**Section 451.420 Sales Representatives**

a) Any person whose function is to sell courses of instruction or subjects for any school(s) doing business in Illinois may do so only after securing a sales representative's permit.

1) A person initiating any direct action (e.g., via personal contact with an individual or group, including dispensing sales literature to a person or group, or contact by telephone) to procure students for the school by requesting, inducing or persuading such prospective students to enroll shall be deemed to be a sales representative.

2) A person paid to provide names of prospective students who has not had direct contact with the prospective student shall not be deemed to be a sales representative.

3) Sales representatives may be employees of the school or independent contractors employed for sales purposes.

b) Sales representative permits shall be issued only after the approval of the school by the Superintendent. A permit holder shall comply with the requirements of the Act and this Part.

c) Sales representative permits shall be nontransferable and shall expire on December 31 of each year.

d) A school with sales representatives shall maintain and have available for review a description of the procedures used to provide supervision of its representatives to assure compliance with the Act and this Part.

e) Prior to the issuance of a sales representative's permit card by the Superintendent and as a part of a representative's original application for a permit card, an official of the school shall certify that the applicant has completed the school's prescribed training and has read and understands this Part.

f) If for any reason the representative's permit card is lost or stolen, the school shall notify the Superintendent by the most expedient means. Upon receipt of a written request the Superintendent shall issue a replacement card without charge.

g) A sales representative shall, whenever representing a school:

1) report immediately to the administrator or designee at any recruitment site visited prior to any student interviews or presentation;

2) make no statements that are false, misleading or fraudulent;

3) respond upon request with information relevant to the prospective student's enrollment decision, to the extent to which such information is not confidential;

4) use only advertising approved by the school;

5) provide a copy of the school's catalog/bulletin to high school administrators or counselors prior to making any presentation at a high school;

6) disclose information on tuition and other instructional costs upon request by prospective students;

7) explain the student's payment obligations as set forth in the enrollment agreement and explain the school's refund policy;

8) make clear the school's academic policies and code of conduct;

9) accurately describe the school's facilities and living accommodations and explain living costs;

10) give a report on job prospects, if requested to do so;

11) make available for review sample copies of the school's home study and distance education lessons prior to the student's signing of the enrollment agreement;

12) explain the school's placement assistance, if any, and provide placement statistics as prescribed in the Act and this Part;

13) explain the admission criteria for the school's course(s) of instruction;

14) provide and explain the items of information required to be contained in the enrollment agreement by the Act and this Part;

15) suggest that the prospective student visit the school to talk with teachers, guidance counselors, employment counselors and students.

h) The sales representative shall not:

1) make false, inaccurate or misleading statements concerning any degree, certificate or diploma offered by the school;

2) state that credits from the school are transferable unless such claims are supported by documentation (e.g., a letter or some form of communication attesting to the transferability of the credits) in the school's files;

3) recommend a prospective student for acceptance unless the representative has reason to believe he/she has a chance to succeed;

4) distribute or provide access to home study or distance education lessons to be used in the course of instruction until the prospective student has been officially accepted by the school;

5) collect any fee other than the enrollment fee prior to the student's official acceptance;

6) represent that any commodity or service is free when, in fact, such commodity or service is regularly included as part of a course for which tuition or any other fee is paid;

7) *solicit prospective students within 100 feet of any Illinois Department of Public Aid Office* (Section 11-2.1 of the Public Aid Code [305 ILCS 5/11-2.1]).

i) The school shall monitor its representatives' activities and sales and marketing practices and immediately investigate and resolve complaints about their activities. The school shall be accountable for the adherence of its sales representatives to the Act and this Part.

j) Whenever a sales representative leaves the school's employment, the school shall within five business days send the sales representative's notice of discharge or termination to the Superintendent.

1) When the school is unable to send the representative's permit card with the notice, it may notify the Superintendent that it will return the card within 30 business days after the leaving date.

2) If the card has been lost or destroyed, or if the sales representative refuses to return the card, the school shall send a written notice to this effect to the Superintendent.

k) Illinois schools shall require new sales representatives with permits to sell in Illinois to visit the principal location of the employing school(s) prior to beginning sales activities. Out-of-state schools shall require new sales representatives to visit the principal location of the employing school(s) within 60 days after initial employment.

(Source: Amended at 24 Ill. Reg. 7229, effective May 1, 2000)