**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 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, 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:

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.

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.

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.

vi) Certificate program 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 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) 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.

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 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 recognized credential, depending on the specific 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 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.

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 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)(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 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.

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 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 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 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 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.

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 link on the first page (as registered with standard web/internet search engines) to the following statement that can be readily viewed by the consumer: (name of school) is authorized to operate as a postsecondary educational institution by the Illinois Board of Higher Education. In the case of a website, within the required statement, the term "Illinois Board of Higher Education" must be a 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 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.

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 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).

A) Institutions authorized by the Board, or an institution receiving a Board degree authorization, must provide in their catalogs and print promotional materials and on the first page of their websites 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 link for reporting complaints not resolved at the institution's level.

B) Institutions authorized by the Board must respond in writing within 10 business days after 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 42 Ill. Reg. 66, effective December 19, 2017)