

# SB2141



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2141

Introduced 2/26/2021, 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. Exempts a religious institution from the Board of Higher Education's educational requirements, standards, or demands under the Acts and Part 1030 of Title 23 of the Illinois Administrative Code if the religious institution meets certain conditions.

LRB102 14535 CMG 19888 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; religious institution.

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

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

15 (2) eliminate this State's conflict with religious  
16 institutions' missions;

17 (3) recognize the constitutional liberty of religious  
18 institutions to direct religious education as they see  
19 fit; and

20 (4) recognize the constitutional liberty of students,  
21 faculty, and other persons to attend, teach at, or  
22 otherwise interact with religious institutions that are  
23 free from government oversight or control.

1       (b) In this Section:

2       "Religious education" means education in primarily  
3 religious subjects. The term may also include secular subjects  
4 so long as the education incorporates significant religious or  
5 faith-based instruction and is part of a comprehensive  
6 educational program to equip a student to integrate his or her  
7 religion or faith into his or her career or work.

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

17       (c) To be exempt from the Board's educational  
18 requirements, standards, or demands under this Act and Part  
19 1030 of Title 23 of the Illinois Administrative Code, the  
20 religious institution must meet all of the following  
21 conditions:

22       (1) The religious institution is a not-for-profit  
23 institution that is owned, controlled, operated, and  
24 maintained by a bona fide church or religious denomination  
25 and is lawfully operating as a not-for-profit religious  
26 corporation pursuant to State law.

1           (2) Promotional materials and websites must contain a  
2           statement that offered programs of study are limited to  
3           religion, theology, or preparation for a religious  
4           vocation that confers status or authority with the  
5           religion as ministers or clergy.

6           (3) An affidavit must be published stating that no  
7           federal or State funds are used for the institution's  
8           programs of study.

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

19           (5) Promotional materials and the student enrollment  
20           form must contain the following statement:

21           [Name of entity] is exempt from the Illinois Board  
22           of Higher Education as a religious institution  
23           providing religious instruction only. Any credentials  
24           awarded by [name of entity] may not be recognized by  
25           other institutions of higher education, employers, and  
26           certification or licensing bodies. Complaints

1 pertaining to the exemption may be directed to the  
2 Illinois Board of Higher Education at [www.ibhe.org](http://www.ibhe.org).

3 (6) All students are prohibited from using federal or  
4 State educational loan funds to pay for the program of  
5 study offered by the institution.

6 (d) If this Section conflicts with any other provisions of  
7 this Act or Part 1030 of Title 23 of the Illinois  
8 Administrative Code, then this Section shall supersede the  
9 other provisions.

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

12 (110 ILCS 1010/11) (from Ch. 144, par. 241)

13 Sec. 11. Exemptions for nursing school and job training  
14 programs. This Act shall not apply to any school or  
15 educational institution regulated or approved under the Nurse  
16 Practice Act.

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

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

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

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

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

1 (110 ILCS 1010/11.5 new)

2 Sec. 11.5. Exemption for religious institution.

3 (a) The purpose of this Section is to allow private  
4 religious institutions to create and provide post-secondary  
5 religious education, with the authority to grant degrees,  
6 without being burdened by secular educational regulations and  
7 thereby:

8 (1) eliminate this State's entanglement with religious  
9 matter;

10 (2) eliminate this State's conflict with religious  
11 institutions' missions;

12 (3) recognize the constitutional liberty of religious  
13 institutions to direct religious education as they see  
14 fit; and

15 (4) recognize the constitutional liberty of students,  
16 faculty, and other persons to attend, teach at, or  
17 otherwise interact with religious institutions that are  
18 free from government oversight or control.

19 (b) In this Section:

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

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

10       (c) To be exempt from the Board's educational  
11 requirements, standards, or demands under this Act and Part  
12 1030 of Title 23 of the Illinois Administrative Code, the  
13 religious institution must meet all of the following  
14 conditions:

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

20           (2) Promotional materials and websites must contain a  
21 statement that offered programs of study are limited to  
22 religion, theology, or preparation for a religious  
23 vocation that confers status or authority with the  
24 religion as ministers or clergy.

25           (3) An affidavit must be published stating that no  
26 federal or State funds are used for the institution's

1 programs of study.

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

12 (5) Promotional materials and the student enrollment  
13 form must contain the following statement:

14 [Name of entity] is exempt from the Illinois Board  
15 of Higher Education as a religious institution  
16 providing religious instruction only. Any credentials  
17 awarded by [name of entity] may not be recognized by  
18 other institutions of higher education, employers, and  
19 certification or licensing bodies. Complaints  
20 pertaining to the exemption may be directed to the  
21 Illinois Board of Higher Education at [www.ibhe.org](http://www.ibhe.org).

22 (6) All students are prohibited from using federal or  
23 State educational loan funds to pay for the program of  
24 study offered by the institution.

25 (d) If this Section conflicts with any other provisions of  
26 this Act or Part 1030 of Title 23 of the Illinois



1 Administrative Code, then this Section shall supersede the  
2 other provisions.