

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

**Submitted for:** Action.

**Summary:** This item requests approval of the proposed amendments to the rules for Program Review (Private Colleges and Universities). In April of 2010, the Academic Affairs Committee of the Board held a public working session to discuss private institution oversight. One result of the meeting was to charge the Chair of that Committee, Dr. Washington, to work with Board staff to review the Board's policies governing institutional oversight and approval processes. In August of 2010 Board staff met with Dr. Washington to discuss a general framework for improving oversight and making revisions to the Administrative rules. A Notice of the Board's intention to propose amendments to the rules was posted in the Regulatory Agenda for fiscal year 2011 in December 2010. The IBHE Administrative Rules: Regulatory Agenda item appeared as a Board information item at the December 2010 Board meeting. The Academic Affairs Committee of the Board held another working session April 6, 2011 regarding structure of oversight changes. A subsequent public Academic Affairs Committee working session was held May 18, 2011 regarding proposed changes. Additional amendments are proposed to provide consistency with the similar rules for the public institutions and to clarify terminology and language. The proposed amendments have been provided to the Academic Leadership Group, Federation of Independent Illinois Colleges and Universities (FIICU), Faculty Advisory Council (FAC), and the Proprietary Advisory Committee (PAC). Based on the recommendations of the working groups, discussions with Board staff, and comments from interested individuals and groups, the proposed rule amendments contained in this item are presented for the Board's consideration.

The Illinois Administrative Procedures Act specifies a three-step process for the proposal and adoption of administrative rules: (1) initial Board approval; (2) a publication and public notice period including a period for review by the staff and members of the legislative Joint Committee on Administrative Rules; and (3) final adoption by the Board.

**Action Requested:** That the Illinois Board of Higher Education approves the proposed rule amendments to Program Review (Private Colleges and Universities) (23 Ill. Admin. Code 1030) for publication in the Illinois Register. The Board also authorizes the Executive Director to make technical corrections to the proposed amendments.



STATE OF ILLINOIS  
BOARD OF HIGHER EDUCATION

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

This item requests approval of the proposed amendments to the Illinois Board of Higher Education rule for Program Review (Private Colleges and Universities). This rule guides the reviews of (a) applications to establish new colleges and universities in the state and (b) applications for new degree programs, including out-of-state public, out-of-state private, and in-state private institutions. Private colleges and universities that were established in some cases prior to 1945 or 1961 are exempt from submitting proposals unless they want to offer a previously authorized degree program in a region other than the region where their home campus is located.

In April of 2010, the Academic Affairs Committee of the Board held a working session to discuss private institution oversight. The session arose in part out of Congressional hearings on federal oversight of institutions related to financial aid eligibility, and the desire by Board members to gauge the effectiveness of Illinois oversight of postsecondary institutions in comparison to other states. One result of the meeting was to charge the Chair of that Committee, Dr. Washington, to work with Board staff to review the Board's policies governing institutional oversight and approval processes. In August of 2010 Board staff met with Dr. Washington to discuss a general framework for improving oversight and making revisions to the Administrative rules. The framework emphasized improving the oversight structure through the adoption of consumer information oriented approaches in conjunction with more stringent application of data. Data elements should be adopted that could be used for the dual purpose of providing greater transparency for students and their families while at the same time providing data which could enable more effective review of programs both initially and after the program had been in operation. A Notice of the Board's intention to propose amendments to the rules was posted in the Regulatory Agenda for fiscal year 2011 in December 2010 and the IBHE Administrative Rules: Regulatory Agenda item appeared as a Board information item at the December 2010 Board meeting. The Academic Affairs Committee of the Board held a working session April 6, 2011 regarding structure of oversight changes. After discussion of the possible approaches, it was decided to meet again in a month to review possible changes. A subsequent Academic Affairs Committee working session was held May 18, 2011 regarding the proposed changes. A revised draft was compiled along with additional amendments added to recognize some standing Board policies that needed to be added to the rules and some definitions to clarify terminology.

The rule revisions are based around 4 themes:

- 1) Tightening requirements prior to approval through use of more specific definitions.
- 2) Increasing transparency and accountability through new specific requirements related to consumer information disclosure and essential data elements.

- 3) Tightening and publicizing the post-approval review process by using automatic triggers for review driven by data, complaints, and public disclosures such as adverse actions by accrediting bodies and federal and state authorities.
- 4) Administrative procedural changes.

The proposed amendments have been provided to the Academic Leadership Group, Federation of Independent Illinois Colleges and Universities (FIICU), Faculty Advisory Council (FAC), and the Proprietary Advisory Committee (PAC). Based on the recommendations of the working groups, discussions with Board staff, and comments from interested individuals and groups, the proposed rule amendments contained in this item are presented for the Board's consideration.

Once approved by the Illinois Board of Higher Education, the proposed amendments to the rules will be submitted to the Secretary of State for publication in the Illinois Register. The Illinois Administrative Procedures Act specifies a three-step process for the proposal and adoption of administrative rules: (1) initial Board approval; (2) a publication and public notice period including a period for review by the staff and members of the legislative Joint Committee on Administrative Rules; and (3) final adoption by the Board. Final presentation is probable for the December 2011 Board meeting.

#### **Staff Recommendation**

Staff recommends the adoption of the following resolution:

*The Illinois Board of Higher Education hereby approves the proposed amendments to the rules for the Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030) as detailed in the attached document for publication in the Illinois Register. The Board also authorizes the Executive Director to make technical corrections to the proposed amendments.*

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
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1030.80	Maintenance of Authorization to Operate and/or Grant Degrees under the 1961 Act
1030.90	Academic Application Processing Fees
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. 12397, effective August 21, 2009; amended at 35 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 credit bearing instruction in Illinois above the high school level, either in residence or correspondence, or in the case of an institution offering online instruction maintains a physical facility in Illinois, provides instruction for students at a physical location or physically provides where the core academic support services in Illinois, 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 15, ~~2011~~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 currently authorized or currently recognized by the Board that offer degrees or instruction ~~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 credit bearing instruction in Illinois above the high school level, either in residence or correspondence, or in the case of an institution offering online instruction maintains a physical facility in Illinois, provides instruction for students at a physical location or physically provides where the core academic support services in Illinois, 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, 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 15, 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 currently authorized or currently recognized by the Board that offer degrees or instruction 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 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 does not offer degrees or credit bearing coursework in Illinois, or does not provide instruction for students at a physical location ~~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 does not maintain a physical facility in Illinois or does not physically provides ~~is not providing~~ core academic support services in Illinois, 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 degree programs through meditated instruction ~~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 degree programs through meditated instruction ~~one hundred percent asynchronous versus synchronous on-line instruction~~ do not require additional Board approval.
- 5) Board approved institutions offering programs that are
- A) On federal military bases exclusively to base personnel and their family members;
  - B) At clinical or practice sites that are utilized as a part of Board approved degree programs;
  - C) Offering dual credit courses to high school students in high schools; or
  - D) Offering courses inside public correctional facilities;

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## 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].

"Ability to benefit" means a standard for admission by which a student who does not possess a high school diploma or GED has demonstrated that he or she can profit materially or personally from a certain course of study through passage of an ability to benefit test which has been approved by the U.S. Department of Education and administered in compliance with U.S. Department of Education guidelines related to ability to benefit test policies and procedures outlined in federal financial aid regulations. (See 34 CFR 668.145 and 668.152).

~~"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.

"Credit hour" means an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than—

One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different period of time; or

At least an equivalent amount of work as required above for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of each credit hour.

"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.

"Faculty" means any individual or group of individuals who are qualified by education and experience to give expert instruction and evaluation in their specialties, to supervise curricular experiences, and to evaluate learning for credit.

"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 Section 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 System (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).

"Mediated Instruction" means, for the purposes of this Part, the delivery of instruction at a distance facilitated by technology, such as via teleconferencing, video-conferencing, or internet.

"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" means an additional out-of-region instructional site at which 50 percent or more of a Board authorized degree program is offered. Institutions offering less than 50 percent of credit hours for a program that has either been authorized by the Board for delivery in the institution's home region or does not require Board authorization as a result of the exemption for institutions that have been in existence since prior to the 1961 Academic Degree Act as noted in Section 1030.10 does not require additional approval if the institution is authorized in that region. Any program offered in an initial operating region or a new region for which there is no current Board authorization must receive degree approval for the program before the 50 percent new geographic location definition applies for additional out-of-region locations 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.~~

"Upper-division instruction" means course content and teaching appropriate for third- and fourth-year students in a baccalaureate program or other students with expertise in the subject.

(Source: Amended at 35 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) For institutions requiring approval, the ~~The~~ objectives for the institution and its degree programs must be consistent with what the institutional name and degree program titles imply.
    - A) The term "university" shall only be used in the name of an institution of higher education when the institutional structure includes two or more distinct colleges (e.g., College of Business, College of Education, and College of Liberal Arts and Sciences) providing instruction at the baccalaureate and graduate levels, and is involved in public service activities, scholarship, and research.
    - B) The term "college" shall only be used to refer to an institution providing instruction at the postsecondary level.
    - C) Degree program names shall adhere to the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.
  - 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.
    - A) Degree program admission policies must include at a minimum the following:
      - i) Undergraduate degrees must require a high school diploma or its equivalency, or passage of an ability to benefit test which has been approved pursuant to the U.S. Department of Education regulations. (See 34 CFR 668.145). Home school students who have obtained a diploma or similar credential under applicable state law are considered to have met this equivalency

requirement. Students who do not meet such a standard may be admitted provisionally but may only take non-credit bearing coursework until such time that the student passes such an ability to benefit test.

ii) Graduate degrees must require at least a baccalaureate degree from an accrediting authority recognized by the U.S. Department of Education or the Council for Higher Education Accreditation or degree from another country evaluated for U.S. equivalency with the exception of degrees for professional practice whose professional standards do not require baccalaureate degrees for entry or for dual degree programs that can demonstrate equivalency of student outcomes at both the undergraduate and graduate levels. For purposes of dual degree programs that allow individuals to complete a bachelor's degree and either a graduate or professional degree within the same program, a student is considered an undergraduate student for at least the first three years of that program.

B) Institutions must show the capacity to develop, deliver, and support academic programs. Procedures and policies that will assure the effective design, conduct, and evaluation of the degree program under the academic control of the institution must be developed. Assessment plans must demonstrate that the institution has identified clear and appropriate program and student learning goals and has defined appropriate outcomes. Appropriate data must be collected and may be requested by the Board to show the level of student learning that has occurred as a result of participation in the institution's programs of study

C) Degree programs must meet the following credit hour requirements:

i) Associate degree requires at least 60 semester credit hours or 90 quarter credit hours.

ii) Baccalaureate degree requires at least 120 semester credit hours or 180 quarter credit hours and at least 40 semester credit hours (60 quarter credit hours) in upper-division courses.

iii) Master's degree requires at least 30 semester credit hours or 45 quarter credit hours of appropriate post-baccalaureate coursework.

iv) Doctor's degree – Professional Practice requires the completion of the academic requirements to begin practice in the profession; at least 60 semester hours of postsecondary credit required for admission to the program; and a total of at least six academic years of college work to complete the degree program, including prior required postsecondary work plus the length of the professional program itself.

- v) Doctor's degree – Research and Scholarship requires the completion of an organized program of study beyond the master's degree and requiring completion of an organized program of study. The program shall demonstrate full understanding of the level and range of doctoral scholarship, the function of a dissertation and its defense, the nature of comprehensive examination, and other standards commonly held for such degrees; at least 2 full time years of advanced academic coursework beyond the master's degree; and an independent performance of basic or applied research at the level of the professional scholar, typically a dissertation, or to perform independently the work of a profession that involves the highest levels of knowledge and expertise
  
- D) Success in student progression and graduation, and success rates in programs preparing students for certification and licensure shall be consistent with expectations in higher education and the appropriate related field of study. At a minimum the Board shall consider such factors based on results for similar institutions.
  - i) Graduation rates, degree completion rates, retention rates, and pass rates for licensure and certification.
  - ii) The success rate shall be at a minimum higher than those of the lowest quartile of such measures for similar Illinois institutions defined as open versus competitive enrollment institutions, and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.
  
- E) Additional student success measures shall be considered in the review of applications for authorization. The Board shall establish minimum rates of success based on results for similar institutions.
  - i) At a minimum these data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.
  - ii) The success rate shall be at a minimum higher than those of the lowest quartile of such measures for similar Illinois institutions defined as open versus competitive enrollment institutions, and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.
  
- F) Requirements for technologically mediated instruction offered at a distance. In addition to meeting other requirements in this Part, programs offered through electronically mediated distance learning must at a minimum meet the following requirements:

- i) The institution assures adequacy of technical and physical plant facilities including appropriate staffing and technical assistance, to support its electronically offered programs.
  - ii) The institution provides students, faculty and staff with effective technical support and training for each educational technology hardware, software, and delivery system required in a program. The help desk function is available to students during hours when it is likely to be needed, at a minimum of 18 hours a day.
  - iii) Appropriate measures for security of systems and adequacy of support are maintained. The selection of technologies is based on appropriateness for the students, faculty and the curriculum.
  - iv) Faculty are full participants in decisions regarding curricula and program oversight.
  - v) Demonstration of student learning and program outcomes are appropriate to the field and degree level and consistent regardless of program delivery method.
  - vi) Appropriate admission processes, policies and assessments are used to ensure that students are capable of succeeding in an on-line learning environment. Students are adequately informed of the nature and expectations of on-line learning.
  - vii) Assessments of student learning, especially exams, take place in circumstances that include definite student identification and assurance of the integrity of student work.
  - viii) Assessment of electronically offered programs by the institution occurs in the context of the regular evaluation of all academic programs.
- 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.
- A) At a minimum, faculty shall have a degree from an institution accredited by a U.S. Department of Education recognized accrediting body or a degree from another country evaluated for U.S. equivalency in the discipline they will teach or for which they will develop curricula at least one level above that of the courses being taught or developed.
- i) Faculty providing undergraduate general education coursework shall possess at a minimum a master's degree in the field of instruction.

- ii) Faculty engaged in providing technical and career coursework at the associate degree level shall possess at a minimum a bachelor's degree in the field of instruction or equivalent training in the occupational field.
- iii) Faculty teaching in a baccalaureate degree program shall have at a minimum a master's in the field of instruction.
- iv) Faculty teaching in a graduate program shall have a doctorate in the field of instruction.
- v) Exceptions may be made by the Board for professional experience, equivalent training and other qualifications; however except in extraordinary circumstances these should prove the exceptions and not the rule in meeting faculty qualification requirements.

B) Faculty to student ratios and full time faculty to part time faculty ratios shall be factors in determining appropriate provision of qualified faculty. Institutions shall have policies in place which serve to ensure equivalency of instruction and program delivery across faculty members including methods of measuring equivalency of student learning outcomes across faculty. The Board shall establish minimum rates of success based on data for similar institutions. The ratios shall be at a minimum higher than those of the lowest quartile of such measures for similar Illinois institutions defined as open versus competitive enrollment institutions, and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.

5) Program Information

A) The institution shall provide to the public upon request a catalog, either in print or electronically with the following information ~~be prepared to provide students and other interested persons with a catalog or brochure containing the following information.~~ This information shall be provided in print and on the institution's web site without requiring the student to provide contact or other personal information in order to access the 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 and the numbers of graduates and enrollments as provided by the institution to the Integrated Postsecondary Education Data System (IPEDS) and any to satisfy Board reporting requirements; and
  - vii) A statement of the institution's accreditation status with a U.S. Department of Education recognized accrediting body. If no such accreditation exists, the institution must prominently state this in its advertising and published materials; and
  - viii) 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. This policy shall apply equally to all students regardless of whether the student receives federal or state financial aid.
  - 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.
    - A) No institution shall enter into any enrollment agreement wherein the student waives the right to assert against the school or any assignee any claim or defense he or she may have against the school arising under the agreement.
    - B) Although the school may use an enrollment agreement that sets forth the total cost for the program, no school may have a tuition policy or enrollment agreement that charges a student for multiple periods of enrollment prior to completion of the single semester, quarter, term or other such period of enrollment.
  - 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.~~ Has failed to achieve accreditation through a U.S. Department of Education recognized accrediting body for degree granting institutions during the initial five year period. Failure to achieve accreditation shall be grounds for immediate revocation of approval. Until such accreditation is achieved the institution shall clearly and appropriately state in all promotional materials, advertisements, and on its webpage that it is not accredited; or
  - 4) Has failed to demonstrate success in student progression and graduation, and success rates in programs preparing students for certification and licensure that are consistent with expectations in higher education and the appropriate related field of study. At a minimum the Board shall consider such factors based on results for similar institutions as follows:
    - i) Graduation rates, degree completion rates, retention rates, and pass rates for licensure and certification.
    - ii) The success rate shall be at a minimum higher than those of the lowest quartile of such measures for similar Illinois institutions defined as open versus competitive enrollment institutions, and primarily associate versus

primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison institutions.

- iii) At a minimum the data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.
  - iv) The success rate shall be at a minimum higher than those of the lowest quartile of such measures for similar Illinois institutions defined as open versus competitive enrollment institutions, and primarily associate versus primarily baccalaureate granting institutions. Exceptions may be made to the lowest quartile if an institution is above the national average for these measures using the same comparison categories of institutions.
- 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. Institutions shall be scrupulously ethical in all communication with the public and with prospective students. School publications, advertisements, and statements shall be wholly accurate and in no way misleading. Violations of this section shall be grounds for immediate investigation of the institution pursuant to Section 1030.70 and depending on the results of the investigation may be grounds for revocation proceedings under Sections 1030.70 and 1030.80.
- 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 and while such authorization is maintained.
    - A) Institutions authorized by the Board may use the authorization in advertising, promotional material and on letterhead stationery only if using the following language: “(name of school) is authorized for operation by the Illinois Board of Higher Education.” The entire statement must be used with the same size font and font type of print.
    - B) Institutions authorized by the Board that have presence, advertise or offer instruction via internet, world wide web or other electronic telecommunication means must state or have a link on the first ‘page’ (as registered with standard web/internet search engines) to the following statement that can be readily viewed by the consumer, “[name of school] is authorized to operate as a postsecondary educational institution by the Illinois Board of Higher Education.” In the case of an internet site, within the required statement given above, “Illinois Board of Higher Education” must be an electronic link to the Board’s web site at <[www.ibhe.org](http://www.ibhe.org)>.

- 2) No statement shall be made that the institution or its courses of instruction have been accredited unless the accreditation is identified as that of an appropriate U.S. Department of Education recognized accrediting agency. 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.
- 5) No dollar amount shall be quoted in any advertisement as representative or indicative of the earning potential of graduates.
- 6) Institutions or representatives shall not use a photograph, or other such illustration in public documents, sales literature, or otherwise, in such a manner as to convey a false impression as to size, importance, or location of the institution, equipment, and facilities associated with that institution.
- 7) Institutions or representatives shall not make deceptive statements concerning other institutional activities in attempting to enroll students.
- 8) No statement or representation shall be made that students will be guaranteed employment while enrolled in the institution; that employment will be guaranteed for students after graduation, nor shall any institution or representative misrepresent opportunities for employment upon completion of any course of study.
- 9) The Board at any time may require that an institution furnish proof to the Board of any of its advertising claims. If proof acceptable to the Board cannot be furnished, a retraction of such advertising claims published in the same manner as the claims themselves, must be published by the institution and continuation of such advertising shall constitute cause for revocation of its certificate of approval and authorization to operate.
- 10) Student loans offered to students by the institution or those agents it recommends must clearly state whether the loans are federal student aid loans or not.
- 11) No statement shall be made by an institution or its representatives that the programs and/or courses or exams are transferable to another institution without current documentation by an authorized official of the receiving institution.
- 12) Each Board authorized institution or institution receiving a Board degree authorization must provide in its catalog, print promotional materials and on its website the Board’s mailing address and the Board’s website link for reporting complaints. For the website information, there must be an electronic link to the Board’s web site on the first ‘page’ (as registered with standard web/internet search engines).

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**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) All rules, criteria, and procedures defined in Section 1030.30 shall apply.
- ~~2~~4) The objectives of the degree program must be consistent with what the degree program title implies.
- ~~3~~2) The requested degree program shall be congruent with the purpose, goals, objectives and mission of the institution.
- ~~4~~3) The caliber and content of the curriculum shall assure that the stated degree objectives for which the program is offered will be achieved.
- ~~5~~4) The institution shall have adequate and suitable space, equipment and instructional materials to provide education of suitable quality.
- ~~6~~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.
- ~~7~~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.
- ~~8~~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.
- ~~9~~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 15, 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 32 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) Investigations of Institutions ~~Complaints Concerning Institutions~~. The status of institutions under investigation as described in this Section shall be reported in Board public materials as “Institutions under investigation: on hold pending review of Board approval status”.
    - 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;
      - iv) Loss, suspension, probation, or similar adverse action taken by an accrediting body with which the institution is or was affiliated;

- v) Actions of federal or state regulatory agencies or Attorney General Offices, Office of Inspector General, or similar body that affect an institution's status with those bodies.
- B) The institution will be notified by the Board about the initiation of an investigation. During the investigation there may be a temporary hold placed on any of the institution's pending applications and requests to the Board for modification of existing approvals. The hold will be for a specified period of time not to exceed six months, unless the collection of pertinent information related to satisfying the issues associated with the investigation such as the results of adverse actions by federal or state regulatory agencies, the results of pending court action for which a sworn affidavit has been filed, actions of accrediting bodies, actions of federal or state regulatory agencies, or similar information. Upon completion of the investigation, the Board will either accept the institution's request to voluntarily relinquish its approval, begin Board begins the process for revocation as provided in subsection (b)(4), at which time the hold will continue, or remove the hold. Information that any current authorizations or future applications are on hold will be provided by the Board on its web page or in print materials that reference authorized institution until the Board decision is made.
- 4) Revocation of the Certificate of Approval
- A) Grounds for revocation include any of the following:
    - 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;
    - vi) Loss of accreditation status with an accrediting body with which the institution is or was affiliated;
    - vii) Actions of federal or state regulatory agencies or Attorney General Offices, Office of Inspector General, or similar body that affect an institution's status with those bodies.

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).

C) Voluntary Relinquishing of Approval.

- i) Institutions may voluntarily relinquish their Certificate of Approval, authorization to operate, or authorization to grant degrees. Such a voluntary relinquishment shall be in writing and does not require a hearing or any other Board action to be effective.
- ii) Institutions relinquishing approval and/or authorization shall be required to provide for an appropriate repository of records and may be required to provide a student completion plan that must be approved by the Board.

D) Change of Legal Status of the Institution.

- i) An institution's Certificate of Approval and authorization to operate and award degrees is granted to a specific legal entity based on the conditions under which the institution and/or its degrees were authorized. A change to the legal status of the

entity shall result in immediate loss of the Certificate of Approval and authorization to operate.

- ii) A change of legal status ends the exempted status of institutions described in Section 1030.10. After a change of legal status, institutions previously exempted must seek new operating and degree granting authority.
- iii) Institutions that are planning a change of legal status shall inform the Board as early as possible. If new approvals will be sought by the institution, a plan should be developed in consultation with the Board to facilitate the transition process.
- iv) In cases where a change in shareholders results in new leadership of an institution, the Board shall require that the institution submit documentation demonstrating that no change has occurred in the operation of the institution that would affect the conditions under which the institution and/or its degrees were authorized.
- v) Merger of two institutions resulting in the creation of a new institution causes both institutions to lose their approvals and results in the need for new authorizations.

(Source: Amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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 32 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

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

B) Out-of-State Institutions

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

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. No refund shall be awarded for any application that requires Board approval and has been reviewed by Board staff. Applications withdrawn by the institution shall receive no refund.
- 3) Fees shall be submitted to:

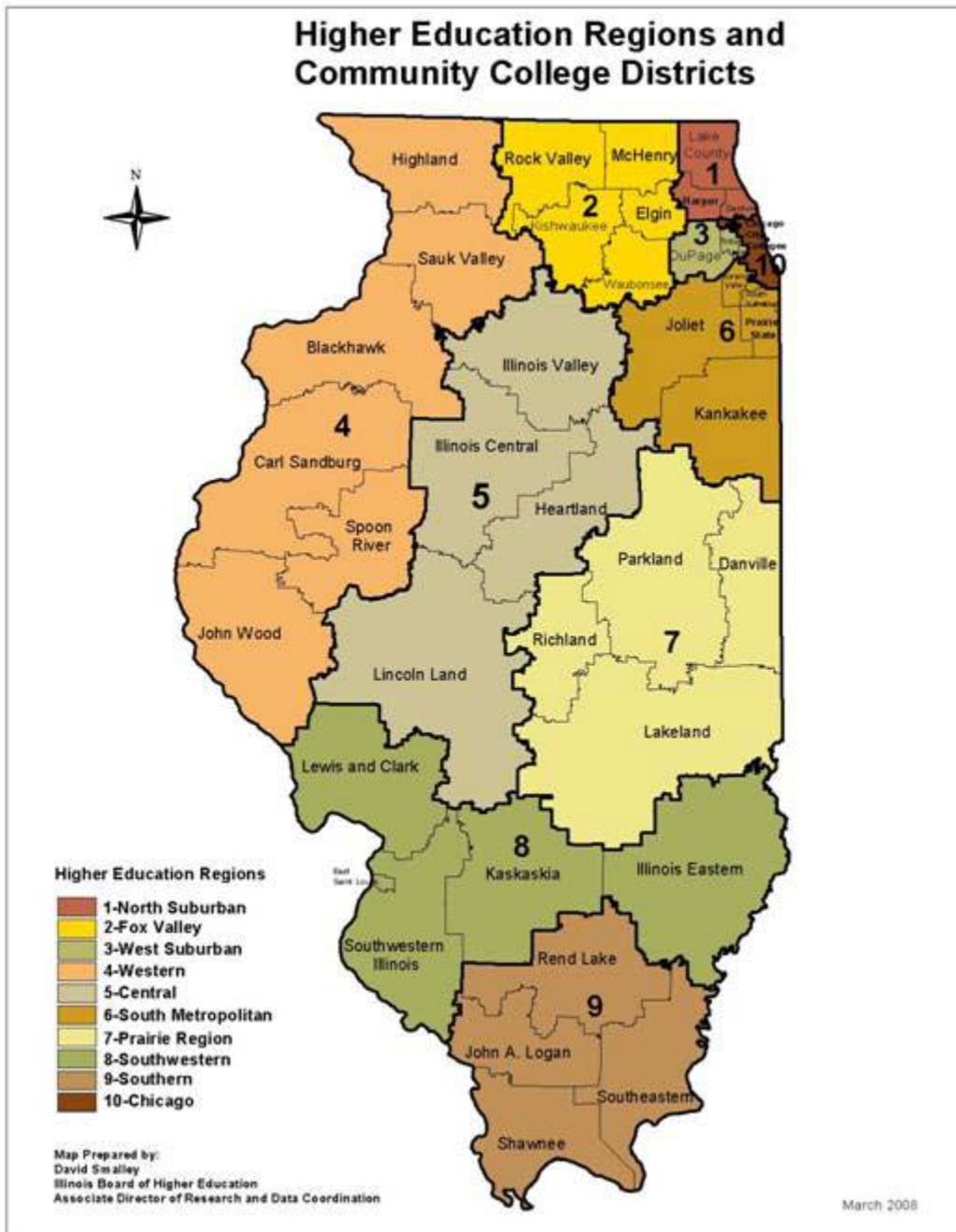
Illinois Board of Higher Education  
Academic Affairs Fee Remittance  
431 East Adams, Second Floor  
Springfield, Illinois 62701-1404

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) Applications, notices, and change requests submitted to the Board with incorrect fees shall be considered incomplete. The incorrect fee amount will be returned to the institution. No further action shall be taken by the Board until the full and correct fee amount due is submitted.
- 3) 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 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1030. ILLUSTRATION A Map of Regions**



(Source: Added at 32 Ill. Reg. 49, effective December 23, 2008)

