**Section 1095.40 Criteria for Evaluation of the Application for a Permit of Approval**

The Board shall approve all schools described in Sections 1095.20(a) and (b) that are not otherwise exempted in Section 1095.20(d). *The following standard criteria are intended to measure the appropriateness of the stated educational objectives of the educational programs of a given institution and the extent to which suitable and proper processes have been developed for meeting those objectives. Information related to the satisfaction of the approval criteria outlined in Section* 35 of the Act and this Part *must be supplied to the Board by institutions on forms provided by the Board. Additional information may be requested by the Board to determine the institution's ability to satisfy the criteria*.(Section 35 of the Act)

a) *Qualifications of Governing Board Members, Owners, and Senior Administrators At a minimum, these individuals must be of good moral character and have no felony criminal record*. (Section 35 of the Act)

1) Governing board members, owners and senior administrators have not been involved with a postsecondary educational institution that had institutional authorization to operate in a State revoked during the past 7 years.

2) Governing board members, owners and senior administrators have not controlled, managed, or been involved with a postsecondary educational institution that has ceased operation during the past 7 years that did not provide for the completion of programs by its students, did not provide tuition refunds, and/or resulted in the loss of time or money for enrollees.

3) Governing board members, owners and senior administrators have not knowingly falsified or withheld information from oversight agencies.

4) Governing board members, owners and senior administrators do not have a prior conviction of a felony involving fraud, dishonesty, false statement or some other element of deceit, untruthfulness or falsification.

5) The Board shall not regard the fact of a prior criminal conviction as evidence of a lack of good moral character. In determining the moral character of a governing board members, owners and senior administrators on the basis of a prior criminal conviction, or that person's rehabilitation following a felony conviction, the Board may consider:

A) the time that has elapsed since the offense;

B) the bearing the criminal offense for which the governing board members, owners and senior administrators was previously convicted will have on his or her fitness or ability to perform one or more of his or her duties and responsibilities;

C) any information produced by the governing board members, owners and senior administrators with a prior conviction on his or her behalf in regard to his or her rehabilitation, including, but not limited to, a Certificate of Relief from Disabilities described in Section 5-5.5-10 of the Unified Code of Corrections [730 ILCS 5] or Certificate of Good Conduct described in Section 5-5.5-25 of the Unified Code of Corrections.

b) *Qualifications of Faculty and Staff* (Section 35 of the Act)

1) 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 program of study.

2) The faculty, staff and instructors of the school shall be of good professional reputation and character.

3) Schools are required to submit faculty credentials required for teaching a program of study as part of the submission for institution's approval. Faculty do not have to be approved by the Board prior to the start of the instructional period. Individual faculty hires and their appropriate qualification will be submitted by the institution during designated reporting periods and need not be submitted prior to teaching the course. Failure to hire faculty according to the credentials outlined by the institution may be grounds for revocation of the permit of approval.

c) *Demonstration of Student Learning and Quality of Program Delivery* (Section 35 of the Act)

1) Schools 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 certificate program under the academic control of the school must be developed. Assessment plans must demonstrate that the school 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 school's programs of study.

2) Adequate records shall be maintained by the school to show attendance, progress or grades, and consistent standards should be enforced relating to attendance, progress and performance.

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

d)  *Sufficiency of Institutional Finances* (Section 35 of the Act)

The school should be financially stable and capable of assuring the revenues needed for meeting stated objectives and fulfilling commitments to students.

e) *Accuracy, Clarity, and Appropriateness of Program Descriptions*

*Institutional promotional, advertising, and recruiting materials must be clear, appropriate, and accurate*.(Section 35 of the Act)

1) *Prior to the issuance of a permit of approval by the Board, no person or organization shall advertise a school or any program of study or solicit prospective students unless the person or organization has applied for and received from the Board authorization to conduct* that *activity. If the Board has authorized* the *activity, all advertisements or solicitations must reference the Board's approval by stating that the school is approved by the "Division of Private Business and Vocational Schools of the Illinois Board of Higher Education"*. (Section 65 of the Act)

2) Schools are required to submit information about the recruiting process and the information provided to students as a part of the submission for the school's approval. Individual recruiters do not have to be approved by the Board prior to the start of the employment period. Individual recruiters hired and their appropriate qualifications will be submitted by the institution during designated reporting periods and need not be submitted prior starting employment. The actions of the recruiters are the responsibility of the institution. Failure to adhere to the information about the recruiting process and the information provided to students outlined by the institution in the application process may be grounds for revocation of the permit of approval.

3) The Board, at any time, may require that a school 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 permit of approval.

4) For schools requiring approval, the objectives for the school and its programs of study must be consistent with what the school 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 a school providing instruction at the postsecondary level.

C) Program names shall adhere to the Classification of Instructional Programs (CIP) developed by the National Center for Educational Statistics.

f) *Sufficiency of Facilities and Equipment*

*At a minimum, these must be appropriate and must meet applicable safety code requirements and ordinances*.(Section 35 of the Act)

1) The school shall have adequate and suitable space, equipment and instructional materials to provide education of suitable quality.

2) The school shall be maintained and operated in compliance with all pertinent local, State and national ordinances and laws.

g) *Fair and Equitable Refund Policies*

*At a minimum, these must be fair and equitable, must satisfy any related State or federal rules, and must abide by the standards established in* the *Act and* this Part. (Section 35 of the Act)

1) *The Board shall establish minimum standards for a fair and equitable refund policy that must be applied by all institutions subject to* the *Act* (Section 60 of the Act)*.*

2) *The same refund policy must be applied to all students even if they are not eligible for federal financial aid* (Section 60 of the Act)*.*

3) *Schools that are accredited by an accrediting body recognized by the U.S. Department of Education and approved to participate in offering Federal Title IV student financial aid may apply the required federal refund policy as long as the same policy is applied to all students even if they are not eligible for federal financial aid* (Section 60 of the Act).

h) *Appropriate and Ethical Admissions and Recruitment Practices*

*At a minimum, recruiting practices must be ethical and abide by any State or federal rules*.(Section 35 of the Act)

1) Neither the school nor its agents shall engage in advertising, sales, collection, credit or other practices of any type that are false, deceptive, misleading or unfair.

2) Schools and agents shall not:

A) 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 the institution;

B) Make a deceptive statement concerning other institutional activities in attempting to enroll students;

C) Quote a dollar amount, other than the average starting salary for all school graduates employed during the most recent reporting period as specified in Section 1095.240(d) pursuant to Section 37 of the Act, in any advertisement as representative or indicative of the earning potential of graduates;

D) State or represent that students will be guaranteed employment while enrolled in the institution or that employment will be guaranteed for students after graduation;

E) Misrepresent opportunities for employment upon completion of any program of study;

F) State or represent that the programs and/or courses or exams are transferable to another institution without current documentation by an authorized official of the receiving institution.

i) *Recognized Accreditation Status*

*Accreditation with an accrediting body approved by the U.S. Department of Education may be counted as significant evidence of the institution's ability to meet curricular approval criteria*.(Section 35 of the Act)

1) Any school applying for a permit of approval in the State of Illinois must specify its accreditation status.

2) The school must have the appropriate accreditation if the school offers a program in which professional qualification in a field is necessary for a graduate to obtain employment.

3) In the case of a program requiring accreditation pursuant to Section 1095.40(i)(2), an institution 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.

j) *Meeting Employment Requirements in the Field of Study* (Section 35 of the Act)

1) *The institution must clearly demonstrate how a student's completion of the program of study satisfies employment requirements in the occupational field.* The *information must be clearly and accurately provided to students*.(Section 35 of the Act)

2) *If licensure, certification, or their equivalent is required of program graduates to enter the field of employment, the institution must clearly demonstrate that completion of the program will allow students to achieve this status*.(Section 35 of the Act)

k) *Enrollment Agreements that Meet the Requirements Outlined in* the *Act* and this Part(Section 35 of the Act)

1) *A copy of the enrollment agreement must be provided to the Board. Enrollment agreements may be used by schools only if approved by the Board.* (Section 40 of the Act)

2) *The Board shall develop a standard enrollment agreement for use by schools approved or seeking approval under* the *Act* and this Part*. Schools may create an enrollment agreement that meets the minimum requirements of this Section* and this Part*, but it must be approved by the Board prior to implementation*.(Section 40 of the Act)

3) Enrollment agreements shall include, at a minimum, the following:

A) *A clear description of costs, refund policies, program information* and *all disclosures required by* the *Act* (Section 40 of the Act);

B) *The Board's Internet website, the address and phone number of the Board for students to report complaints, and any additional information the Board may require by rule* (Section 40 of the Act);

C) An explanation of all criteria and requirements for retention, progress towards certificate, and graduation of the student;

D) The institution's tuition, cancellation and refund policies;

E) A statement of the purpose and amount of any fees assessed; and.

F) Information on warning, probation or any other type of conditional status from an accreditor, licensure body, certifying entity, or federal/State oversight agency.

4) If the school requires the student to sign an enrollment agreement or a similar type of agreement with a different title, the document must be distributed as follows:

A) *The student must be given a copy of the enrollment agreement at the time the student signs that agreement and at the time of the agreement's acceptance, if those events occur at different times*. (Section 40 of the Act)

B) *The school shall retain a signed copy of the fully executed enrollment agreement as a part of the student's permanent record*.(Section 40 of the Act)

5) *No school may enter into an 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. Any provisions in an enrollment agreement* in which *the student agrees to such a waiver shall be rendered void*.(Section 40 of the Act)

6) *No school may have an enrollment agreement that requires that a student register for more than a single semester, quarter, term, or other such period of enrollment as a condition of the enrollment nor shall any school charge a student for multiple periods of enrollment prior to completion of the single semester, quarter, term, or other such period of enrollment*.(Section 35 of the Act)

l) *Clearly Communicated Tuition and Fee Charges* (Section 35 of the Act)

1) *Tuition and fees and any other expense charged by the school must be appropriate to the expected income that will be earned by graduates*.(Section 35 of the Act)

2) *No school may have a tuition policy that requires that a student register for more than a single semester, quarter, term, or other such period of enrollment as a condition of the enrollment nor shall any school charge a student for multiple periods of enrollment prior to completion of the single semester, quarter, term, or other such period of enrollment*.(Section 35 of the Act)

m) *Legal Action Against the Institution, Its Parent Company, Its Owners, Its Governing Board, or Its Board Members*

*Any such legal action must be provided to the Board and may be considered as a reason for denial or revocation of the permit of approval.* (Section 35 of the Act)

n) Investigations and/or adverse actions by federal or State regulatory agencies, accrediting bodies, licensing boards, or certification entities against the Institution, Its Parent Company, Its Owners, Its Governing Board, or Its Board Members must be provided to the Board and may be considered as a reason for denial or revocation of the permit of approval

o) The school shall provide a current catalog or brochure, either in print or electronically, to each prospective student prior to enrollment. If a school maintains a website, the current catalog must appear on the website. Upon request, the school shall provide a catalog or brochure without gathering personal information from an individual unless that information is volunteered. The catalog or brochure shall contain the following:

1) Descriptions of the programs offered, program objectives, lengths of program and institutional calendars with program start and end dates;

2) Schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, and cancellation and refund policies;

3) Student success data as required pursuant to Section 37 of the Act and this Part and any data to satisfy Board reporting requirements;

4) A statement of the institution's accreditation status with a U.S. Department of Education recognized accrediting body. If no such accreditation exists, the institution must prominently state this in its advertising and published materials;

5) Statements regarding the transferability of a certificate to other institutions of higher education and the importance of consulting with institutions to which the student may seek to transfer;

6) Evidence of articulation arrangements with institutional counterparts, when these arrangements exist;

7) 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; and

8) Information on warning, probation or any other type of conditional status from an accreditor, licensure body, certifying entity or federal/State oversight agency.

(Source: Amended at 42 Ill. Reg. 151, effective December 19, 2017)