**Section 1100.610 Who May Apply for Financing**

a) The Act provides that any private institution of higher education may apply to the Authority for the financing of an educational facility. A private institution of higher education is defined to mean any not-for-profit educational institution which is not owned by the State or any political subdivision, agency, instrumentality, district, or municipality thereof, which is authorized by law to provide a program of education beyond the high school level, and which:

1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

2) provides an educational program for which it awards a bachelor's degree, or provides an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which it awards a post-graduate degree, or provides not less than a two year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semi-professional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

3) is an institution that:

A) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, be an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, and holds an unrevoked certificate or approval from the Board of Higher Education underthe Private College Act [110 ILCS 1005/121], or

B) is qualified and approved as a "degree granting institution" under the Academic Degree Act [110 ILCS 1010]; and

4) does not discriminate in the admission of students on the basis of race, color or creed.

b) Subject to the foregoing, the fact that a not-for-profit educational institution is affiliated with or controlled by a religious order or denomination – unless it is a divinity school – does not necessarily prevent it from being eligible for Authority financing.

c) In addition to the foregoing, an academic institution is now deemed to be a private institution of higher education within the meaning of the Act and may also apply to the Authority for financing of an educational facility. An academic institution is defined to be any not-for-profit institution which is not owned by the State or any political subdivision, agency, instrumentality, district, or municipality thereof, which institution engages in, or facilitates academic, scientific, educational or professional research or learning in a field or fields of study taught at a private institution of higher education. Academic institutions include without limitation, libraries, archives, academic, scientific, educational or professional societies, institutions, associations or foundations. Such institutions do not include any school or institution primarily engaged in religious or sectarian activities.

d) The Act was recently amended to provide that any cultural institution may apply to the Authority for the financing of a cultural facility. A cultural institution is defined to mean any not-for-profit institution which is not owned by the State or any political subdivision, agency, instrumentality, district or municipality thereof, which institution engages in the cultural, intellectual, scientific, educational or artistic enrichment of the people of the State. Cultural institutions include, without limitation, aquaria, botanical societies, historical societies, libraries, museums, performing arts associations or societies, scientific societies and zoological societies. Cultural institution does not include any institution primarily engaged in religious or sectarian activities.

e) Secular Projects

1) Pursuant to decisions by the Illinois Supreme Court and the United States Supreme Court, the Authority may finance a secular project under the Act for a religiously affiliated or controlled private institution of higher education or cultural institution unless that institution is so pervasively religious that a substantial portion of its functions are subsumed in the religious mission. Determination of whether an institution is so pervasively religious as to be disqualified from Authority financing involves a detailed examination of the character and method of operation of the institution. Factors considered by the Authority in making such a determination with respect to a private institution of higher education include, but are not limited to, the following:

A) Whether the institution imposes religious restrictions on the admission of students;

B) Whether the institution requires attendance of students at religious activities;

C) Whether the institution requires obedience by students to the doctrines and dogmas of a particular faith;

D) Whether the institution requires students to attend instruction in the theology or doctrine of a particular faith;

E) Whether the institution is an integral part of the religious mission of the church sponsoring it;

F) Whether the institution has as a substantial purpose the inculcation of religious values;

G) Whether the institution imposes religious restrictions on faculty appointments; and

H) Whether the institution imposes religious restrictions on what or how the faculty may teach.

2) It is not necessary for an institution to exhibit all, or even a majority, of these characteristics to be considered pervasively religious and, accordingly, to be disqualified from Authority financing. Analogous factors will be considered by the Authority for cultural institutions. Future Illinois or United States Supreme Court cases may require the Authority to modify or refine the above factors or to add additional factors for consideration.

(Source: Amended at 11 Ill. Reg. 9106, effective April 28, 1987; recodified from 23 Ill. Adm. Code 2310.10 at 31 Ill. Reg. 12104)