisions of the Illinois Administrative Procedure Act and
25 all rules and procedures of the Joint Committee on

1 Administrative Rules; any purported rule not so adopted, for
2 whatever reason, is unauthorized.

3 Section 500. The Department of Professional Regulation Law
4 of the Civil Administrative Code of Illinois is amended by
5 changing Section 2105-15 as follows:

6 (20 ILCS 2105/2105-15)

7 Sec. 2105-15. General powers and duties.

8 (a) The Department has, subject to the provisions of the
9 Civil Administrative Code of Illinois, the following powers and
10 duties:

11 (1) To authorize examinations in English to ascertain
12 the qualifications and fitness of applicants to exercise
13 the profession, trade, or occupation for which the
14 examination is held.

15 (2) To prescribe rules and regulations for a fair and
16 wholly impartial method of examination of candidates to
17 exercise the respective professions, trades, or
18 occupations.

19 (3) To pass upon the qualifications of applicants for
20 licenses, certificates, and authorities, whether by
21 examination, by reciprocity, or by endorsement.

22 (4) To prescribe rules and regulations defining, for
23 the respective professions, trades, and occupations, what
24 shall constitute a school, college, or university, or

1 department of a university, or other institution,
2 reputable and in good standing, and to determine the
3 reputability and good standing of a school, college, or
4 university, or department of a university, or other
5 institution, reputable and in good standing, by reference
6 to a compliance with those rules and regulations; provided,
7 that no school, college, or university, or department of a
8 university, or other institution that refuses admittance
9 to applicants solely on account of race, color, creed, sex,
10 or national origin shall be considered reputable and in
11 good standing.

12 (5) To conduct hearings on proceedings to revoke,
13 suspend, refuse to renew, place on probationary status, or
14 take other disciplinary action as authorized in any
15 licensing Act administered by the Department with regard to
16 licenses, certificates, or authorities of persons
17 exercising the respective professions, trades, or
18 occupations and to revoke, suspend, refuse to renew, place
19 on probationary status, or take other disciplinary action
20 as authorized in any licensing Act administered by the
21 Department with regard to those licenses, certificates, or
22 authorities. The Department shall issue a monthly
23 disciplinary report. The Department shall deny any license
24 or renewal authorized by the Civil Administrative Code of
25 Illinois to any person who has defaulted on an educational
26 loan or scholarship provided by or guaranteed by the

1 Illinois Student Assistance Commission or any governmental
2 agency of this State; however, the Department may issue a
3 license or renewal if the aforementioned persons have
4 established a satisfactory repayment record as determined
5 by the Illinois Student Assistance Commission or other
6 appropriate governmental agency of this State.
7 Additionally, beginning June 1, 1996, any license issued by
8 the Department may be suspended or revoked if the
9 Department, after the opportunity for a hearing under the
10 appropriate licensing Act, finds that the licensee has
11 failed to make satisfactory repayment to the Illinois
12 Student Assistance Commission for a delinquent or
13 defaulted loan. For the purposes of this Section,
14 "satisfactory repayment record" shall be defined by rule.
15 The Department shall refuse to issue or renew a license to,
16 or shall suspend or revoke a license of, any person who,
17 after receiving notice, fails to comply with a subpoena or
18 warrant relating to a paternity or child support
19 proceeding. However, the Department may issue a license or
20 renewal upon compliance with the subpoena or warrant.

21 The Department, without further process or hearings,
22 shall revoke, suspend, or deny any license or renewal
23 authorized by the Civil Administrative Code of Illinois to
24 a person who is certified by the Department of Healthcare
25 and Family Services (formerly Illinois Department of
26 Public Aid) as being more than 30 days delinquent in

1 complying with a child support order or who is certified by
2 a court as being in violation of the Non-Support Punishment
3 Act for more than 60 days. The Department may, however,
4 issue a license or renewal if the person has established a
5 satisfactory repayment record as determined by the
6 Department of Healthcare and Family Services (formerly
7 Illinois Department of Public Aid) or if the person is
8 determined by the court to be in compliance with the
9 Non-Support Punishment Act. The Department may implement
10 this paragraph as added by Public Act 89-6 through the use
11 of emergency rules in accordance with Section 5-45 of the
12 Illinois Administrative Procedure Act. For purposes of the
13 Illinois Administrative Procedure Act, the adoption of
14 rules to implement this paragraph shall be considered an
15 emergency and necessary for the public interest, safety,
16 and welfare.

17 (6) To transfer jurisdiction of any realty under the
18 control of the Department to any other department of the
19 State Government or to acquire or accept federal lands when
20 the transfer, acquisition, or acceptance is advantageous
21 to the State and is approved in writing by the Governor.

22 (7) To formulate rules and regulations necessary for
23 the enforcement of any Act administered by the Department.

24 (8) To exchange with the Department of Healthcare and
25 Family Services information that may be necessary for the
26 enforcement of child support orders entered pursuant to the

1 Illinois Public Aid Code, the Illinois Marriage and
2 Dissolution of Marriage Act, the Non-Support of Spouse and
3 Children Act, the Non-Support Punishment Act, the Revised
4 Uniform Reciprocal Enforcement of Support Act, the Uniform
5 Interstate Family Support Act, or the Illinois Parentage
6 Act of 1984. Notwithstanding any provisions in this Code to
7 the contrary, the Department of Professional Regulation
8 shall not be liable under any federal or State law to any
9 person for any disclosure of information to the Department
10 of Healthcare and Family Services (formerly Illinois
11 Department of Public Aid) under this paragraph (8) or for
12 any other action taken in good faith to comply with the
13 requirements of this paragraph (8).

14 (9) To perform other duties prescribed by law.

15 (a-5) Except in cases involving default on an educational
16 loan or scholarship provided by or guaranteed by the Illinois
17 Student Assistance Commission or any governmental agency of
18 this State or in cases involving delinquency in complying with
19 a child support order or violation of the Non-Support
20 Punishment Act, no person or entity whose license, certificate,
21 or authority has been revoked as authorized in any licensing
22 Act administered by the Department may apply for restoration of
23 that license, certification, or authority until 3 years after
24 the effective date of the revocation.

25 (b) The Department may, when a fee is payable to the
26 Department for a wall certificate of registration provided by

1 the Department of Central Management Services, require that
2 portion of the payment for printing and distribution costs be
3 made directly or through the Department to the Department of
4 Central Management Services for deposit into the Paper and
5 Printing Revolving Fund. The remainder shall be deposited into
6 the General Revenue Fund.

7 (c) For the purpose of securing and preparing evidence, and
8 for the purchase of controlled substances, professional
9 services, and equipment necessary for enforcement activities,
10 recoupment of investigative costs, and other activities
11 directed at suppressing the misuse and abuse of controlled
12 substances, including those activities set forth in Sections
13 504 and 508 of the Illinois Controlled Substances Act, the
14 Director and agents appointed and authorized by the Director
15 may expend sums from the Professional Regulation Evidence Fund
16 that the Director deems necessary from the amounts appropriated
17 for that purpose. Those sums may be advanced to the agent when
18 the Director deems that procedure to be in the public interest.
19 Sums for the purchase of controlled substances, professional
20 services, and equipment necessary for enforcement activities
21 and other activities as set forth in this Section shall be
22 advanced to the agent who is to make the purchase from the
23 Professional Regulation Evidence Fund on vouchers signed by the
24 Director. The Director and those agents are authorized to
25 maintain one or more commercial checking accounts with any
26 State banking corporation or corporations organized under or

1 subject to the Illinois Banking Act for the deposit and
2 withdrawal of moneys to be used for the purposes set forth in
3 this Section; provided, that no check may be written nor any
4 withdrawal made from any such account except upon the written
5 signatures of 2 persons designated by the Director to write
6 those checks and make those withdrawals. Vouchers for those
7 expenditures must be signed by the Director. All such
8 expenditures shall be audited by the Director, and the audit
9 shall be submitted to the Department of Central Management
10 Services for approval.

11 (d) Whenever the Department is authorized or required by
12 law to consider some aspect of criminal history record
13 information for the purpose of carrying out its statutory
14 powers and responsibilities, then, upon request and payment of
15 fees in conformance with the requirements of Section 2605-400
16 of the Department of State Police Law (20 ILCS 2605/2605-400),
17 the Department of State Police is authorized to furnish,
18 pursuant to positive identification, the information contained
19 in State files that is necessary to fulfill the request.

20 (e) The provisions of this Section do not apply to private
21 business and vocational schools as defined by Section 15 ~~±~~ of
22 the Private Business and Vocational Schools Act of 2012.

23 (f) Beginning July 1, 1995, this Section does not apply to
24 those professions, trades, and occupations licensed under the
25 Real Estate License Act of 2000, nor does it apply to any
26 permits, certificates, or other authorizations to do business

1 provided for in the Land Sales Registration Act of 1989 or the
2 Illinois Real Estate Time-Share Act.

3 (g) Notwithstanding anything that may appear in any
4 individual licensing statute or administrative rule, the
5 Department shall deny any license application or renewal
6 authorized under any licensing Act administered by the
7 Department to any person who has failed to file a return, or to
8 pay the tax, penalty, or interest shown in a filed return, or
9 to pay any final assessment of tax, penalty, or interest, as
10 required by any tax Act administered by the Illinois Department
11 of Revenue, until such time as the requirement of any such tax
12 Act are satisfied; however, the Department may issue a license
13 or renewal if the person has established a satisfactory
14 repayment record as determined by the Illinois Department of
15 Revenue. For the purpose of this Section, "satisfactory
16 repayment record" shall be defined by rule.

17 In addition, a complaint filed with the Department by the
18 Illinois Department of Revenue that includes a certification,
19 signed by its Director or designee, attesting to the amount of
20 the unpaid tax liability or the years for which a return was
21 not filed, or both, is prima facia evidence of the licensee's
22 failure to comply with the tax laws administered by the
23 Illinois Department of Revenue. Upon receipt of that
24 certification, the Department shall, without a hearing,
25 immediately suspend all licenses held by the licensee.
26 Enforcement of the Department's order shall be stayed for 60

1 days. The Department shall provide notice of the suspension to
2 the licensee by mailing a copy of the Department's order by
3 certified and regular mail to the licensee's last known address
4 as registered with the Department. The notice shall advise the
5 licensee that the suspension shall be effective 60 days after
6 the issuance of the Department's order unless the Department
7 receives, from the licensee, a request for a hearing before the
8 Department to dispute the matters contained in the order.

9 Any suspension imposed under this subsection (g) shall be
10 terminated by the Department upon notification from the
11 Illinois Department of Revenue that the licensee is in
12 compliance with all tax laws administered by the Illinois
13 Department of Revenue.

14 The Department shall promulgate rules for the
15 administration of this subsection (g).

16 (h) The Department may grant the title "Retired", to be
17 used immediately adjacent to the title of a profession
18 regulated by the Department, to eligible retirees. The use of
19 the title "Retired" shall not constitute representation of
20 current licensure, registration, or certification. Any person
21 without an active license, registration, or certificate in a
22 profession that requires licensure, registration, or
23 certification shall not be permitted to practice that
24 profession.

25 (i) Within 180 days after December 23, 2009 (the effective
26 date of Public Act 96-852), the Department shall promulgate

1 rules which permit a person with a criminal record, who seeks a
2 license or certificate in an occupation for which a criminal
3 record is not expressly a per se bar, to apply to the
4 Department for a non-binding, advisory opinion to be provided
5 by the Board or body with the authority to issue the license or
6 certificate as to whether his or her criminal record would bar
7 the individual from the licensure or certification sought,
8 should the individual meet all other licensure requirements
9 including, but not limited to, the successful completion of the
10 relevant examinations.

11 (Source: P.A. 95-331, eff. 8-21-07; 96-459, eff. 8-14-09;
12 96-852, eff. 12-23-09; 96-1000, eff. 7-2-10.)

13 Section 505. The State Finance Act is amended by adding
14 Section 5.809 as follows:

15 (30 ILCS 105/5.809 new)

16 Sec. 5.809. The Private Business and Vocational Schools
17 Quality Assurance Fund.

18 Section 510. The Riverboat Gambling Act is amended by
19 changing Section 9 as follows:

20 (230 ILCS 10/9) (from Ch. 120, par. 2409)

21 Sec. 9. Occupational licenses.

22 (a) The Board may issue an occupational license to an

1 applicant upon the payment of a non-refundable fee set by the
2 Board, upon a determination by the Board that the applicant is
3 eligible for an occupational license and upon payment of an
4 annual license fee in an amount to be established. To be
5 eligible for an occupational license, an applicant must:

6 (1) be at least 21 years of age if the applicant will
7 perform any function involved in gaming by patrons. Any
8 applicant seeking an occupational license for a non-gaming
9 function shall be at least 18 years of age;

10 (2) not have been convicted of a felony offense, a
11 violation of Article 28 of the Criminal Code of 1961, or a
12 similar statute of any other jurisdiction;

13 (2.5) not have been convicted of a crime, other than a
14 crime described in item (2) of this subsection (a),
15 involving dishonesty or moral turpitude, except that the
16 Board may, in its discretion, issue an occupational license
17 to a person who has been convicted of a crime described in
18 this item (2.5) more than 10 years prior to his or her
19 application and has not subsequently been convicted of any
20 other crime;

21 (3) have demonstrated a level of skill or knowledge
22 which the Board determines to be necessary in order to
23 operate gambling aboard a riverboat; and

24 (4) have met standards for the holding of an
25 occupational license as adopted by rules of the Board. Such
26 rules shall provide that any person or entity seeking an

1 occupational license to manage gambling operations
2 hereunder shall be subject to background inquiries and
3 further requirements similar to those required of
4 applicants for an owners license. Furthermore, such rules
5 shall provide that each such entity shall be permitted to
6 manage gambling operations for only one licensed owner.

7 (b) Each application for an occupational license shall be
8 on forms prescribed by the Board and shall contain all
9 information required by the Board. The applicant shall set
10 forth in the application: whether he has been issued prior
11 gambling related licenses; whether he has been licensed in any
12 other state under any other name, and, if so, such name and his
13 age; and whether or not a permit or license issued to him in
14 any other state has been suspended, restricted or revoked, and,
15 if so, for what period of time.

16 (c) Each applicant shall submit with his application, on
17 forms provided by the Board, 2 sets of his fingerprints. The
18 Board shall charge each applicant a fee set by the Department
19 of State Police to defray the costs associated with the search
20 and classification of fingerprints obtained by the Board with
21 respect to the applicant's application. These fees shall be
22 paid into the State Police Services Fund.

23 (d) The Board may in its discretion refuse an occupational
24 license to any person: (1) who is unqualified to perform the
25 duties required of such applicant; (2) who fails to disclose or
26 states falsely any information called for in the application;

1 (3) who has been found guilty of a violation of this Act or
2 whose prior gambling related license or application therefor
3 has been suspended, restricted, revoked or denied for just
4 cause in any other state; or (4) for any other just cause.

5 (e) The Board may suspend, revoke or restrict any
6 occupational licensee: (1) for violation of any provision of
7 this Act; (2) for violation of any of the rules and regulations
8 of the Board; (3) for any cause which, if known to the Board,
9 would have disqualified the applicant from receiving such
10 license; or (4) for default in the payment of any obligation or
11 debt due to the State of Illinois; or (5) for any other just
12 cause.

13 (f) A person who knowingly makes a false statement on an
14 application is guilty of a Class A misdemeanor.

15 (g) Any license issued pursuant to this Section shall be
16 valid for a period of one year from the date of issuance.

17 (h) Nothing in this Act shall be interpreted to prohibit a
18 licensed owner from entering into an agreement with a public
19 community college or a school approved under the Private
20 Business and Vocational Schools Act of 2012 for the training of
21 any occupational licensee. Any training offered by such a
22 school shall be in accordance with a written agreement between
23 the licensed owner and the school.

24 (i) Any training provided for occupational licensees may be
25 conducted either on the riverboat or at a school with which a
26 licensed owner has entered into an agreement pursuant to

1 subsection (h).

2 (Source: P.A. 96-1392, eff. 1-1-11.)

3 Section 515. The Illinois Public Aid Code is amended by
4 changing Section 11-2.1 as follows:

5 (305 ILCS 5/11-2.1) (from Ch. 23, par. 11-2.1)

6 Sec. 11-2.1. No private business and vocational school, as
7 defined in the Private Business and Vocational Schools Act of
8 2012, may solicit an applicant or recipient within a public aid
9 office or within 100 feet of a public aid office, for the
10 purpose of enrolling the applicant or recipient in a work or
11 training program, without the express written consent of the
12 Illinois Department. Any person violating this Section shall be
13 guilty of a Class A misdemeanor. "Public aid office" for the
14 purpose of this Section includes any business office of the
15 Department where a person may apply for or receive benefits or
16 services under this Code, the building in which such office is
17 located, and any parking area connected to such office that is
18 owned or leased by the State for the benefit of the Department
19 for use by personnel of the Department or by applicants or
20 recipients.

21 (Source: P.A. 85-1383.)

22 Section 520. The Children's Privacy Protection and
23 Parental Empowerment Act is amended by changing Section 15 as

1 follows:

2 (325 ILCS 17/15)

3 Sec. 15. Information brokers.

4 (a) For the purpose of this Act, the consent of a parent to
5 the sale or purchase of information concerning a child is
6 presumed unless the parent withdraws consent under this
7 Section.

8 A person who brokers or facilitates the sale of personal
9 information concerning children must, upon written request
10 from a parent that specifically identifies the child, provide
11 to the parent within 20 days of the written request procedures
12 that the parent must follow in order to withdraw consent to use
13 personal information relating to that child. The person who
14 brokers or facilitates the sale of personal information must
15 discontinue disclosing a child's personal information within
16 20 days after the parent has completed the procedures to
17 withdraw consent to use personal information relating to that
18 child.

19 (b) This Section does not apply to any of the following:

20 (1) Any federal, state, or local government agency or
21 any law enforcement agency.

22 (2) The National Center for Missing and Exploited
23 Children.

24 (3) Any educational institution, consortium,
25 organization, or professional association, including but

1 not limited to, public community colleges, public
2 universities, post-secondary educational institutions as
3 defined in the Private College Act, and private business
4 and vocational schools as defined in the Private Business
5 and Vocational Schools Act of 2012.

6 (4) Any not-for-profit entity that is exempt from the
7 payment of federal taxes under Section 501(c)(3) of the
8 Internal Revenue Code of 1986.

9 (Source: P.A. 93-462, eff. 1-1-04.)

10 Section 525. The Consumer Fraud and Deceptive Business
11 Practices Act is amended by adding Section 2MMM as follows:

12 (815 ILCS 505/2MMM new)

13 Sec. 2MMM. Violations of the Private Business and
14 Vocational Schools Act of 2012. A school subject to the Private
15 Business and Vocational Schools Act of 2012 commits an unlawful
16 practice when it violates subsection (c) of Section 85 of the
17 Private Business and Vocational Schools Act of 2012.

18 (105 ILCS 425/Act rep.)

19 Section 900. The Private Business and Vocational Schools
20 Act is repealed.

21 Section 999. Effective date. This Act takes effect February
22 1, 2012."