

**ADOPTED AMENDMENTS TO RULES:
PROGRAM REVIEW (PRIVATE COLLEGES AND UNIVERSITIES)**

Submitted for: Action.

Summary: This item seeks final adoption of amendments for Program Review (Private Colleges and Universities). Proposed amendments to this Part were approved by the Board at the April 7, 2009 meeting.

The rules before the Board for final adoption contain four modifications to the proposed rules approved in April. Fees to discontinue a program are removed to encourage institutional reporting, the definition of change request is clarified, the definition of institution size has a technical correction, and the proposed process to update fees in the future has been removed. The rulemaking is now ready for Board adoption and for JCAR review.

Action Requested: That the Illinois Board of Higher Education adopt the proposed amendments to Program Review (Private Colleges and Universities) (23 Ill. Admin. Code 1030) as contained in this item.

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

**ADOPTED AMENDMENTS TO RULES:
PROGRAM REVIEW (PRIVATE COLLEGES AND UNIVERSITIES)**

In April 2009 the Board approved the proposed amendments to the rules for Program Review (Private Colleges and Universities). The amendments were promulgated in response to the passage of Public Act 95-1046 which provided the Board with new tools to create and collect an Academic Application Processing Fee for the purpose of funding academic affairs staff activities.

In accordance with the Illinois Administrative Procedures Act [5 ILCS 100], two sets of proposed amendments were filed concurrently in April. Emergency amendments, the first set, are currently in effect but will expire September 6, 2009. The second set of proposed amendments contains the same language as the emergency amendments. To ensure a contiguous process, the second set of proposed amendments will replace the emergency amendments before the expiration date.

Four modifications to the proposed rules are recommended. First, the fees to discontinue a program are removed to encourage institution reporting; second, the definition of a change request is clarified by providing additional detail; third, the definition of institution size has a technical correction to the calculation; and fourth, the proposed process to update fees in the future was removed.

Once approved by the Illinois Board of Higher Education, the proposed amendments to the rule will be filed with the Joint Committee of Administrative Rules (JCAR). After JCAR approval the rules will be filed with the Secretary of State to replace the emergency rules before the expiration date of September 6, 2009.

Staff Recommendation

Staff recommends the adoption of the following resolution:

The Illinois Board of Higher Education hereby adopts the amendments for the Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030) as detailed in the attached document.

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1030
PROGRAM REVIEW (PRIVATE COLLEGES AND UNIVERSITIES)

Section	
1030.10	Institutions Required to Receive Approval
1030.20	Definitions
1030.30	Institutional Approval
1030.40	Institutional Approval under the 1945 Act Only
1030.50	Institutional Authorization under the 1961 Act Only
1030.60	Degree Authorization under the 1961 Act
1030.70	Maintenance of Approval under the 1945 Act
1030.80	Maintenance of Approval to Operate and/or Grant Degrees under the 1961 Act
<u>1030.90</u>	<u>Academic Application Processing Fees</u>
1030.ILLUSTRATION A	Map of Regions

AUTHORITY: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05], Sections 14.5 and 14.10 of the Private College Act [110 ILCS 1005/14.5 and 14.10] and Sections 10.5 and 10.10 of the Academic Degree Act [110 ILCS 1010/10.5 and 10.10].

SOURCE: Amended and effective August 9, 1977; emergency rules adopted at 3 Ill. Reg. 26, p. 297, effective June 13, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 38, p. 222, effective September 22, 1979; amended at 4 Ill. Reg. 48, p. 200, effective November 19, 1980; codified at 8 Ill. Reg. 1454; amended at 33 Ill. Reg. 49, effective December 23, 2008; emergency amendment at 33 Ill. Reg. 6099, effective April 9, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. ____, effective _____.

Section 1030.10 Institutions Required to Receive Approval

- a) Institutions Required to Receive Approval under the 1945 Act
Any private or public person, group of persons, partnership or corporation that is or contemplates offering degrees or instruction in Illinois above the high school level, either in residence or correspondence, or in the case of an institution offering online instruction where the core academic support services, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support, are located in Illinois must be approved pursuant to this Part. After December 23, 2008, these institutions shall be limited to:
- 1) Institutions that were not established and offering degrees in Illinois prior to July 17, 1945; or
 - 2) Institutions that result from a merger of other institutions, whether or not the merged institutions were in existence prior to July 17, 1945; or
 - 3) Institutions that offer ten percent or more of course work, as measured by academic credits, for a degree program in a new geographic location, whether or not the institution was in existence prior to July 17, 1945; or

- 4) Institutions that have terminated operation and subsequently wish to resume operations as degree granting institutions, whether or not the former institution was in existence prior to July 17, 1945.
- b) **Institutions Required to Receive Approval under the 1961 Act**
 Any private or public person, group of persons, partnership or corporation that is or contemplates offering degrees or instruction in Illinois above the high school level, either in residence or correspondence, or in the case of an institution offering online instruction where the core academic support services, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support, are located in Illinois, provided the institution is not an Illinois public tax supported higher education institution, a labor union training program or a business trade or other corporate in-service training program, must be approved pursuant to this Part. After December 23, 2008, these institutions shall be limited to:
- 1) Institutions that were not operating or authorized to operate in Illinois on August 14, 1961; or
 - 2) Institutions that result from a merger of other institutions, whether or not the merged institutions were authorized to operate on August 14, 1961; or
 - 3) Institutions that offer ten percent or more of course work, as measured by academic credits, for a degree program in a new geographic location, whether or not the institution was authorized to operate on August 14, 1961; or
 - 4) Institutions that have terminated operation and subsequently wish to resume operation as degree-granting institutions, whether or not the former institution was authorized to operate on August 14, 1961.
- c) **Exemption from Approval Requirements**
- 1) Institutions offering degree programs at the University Center of Lake County and the Quad-Cities Graduate Center shall not be required to apply for Board approval when offering degree programs authorized for their home campus. For these institutions, center approval is required and the center shall be treated as part of the institution's home campus, provided the center has notified the Board of its approval of the new degree program.
 - 2) **Institutions with Limited Physical Presence in Illinois**
 Any public or private person, group of persons, partnership or corporation that is located outside of the State of Illinois that is or contemplates offering instruction in Illinois above the high school level is not required under either the 1945 Act or the 1961 Act to obtain a certificate of approval or operating or degree authorization if the institution has a limited physical presence in the State. No such institution shall be considered to have limited physical presence for any geographic location and program in Illinois unless it has received a written finding from the Board that it has such a limited physical presence. In determining whether an institution has a limited physical presence, the Board shall require the following:

- A) Evidence of authorization to operate in at least one other state; and
 - B) Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation; and
 - C) Evidence that the institution will offer ten percent or less of coursework, as measured by academic credits, for a degree program in the State of Illinois, or evidence that the institution is offering degrees through one hundred percent asynchronous versus synchronous on-line instruction from an out-of-state site or sites; and
 - D) Evidence that the institution is not providing core academic support services, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State of Illinois.
- 3) Institutions exempted under the 1945 and/or 1961 Acts offering one hundred percent asynchronous versus synchronous on-line instruction do not require additional Board approval.
 - 4) Approved institutions under the jurisdiction of the 1945 or 1961 Acts offering one hundred percent asynchronous versus synchronous on-line instruction of a Board approved degree program do not require additional Board approval.

(Source: Amended at 33 Ill. Reg. 49, effective December 23, 2008)

Section 1030.20 Definitions

Unless otherwise stated, all definitions apply to all terms used in this Part in conjunction with both the 1945 Act and the 1961 Act.

"The 1945 Act" means the Private College Act [110 ILCS 1005].

"The 1961 Act" means the Academic Degree Act [110 ILCS 1010].

"Asynchronous" means instruction in which the teacher and students do not meet at the same time. On-line instruction is more likely to be asynchronous, allowing students to access and participate in the course when they choose to do so.

"Authorization to Grant Degrees" means the letter from the Board giving an institution authorization to grant specific degrees under the 1961 Act.

"Authorization to Operate" means the letter from the Board authorizing an institution to operate under the 1961 Act.

"Board" means the Board of Higher Education. In those cases in which the term is used to refer to prior approval or lack of prior approval for either an institution or a degree program, the term "Board" shall mean either the Board of Higher Education or one of the two previous administrative agencies that administered higher education in Illinois (the Board of Education or the Superintendent of Public Instruction), as appropriate.

"Certificate of Approval" means the letter from the Board giving an institution approval to operate under the 1945 Act.

"Change Request" means a written proposal to modify an approved degree program. A modification is a change to any of the following: degrees offered; degree title; reclassification of instructional programs code (CIP code); and the admission, retention or graduation requirements of the approved program.

"Degree" means any designation, appellation, series of letters or words, or other symbol that signifies or purports to signify that the recipient has satisfactorily completed an organized academic program of study beyond the secondary school level. For the purposes of this Part, an "organized academic program of study beyond the secondary school level" shall be defined as:

Any academic program, regardless of duration, that offers any designation, appellation, series of letters or words or other symbol known as or labeled as an associate degree, a bachelor's degree, a master's degree, a doctor's degree, a professional degree or a certificate of advanced study; or

Any academic program of more than 12 months in duration, except for a program that is devoted entirely to religion or theology, or a program offered by any institution operating under the authority of the Private Business and Vocational Schools Act [105 ILCS 425].

"Degree program" means the standard required course of study, or its equivalent, leading to a degree.

"Home campus" is also known as "in-region". Both "home campus" and "in-region" are defined as the approval region within which an institution's original operating authority was granted.

"Illinois Proprietary Institution" means an institution described in Sections 1030.10(a) and (b) that is not otherwise exempted in Section 1030.10(c) and meets the following criteria:

Private corporation, limited liability company, or other entity that is initially incorporated or organized in this State, if required by law; and

Maintains a place of business within the State; and

Holds a current certificate of good standing from the Secretary of State, if required by law to file with the State; and

Is investor-owned and/or organized for profit.

Illinois proprietary institutions do not include public institutions authorized under the domestic laws of this State, private not-for-profit institutions permitted to be exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code (26 USC 501(c)(3)), or religious institutions that have not applied for recognition of tax-exempt status but have filed as a not-for-profit entity with the Illinois Secretary of State.

“Institution Size” is determined by applying the formula for the calculation of FTE students (using fall student headcounts) developed by the Integrated Postsecondary Education Data Systems (IPEDS) to the data reported by the institution to IPEDS, which is the U.S. Department of Education postsecondary data collection program.

“Letter of Intent” means the Notice of Intent form provided by the Board and completed by the institution that is seeking operating authority, as provided in Section 1030.30(b).

"New degree program" means one or more of the following:

A degree program offered at a different educational level from a degree program already approved at a given institution.

A degree program in a different six-digit CIP (Classification of Instructional Programs taxonomy developed by the National Center for Educational Statistics and used in the Integrated Postsecondary Education Data System) code from that already authorized.

A new professional or specialist degree or certificate.

"New geographic location" is also known as "out-of-region". Both "new geographic location" and "out-of-region" are those sites located outside of the region within which an institution's original operating authority was granted.

“Notice of Intent” means the form provided by the Board and completed by the institution that is seeking authority to award one or more degrees as provided in Section 1030.60(b).

“Out of State Institution” means an institution described in Section 1030.10(a) or (b) that is not otherwise exempted in Section 1030.10(c) and meets one of the following:

Public institution authorized under domestic laws other than the laws of this State; or

Private corporation, limited liability company, or other entity that is initially incorporated or organized under domestic laws other than the laws of this State, if required, and initially operated outside the State; or

Not-for-profit corporation, limited liability company, or other entity that maintains its primary place of business or home office outside this State.

"Region" refers to a geographical area within which an institution may operate a unit of instruction and is not limited to the site within the region where the institution initially applied. A region consists of one or more coterminous community college districts. The community college districts are also property taxing districts established as provided in 110 ILCS 805/Art. III. The ten regions, described by community college district and community college district numbers, are as follows (see also Illustration A):

"North Suburban Region (1)" consists of the Lake County (532), Oakton (535), and William R. Harper (512) community college districts;

"Fox Valley Region (2)" consists of the Elgin (509), Kishwaukee (523), McHenry (528), Rock Valley (511), and Waubensee (516) community college districts;

"West Suburban Region (3)" consists of the DuPage (502), Morton (527), and Triton (504) community college districts;

"Western Region (4)" consists of the Black Hawk (503), Carl Sandburg (518), Highland (519), John Wood (539), Sauk Valley (506), and Spoon River (534) community college districts;

"Central Region (5)" consists of the Heartland (540), Illinois Central District (514), Illinois Valley (513), and Lincoln Land (526) community college districts;

"South Metro Region (6)" consists of the Joliet (525), Kankakee (520), Moraine Valley (524), Prairie State (515), and South Suburban (510) community college districts;

"Prairie Region (7)" consists of the Danville (507), Lake Land (517), Parkland (505), and Richland (537) community college districts;

"Southwestern Region (8)" consists of the Illinois Eastern (529), Kaskaskia (501), Lewis and Clark (536), and Southwestern Illinois (522) community college districts;

"Southern Region (9)" consists of the John A. Logan (530), Rend Lake (521), Shawnee (531), and Southeastern (533) community college districts; and

"Chicago Region (10)" consists of the City Colleges of Chicago (508) community college district.

"Synchronous" means instruction in which the teacher and students are required to meet at the same time or the students are required to meet at the same time. In face to face instruction, this means that everyone is in the same room at the same time. In on-line instruction, synchronous instruction occurs through the use of technologies such as chat, two-way video conferencing or audio conferencing.

(Source: Amended 33 Ill. Reg. _____, effective _____)

Section 1030.30 Institutional Approval

The following general rules apply to institutions seeking a Certificate of Approval under the 1945 Act and an Authorization to Operate under the 1961 Act. Section 1030.40 identifies exceptions to these rules for those institutions covered by only the 1945 Act. Section 1030.50 identifies exceptions to the general rules for the institutions covered by only the 1961 Act.

- a) **Criteria for Evaluation of the Application for a Certificate of Approval and/or Authorization to Operate**
The following criteria are designed to measure the appropriateness of the stated educational objectives to the name and degree programs of a given institution and the extent to which suitable and proper processes have been developed for meeting those

objectives:

- 1) The objectives for the institution and its degree programs must be consistent with what the institutional name and degree program titles imply.
- 2) The caliber and content of each course or program of instruction, training or study shall be reasonable and adequate for achieving the stated degree objectives for which the course or program is offered.
- 3) The institution shall have adequate and suitable space, equipment and instructional materials to provide education of suitable quality.
- 4) The education, experience and other qualifications of faculty, staff and instructors shall reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.
- 5) Program Information
 - A) The institution shall be prepared to provide students and other interested persons with a catalog or brochure containing the following information:
 - i) Descriptions of the degree programs offered, program objectives, length of program and institutional calendars with degree program start and end dates;
 - ii) Schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, and cancellation and refund policies;
 - iii) A statement regarding the transferability of college credits, including the fact that the decision to accept transfer credits is currently made by receiving institutions;
 - iv) A statement as to how the institution will advise students on the nature of the transfer process, including the importance of consulting with institutions to which the student may seek to transfer;
 - v) Evidence of articulation arrangements with institutional counterparts, when these arrangements exist;
 - vi) A statement of the institution's most recent graduation rates as provided by the institution to the Integrated Postsecondary Education Data System (IPEDS); and
 - vii) Other material facts concerning the institution and the program or course of instruction as are likely to affect the decision of the student to enroll, together with any other information specified by the Board and defined in this Part.
 - B) The information listed in subsection (a)(5)(A) shall be available to

prospective students prior to enrollment.

- 6) Upon satisfactory completion of the degree program, the student shall be given the appropriate degree by the institution, indicating that a specifically approved course of instruction or study has been satisfactorily completed by the student.
 - 7) Adequate records shall be maintained by the institution to show attendance, progress or grades, and consistent standards should be enforced relating to attendance, progress and performance.
 - 8) The institution shall be maintained and operated in compliance with all pertinent local, State and national ordinances and laws.
 - 9) The institution should be financially stable and capable of assuring the revenues needed for meeting stated objectives and fulfilling commitments to students.
 - 10) Neither the institution nor its agents should engage in advertising, sales, collection, credit or other practices of any type that are false, deceptive, misleading or unfair.
 - 11) The institution should have a fair and equitable cancellation and refund policy.
 - 12) The faculty, staff and instructors of the institution shall be of good professional reputation and character.
 - 13) If the institution requires the student to sign an enrollment agreement or a similar agreement, the agreement shall provide consumer information including, but not limited to: an explanation of all criteria and requirements for retention, progress towards degree, and graduation of the student; the institution's tuition, cancellation and refund policies; and a statement of the purpose and amount of any fees assessed.
 - 14) Any institution applying for a certificate of approval or authorization to operate in the State of Illinois must specify its accreditation status. New institutions without accreditation from an accrediting authority recognized by the U.S. Department of Education or the Council for Higher Education Accreditation shall provide a clearly defined plan to move from candidate to affiliate status. The plan should include the name of the accrediting organization, the basic outline of the accreditation process, and the projected time line for obtaining affiliate status within five years after the date of Board approval, unless the Board waives the original time line because it is found to be an unrealistic expectation.
- b) Procedures for Obtaining a Certificate of Approval and/or Authorization to Operate
Following is a description of the steps in the approval process:
- 1) Letter of Intent
The Chief Executive Officer of the institution seeking a Certificate of Approval and/or Authorization to Operate a degree-granting postsecondary institution in the State of Illinois should make this intention known by writing to the Board. Following receipt of this letter, the Board staff may arrange a preliminary conference with institutional representatives.

- 2) Preliminary Conference
The agenda will include a discussion of criteria to be met by the institution and procedures used in applying for a Certificate of Approval and/or Authorization to Operate.
- 3) Letter of Application and Documentation
Following the preliminary conference, the institutional representatives shall complete the application supplied by the Board. The application requests information and supporting evidence to demonstrate that the institution meets the criteria established.
- 4) Staff Analysis
Following the receipt of the formal application and accompanying documentation, staff will review and analyze all materials.
- 5) Site Visit
 - A) Following completion of documentation and staff analysis of the application, a site visit may be arranged in order to verify and supplement the information provided about the proposed institution. Site visits may be scheduled if:
 - i) the Board is not familiar with the physical facilities;
 - ii) the institution asks for a site visit;
 - iii) questions have been raised about the veracity of the application;
or
 - iv) for other reasons the proposed institution/program does not lend itself to an in-office analysis.
 - B) The site visit may include interviews with prospective administrators, students, faculty and/or board members and observations of facilities, record systems, financial data and/or curricular resources.
- 6) Outside Consultants
The Executive Director of the Board, at his or her discretion, may utilize the services of outside consultants to assist the staff in the verification and/or evaluation of the documentation submitted or obtained through the site visit.
- 7) Staff Report
 - A) Following the site visit, Board staff will prepare an analysis of the findings and develop a recommendation to the Board regarding the institutional application. This recommendation will be shared with the applicant.
 - B) The recommendation will be one of the following:

- i) That the institution be issued a Certificate of Approval and/or Authorization to Operate, subject to annual reporting and the implementation and maintenance of the conditions under which approval/authorization has been granted; or
 - ii) That the institution be denied a Certificate of Approval and/or Authorization to Operate.
- 8) **Staff Recommendations to the Board**
The Executive Director of the Board will submit the staff recommendation to the Board for action at a regular meeting. The Chief Executive Officer of the applicant institution or a designee will be invited to attend the meeting and comment on the recommendation. In the event the staff recommendation is negative, the applicant shall be given an opportunity to respond in writing. This response shall be transmitted to the Board at the same time as the staff recommendation.
- 9) **Board Action**
Following the Board's decision to issue a Certificate of Approval and/or Authorization to Operate or to deny a Certificate of Approval and/or Authorization to Operate, a letter signifying the action will be sent from the Executive Director of the Board to the Chief Executive Officer of the institution. A letter of approval will serve as the official Certificate of Approval/Authorization to Operate for the institution in the State of Illinois.
- c) Initial authorization to operate in Illinois for institutions new to the State shall be for five years. In the fifth year of operation, the Executive Director of the Board shall instruct staff to conduct a review. The Board may deny a continuation of the initial approval or offer a limited extension if the institution:
 - 1) Has failed to implement and maintain the conditions that were presented in its application and that formed the basis upon which authorizations were granted;
 - 2) Has failed to maintain sound fiscal status; or
 - 3) Has failed to achieve affiliation status from an accreditation agency within the institution's proposed time line for obtaining accreditation, unless the Board waives the original time line because it is found to be an unrealistic expectation.
- d) Nothing in this Section shall be construed to prevent the Board from withdrawing Certification of Approval or Authorization to Operate at any time, including during the first five years of operation, if an institution has failed to implement and maintain the conditions that were presented in its applications and that form the basis upon which its certificate or authorization was granted.
- e) **Publications and Information**
 - 1) An institution may state that it is approved or authorized to operate in the State of Illinois only after approval has been officially granted and received in writing from the Board.

- 2) An institution shall not advertise or state in any manner that it is "accredited" by the Board.
- 3) No institution shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the operating or degree-granting status of a given institution.
- 4) Recruitment and informational materials of an institution that has received only approval and/or authorization from the Board to operate shall indicate that the institution is not yet authorized to award degrees.

(Source: Amended at 33 Ill. Reg. 49, effective December 23, 2008)

Section 1030.40 Institutional Approval under the 1945 Act Only

The following rules apply to institutions requiring approval under the 1945 Act only:

- a) All rules, criteria, and procedures defined in Section 1030.30 shall apply.
- b) Student housing owned, maintained, or approved by the institution should be appropriate, safe, adequate and operated in compliance with pertinent laws.
- c) Such institutions are exempt from receiving further approval for additional degree programs under Section 1030.60.
- d) Conditions governing continued approval of such institutions are defined in Section 1030.70.

Section 1030.50 Institutional Authorization under the 1961 Act Only

The following rules apply to institutions requiring authorization under the 1961 Act only:

- a) All rules, criteria, and procedures defined in Section 1030.30 shall apply.
- b) Such institutions are required to receive further approval for each new degree program under Section 1030.60.
- c) Conditions governing continued authorization of such institutions are defined in Section 1030.80.
- d) The education, experience and other qualifications of a Chief Executive Officer, trustees, directors, owners, administrators, supervisors and agents shall reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.
- e) The Chief Executive Officer, trustees, directors, owners, administrators, supervisors, and agents of the institution shall be of good professional reputation and character.

Section 1030.60 Degree Authorization under the 1961 Act

a) Criteria for New Degree Programs

The Board requires that a non-public or out-of-state public institution demonstrate that it can maintain and operate a new degree program that meets the standard criteria for those degree programs. The following standard criteria are designed to measure the appropriateness of the stated educational objectives to the degree programs of a given institution and the extent to which suitable and proper processes have been developed for meeting those objectives:

- 1) The objectives of the degree program must be consistent with what the degree program title implies.
- 2) The requested degree program shall be congruent with the purpose, goals, objectives and mission of the institution.
- 3) The caliber and content of the curriculum shall assure that the stated degree objectives for which the program is offered will be achieved.
- 4) The institution shall have adequate and suitable space, equipment and instructional materials to provide education of suitable quality.
- 5) The education, experience and other qualifications of directors, administrators, supervisors and instructors shall ensure that the students will receive education consistent with the objectives of the program.
- 6) The information the institution provides for students and the public shall accurately describe the degree programs offered, program objectives, length of program, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution and the program or course of instruction as are likely to affect the decision of the student to enroll. This information, including any enrollment agreements or similar agreements, shall be available to prospective students prior to enrollment.
- 7) Fiscal and personnel resources shall be sufficient to permit the institution to meet obligations to continuing programs while assuming additional resource responsibilities for the new degree program.
- 8) The faculty, staff and instructors of the institution shall be of good professional reputation and character.

b) Procedures for Obtaining Authority to Award One or More New Degrees

The Board shall approve all new degree programs in institutions described in Section 1030.10(b) that are not otherwise exempted in Section 1030.10(c). Institutions authorized to offer a degree program at a site within a region are not required to obtain additional approval to offer the same degree at a different site within the same region. Following is a description of the steps in the approval process:

- 1) New Degree Program Request
 - A) The Chief Executive Officer of the institution seeking approval of a new degree program in the State of Illinois should make this intention known

by completing a notice of intent on the form provided by the Board prior to submission of the request for approval. The notice of intent shall include the degree and program name, region where located, description of the program, demographics of the intended students, estimated enrollment, and contact person. Notices of Intent shall be publicly posted by the Board for no less than 30 days before Board action on the application.

B) The institution requesting permission to offer a new degree program will complete an application provided by the Board.

C) Information to be provided by the institution shall include:

- i) program titles and descriptions;
- ii) program objectives;
- iii) curriculum;
- iv) relationship of new programs to existing programs;
- v) faculty;
- vi) recommendation of internal governance bodies;
- vii) facilities;
- viii) finances; and
- ix) program publicity information.

2) Governing Board Approval

The application shall be approved by the institution's governing board prior to submission to the Board.

3) Submission of the Application

Applications may be submitted to the Board at any time.

4) Board Staff Analysis

Following receipt of the application, Board staff will review and analyze the application and documentation submitted.

5) Additional Documentation and Site Visit

In the case of a proposed new degree program for which Board staff determines it is necessary to verify or supplement the information supplied in the application, the staff may request additional written documentation and/or arrange for a site visit.

6) Outside Consultants

The Executive Director of the Board, at his or her discretion, may utilize the services of outside consultants to assist the staff in a site visit and in the

evaluation of the documentation submitted.

- 7) **Staff Report**
Following the staff analysis, Board staff will summarize its findings and develop a recommendation to the Board regarding the new degree program request. This recommendation will be shared with the applicant. This recommendation will be one of the following:
 - A) That the degree program be approved to admit students, with the appropriate degrees being awarded upon program completion, but no sooner than one year after the approval date; or
 - B) That the degree authority requested not be granted.
- 8) **Staff Recommendations to the Board**
The Executive Director of the Board will submit the staff recommendation for action to the Board at a regular meeting. The Chief Executive Officer of the institution, or a designee, will be invited to attend and comment on the recommendation. In the event the staff recommendation is negative, the applicant shall be given an opportunity to respond in writing. This response shall be transmitted to the Board at the same time as the staff recommendation.
- 9) **Board Action**
Following the Board's decision to approve or deny the degree-granting request, a letter signifying the action will be sent from the Executive Director of the Board to the Chief Executive Officer of the institution. A letter of approval will serve as official authorization for the institution to award the stated degrees.
- 10) **Awarding Degrees**
Institutions shall not award new degrees until one year after authorization by the Board to do so.
- 11) **New Application**
Any institution denied approval to award a new degree must file a new application in order to be given subsequent consideration for approval.
- 12) **Advertising of Degree Programs**
 - A) An institution may state that it is approved or authorized to award a degree in the State of Illinois only after that approval has been officially granted and received in writing from the Board.
 - B) An institution shall not advertise or state in any manner that it is "accredited" by the Board to award degrees.
 - C) No institution shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the degree-granting status of a given institution.
- 13) **No Program Changes for the First Year**
Institutions applying after December 23, 2008 shall not deviate from the

approved plan for one year after the date of the letter of approval.

- 14) **Institutions Exempt from Approval**
Institutions offering a previously authorized degree program at another site within the same region shall not be required to apply for additional Board approval.

(Source: Amended at 33 Ill.Reg. 49, effective December 23, 2008)

Section 1030.70 Maintenance of Approval under the 1945 Act

- a) Most institutions are approved to operate under both the 1945 Act and the 1961 Act. Institutions under only the 1945 Act shall comply with Section 1030.70 . Institutions under only the 1961 Act shall comply with Section 1030.80 . Institutions under both Acts shall comply with both Sections 1030.70 and 1030.80. When the two Sections are identical, the institution will be considered in compliance with the 1945 Act by complying with Section 1030.80 and vice versa.
- b) The following rules govern maintenance of the Certification of Approval under the 1945 Act:
- 1) **Annual Report**
Each approved institution shall file annually with the Board its current catalogs.
 - 2) **Reviews**
The staff of the Board may conduct reviews and/or visitations of approved institutions as necessary for the implementation of the statute and this Part.
 - 3) **Complaints Concerning Institutions**
 - A) The staff of the Board shall initiate an investigation upon receipt of a verified written complaint and may initiate an investigation in response to oral or written information concerning any of the following:
 - i) Alleged violation of any of the conditions governing issuance of the Certificate of Approval;
 - ii) Alleged failure to comply with this Part;
 - iii) Alleged fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss.
 - B) During the investigation there may be a temporary hold placed on any of the institution's pending applications to the Board. The hold will be for a specified period of time not to exceed six months, unless the Board begins the process for revocation as provided in subsection (b)(4), at which time the hold will continue until the Board decision is made.

- 4) Revocation of the Certificate of Approval
- A) Grounds for revocation include:
- i) Violation of any of the conditions governing issuance of the Certificate of Approval;
 - ii) Failure to comply with this Part;
 - iii) Fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
 - iv) Failure to offer degrees or instruction for one continuous 12-month period;
 - v) Abandonment of the institution.
- B) Procedures for Revocation
- i) Before revoking any certificate to operate, the Board shall designate a Hearing Officer who shall schedule and conduct a hearing, as prescribed in Section 6-9 of the 1945 Act. The Board shall not be required to schedule a hearing and has the option to waive a hearing if the institution has not operated for one continuous 12-month period or the institution has been abandoned; even in these cases, however, the Board shall be required to revoke the certificate at a public meeting at which any opponent who is injured or impacted by the revocation must be given the opportunity to be heard.
 - ii) If the Board decides to grant a rehearing pursuant to Section 10 of the 1945 Act, it shall appoint another Hearing Officer, different from the first, who shall conduct a hearing upon only those grounds for which the rehearing was granted. The second Hearing Officer shall submit a written report of findings and recommendations to the Board, which shall make a final determination.
 - iii) Upon revocation of the Certificate to Operate, the Certificate of Approval shall be rendered invalid.
 - iv) At any time after revocation of a Certificate of Approval, the Board may restore it to the institution.
 - v) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as determined by the Board (such as another like kind of institution or the Board).

(Source: Amended at 33 Ill. Reg. 49, effective December 23, 2008)

Section 1030.80 Maintenance of Authorization to Operate and/or Grant Degrees under the 1961 Act

- a) Most institutions are approved to operate under both the 1945 Act and the 1961 Act. Institutions under only the 1945 Act shall comply with Section 1030.70. Institutions under only the 1961 Act shall comply with Section 1030.80. Institutions under both Acts shall comply with both Sections 1030.70 and 1030.80. When the two Sections are identical, the institution will be considered in compliance with the 1945 Act by complying with Section 1030.80 and vice versa.
- b) This subsection (b) governs the Maintenance of the Authorization to Operate and/or Award Specific Degrees procedure under the 1961 Act.
 - 1) **Annual Report**
Each authorized institution shall file annually with the Board its current catalogs.
 - 2) **Reviews**
The staff of the Board may conduct reviews and/or visitations of authorized institutions and/or their degree programs as necessary for the implementation of the statute. This may include a review in the fifth year of a new degree program's existence. Board staff may review the degree program, in cooperation with institutional staff, to verify the institution's implementation and maintenance of the conditions that were presented in its applications and that formed the basis upon which the authorizations were granted. The fifth year review may also include information on improvements in the institution's capacity to efficiently and effectively deliver degree programs using technological innovation and comprehensive data systems. In the case of a program in which State licensure is required for employment in the field, a program can be found to be in good standing if the institution is able to provide evidence that program graduates are eligible to take the appropriate licensure examination and pass rates are maintained as specified in the objectives of the unit of instruction. If there is no such evidence, approval of the program may be withdrawn by the Board.
 - 3) **Complaints Concerning Institutional Degree Practices**
The staff of the Board may initiate an investigation in response to written or oral information suggesting that changes have occurred in the conditions under which Authorization to Operate and/or Award Specific Degrees was given. During the investigation, there may be a temporary hold placed on the institution's applications to the Board for new program approvals and other programs. The hold will be for a specified period of time not to exceed six months, unless the Board begins the process for revocation as provided in subsection (b)(5), at which time the hold will continue until the Board decision is made.
 - 4) **Temporary Suspension of Program**
An institution may place any approved program on temporary suspension after receiving Board approval. The institution shall provide an annual status report to the Board on any program under temporary suspension status. The Board will consider a program placed on temporary suspension status to be terminated if an annual status report is not received or if no reinstatement request is received

within the first five years after the program was placed on temporary suspension. An institution may petition for reinstatement during the five-year period.

5) Revocation of Operating and/or Degree-Granting Authority

A) Grounds for revocation include:

- i) Failure to permit any duly authorized representative of the Board to enter upon the premises of the institution and to inspect or otherwise examine the institution and its books, papers or other records.
- ii) Failure to maintain the conditions under which the institution and/or its degrees were authorized.
- iii) Failure to offer degrees or instruction for one continuous 12-month period.
- iv) Abandonment of the institution.

B) Procedures for Revocation

- i) Following the Board staff investigation of the institutional degree practices, the staff may recommend to the Board revocation of the Authorization to Operate and/or Award Specific Degrees.
- ii) If the Board votes to revoke the Authorization to Operate and/or Award Specific Degrees, the institution may request a hearing. The Board shall not be required to schedule a hearing and has the option to waive a hearing if the institution has not operated for one continuous 12-month period or the institution has been abandoned; even in these cases, however, the Board shall be required to revoke the authority at a public hearing at which any opponent who is injured or impacted by the revocation must be given the opportunity to be heard.
- iii) The Board shall designate a Hearing Officer who shall schedule and conduct a hearing.
- iv) The Hearing Officer shall make a written report of findings and recommendation to the Board, which shall make a final determination and shall notify the institution of its decision.
- v) Following a Board decision to revoke the Authorization to Operate and/or Award Specific Degrees, the letter of authorization shall be rendered invalid.
- vi) At any time after revocation, the Board may restore an Authority to Operate and/or Award Specific Degrees.

- vii) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as determined by the Board (such as another like kind of institution or the Board).

(Source: Amended at 33 Ill. Reg. 49, effective December 23, 2008)

Section 1030.90 Academic Application Processing Fees

a) Fees

Fees are assessed in connection with applications for certificates of approval under the 1945 Act and applications for authorization to operate and authorization to grant degrees under the 1961 Act, including filing letters of intent and notices of intent and submitting change requests. These fees apply beginning on April 9, 2009.

1) Application Fees

- A) Certificate of approval or authorization to operate, \$5,000. Only one fee of \$5,000 shall be charged if both are sought in the same application. This is a one-time fee that does not apply to entities that have been previously approved or authorized by the Board.
- B) Letter of Intent or Notice of Intent, \$250. One fee shall be submitted with each filing.
- C) Authorization to grant degrees
 - i) The fee is based on the type of institution, institution size, and degree level as outlined in subsection (a)(2).
 - ii) This fee applies to each request for authorization to grant a new degree or an additional degree in a region.
- D) Change request, \$250. The fee shall be charged for each request within a region. One submission with 10 requests shall be assessed for 10 change requests (\$2,500).

2) Schedule of Fees

A) Illinois Proprietary Institutions

	<u>Institution Size</u>		
	<u>< 200 Students</u>	<u>200-500 Students</u>	<u>> 500 Students</u>
<u>Certificate of Approval or Authorization to Operate</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>
<u>Associate Degree per Region</u>	<u>750</u>	<u>950</u>	<u>1,250</u>
<u>Bachelor Degree per Region</u>	<u>1,450</u>	<u>1,650</u>	<u>1,950</u>
<u>Masters Degree per Region</u>	<u>2,250</u>	<u>2,550</u>	<u>2,950</u>
<u>Doctoral/First Professional per</u>	<u>3,500</u>	<u>3,750</u>	<u>4,000</u>

<u>Region</u>			
<u>Letter or Notice of Intent</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Change Request per Region</u>	<u>250</u>	<u>250</u>	<u>250</u>

B) Out-of-State Institutions

	<u>Institution Size</u>		
	<u>< 200 Students</u>	<u>200-500 Students</u>	<u>> 500 Students</u>
<u>Certificate of Approval or Authorization to Operate</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>	<u>\$ 5,000</u>
<u>Associate Degree per Region</u>	<u>1,750</u>	<u>1,950</u>	<u>2,250</u>
<u>Bachelor Degree per Region</u>	<u>2,450</u>	<u>2,650</u>	<u>2,950</u>
<u>Masters Degree per Region</u>	<u>3,250</u>	<u>3,550</u>	<u>3,950</u>
<u>Doctoral/First Professional per Region</u>	<u>4,500</u>	<u>4,750</u>	<u>5,000</u>
<u>Letter or Notice of Intent</u>	<u>250</u>	<u>250</u>	<u>250</u>
<u>Change Request per Region</u>	<u>250</u>	<u>250</u>	<u>250</u>

b) Remittance

- 1) Fees shall be submitted as check, certified check, cashier's check, or money order payable to the Illinois Board of Higher Education.
- 2) The Board shall return fees if, after further investigation, the Board determines that the institution's request does not require Board approval or authorization, minus a fee of \$250 for processing.
- 3) Fees shall be submitted to:

Illinois Board of Higher Education
Academic Affairs Fee Remittance
431 East Adams, Second Floor
Springfield, Illinois 62701-1404

c) Processing

- 1) Applications, notices, and change requests submitted to the Board with insufficient fees shall be considered incomplete. The Board will notify the institution of the amount due. No further action shall be taken by the Board until the full amount due is submitted.
- 2) The Board will not accept applications from institutions that have not provided the information necessary for the Board to process a previously submitted application.

(Source: Added at 33 Ill. Reg. _____, effective _____)

