

**APPROVED
DECEMBER 12, 2017**

Item #IV-8
December 12, 2017

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

Submitted for: Action.

Summary: This item seeks final adoption of the amendments for the Program Review (Private Colleges and Universities). Proposed amendments to this Part were approved by the Board at the June 13, 2017 meeting.

In accordance with the Illinois Administrative Procedures Act [5 ILCS 100], the proposed amendments were published in the *Illinois Register* on June 30, 2017, which initiated the 45-day public notice period. No comments were received during this time. The proposed amendments were then reviewed by the staff of the Joint Committee on Administrative Rules (JCAR). The proposed amendments will be considered at the December 12, 2017, meeting during which JCAR will likely require substantive and technical changes that are noted in the agenda item. Pending no objection from JCAR, the final rules will be ready for Board adoption.

Upon Board action, the adopted amendments will be filed with the Secretary of State and become effective immediately.

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

STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

**CONSIDERATION AND ADOPTION OF AMENDMENTS TO RULES:
PROGRAM REVIEW (PRIVATE COLLEGES AND UNIVERSITIES)**

This item requests adoption by the Illinois Board of Higher Education (IBHE) of the amendments to the Program Review (Private Colleges and Universities) rules. IBHE staff engaged stakeholders in a series of meetings and opportunities to provide feedback prior to the Board approval of the proposed amendments at the June 13, 2017, meeting. In accordance with the Illinois Administrative Procedures Act [5 ILCS 100], the proposed amendments were published in the *Illinois Register* on June 30, 2017, which initiated the 45-day public notice period. No comments were received during this time.

The proposed amendments were subsequently reviewed by the staff for the Joint Committee on Administrative Rules (JCAR) and IBHE staff responded to their questions and concerns. It is anticipated that JCAR will require the following two substantive changes at the December 12, 2017, meeting:

- 1) Delete the proposed amendment to add statewide need to the list of criteria for evaluation of an institution's application for certificate or degree programs that require approval. The reasoning is lack of statutory authority. Section 1030.30(a)(3)(H)
- 2) Delete the proposed amendment to allow IBHE to seize and take possession of academic records when it appears that an institution is discontinuing its operation and records may be lost, hidden, destroyed or otherwise made unavailable. The reasoning is lack of statutory authority. See Section 1030.80(b)(6)(D)(iii)

The removal of the above subsections will require re-numbering the subsequent subsections. In addition, JCAR will likely require changes to the proposed amendments to align with the style of Illinois administrative rules and/or to improve clarity. JCAR staff indicated the following five changes will be considered at the JCAR meeting:

- 1) Remove the definition for "Notice of Intent" in Section 1030.30(b)(2). The following sentence is duplicative of the definition in Section 1030.10. "Notices of Intent shall be publicly posted on the Board's website for no less than 30 days before Board action on the application and are active for one year."
- 2) Replace "link" with "hyperlink" when referring to websites in Section 1030.30(e).

- 3) Replace one sentence with two sentences to help clarify the procedures for responding to student complaints in Section 1030.30(e)(12)(B).

~~Institutions authorized by the Board that receive a complaint report, must provide official response within 10 business days of receiving the complaint from Board.~~ Institutions authorized by the Board must respond in writing within 10 business days of receiving a student's complaint from the Board. The Board shall review the response and determine if additional information is needed from the institution.

The above modification is similar to the text in Section 1030.70(b)(3).

- 4) Replace the term “conditions observed” in Section 1030.80(b)(5)A(iii) with language used in similar subsections.

~~Failure to maintain the institution's implementation and maintenance of the conditions that were presented during its fifth year review and that formed the basis upon which the authorizations were continued conditions observed during the fifth year review.~~

- 5) Replacing the phrase “now or hereafter” with “after December 31, 2017” in Section 1030.80(b)(6)(B)(i) for the teach-out plan.

After December 31, 2017, when ~~When~~ a Board approved institution ~~now or hereafter operating in this State~~ proposes to discontinue its operation, that institution shall cause to be created a teach-out plan acceptable to the Board, which shall fulfill the institution's educational obligations to its students. Should the institution fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach-out.

Barring any additional changes by JCAR that may alter the substance of the proposed amendments, the rulemaking will be ready for Board adoption.

Attached are two copies of the rules for your convenience. Attachment 1 has only the administrative rule sections with proposed amendments in yellow highlight with text in strikeout and underline. Attachment 2 provides the entire administrative rule with the proposed amendments incorporated and without markups. Anticipated changes by JCAR are included.

Staff Recommendation

Staff recommends the adoption of the following resolution:

The Illinois Board of Higher Education hereby adopts the amendments to the rules for the Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030) as provided in this agenda item. The Board authorizes the Executive Director to make any technical amendments as directed by the Joint Committee on Administrative Rules.

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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 Authorization to Operate and/or Grant <u>Certificates and Degrees under the 1961 Act</u>
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 36 Ill. Reg. 6525, effective April 11, 2012; amended at 41 Ill. Reg. _____, effective _____.

Section 1030.10 Institutions Required to Receive Approval

- a) Institutions Required to Receive Approval under the 1945 Act and this Part
 - 1) 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
 - A) in residence or correspondence; or
 - B) in the case of an institution offering online instruction, maintaining a physical facility in Illinois, providing instruction

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for students at a physical location, or physically providing core academic support services in Illinois, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support..

- 2) After April 10, 2012, institutions described in subsection (a)(1) shall be limited to:
 - A) Institutions that were not established and offering degrees in Illinois prior to July 17, 1945; or
 - B) Institutions that result from a merger of other institutions, whether or not the merged institutions were in existence prior to July 17, 1945; or
 - C) Institutions currently authorized or currently recognized by the Board that offer degrees or instruction in a new geographic location, whether or not the institution was in existence prior to July 17, 1945; or
 - D) 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 and this Part
 - 1) 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
 - A) in residence or correspondence; or
 - B) in the case of an institution offering online instruction, maintaining a physical facility in Illinois, providing instruction for students at a physical location, or physically providing, out of an institutionally owned, operated or rented facility, core academic support services in Illinois, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support.
 - 2) The institutions described in subsection (b)(1) shall not be an Illinois public tax supported higher education institution, a labor union training program or a business trade or other corporate in-service training program.
 - 3) After April 10, 2012, institutions described in subsection (b)(1) shall be

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limited to:

- A) Institutions that were not operating or authorized to operate in Illinois on August 14, 1961; or
- B) Institutions that result from a merger of other institutions, whether or not the merged institutions were authorized to operate on August 14, 1961; or
- C) Institutions currently authorized or currently recognized by the Board that offer degrees or instruction in a new geographic location, whether or not the institution was authorized to operate on August 14, 1961; or
- D) 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; ~~or~~
- E) Institutions seeking to offer dual credit courses to Illinois high school students pursuant to the Dual Credit Quality Act [110 ILCS 27].

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:

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- and
- A) Evidence of authorization to operate in at least one other state;
 - 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 from a physical location owned, operated or rented by the institution in Illinois, or does not provide instruction for students at a physical location owned, operated or rented by the institution in Illinois; and
 - D) Evidence that the institution does not maintain a physical facility in Illinois or does not physically provide out of an institutionally owned, operated or rented facility 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 participating in the State Authorization Reciprocity Agreement (SARA) that are determined by the Board to have limited physical presence do not need to apply for exemptionexempted under the 1945 and/or 1961 Act offering degree programs through mediated instruction do not require additional Board approval.
- 4) Approved institutions under the jurisdiction of the 1945 or 1961 Acts offering degree programs through mediated instruction do not require additional Board approval.
- 5) Additional Board approval is not required for Board approved institutions offering programs:
- 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) Board approved institutions offering dual credit courses to high school students in high schools in their approved regions; or
 - D) Offering courses inside public correctional facilities.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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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 or alternative pathways that has have 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.)

"Authorization to Grant Certificates or Degrees" means the letter from the Board giving an institution authorization to grant specific certificates and 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 certificate or 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.

"Certificate or degree program" means a formal award that is included in an institution's catalog and completion of which is noticed on students' official transcript certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate organized program of study at a Board approved institution.

"Certificate program" means a formal award offered by a degree-granting institution that is included in an institutional catalog and on students' official transcript certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate coursework at a Board approved institution.

"Change request" means a written proposal to modify an approved certificate or

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degree program. A modification is a change to any of the following: certificate offered; degrees offered; certificate or degree title or designation; Classification of Instruction Programs reclassification of instructional programs code (CIP code); program status; and the admission, retention, or graduation requirements of the approved program programs.

"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 15 weeks for one semester or trimester hour of credit, or 10 to 12 weeks for one quarter hour of credit, or the equivalent amount of work over a different period of time; or

Documented student learning outcomes and evidence of student achievement resulting from a program provided through an alternative delivery method that demonstrates equivalency to those competencies achieved offered through traditional classroom delivery; or

At least an equivalent amount of student work as required to achieve intended learning outcomes or competencies as verified by evidence of student achievement for other academic activities as established by the institution, including prior learning assessment, 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 postsecondary program of more than 12 months in duration, except for a non-degree 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 425426].

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

“Dual credit” means an instructional arrangement in which an academically qualified student currently enrolled in high school enrolls in a college-level course and, upon successful course completion, concurrently earns both college credit and high school credit.

"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.

“General education” provides students with a broad foundation of study upon which to build an undergraduate education.

"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 not-for-profit 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

Can demonstrate tax-exempt status; and

Conducts business for the benefit of the general public without shareholders and without a profit motive.

"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,

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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.

"Institutional change" means a written notification of a change at an approved institution. These changes may include a change in ownership, address, institution name, leadership, or status.

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

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

A certificate or 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 certificate or 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

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institutions that have been in existence since prior to the 1961 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 certificate or degree approval for the program before the 50 percent new geographic location definition applies for additional out-of-region locations.

"Notice of intent" or "NOI" means the filing of intent for a new program or unit 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) operating authority or certificate or degree granting authority, as provided in Section 1030.30(b) and Section 1030.60(b). Notices of intent shall be publicly posted on the Board's website for no less than 30 days prior to any Board action on the application and shall remain active for one year after the public posting period has expired.

"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; or

Any branch campus, subsidiary, or other such affiliate of an out of state or international educational institution.

"PBVS Act" means the Private Business and Vocational Schools Act of 2012 [105 ILCS 426]

"Region" refers to a geographic 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;

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"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.

"State Authorization Reciprocity Agreement" or "SARA" means the voluntary program that implements reciprocity agreements amongst states, institutions and the National Council for SARA for interstate offering of postsecondary distance education courses and programs, pursuant to the Higher Education Distance Learning Act [110 ILCS 145].

"Terminal degree" means the highest level of college degree available in a particular field.

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

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(Source: Amended at 41 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 certificate or degree programs that require approval 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 objectives for the institution and its certificate and degree programs that require approval 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) Names of certificate and degree programs that require approval~~Degree program names~~ shall adhere to the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.
 - 2) During review for operating authority, Board staff will consider the following:
 - A) 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) Loss, suspension, probation or similar adverse action taken by an

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accrediting body with which the institution is or was affiliated.

C) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.

D) Compliance with the requirements outlined under the PBVS Act of 2012, if applicable.

32) 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. An undergraduate curriculum shall include general education in alignment with the degree level and objectives.

A) Approved 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 or alternative pathway that has been approved pursuant to 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 the student passes 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.

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- 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 must have 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) Provision must be made for guidance and counseling of students, evaluations of student performance, continuous monitoring of progress of students toward their certificate and/or degree objectives, and appropriate academic record keeping.
- D) IBHE staff approval is required for certificates tied to an approved degree program. Board approval is needed for the creation of a certificate program in a field or at a level in which there is not a previously approved degree program.
- E) Programs Degree programs must meet the following credit hour requirements, variations from these standards require justification:
- 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 completion of a program providing the knowledge and skills for the recognition, credential, or license required for professional practice; 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

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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 ~~level degree and requires 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 based on original research, or the planning and execution of an original project demonstrating substantial artistic or scholarly achievement; the nature of comprehensive examination; and other standards commonly held for ~~thesesuch~~ 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.

- vi) Certificate programs requirements must be consistent with level and stated program objectives.

FD) Success in student progression and graduation across all existing approved programs, 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 the following factors, based on results for similar institutions:

- i) Graduation rates, certificate and degree completion rates, retention rates, and pass rates for licensure and certification aligned with thresholds set by State or national regulatory bodies.
- ii) Success rate, which shall be, at a minimum, higher than that of the lowest quartile of these 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.

GE) Additional student success measures shall be considered in the review of applications for authorization. The Board shall

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establish minimum rates of success based on results for similar institutions or thresholds set by State or federal regulatory bodies.

- 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) Institutions that participate in Federal Student Loan programs shall have 3-year Official Cohort Default rates no higher than 25 percent. Institutions with Federal Financial Responsibility Composite Scores shall have a score that is no lower than 1.0. Institutions that fail to meet these thresholds may be restricted from implementing new certificate or degree programs.
- iii) The success rate shall be, at a minimum, higher than that of the lowest quartile of these 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.

H) Statewide Needs

The unit of instruction is educationally and economically consistent with the educational priorities and needs of the State of Illinois. [NOTE: This subsection will likely be removed in the final rules because there is no statutory authority.]

IF) 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 institution provides adequate technical support to ensure students are able to

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complete coursework and make steady progress in their programs. The help desk function is available to students during hours when it is likely to be needed, which shall be, at a minimum, 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 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 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.

43) The institution shall have adequate and suitable space, equipment and instructional materials to support institutional programs provide education suitable quality.

A) The institution shall provide students, faculty and staff with appropriate library resources and support consistent with the degree type and level offered at the institution.

B) Library staff shall possess the necessary qualifications to support the needs of the programs.

54) 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.

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- A) At a minimum, faculty shall have a degree from an institution accredited by a U.S. Department of Education and/or the Council for Higher Education Accreditation 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 with 18 graduate hours appropriate to the academic field or discipline in which they are teaching field of instruction.
 - ii) Faculty engaged in providing technical and career coursework at the associate degree level shall possess, at a minimum, at least 2,000 hours of work experience and the appropriate recognizable credential, depending upon the field 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 or terminal degree in the field of instruction.
 - v) Exceptions may be made for professional experience, equivalent training and other qualifications; however, these ~~will~~ should be the exceptions and not the rule in meeting faculty qualification requirements. These exceptions for faculty may be reviewed/recommended by the Board staff.
- 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 that 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 these 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

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for these measures using the same comparison categories of institutions.

C) Support personnel, including but not limited to counselors, administrators, clinical supervisors, and technical staff, that are directly assigned to the unit of instruction have the educational background and experience necessary to carry out their assigned responsibilities.

6) Support Services

A) Facilities, equipment and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computational equipment) necessary to support high quality academic work in the unit of instruction, research or public service are available and maintained.

B) Clinical sites necessary to meet the objectives of the unit of instruction, research or public service.

C) Library holdings and acquisitions, owned or contracted for by the institution, that are necessary to support high quality instruction and scholarship in the unit of instruction, research and public service, are conveniently available and accessible, and can be maintained.

75) Program Information

A) The institution shall provide to the public upon request a catalog, either in print or electronically, with the information listed in this subsection (a). This information shall be provided in print and on the institution's website without requiring the student to provide contact or other personal information in order to access the information. The catalog or brochure shall contain 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

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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). There is no exception if the institution does not report data to IPEDS. ~~The State also requires the collection of data on student financial aid and dual credit offerings;~~
- vii) A statement of the institution's current accreditation status with a U.S. Department of Education and/or the Council for Higher Education Accreditation 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)(75)(A) shall be available to prospective students prior to enrollment.

86) Upon satisfactory completion of the degree program, the student shall be awarded given the appropriate degree by the institution, indicating that a specifically approved course of instruction or study has been satisfactorily completed by the student.

97) 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. Institutions must provide adequate security measures to protect student data and records and must comply with all state and federal laws relevant to protection of individual privacy and preservation of records.

108) The institution shall be maintained and operated in compliance with all

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pertinent local, State and national ordinances and laws.

- 119)** The institution should be financially stable and capable of assuring the revenues needed for meeting stated objectives and fulfilling commitments to students.
- 1240)** Neither the institution nor its agents should engage in advertising, recruiting, sales, collection, credit or other practices of any type that are false, deceptive, misleading or unfair.
- 1344)** 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.
- 1412)** The faculty, staff and instructors of the institution shall be of good professional reputation and character.
- 1543)** 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 program completion, 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 in which 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 of 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 period of enrollment.
- 1614)** 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. Appropriate steps shall be taken to assure that

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programmatic accreditation needed for licensure or entry into a profession as specified in the objectives of the unit of instruction will be sought in a reasonable amount of time and will be maintained throughout the life of the program.

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) Orientation

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.

~~2) Letter of Intent (LOI)~~ 2) Notice of Intent (NOI)

~~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 filing a Notice of Intent with writing to the Board. Notices of Intent shall be publicly posted on the Board's website for no less than 30 days before Board action on the application and are active for one year. [NOTE: May delete previous sentence because this information is within the definition of "Notice of Intent"]~~ 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) Submission of Application and Supporting Documentation

Following the submission of a Notice of Intent 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. This information request includes a signed cover letter and audited financial statements.

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

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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 may be asked to respond to Board

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~~questions 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;
 - 3) ~~Has failed to achieve accreditation through a U.S. Department of Education and/or the Council for Higher Education Accreditation 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 accreditation is achieved, the institution shall clearly and appropriately state in all promotional materials and 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 the following factors, based on results for similar institutions:
 - i) ~~Graduation rates, program degree completion rates, retention rates, and pass rates for licensure and certification aligned with thresholds set by State or national regulatory bodies.~~
 - ii) Success rate, which shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment

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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) 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 or thresholds set by state or federal regulatory bodies. At a minimum, these, the data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.
 - iv) Institutions that participate in Federal Student Loan programs shall have 3-year Official Cohort Default rates no higher than 25 percent. Institutions with Federal Financial Responsibility Composite Scores shall have a score that is no lower than 1.0. Institutions that fail to meet these thresholds may be restricted from implementing new certificate and/or degree programs. The success rate shall be, at a minimum, higher than that of the lowest quartile of these 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.
- 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 subsection 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 authorization is maintained.

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- A) Institutions authorized by the Board may use the authorization in advertising and 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, internet, world-wide web~~ or other electronic telecommunication means must state or have a link **[NOTE: "Link" will be changed to "hyperlink"]** 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 ~~a website an internet site~~, within the required statement given above, the term "Illinois Board of Higher Education" must be ~~an electronic link~~ **[NOTE: "Link" will be changed to "hyperlink"]** to the Board's website at 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 and/or the Council for Higher Education Accreditation 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 or 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.

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- 8) No statement or representation shall be made that students will be guaranteed employment while enrolled in the institution or 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 the advertising claims, published in the same manner as the claims themselves, must be published by the institution and continuation of that advertising shall constitute cause for revocation of the institution's 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.
- 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 and print promotional materials and on its website the Board's mailing address and the Board's website link [NOTE: "Link" will be changed to "hyperlink"] for reporting complaints. For the website information, there must be an electronic a link [NOTE: "Link" will be changed to "hyperlink"] to the Board's website on the first page (as registered with standard web/internet search engines).
 - A) Institutions authorized by the Board or institution receiving a Board degree authorization must provide in its catalog and print promotional materials and on the first page of its website the institution's procedure for complaint resolution. The web page providing information on the institution's complaint procedure must also have a link [NOTE: "Link" will be changed to "hyperlink"] to the Board's website for reporting complaint not resolved at the institution's level.
 - B) Institutions authorized by the Board that receive a complaint report, must provide official response within 10 business days of receiving the complaint from Board. [NOTE: May be changed to "Institutions authorized by the Board must respond in writing within 10 business days of receiving a student's complaint from the Board. The Board shall review the response and determine if

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additional information is needed from the institution.” This new language is similar to the text in Section 1030.70(b)(3). “Each approved institution must respond in writing within 10 business days after receiving a students’ complaint from the Board. The Board shall review the response and determine if additional information is needed.”]

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 1030.60 Degree Authorization under the 1961 Act

- a) **Criteria for New Certificate and 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 certificate or 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) The objectives of the certificate or degree program must be consistent with what the degree-program title implies.
 - 3) The requested certificate or degree program shall be congruent with the purpose, goals, objectives and mission of the institution.
 - 4) The caliber and content of the curriculum shall assure that the stated certificate or degree objectives for which the program is offered will be achieved.
 - 5) The institution shall have adequate and suitable space, equipment and instructional materials to support institutional programs provide education of suitable quality.
 - 6) 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) 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

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prospective students prior to enrollment.

- 8) 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 certificate or degree program.
- 9) 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 Certificates and/or Degrees

The Board shall approve all new certificate and 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 certificate or degree at a different site within the same region. Following is a description of the steps in the approval process:

1) New Certificate or Degree Program Request

- A) The Chief Executive Officer of the institution seeking approval of a new certificate or 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 certificate or 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 and are active for one year after the public posting period expires.
- B) The institution requesting permission to offer a new certificate or 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;

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- 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 certificate or 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 certificate or 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 certificates and/or degrees being awarded upon program completion, but no sooner than one year after the approval date; or
 - B) That the certificate or 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

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Executive Officer of the institution, or a designee, will be invited to attend and may be asked to respond to Board question~~se~~omment 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 certificate or 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 certificates and/or degrees.
- 10) **Awarding Certificates and 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 certificate or degree must file a new application in order to be given subsequent consideration for approval.
- 12) **Advertising of Certificate and/or Degree Programs**
 - A) An institution may state that it is approved or authorized to award a certificate or 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 certificates and/or degrees.
 - C) No institution shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the certificate or 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 certificate or degree program at another site within the same region shall not be required to apply for additional Board approval.

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(Source: Amended at 41 Ill. Reg. _____, effective _____)

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 Reporting Report

A) Each approved institution shall file annually with the Board its current catalogs.

B) Compliance with all State and federal reporting mandates is required for maintenance of approvals.

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

Each approved institution must respond in writing within 10 business days of receiving a student's complaint from the Board. The Board shall review the response and determine if additional information is needed from the institution.

4) Investigations of 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;

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- 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 Offices of Attorneys General, Offices of Inspectors General, or similar bodies 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 Board begins 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, or similar information. Upon completion of the investigation, the Board will accept the institution's request to voluntarily relinquish its approval, begin the process for revocation as provided in subsection (b)(4), at which time the hold continues, 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 institutions.

54) Revocation or Relinquishment 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

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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 Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies;

viii) Pervasive and substantial student complaints against 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.

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- 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. The 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, Authorization to Operate and Authorization to Award Degrees are 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 or authorization.
 - 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 in which 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.

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- 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 41 Ill. Reg. _____, effective _____)

Section 1030.80 Maintenance of Authorization to Operate and/or Grant Certificates and 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 Certificates and Degrees procedure under the 1961 Act.
 - 1) **Annual Report**
Each authorized institution shall file annually with the Board its current catalogs. In addition, institutions must comply with any data requests to satisfy Board reporting requirements.
 - 2) **Reviews**
The staff of the Board may conduct reviews and/or visitations of authorized institutions and/or their certificate and 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 certificate and degree programs using technological innovation and comprehensive data systems. Evidence that the program meets standards enumerated in Section 1030.30(a) of this Part may be reviewed. 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**

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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 Certificates and 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 or Relinquishment 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 certificates and/or degrees were authorized.
 - iii) Failure to maintain the conditions observed during the fifth year review. [NOTE: May be changed to "Failure to maintain the institution's implementation and maintenance of the conditions that were presented during its fifth year review and that formed the basis upon which the authorizations were continued."]
 - iv) Failure to offer degrees or instruction for one continuous 12-month period.
 - v) Abandonment of the institution.

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- 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 Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.

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 Certificates and Degrees.
- ii) If the Board votes to revoke the Authorization to Operate and/or Award Specific Certificates and 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 Certificates and 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 Certificates and Degrees.
- vii) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as

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determined by the Board (such as another like kind of institution or the Board).

6) Institutional or Unit Closure and Teach-Out

An institution that is closing entirely or one or more units, either voluntarily or involuntarily, shall send to the Board the following:

A) Notice Required

- i) Notice to the Board of the closure immediately by email or certified mail;
- ii) The name, address, and telephone number of the person who will be responsible for closure processes;
- iii) A list of students affected and anticipated decisions regarding teach out for each student (e.g., graduation, transfer, remain at institution, and participate in teach out, etc.);
- iv) Information on the remaining credit and other requirements outstanding for each student to complete the program;
- v) Copies of the student-directed communication plan that includes the proposed timeline and methods for notifying students of teach-out options. Plans must include communication with any students who may be on approved leaves of absence or otherwise difficult to reach;
- vi) Copies of the communication plans for informing faculty, staff and other institutional constituents;
- vii) Identification of an individual who will be empowered to act as official registrar, if needed, after the closure; and
- viii) Submission of a letter of permission to the Board to access all institutional properties in order to secure student records, if necessary.

B) Teach-Out Plan

- i) When a Board approved institution now or hereafter operating in this State proposes to discontinue its operation, that institution shall cause to be created a teach-out plan acceptable to the Board, which shall

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fulfill the institution's educational obligations to its students. Should the institution fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach-out. [NOTE: May be changed to "After December 31, 2017, when a Board approved institution proposes to discontinue its operation, that institution shall cause to be created a teach-out plan acceptable to the Board, which shall fulfill the institution's educational obligations to its students. Should the institution fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach-out."]

ii) An institution shall have written plans designed to protect the contractual rights of its students and graduates in the event the institution closes or undergoes a change of status (e.g., if the institution changes location or if its authority is revoked), including the right to complete the course of instruction in which the students or graduates enrolled.

iii) If students are receiving instruction prior to the institution's closing, the institution shall file a plan to ensure that the institution's students will continue to receive training of the same quality and content as that for which they contracted.

C) Arrangements for transferring students to a public or another approved institution shall be filed with the Board prior to any student transfer. Prior to approving the institution's arrangements for completing its teaching obligations to students, the Board shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.

D) Academic Records

In the event an institution proposes to discontinue its operations, the chief administrative officer of the institution shall arrange for all original or legible true copies of all such academic records of the institution to be maintained in a safe and suitable place as determined by the Board (such as a third party provider, a like institution, or the Board).

i) These records shall include, at a minimum, the academic records of each former student that is traditionally provided on an academic transcript, such as, but not

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limited to, courses taken, terms, grades, and other such information.

ii) The institution shall make students aware of how to obtain transcripts from either the closed institution and/or new institution permanently retaining the records.

iii) In the event it appears to the Board that any such records of an institution discontinuing its operations is in danger of being lost, hidden, destroyed, or otherwise made unavailable to the Board, the Board may seize and take possession of the records, on its own motion and without order of court. [NOTE: This subsection will likely be removed in the final rules because there is no statutory authority.]

iv) The institution must release any holds on student records before operation are discontinued and the records are transferred

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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 certificates and 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. The fee amount is based on the type of institution and institution size as outlined in subsection (a)(2).

B) Letter of Intent or Notice of Intent, \$500250. One fee shall be submitted with each filing.

C) Authorization to Grant Certificates and Degrees

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- i) The fee is based on the type of institution, institution size, and certificate or degree level as outlined in subsection (a)(2).
- ii) This fee applies to each request for authorization to grant a new certificate or degree or an additional certificate or degree in a region.

- D) Change Request 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).
- E) Exemption Fee, \$250. The fee shall be charged for each request submitted to the Board

2) Schedule of Fees

A) Illinois Not-for-Profit Institutions

	Institution Size	
	< 1,000 students	1,000 or more students
Certificate of Approval or Authority to Operate	\$ 3,000	\$ 4,000
Degree Granting Authority per Region	1,500	2,500
Certificate Approval per Region	750	750
Notice of Intent	500	500
Change Request per Region	250	250
Exemption Fee	250	250

B) Illinois Proprietary Institutions

	Institution Size		
	< 200 1,000 Students	200-500 Students	> 500 1,000 or more Students
Certificate of Approval or Authorization to Operate	\$ 5,000 6,000	\$ 5,000	\$ 5,000 7,000
Degree Granting Authority per Region-Associate Degree per Region	750 2,500	950	1,250 3,500

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Certificate Approval per Region	1,450	1,650	1,950
Bachelor Degree per Region	1,000		1,000
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
Exemption Fee	250		250

C) Out of State Institutions

	Institution Size		
	< 200 1,000 Students	200-500 Students	> 500 1,000 or more Students
Certificate of Approval or Authorization to Operate Degree Granting Authority per Region-Associate Degree per Region	\$ 5,000 7,000	\$ 5,000	\$ 5,000 8,000
Certificate Approval by Region Bachelor Degree per Region	2,450 1,750	2,650	2,950 1,750
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	250 500	250	250 500
Change Request per Region	250	250	250
Exemption Fee	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

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or authorization, minus a fee of \$250 for processing. No refund shall be awarded for any application that requires Board approval and/or has been reviewed by Board staff. Applications withdrawn by the institution or returned by Board staff shall receive no refund.

3) Fees shall be submitted to:

Illinois Board of Higher Education
Academic Affairs Fee Remittance
1 North Old State Capitol Plaza, Suite 333
431 East Adams, Second Floor
Springfield, IL 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: Amended at 41 Ill. Reg. _____, effective _____)

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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 Authorization to Operate and/or Grant Certificates and 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 36 Ill. Reg. 6525, effective April 11, 2012; amended at 41 Ill. Reg. _____, effective _____.

Section 1030.10 Institutions Required to Receive Approval

- a) Institutions Required to Receive Approval under the 1945 Act and this Part
 - 1) 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
 - A) in residence or correspondence; or
 - B) in the case of an institution offering online instruction, maintaining a physical facility in Illinois, providing instruction for students at a physical location, or physically providing core academic support services in Illinois, including but not limited to

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admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support..

- 2) After April 10, 2012, institutions described in subsection (a)(1) shall be limited to:
 - A) Institutions that were not established and offering degrees in Illinois prior to July 17, 1945; or
 - B) Institutions that result from a merger of other institutions, whether or not the merged institutions were in existence prior to July 17, 1945; or
 - C) Institutions currently authorized or currently recognized by the Board that offer degrees or instruction in a new geographic location, whether or not the institution was in existence prior to July 17, 1945; or
 - D) 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 and this Part
 - 1) 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
 - A) in residence or correspondence; or
 - B) in the case of an institution offering online instruction, maintaining a physical facility in Illinois, providing instruction for students at a physical location, or physically providing, out of an institutionally owned, operated or rented facility, core academic support services in Illinois, including but not limited to admission, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support.
 - 2) The institutions described in subsection (b)(1) shall not be an Illinois public tax supported higher education institution, a labor union training program or a business trade or other corporate in-service training program.
 - 3) After April 10, 2012, institutions described in subsection (b)(1) shall be limited to:

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- A) Institutions that were not operating or authorized to operate in Illinois on August 14, 1961; or
 - B) Institutions that result from a merger of other institutions, whether or not the merged institutions were authorized to operate on August 14, 1961; or
 - C) Institutions currently authorized or currently recognized by the Board that offer degrees or instruction in a new geographic location, whether or not the institution was authorized to operate on August 14, 1961; or
 - D) 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; or-
 - E) Institutions seeking to offer dual credit courses to Illinois high school students pursuant to the Dual Credit Quality Act [110 ILCS 27].
- 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

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- 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 from a physical location owned, operated or rented by the institution in Illinois, or does not provide instruction for students at a physical location owned, operated or rented by the institution in Illinois; and
 - D) Evidence that the institution does not maintain a physical facility in Illinois or does not physically provide out of an institutionally owned, operated or rented facility 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 participating in the State Authorization Reciprocity Agreement (SARA) that are determined by the Board to have limited physical presence do not need to apply for exemption.
 - 4) Approved institutions under the jurisdiction of the 1945 or 1961 Acts offering degree programs through mediated instruction do not require additional Board approval.
 - 5) Additional Board approval is not required for Board approved institutions offering programs:
 - 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) Board approved institutions offering dual credit courses to high school students in high schools in their approved regions; or
 - D) Offering courses inside public correctional facilities.

(Source: Amended at 41 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.

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"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 or alternative pathways that have 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 policies and procedures outlined in federal financial aid regulations.

"Authorization to Grant Certificates or Degrees" means the letter from the Board giving an institution authorization to grant specific certificates and 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 certificate or 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.

"Certificate or degree program" means a formal award that is included in an institution's catalog and completion of which is noted on students' official transcript certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate coursework at a Board approved institution.

"Certificate program" means a formal award offered by a degree-granting institution that is included in an institutional catalog and on student official transcript certifying the satisfactory completion of undergraduate, post-baccalaureate or graduate coursework at a Board approved institution.

"Change request" means a written proposal to modify an approved certificate or degree program. A modification is a change to any of the following: certificate offered; degrees offered; certificate or degree title or designation; Classification of Instruction Programs code (CIP code); program status; and the admission, retention or graduation requirements of approved programs.

"Credit hour" means an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an

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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 15 weeks for one semester or trimester hour of credit, or 10 to 12 weeks for one quarter hour of credit, or the equivalent amount of work over a different period of time; or

Documented student learning outcomes and evidence of student achievement resulting from a program provided through an alternative delivery method that demonstrates equivalency to those competencies achieved through traditional classroom delivery; or

At least an equivalent amount of student work as required to achieve intended learning outcomes or competencies as verified by evidence of student achievement for other academic activities as established by the institution, including prior learning assessment, 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 postsecondary program, except for a non-degree 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 426].

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

"Dual credit" means an instructional arrangement in which an academically qualified student currently enrolled in high school enrolls in a college-level course and, upon successful course completion, concurrently earns both college credit and high school credit.

"Faculty" means any individual or group of individuals who are qualified by

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education and experience to give expert instruction and evaluation in their specialties, to supervise curricular experiences, and to evaluate learning for credit.

“General education” provides students with a broad foundation of study upon which to build an undergraduate education.

"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 not-for-profit 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

Can demonstrate tax-exempt status; and

Conducts business for the benefit of the general public without shareholders and without a profit motive.

"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

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not-for-profit entity with the Illinois Secretary of State.

“Institutional change” means a written notification of a change at an approved institution. These changes may include a change in ownership, address, institution name, leadership or status.

"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.

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

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

A certificate or 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 certificate or 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 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 certificate or degree approval for the program before the 50 percent new geographic location definition applies for additional out-of-region locations.

"Notice of intent" or “NOI” means filing of intent for a new program or unit by the institution that is seeking operating authority or certificate or degree granting authority, as provided in Section 1030.30(b) and Section 1030.60(b). Notices of intent shall be publicly posted on the Board’s website for no less than 30 days prior to any Board action on the application and shall remain active for one year after the public posting period has expired.

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"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; or

Any branch campus, subsidiary, or other such affiliate of an out-of-state or international educational institution.

"PBVS Act" means the Private Business and Vocational Schools Act of 2012 [105 ILCS 426]

"Region" refers to a geographic 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;

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"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.

"State Authorization Reciprocity Agreement" or "SARA" means the voluntary program that implements reciprocity agreements amongst states, institutions and the National Council for SARA for interstate offering of postsecondary distance education courses and programs, pursuant to the Higher Education Distance Learning Act [110 ILCS 145].

"Terminal degree" means the highest level of college degree available in a particular field.

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

(Source: Amended at 41 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 certificate or degree programs that require approval of a given institution and the extent to which suitable and proper processes have been developed for meeting those objectives:

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- 1) For institutions requiring approval, the objectives for the institution and its certificate and degree programs that require approval must be consistent with what the institutional name and 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) Names of certificate and degree programs that require approval shall adhere to the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.
- 2) During review for operating authority, Board staff will consider the following:
 - A) 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) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated.
 - C) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.
 - D) Compliance with the requirements outlined under the PBVS Act of 2012, if applicable.
- 3) The caliber and content of each course or program of instruction, training or study shall be reasonable and adequate for achieving the stated objectives for which the course or program is offered. An undergraduate curriculum shall include general education in alignment with the degree level and objectives.
 - A) Approved program admission policies must include, at a minimum, the following:

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- i) Undergraduate degrees must require a high school diploma or its equivalency, or passage of an ability to benefit test or alternative pathway that has been approved pursuant to U.S. Department of Education regulations. 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 the student passes 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 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 must have 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) Provision must be made for guidance and counseling of students, evaluations of student performance, continuous monitoring of progress of students toward their certificate and/or degree objectives, and appropriate academic record keeping.

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- D) IBHE staff approval is required for certificates tied to an approved degree program. Board approval is needed for the creation of a certificate program in a field or at a level in which there is not a previously approved degree program.
- E) Programs must meet the following requirements; variations from these standards require justification:
 - 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 completion of a program providing the knowledge and skills for the recognition, credential, or license required for professional practice; 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 level. The program shall demonstrate full understanding of the level and range of doctoral scholarship; the function of a dissertation and its defense based on original research, or the planning and execution of an original project demonstrating substantial artistic or scholarly achievement; the nature of comprehensive examination; and other standards commonly held for these 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.

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- vi) Certificate programs requirements must be consistent with level and stated program objectives.
- F) Success in student progression and graduation across all existing approved programs, 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 the following factors, based on results for similar institutions:
- i) Graduation rates, certificate and degree completion rates, retention rates, and pass rates for licensure and certification aligned with thresholds set by State or national regulatory bodies.
 - ii) Success rate, which shall be, at a minimum, higher than that of the lowest quartile of these 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.
- G) 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 or thresholds set by State or federal regulatory bodies.
- 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) Institutions that participate in Federal Student Loan programs shall have 3-year Official Cohort Default rates no higher than 25 percent. Institutions with Federal Financial Responsibility Composite Scores shall have a score that is no lower than 1.0. Institutions that fail to meet these thresholds may be restricted from implementing new certificate or degree programs.
 - iii) The success rate shall be, at a minimum, higher than that of the lowest quartile of these measures for similar Illinois institutions defined as open versus competitive enrollment institutions and primarily associate versus

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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.

- H) Statewide Needs
The unit of instruction is educationally and economically consistent with the educational priorities and needs of the State of Illinois. [NOTE: This subsection will likely be removed in the final rules because there is no statutory authority.]
- I) 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 institution provides adequate technical support to ensure students are able to complete coursework and make steady progress in their programs.
 - 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 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.

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- vii) Assessments of student learning, especially exams, take place in circumstances that include 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.
- 4) The institution shall have adequate and suitable space, equipment and instructional materials to support institutional programs.
- A) The institution shall provide students, faculty and staff with appropriate library resources and support consistent with the degree type and level offered at the institution.
 - B) Library staff shall possess the necessary qualifications to support the needs of the programs.
- 5) 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 and/or the Council for Higher Education Accreditation 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 with 18 graduate hours appropriate to the academic field or discipline in which they are teaching.
 - ii) Faculty engaged in providing technical and career coursework at the associate degree level shall possess, at a minimum, at least 2,000 hours of work experience and the appropriate recognizable credential, depending upon the 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 or terminal degree in the field of instruction.

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- v) Exceptions may be made for professional experience, equivalent training and other qualifications; however, these will be the exceptions and not the rule in meeting faculty qualification requirements. These exceptions for faculty may be reviewed by the Board staff.
 - 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 that 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 these 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.
 - C) Support personnel, including but not limited to counselors, administrators, clinical supervisors, and technical staff, that are directly assigned to the unit of instruction have the educational background and experience necessary to carry out their assigned responsibilities.
- 6) Support Services
- A) Facilities, equipment and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computational equipment) necessary to support high quality academic work in the unit of instruction, research or public service are available and maintained.
 - B) Clinical sites necessary to meet the objectives of the unit of instruction, research or public service.
 - C) Library holdings and acquisitions, owned or contracted for by the institution, that are necessary to support high quality instruction and scholarship in the unit of instruction, research and public service, are conveniently available and accessible, and can be maintained.

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- 7) Program Information
- A) The institution shall provide to the public upon request a catalog, either in print or electronically, with the information listed in this subsection (a). This information shall be provided in print and on the institution's website without requiring the student to provide contact or other personal information in order to access the information. The catalog or brochure shall contain 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 and the numbers of graduates and enrollments as provided by the institution to the Integrated Postsecondary Education Data System (IPEDS). There is no exception if the institution does not report data to IPEDS;
 - vii) A statement of the institution's current accreditation status with a U.S. Department of Education and/or the Council for Higher Education Accreditation 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

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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)(7)(A) shall be available to prospective students prior to enrollment.
- 8) Upon satisfactory completion of the degree program, the student shall be awarded the appropriate degree by the institution, indicating that a specifically approved course of instruction or study has been satisfactorily completed by the student.
- 9) 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. Institutions must provide adequate security measures to protect student data and records and must comply with all state and federal laws relevant to protection of individual privacy and preservation of records.
- 10) The institution shall be maintained and operated in compliance with all pertinent local, State and national ordinances and laws.
- 11) The institution should be financially stable and capable of assuring the revenues needed for meeting stated objectives and fulfilling commitments to students.
- 12) Neither the institution nor its agents should engage in advertising, recruiting, sales, collection, credit or other practices of any type that are false, deceptive, misleading or unfair.
- 13) 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.
- 14) The faculty, staff and instructors of the institution shall be of good professional reputation and character.
- 15) 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 program completion, 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 in which the student waives the right to assert against the school or any

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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 of 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 period of enrollment.
- 16) 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. Appropriate steps shall be taken to assure that programmatic accreditation needed for licensure or entry into a profession as specified in the objectives of the unit of instruction will be sought in a reasonable amount of time and will be maintained throughout the life of the program.
- 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) Orientation
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.
 - 2) Notice of Intent (NOI)
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 filing a Notice of Intent with the Board. Notices of Intent shall be publicly posted on the Board's website for no less than 30 days before Board action on the application and are active for one year.
[NOTE: The last sentence will likely be removed in the final rules because this information is within the definition of "Notice of Intent"]
 - 3) Submission of Application and Supporting Documentation
Following the submission of a Notice of Intent, the institutional representatives shall complete the application supplied by the Board. The

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application requests information and supporting evidence to demonstrate that the institution meets the criteria established. This information request includes a signed cover letter and audited financial statements.

- 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) 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

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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 may be asked to respond to Board questions. 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;
- 3) Has failed to achieve accreditation through a U.S. Department of Education and/or the Council for Higher Education Accreditation 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 accreditation is achieved, the institution shall clearly and appropriately state in all promotional materials and advertisements and on its webpage that it is not accredited; or

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- 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 the following factors, based on results for similar institutions:
- i) Graduation rates, program completion rates, retention rates, and pass rates for licensure and certification aligned with thresholds set by State or national regulatory bodies.
 - ii) Success rate, which shall be, at a minimum, higher than that of the lowest quartile of these 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) 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 or thresholds set by State or federal regulatory bodies. At a minimum these data shall include student loan default rates, student indebtedness rates, job placement rates, student learning measures and other success indicators.
 - iv) Institutions that participate in Federal Student Loan programs shall have 3-year Official Cohort Default rates no higher than 25 percent. Institutions with Federal Financial Responsibility Composite Scores shall have a score that is no lower than 1.0. Institutions that fail to meet these thresholds may be restricted from implementing new certificate and/or degree programs.
- 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 subsection 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.

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- 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 authorization is maintained.
 - A) Institutions authorized by the Board may use the authorization in advertising and 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 or other electronic telecommunication means must state or have a hyperlink 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 a website, within the required statement, the term "Illinois Board of Higher Education" must be a hyper link to the Board's website at www.ibhe.org. [NOTE: "Link" will likely be changed to "hyperlink" in the final rules.]
- 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 and/or the Council for Higher Education Accreditation 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 or equipment and facilities associated with that institution.

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- 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 or 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 the advertising claims, published in the same manner as the claims themselves, must be published by the institution and continuation of that advertising shall constitute cause for revocation of the institution's 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.
- 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 and print promotional materials and on its website the Board's mailing address and the Board's website hyperlink for reporting complaints. For the website information, there must be a hyperlink to the Board's website on the first page (as registered with standard web/internet search engines). **[NOTE: "Link" will likely be changed to "hyperlink" in the final rules.]**
 - A) Institutions authorized by the Board or institution receiving a Board degree authorization must provide in its catalog and print promotional materials and on the first page of its website the institution's procedure for complaint resolution. The web page providing information on the institution's complaint procedure must also have a hyperlink to the Board's website for reporting complaints not resolved at the institution's level. **[NOTE: "Link" will likely be changed to "hyperlink" in the final rules.]**
 - B) Institutions authorized by the Board that receive a complaint report, must provide official response within 10 business days of receiving the complaint from Board. **[NOTE: This subsection**

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will likely be changed in the final rules. "Institutions authorized by the Board must respond in writing within 10 business days of receiving a student's complaint from the Board. The Board shall review the response and determine if additional information is needed from the institution."

(Source: Amended at 41 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 Certificate and Degree Programs

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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 certificate or 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) The objectives of the certificate or degree program must be consistent with what the degree program title implies.
 - 3) The requested certificate or degree program shall be congruent with the purpose, goals, objectives and mission of the institution.
 - 4) The caliber and content of the curriculum shall assure that the stated certificate or degree objectives for which the program is offered will be achieved.
 - 5) The institution shall have adequate and suitable space, equipment and instructional materials to support institutional programs.
 - 6) 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) The information the institution provides for students and the public shall accurately describe the 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) 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 certificate or degree program.
 - 9) 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 Certificates and/or Degrees
- The Board shall approve all new certificate and degree programs in institutions described in Section 1030.10(b) that are not otherwise exempted in Section

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1030.10(c). Institutions authorized to offer a program at a site within a region are not required to obtain additional approval to offer the same certificate or degree at a different site within the same region. Following is a description of the steps in the approval process:

- 1) New Certificate or Degree Program Request
 - A) The Chief Executive Officer of the institution seeking approval of a new certificate or 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 certificate or 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 and are active for one year after the public posting period expires.
 - B) The institution requesting permission to offer a new certificate or 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.

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- 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 certificate or 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 certificate or degree program request. This recommendation will be shared with the applicant. This recommendation will be one of the following:
 - A) That the program be approved to admit students, with the appropriate certificates and/or degrees being awarded upon program completion, but no sooner than one year after the approval date; or
 - B) That the certificate or 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 may be asked to respond to Board questions. 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 certificate or 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 certificates and/or degrees.

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- 10) **Awarding Certificates and 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 certificate or degree must file a new application in order to be given subsequent consideration for approval.
- 12) **Advertising of Certificate and/or Degree Programs**
 - A) An institution may state that it is approved or authorized to award a certificate or 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 certificates and/or degrees.
 - C) No institution shall publish or otherwise communicate to prospective students, faculty, staff or the public misleading or erroneous information about the certificate or 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 certificate or degree program at another site within the same region shall not be required to apply for additional Board approval.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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:

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- 1) Annual Reporting
 - A) Each approved institution shall file annually with the Board its current catalogs.
 - B) Compliance with all State and federal reporting mandates is required for maintenance of approvals.
- 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

Each approved institution must respond in writing within 10 business days of receiving a student's complaint from the Board. The Board shall review the response and determine if additional information is needed from the institution.
- 4) Investigations of 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 Offices of Attorneys General, Offices of Inspectors General, or

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similar bodies 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 Board begins 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, or similar information. Upon completion of the investigation, the Board will accept the institution's request to voluntarily relinquish its approval, begin the process for revocation as provided in subsection (b)(4), at which time the hold continues, 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 institutions.
- 5) Revocation or Relinquishment 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 Offices of Attorneys General, Offices of Inspectors General, or

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similar bodies that affect an institution's status with those bodies;

- viii) Pervasive and substantial student complaints against 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).

C) Voluntary Relinquishing of Approval

- i) Institutions may voluntarily relinquish their Certificate of Approval, Authorization to Operate, or Authorization to Grant Degrees. The voluntary relinquishment shall be in writing and does not require a hearing or any other Board action to be effective.

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- 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, Authorization to Operate and Authorization to Award Degrees are 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 or authorization.
 - 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 in which 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 41 Ill. Reg. _____, effective _____)

Section 1030.80 Maintenance of Authorization to Operate and/or Grant Certificates and 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

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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 Certificates and Degrees procedure under the 1961 Act.
- 1) **Annual Report**
Each authorized institution shall file annually with the Board its current catalogs. In addition, institutions must comply with any data requests to satisfy Board reporting requirements.
 - 2) **Reviews**
The staff of the Board may conduct reviews and/or visitations of authorized institutions and/or their certificate and degree programs as necessary for the implementation of the statute. This may include a review in the fifth year of a new program's existence. Board staff may review the 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 certificate and degree programs using technological innovation and comprehensive data systems. Evidence that the program meets standards enumerated in Section 1030.30(a) of this Part may be reviewed. 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 Certificates and 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

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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 or Relinquishment 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 certificates and/or degrees were authorized.
 - iii) Failure to maintain the conditions observed during the fifth year review. [NOTE: This subsection will likely be changed in the final rules. "Failure to maintain the institution's implementation and maintenance of the conditions that were presented during its fifth year review and that formed the basis upon which the authorizations were continued."]
 - 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 Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.
 - 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 Certificates and Degrees.

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- ii) If the Board votes to revoke the Authorization to Operate and/or Award Specific Certificates and 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 Certificates and 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 Certificates and 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).
- 6) Institutional or Unit Closure and Teach-Out
An institution that is closing entirely or one or more units, either voluntarily or involuntarily, shall send to the Board the following:
- A) Notice Required
 - i) Notice to the Board of the closure immediately by email or certified mail;
 - ii) The name, address, and telephone number of the person who will be responsible for closure processes;

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- iii) A list of students affected and anticipated decisions regarding teach out for each student (e.g., graduation, transfer, remain at institution, and participate in teach out, etc.);
- iv) Information on the remaining credit and other requirements outstanding for each student to complete the program;
- v) Copies of the student-directed communication plan that includes the proposed timeline and methods for notifying students of teach-out options. Plans must include communication with any students who may be on approved leaves of absence or otherwise difficult to reach;
- vi) Copies of the communication plans for informing faculty, staff and other institutional constituents;
- vii) Identification of an individual who will be empowered to act as official registrar, if needed, after the closure; and
- viii) Submission of a letter of permission to the Board to access all institutional properties in order to secure student records, if necessary.

B) Teach-Out Plan

- i) When a Board approved institution now or hereafter operating in this State proposes to discontinue its operation, that institution shall cause to be created a teach-out plan acceptable to the Board, which shall fulfill the institution's educational obligations to its students. Should the institution fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach-out. [NOTE: This subsection will likely be changed in the final rules. "After December 31, 2017, when a Board approved institution proposes to discontinue its operation, that institution shall cause to be created a teach-out plan acceptable to the Board, which shall fulfill the institution's educational obligations to its students. Should the institution fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach-out."]

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- ii) An institution shall have written plans designed to protect the contractual rights of its students and graduates in the event the institution closes or undergoes a change of status (e.g., if the institution changes location or if its authority is revoked), including the right to complete the course of instruction in which the students or graduates enrolled.
 - iii) If students are receiving instruction prior to the institution's closing, the institution shall file a plan to ensure that the institution's students will continue to receive training of the same quality and content as that for which they contracted.
- C) Arrangements for transferring students to a public or another approved institution shall be filed with the Board prior to any student transfer. Prior to approving the institution's arrangements for completing its teaching obligations to students, the Board shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.
- D) Academic Records
- In the event an institution proposes to discontinue its operations, the chief administrative officer of the institution shall arrange for all original or legible true copies of all such academic records of the institution to be maintained in a safe and suitable place as determined by the Board (such as a third party provider, a like institution, or the Board).
- i) These records shall include, at a minimum, the academic records of each former student that is traditionally provided on an academic transcript, such as, but not limited to, courses taken, terms, grades, and other such information.
 - ii) The institution shall make students aware of how to obtain transcripts from either the closed institution and/or new institution permanently retaining the records.
 - iii) In the event it appears to the Board that any such records of an institution discontinuing its operations is in danger of being lost, hidden, destroyed, or otherwise made unavailable to the Board, the Board may seize and take possession of the records, on its own motion and without order of court. [NOTE: This subsection will likely be removed in the final rules because there is no statutory

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authority.]

- iv) The institution must release any holds on student records before operation are discontinued and the records are transferred

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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 certificates and degrees under the 1961 Act, including filing notices of intent and submitting change requests.
 - 1) Application Fees
 - A) Certificate of Approval or Authorization to Operate. Only one fee 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. The fee amount is based on the type of institution and institution size as outlined in subsection (a)(2).
 - B) Notice of Intent, \$500. One fee shall be submitted with each filing.
 - C) Authorization to Grant Certificates and Degrees
 - i) The fee is based on the type of institution, institution size, and certificate or degree level as outlined in subsection (a)(2).
 - ii) This fee applies to each request for authorization to grant a new certificate or degree or an additional certificate or 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).
 - E) Exemption Fee, \$250. The fee shall be charged for each request submitted to the Board

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2) Schedule of Fees

B) Illinois Not-for-Profit Institutions

	Institution Size	
	< 1,000 students	1,000 or more students
Certificate of Approval or Authority to Operate	\$ 3,000	\$ 4,000
Degree Granting Authority per Region	1,500	2,500
Certificate Approval per Region	750	750
Notice of Intent	500	500
Change Request per Region	250	250
Exemption Fee	250	250

B) Illinois Proprietary Institutions

	Institution Size	
	< 1,000 Students	1,000 or more Students
Certificate of Approval or Authorization to Operate	\$ 6,000	\$ 7,000
Degree Granting Authority per Region	2,500	3,500
Certificate Approval per Region	1,000	1,000
Notice of Intent	500	500
Change Request per Region	250	250
Exemption Fee	250	250

C) Out of State Institutions

	Institution Size	
	< 1,000 Students	1,000 or more Students
Certificate of Approval or Authorization to Operate	\$ 7,000	\$ 8,000
Degree Granting Authority per Region	3,500	4,500

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Certificate Approval by Region	1,750	1,750
Notice of Intent	500	500
Change Request per Region	250	250
Exemption Fee	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) No refund shall be awarded for any application that requires Board approval and has been reviewed by Board staff. Applications withdrawn by the institution or returned by Board staff shall receive no refund.
- 3) Fees shall be submitted to:

Illinois Board of Higher Education
Academic Affairs Fee Remittance
1 North Old State Capitol Plaza, Suite 333
Springfield, IL 62701

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: Amended at 41 Ill. Reg. _____, effective _____)

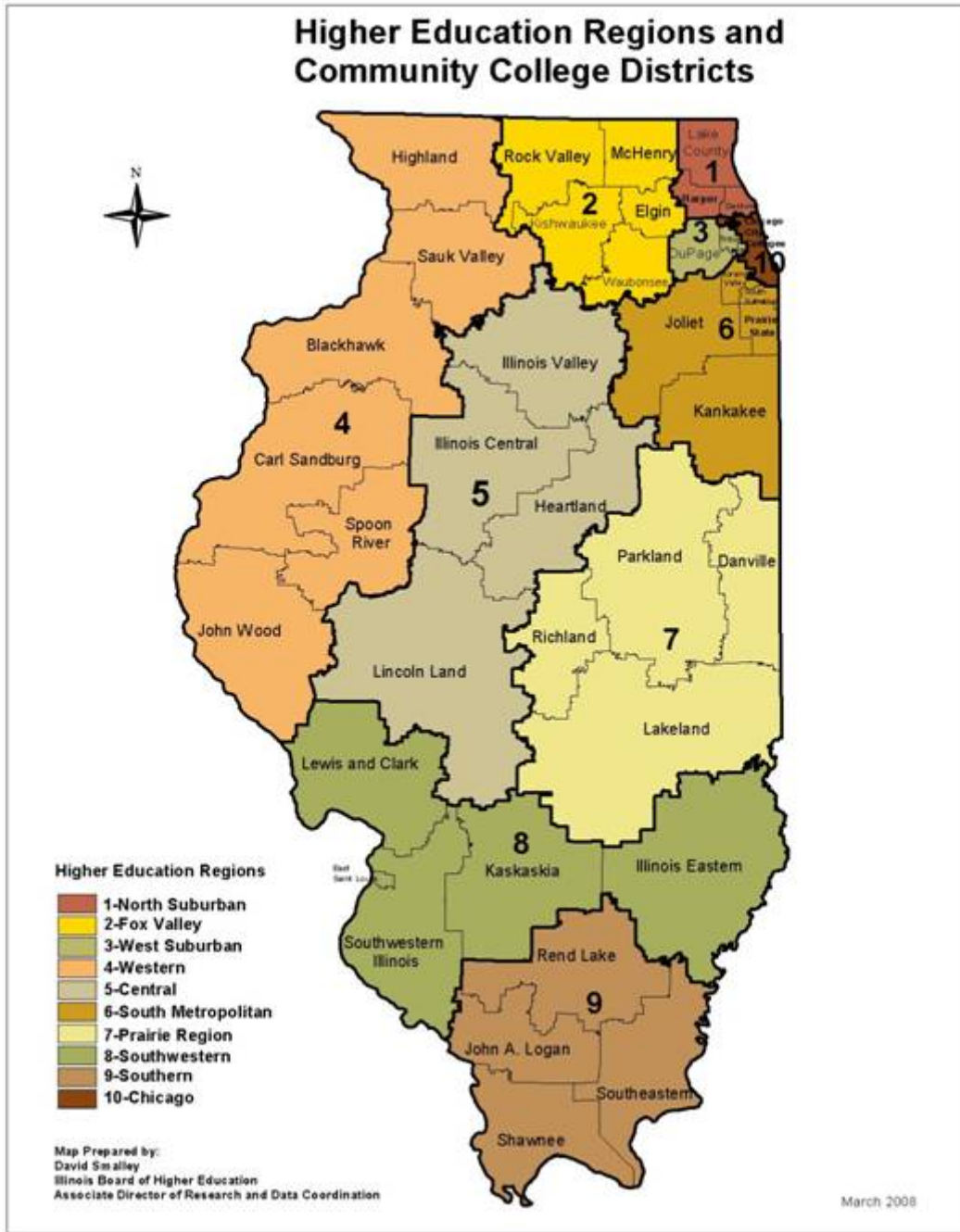
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SUBTITLE A

Section 1030.ILLUSTRATION A Map of Regions



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

