



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2150

Introduced 2/15/2019, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

110 ILCS 1005/1.5 new
110 ILCS 1010/11
110 ILCS 1010/11.5 new

from Ch. 144, par. 241

Amends the Private College Act and the Academic Degree Act. Provides that a religious institution may file an annual application with the Board of Higher Education to become exempt from the educational requirements, standards, or demands under the Acts or those Acts' administrative rules and the Board may annually grant the exemption; defines "religious institution". Specifies application requirements.

LRB101 11234 AXK 56494 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 institutions' missions;

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

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

22 (5) recognize the constitutional liberty of students,
23 faculty, and other persons to attend, teach at, or

1 otherwise interact with religious institutions that are
2 free from government oversight or control;

3 (6) allow students and their families greater and more
4 affordable educational options;

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

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

11 (b) In this Section:

12 "Religious education" means education in primarily
13 religious subjects. The term may also include secular subjects
14 so long as the education incorporates significant religious or
15 faith-based instruction and is part of a comprehensive
16 educational program to equip the student to integrate his or
17 her religion or faith into his or her career or work.

18 "Religious institution" or "institution" means any
19 Illinois tax-exempt, post-secondary educational institution
20 dedicated, in its articles of incorporation, affidavit under
21 the Religious Corporation Act, charter, or bylaws, to religious
22 education and actually engaged exclusively in religious
23 education. A religious institution may be independent or may
24 operate under the control or supervision of or as an integrated
25 part of any church, denomination, association of religious
26 assemblies, or religious hierarchy.

1 (c) A religious institution may file an annual application
2 with the Board to become exempt from the educational
3 requirements, standards, or demands under this Act and Part
4 1030 of Title 23 of the Illinois Administrative Code, and the
5 Board may annually grant the exemption. The application must
6 include a \$1,000 application fee and all of the following:

7 (1) Legal proof that the institution is a
8 not-for-profit institution that is owned, controlled,
9 operated, and maintained by a bona fide church or religious
10 denomination and is lawfully operating as a not-for-profit
11 religious corporation pursuant to Illinois law.

12 (2) A requirement that the institution may not use the
13 term "university" in its name, but may use the term
14 "college".

15 (3) A statement adopted by the institution's
16 organizational body that the offered programs of study are
17 limited to religion, theology, or preparation for a
18 religious vocation that confers status or authority with
19 the religion as ministers or clergy.

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

23 (5) A requirement that the title of the degrees offered
24 by the institution contain a religious modifier, such as
25 Associate of Religious Studies, Bachelor of Religious
26 Studies, or Master of Religious Studies. Degree titles that

1 may not be used by the institution include, but are not
2 limited to, Associate of Arts, Associate of Applied Arts,
3 Associate of Applied Science, Associate of Science,
4 Bachelor of Arts, Bachelor of Science, Bachelor of
5 Education, Bachelor of Divinity, Master of Education,
6 Master of Arts, Master of Science, Master of Divinity,
7 Doctor of Philosophy, Doctor of Education, or Doctor of
8 Divinity.

9 (6) A certification by the religious institution that
10 no other non-religious degrees or programs of study are
11 offered at the institution.

12 (7) A certification by the religious institution that
13 the following statement shall be included in all
14 promotional, admissions, catalog, and student enrollment
15 materials and any websites or social media accounts of the
16 institution:

17 "[Name of entity] has received an exemption from
18 the Illinois Board of Higher Education as a religious
19 institution providing religious instruction only.
20 [Name of entity] is not accredited by a body recognized
21 by the U.S. Department of Education or Council for
22 Higher Education Accreditation. Any credentials
23 awarded by [name of entity] are not likely to be
24 recognized by authorized and accredited institutions
25 of higher education, employers, and certification or
26 licensing bodies. Complaints pertaining to the

1 exemption may be directed to the Illinois Board of
2 Higher Education at www.ibhe.org".

3 (8) A certification by the religious institution that
4 the following statement is prominently disclosed on all
5 transcripts issued by the institution: "This institution
6 is not authorized by the Illinois Board of Higher
7 Education."

8 (9) A certification by the religious institution that
9 it shall use an enrollment agreement provided by the Board
10 that discloses the conditions under this subsection (c).
11 This agreement must outline the institution's process for
12 addressing student complaints. Students must sign and date
13 the enrollment agreement, and copies of the agreement must
14 be kept with the institution's academic records.

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

19 (d) If this Section conflicts with any other provisions of
20 this Act or of Part 1030 of Title 23 of the Illinois
21 Administrative Code, this Section shall supersede the other
22 provisions.

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

1 (110 ILCS 1010/11) (from Ch. 144, par. 241)

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

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

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

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

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

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

13 (110 ILCS 1010/11.5 new)

14 Sec. 11.5. Exemption for religious institution.

15 (a) The purpose of this Section is to allow private
16 religious institutions to create and provide post-secondary
17 religious education, with the authority to grant degrees,
18 without being burdened by secular educational regulations and
19 thereby:

20 (1) eliminate this State's entanglement with religious
21 matter;

22 (2) eliminate this State's conflict with religious
23 institutions' missions;

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

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

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

7 (6) allow students and their families greater and more
8 affordable educational options;

9 (7) increase commerce in this State by attracting
10 students from other states who wish to obtain religious
11 education; and

12 (8) increase commerce in this State by reducing the
13 number of State residents who leave this State to obtain
14 religious education outside of this State.

15 (b) In this Section:

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

22 "Religious institution" or "institution" means any
23 Illinois tax-exempt, post-secondary educational institution
24 dedicated, in its articles of incorporation, affidavit under
25 the Religious Corporation Act, charter, or bylaws, to religious
26 education and actually engaged exclusively in religious

1 education. A religious institution may be independent or may
2 operate under the control or supervision of or as an integrated
3 part of any church, denomination, association of religious
4 assemblies, or religious hierarchy.

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

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

16 (2) A requirement that the institution may not use the
17 term "university" in its name, but may use the term
18 "college".

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

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

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

13 (6) A certification by the religious institution that
14 no other non-religious degrees or programs of study are
15 offered at the institution.

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

21 "[Name of entity] has received an exemption from
22 the Illinois Board of Higher Education as a religious
23 institution providing religious instruction only.
24 [Name of entity] is not accredited by a body recognized
25 by the U.S. Department of Education or Council for
26 Higher Education Accreditation. Any credentials

1 awarded by [name of entity] are not likely to be
2 recognized by authorized and accredited institutions
3 of higher education, employers, and certification or
4 licensing bodies. Complaints pertaining to the
5 exemption may be directed to the Illinois Board of
6 Higher Education at www.ibhe.org".

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

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

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

23 (d) If this Section conflicts with any other provisions of
24 this Act or of Part 1030 of Title 23 of the Illinois
25 Administrative Code, this Section shall supersede the other
26 provisions.