



Rep. Nick Sauer

Filed: 4/23/2018

10000HB5067ham001

LRB100 20693 AXK 38995 a

1 AMENDMENT TO HOUSE BILL 5067

2 AMENDMENT NO. _____. Amend House Bill 5067 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Private College Act is amended by adding
5 Section 1.5 as follows:

6 (110 ILCS 1005/1.5 new)

7 Sec. 1.5. Exemption from Act and rules; religious
8 institution.

9 (a) The purpose of this Section is to allow private
10 religious institutions to create and provide post-secondary
11 religious education, with the authority to grant degrees,
12 without being burdened by secular educational regulations and
13 thereby:

14 (1) eliminate this State's entanglement with religious
15 matter;

16 (2) eliminate this State's conflict with religious

1 institutions' missions;

2 (3) decrease expenses to this State associated with the
3 enforcement of secular educational regulations;

4 (4) recognize the constitutional liberty of religious
5 institutions to direct religious education as they see fit;

6 (5) recognize the constitutional liberty of students,
7 faculty, and other persons to attend, teach at, or
8 otherwise interact with religious institutions that are
9 free from government oversight or control;

10 (6) allow students and their families greater and more
11 affordable educational options;

12 (7) increase commerce in this State by attracting
13 students from other states who wish to obtain religious
14 education; and

15 (8) increase commerce in this State by reducing the
16 number of State residents who leave this State to obtain
17 religious education outside of this State.

18 (b) In this Section:

19 "Religious education" means education in primarily
20 religious subjects. The term may also include secular subjects
21 so long as the education incorporates significant religious or
22 faith-based instruction and is part of a comprehensive
23 educational program to equip the student to integrate his or
24 her religion or faith into his or her career or work.

25 "Religious institution" or "institution" means any
26 Illinois tax-exempt, post-secondary educational institution

1 dedicated, in its articles of incorporation, affidavit under
2 the Religious Corporation Act, charter, or bylaws, to religious
3 education and actually engaged exclusively in religious
4 education. A religious institution may be independent or may
5 operate under the control or supervision of or as an integrated
6 part of any church, denomination, association of religious
7 assemblies, or religious hierarchy.

8 (c) A religious institution may file an annual application
9 with the Board to become exempt from the educational
10 requirements, standards, or demands under this Act and Part
11 1030 of Title 23 of the Illinois Administrative Code, and the
12 Board may annually grant the exemption. The application must
13 include a \$1,000 application fee and all of the following:

14 (1) Legal proof that the institution is a
15 not-for-profit institution that is owned, controlled,
16 operated, and maintained by a bona fide church or religious
17 denomination and is lawfully operating as a not-for-profit
18 religious corporation pursuant to Illinois law.

19 (2) A requirement that the institution may not use the
20 term "university" in its name, but may use the term
21 "college".

22 (3) A statement adopted by the institution's
23 organizational body that the offered programs of study are
24 limited to religion, theology, or preparation for a
25 religious vocation that confers status or authority with
26 the religion as ministers or clergy.

1 (4) A notarized copy of an affidavit stating that no
2 federal or State funds are used for the institution's
3 programs of study.

4 (5) A requirement that the title of the degrees offered
5 by the institution contain a religious modifier, such as
6 Associate of Religious Studies, Bachelor of Religious
7 Studies, or Master of Religious Studies. Degree titles that
8 may not be used by the institution include, but are not
9 limited to, Associate of Arts, Associate of Applied Arts,
10 Associate of Applied Science, Associate of Science,
11 Bachelor of Arts, Bachelor of Science, Bachelor of
12 Education, Bachelor of Divinity, Master of Education,
13 Master of Arts, Master of Science, Master of Divinity,
14 Doctor of Philosophy, Doctor of Education, or Doctor of
15 Divinity.

16 (6) A certification by the religious institution that
17 no other non-religious degrees or programs of study are
18 offered at the institution.

19 (7) A certification by the religious institution that
20 the following statement shall be included in all
21 promotional, admissions, catalog, and student enrollment
22 materials and any websites or social media accounts of the
23 institution:

24 "[Name of entity] has received an exemption from
25 the Illinois Board of Higher Education as a religious
26 institution providing religious instruction only.

1 [Name of entity] is not accredited by a body recognized
2 by the U.S. Department of Education or Council for
3 Higher Education Accreditation. Any credentials
4 awarded by [name of entity] are not likely to be
5 recognized by authorized and accredited institutions
6 of higher education, employers, and certification or
7 licensing bodies. Complaints pertaining to the
8 exemption may be directed to the Illinois Board of
9 Higher Education at www.ibhe.org".

10 (8) A certification by the religious institution that
11 the following statement is prominently disclosed on all
12 transcripts issued by the institution: "This institution
13 is not authorized by the Illinois Board of Higher
14 Education."

15 (9) A certification by the religious institution that
16 it shall use an enrollment agreement provided by the Board
17 that discloses the conditions under this subsection (c).
18 This agreement must outline the institution's process for
19 addressing student complaints. Students must sign and date
20 the enrollment agreement, and copies of the agreement must
21 be kept with the institution's academic records.

22 (10) A requirement that all students sign and date an
23 affidavit stating that the student is not using federal or
24 State educational loan funds to pay for the program of
25 study offered by the institution.

26 (d) In the event that this Section conflicts with any other

1 provisions of this Act or of Part 1030 of Title 23 of the
2 Illinois Administrative Code, this Section shall supersede the
3 other provisions.

4 Section 10. The Academic Degree Act is amended by changing
5 Section 11 and by adding Section 11.5 as follows:

6 (110 ILCS 1010/11) (from Ch. 144, par. 241)

7 Sec. 11. Exemptions for nursing school and job training
8 programs. This Act shall not apply to any school or educational
9 institution regulated or approved under the Nurse Practice Act.

10 This Act shall not apply to any of the following:

11 (a) in-training programs by corporations or other business
12 organizations for the training of their personnel;

13 (b) education or other improvement programs by business,
14 trade and similar organizations and associations for the
15 benefit of their members only; or

16 (c) apprentice or other training programs by labor unions.

17 (Source: P.A. 95-639, eff. 10-5-07.)

18 (110 ILCS 1010/11.5 new)

19 Sec. 11.5. Exemption for religious institution.

20 (a) The purpose of this Section is to allow private
21 religious institutions to create and provide post-secondary
22 religious education, with the authority to grant degrees,
23 without being burdened by secular educational regulations and

1 thereby:

2 (1) eliminate this State's entanglement with religious
3 matter;

4 (2) eliminate this State's conflict with religious
5 institutions' missions;

6 (3) decrease expenses to this State associated with the
7 enforcement of secular educational regulations;

8 (4) recognize the constitutional liberty of religious
9 institutions to direct religious education as they see fit;

10 (5) recognize the constitutional liberty of students,
11 faculty, and other persons to attend, teach at, or
12 otherwise interact with religious institutions that are
13 free from government oversight or control;

14 (6) allow students and their families greater and more
15 affordable educational options;

16 (7) increase commerce in this State by attracting
17 students from other states who wish to obtain religious
18 education; and

19 (8) increase commerce in this State by reducing the
20 number of State residents who leave this State to obtain
21 religious education outside of this State.

22 (b) In this Section:

23 "Religious education" means education in primarily
24 religious subjects. The term may also include secular subjects
25 so long as the education incorporates significant religious or
26 faith-based instruction and is part of a comprehensive

1 educational program to equip the student to integrate his or
2 her religion or faith into his or her career or work.

3 "Religious institution" or "institution" means any
4 Illinois tax-exempt, post-secondary educational institution
5 dedicated, in its articles of incorporation, affidavit under
6 the Religious Corporation Act, charter, or bylaws, to religious
7 education and actually engaged exclusively in religious
8 education. A religious institution may be independent or may
9 operate under the control or supervision of or as an integrated
10 part of any church, denomination, association of religious
11 assemblies, or religious hierarchy.

12 (c) A religious institution may file an annual application
13 with the Board to become exempt from the educational
14 requirements, standards, or demands under this Act and Part
15 1030 of Title 23 of the Illinois Administrative Code, and the
16 Board may annually grant the exemption. The application must
17 include a \$1,000 application fee and all of the following:

18 (1) Legal proof that the institution is a
19 not-for-profit institution that is owned, controlled,
20 operated, and maintained by a bona fide church or religious
21 denomination and is lawfully operating as a not-for-profit
22 religious corporation pursuant to Illinois law.

23 (2) A requirement that the institution may not use the
24 term "university" in its name, but may use the term
25 "college".

26 (3) A statement adopted by the institution's

1 organizational body that the offered programs of study are
2 limited to religion, theology, or preparation for a
3 religious vocation that confers status or authority with
4 the religion as ministers or clergy.

5 (4) A notarized copy of an affidavit stating that no
6 federal or State funds are used for the institution's
7 programs of study.

8 (5) A requirement that the title of the degrees offered
9 by the institution contain a religious modifier, such as
10 Associate of Religious Studies, Bachelor of Religious
11 Studies, or Master of Religious Studies. Degree titles that
12 may not be used by the institution include, but are not
13 limited to, Associate of Arts, Associate of Applied Arts,
14 Associate of Applied Science, Associate of Science,
15 Bachelor of Arts, Bachelor of Science, Bachelor of
16 Education, Bachelor of Divinity, Master of Education,
17 Master of Arts, Master of Science, Master of Divinity,
18 Doctor of Philosophy, Doctor of Education, or Doctor of
19 Divinity.

20 (6) A certification by the religious institution that
21 no other non-religious degrees or programs of study are
22 offered at the institution.

23 (7) A certification by the religious institution that
24 the following statement shall be included in all
25 promotional, admissions, catalog, and student enrollment
26 materials and any websites or social media accounts of the

1 institution:

2 "[Name of entity] has received an exemption from
3 the Illinois Board of Higher Education as a religious
4 institution providing religious instruction only.

5 [Name of entity] is not accredited by a body recognized
6 by the U.S. Department of Education or Council for
7 Higher Education Accreditation. Any credentials
8 awarded by [name of entity] are not likely to be
9 recognized by authorized and accredited institutions
10 of higher education, employers, and certification or
11 licensing bodies. Complaints pertaining to the
12 exemption may be directed to the Illinois Board of
13 Higher Education at www.ibhe.org".

14 (8) A certification by the religious institution that
15 the following statement is prominently disclosed on all
16 transcripts issued by the institution: "This institution
17 is not authorized by the Illinois Board of Higher
18 Education."

19 (9) A certification by the religious institution that
20 it shall use an enrollment agreement provided by the Board
21 that discloses the conditions under this subsection (c).
22 This agreement must outline the institution's process for
23 addressing student complaints. Students must sign and date
24 the enrollment agreement, and copies of the agreement must
25 be kept with the institution's academic records.

26 (10) A requirement that all students sign and date an

1 affidavit stating that the student is not using federal or
2 State educational loan funds to pay for the program of
3 study offered by the institution.

4 (d) In the event that this Section conflicts with any other
5 provisions of this Act or of Part 1030 of Title 23 of the
6 Illinois Administrative Code, this Section shall supersede the
7 other provisions."