

APPROVED

DECEMBER 8, 2020

Item #G-8
December 8, 2020

**IBHE ADMINISTRATIVE RULES:
JANUARY 2021 REGULATORY AGENDA**

Submitted for:

Action.

Summary:

This item presents for Board approval the proposed 2021 Regulatory Agenda. The Regulatory Agenda serves as a planning mechanism for the agency and as a public communication of the Board's intent to review specific rules during the upcoming calendar year. Upon approval, the IBHE's Regulatory Agenda will be published in the *Illinois Register* pursuant to the Illinois Administrative Procedure Act. (5 ILCS 100)

Action Requested:

That the Illinois Board of Higher Education adopt the proposed Regulatory Agenda for publication in the *Illinois Register*.



STATE OF ILLINOIS
BOARD OF HIGHER EDUCATION

**IBHE ADMINISTRATIVE RULES:
JANUARY 2021 REGULATORY AGENDA**

The January 2021 Regulatory Agenda serves as a planning mechanism for the Board and a public communication of the Board's intent to adopt new rules and review existing rules during the upcoming year. The attached Regulatory Agenda highlights the following rules that may be reviewed and amended during 2021:

- a) **Independent Colleges Capital Investment Grant Program (23 Ill. Adm. Code)**. The Board, jointly with the Capital Development Board, will promulgate rules in 2021 to implement this grant program, pursuant to Public Act 101-604. This program is similar to the rules adopted by the Board for the Independent Colleges Capital Program.
- b) **Diversifying Higher Education Faculty in Illinois Program (23 Ill. Adm. Code 1080)**. The Board will review this rule since Public Act 101-354 reduced the number of Program Board members from 21 to 11. Findings of the review may result in proposed amendments in 2021.
- c) **Higher Education Distance Learning Act (23 Ill. Adm. Code 1033)**. The Board may review this rule for potential revisions due to changes in the National Council for State Authorization Reciprocity Agreements (NC-SARA) policies for states. Findings of the review may result in proposed amendments in 2021.
- d) **Dual Credit Courses (23 Ill. Adm. Code 1009)**. The Board may review this rule in 2021. Findings of the review may result in proposed amendments.
- e) **Approval of New Units of Instruction, Research, and Public Service at Public Institutions (23 Ill. Adm. Code 1050)**. The Board may review this rule in 2021. Findings of the review may result in proposed amendments.
- f) **Program Review – Private Colleges and Universities (23 Ill. Adm. Code 1030)**. The Board may review this rule in 2021. Findings of the review may result in proposed amendments.
- g) **Private Business and Vocational Schools (23 Ill. Adm. Code 1095)**. The Board may review this rule in 2021. Findings of the review may result in proposed amendments.
- h) **Performance Metrics for Budget Recommendations (23 Ill. Adm. Code 900)**. Pursuant to Public Act 97-320, performance metrics designed to promote and measure student success in degree and certificate completion must be adopted by the Board by rule. The first set of metrics was developed in accordance with principles defined in the Public Act

for the Board's Fiscal Year 2013 budget recommendations for higher education. The Board may adopt new rules in 2021.

Staff Recommendation

The staff recommends that the Illinois Board of Higher Education adopt the following resolution:

The Illinois Board of Higher Education hereby adopts the proposed 2021 Regulatory Agenda as contained in the item to be published in the Illinois Register.

BOARD OF HIGHER EDUCATION

JANUARY 2021 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Independent Colleges Capital Investment Grant Program, 23 Ill. Adm. Code

1) Rulemaking:

- A) Description: The Board, jointly with the Capital Development Board, will promulgate rules to implement this grant program, pursuant to Public Act 101-604. This program is similar to the rules adopted by the Board for the Independent Colleges Capital Program in 2010.
- B) Statutory Authority: Private Colleges and Universities Capital Distribution Formula Act [30 ILCS 73].
- C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator
Illinois Board of Higher Education
1 N. Old State Capitol Plaza, Suite 333
Springfield, IL 62701-1377

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Email: helland@ibhe.org
Fax: 217/782-8548
- G) Related rulemakings and other pertinent information: None.

- b) Part(s) (Heading and Code Citation): Diversifying Higher Education Faculty in Illinois Program, 23 Ill. Adm. Code 1080

1) Rulemaking:

- B) Description: The Board will review this rule since Public Act 101-354 reduced the number of Program Board members from 21 to 11. Findings of the review may result in proposed amendments in 2021.

B) Statutory Authority: Diversifying Higher Education Faculty in Illinois Act [110 ILCS 930].

C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Higher Education Distance Learning Act, 23 Ill. Adm. Code 1033

1) Rulemaking:

A) Description: The Board may review this rule for potential revisions due to changes in the National Council for State Authorization Reciprocity Agreements (NC-SARA) policies for states. Findings of the review may result in proposed amendments in 2021.

B) Statutory Authority: Higher Education Distance Learning Act [110 ILCS 145].

C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Dual Credit Courses, 23 Ill. Adm. Code 1009

1) Rulemaking:

A) Description: The Board may review this rule in 2021. Findings of the review may result in proposed amendments.

B) Statutory Authority: Dual Credit Quality Act [110 ILCS 27].

C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Approval of New Units of Instruction, Research, and Public Service at Public Institutions, 23 Ill. Adm. Code 1050

1) Rulemaking:

B) Description: The Board may review this rule in 2021. Findings of the review may result in proposed amendments.

- B) Statutory Authority: Sections 7 and 9.05 of the Board of Higher Education Act [110 ILCS 205].
 - C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.
 - D) Date agency anticipates First Notice: Undetermined.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

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 - G) Related rulemakings and other pertinent information: None.
- f) Part(s) (Heading and Code Citation): Program Review – Private Colleges and Universities, 23 Ill. Adm. Code 1030
- 1) Rulemaking:
 - A) Description: The Board may review this rule in 2021. Findings of the review may result in proposed amendments.
 - B) Statutory Authority: Section 9.05 of the Board of Higher Education Act [110 ILCS 205], Sections 14.5 and 14.10 of the Private College Act [110 ILCS 1005, and Sections 10.5 and 10.10 of the Academic Degree Act [110 ILCS 1010].
 - C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.
 - D) Date agency anticipates First Notice: Undetermined.
 - E) Effect on small businesses, small municipalities or not for profit corporations: None.
 - F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None.

g) Part(s) (Heading and Code Citation): Private Business and Vocational Schools, 23 Ill. Adm. Code 1095

1) Rulemaking:

A) Description: The Board may review this rule in 2021. Findings of the review may result in proposed amendments.

B) Statutory Authority: Section 90 of the Private Business and Vocational Schools Act of 2012 [105 ILCS 426].

C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Performance Metrics for Budget Recommendations, 23 Ill. Adm. Code 900

1) Rulemaking:

- A) Description: The Board proposes the adoption of new IBHE rules to provide the performance metrics for the higher education budget recommendations pursuant to Public Act 97-320.
- B) Statutory Authority: Section 8 of the Board of Higher Education Act [110 ILCS 205/8].
- C) Schedule meeting/hearing dates: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None.