



Sen. David Koehler

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LRB096 16630 NHT 40708 a

1 AMENDMENT TO HOUSE BILL 4984

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4984 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Private Business and Vocational Schools Act  
5 is amended by changing Sections 6, 9, and 13 as follows:

6 (105 ILCS 425/6) (from Ch. 144, par. 141)

7 Sec. 6. Application for certificate - Contents. Every  
8 person, partnership or corporation doing business in Illinois  
9 desiring to obtain a certificate of approval shall make a  
10 signed and verified application to the Superintendent upon  
11 forms prepared and furnished by the Superintendent, which forms  
12 shall include the following information:

13 1. The legal title and name of the school, together  
14 with ownership and controlling officers, members, and  
15 managing employees.

16 2. The specific courses of instruction which will be

1 offered, and the specific purposes of such instruction.

2 3. The place or places where such instruction will be  
3 given and a description of the physical and sanitary  
4 facilities thereof.

5 4. A written inspection report of approval by the State  
6 Fire Marshal or his designee for use of the premises as a  
7 school.

8 5. A specific listing of the equipment available for  
9 instruction in each course of instruction, with the maximum  
10 enrollment that such equipment will accommodate.

11 6. The names, addresses and current status of all  
12 schools of which each applicant has previously owned any  
13 interest, and a declaration as to whether any of these  
14 schools were ever denied accreditation or licensing, or,  
15 lost accreditation or licensing from any governmental body  
16 or accrediting agency.

17 7. The educational and teaching qualifications of  
18 instructors in each course and subject of instruction, and  
19 the teacher to student ratio established by rule by the  
20 superintendent pursuant to industry standards and after  
21 soliciting and receiving comments by the schools in each  
22 industry.

23 7.1. The qualifications of administrators.

24 8. The financial resources available to establish and  
25 maintain the school, documented by a current balance sheet  
26 and income statement prepared and certified by an

1 accountant or any such similar evidence as required by the  
2 Superintendent.

3 9. A continuous surety company bond, written by a  
4 company authorized to do business in this State, for the  
5 protection of the contractual rights including faithful  
6 performance of all contracts and agreements for students,  
7 their parents, guardians, or sponsors in a sum of up to  
8 \$100,000, except that when the unearned prepaid tuition for  
9 Illinois students in the possession of the school, as  
10 annually determined by the Superintendent, exceeds  
11 \$100,000 the bond shall be in an amount equal to the  
12 greatest amount of prepaid tuition in the school's  
13 possession. In lieu of a surety bond, an applicant may,  
14 with the advanced approval of the State Board of Education  
15 prior to January 1, 2007, deposit with the State Board of  
16 Education as security a certificate of deposit of any bank  
17 organized or transacting business in the United States in  
18 an amount equal to or greater than the amount of the  
19 required bond. The applicant must first satisfy the State  
20 Board of Education that the certificate of deposit is free  
21 and clear of all liens, pledges, security interests, and  
22 other encumbrances. The State Board of Education shall  
23 perfect a first priority security interest in the  
24 certificate of deposit to provide the protection required  
25 under this item 9. The certificate of deposit must be held  
26 and made payable in accordance with terms and provisions

1 approved in advance by the State Board of Education and  
2 must be replaced by a bond meeting the requirements set  
3 forth in this item 9 within 180 days after the issuance of  
4 the certificate of approval to the applicant. Failure to  
5 replace the certificate of deposit with a continuous surety  
6 company bond shall result in revocation of the certificate  
7 of approval.

8 10. Annual reports reflecting teacher, equipment and  
9 curriculum evaluations.

10 11. Copies of enrollment agreements and retail  
11 installment contracts to be used in Illinois.

12 12. Methods used to collect tuition and procedures for  
13 collecting delinquent payments.

14 13. Copies of all brochures, films, promotional  
15 material and written scripts, and media advertising and  
16 promotional literature that may be used to induce students  
17 to enroll in courses of instruction.

18 14. Evidence of liability insurance, in such form and  
19 amount as the Board shall from time to time prescribe  
20 pursuant to rules and regulations promulgated hereunder,  
21 to protect its students and employees at its places of  
22 business and at all classroom extensions including any work  
23 experience locations.

24 15. Each application for a certificate of approval  
25 shall be signed and certified under oath by the school's  
26 chief managing employee and also by its individual owner or

1 owners; provided, that if the applicant is a partnership or  
2 a corporation, then such application shall be signed and  
3 certified under oath by the school's chief managing  
4 employee and also by each member of the partnership or each  
5 officer of the corporation, as the case may be.

6 16. If the evaluation of a particular course or  
7 facility requires the services of an expert not employed by  
8 the State Board of Education or if in the interest of  
9 expediting the approval, a school requests the State Board  
10 of Education to employ such an expert, the school shall  
11 reimburse the State Board of Education for the reasonable  
12 cost of such services.

13 From July 1, 2010 until June 30, 2012, application forms  
14 shall provide that private business and vocational schools that  
15 have obtained national accreditation from an accrediting  
16 agency designated by the U.S. Department of Education may  
17 submit evidence of current accreditation in lieu of responses  
18 to the application requests delineated in this Section.  
19 Applications submitted on evidence of national accreditation  
20 must be approved or denied within 30 days after receipt. If no  
21 action is taken within 30 days, the application shall be deemed  
22 approved and a certificate of approval must be issued.

23 (Source: P.A. 94-1060, eff. 7-31-06.)

24 (105 ILCS 425/9) (from Ch. 144, par. 144)

25 Sec. 9. Restriction of certificate to courses of

1 instruction indicated in application - Supplementary  
2 applications.

3 Any certificate of approval issued shall restrict the  
4 school to the teaching of the courses of instruction indicated  
5 in the application for the approval year for which the  
6 certificate is issued. Prior to the offering of any additional  
7 or supplementary courses of instruction the school shall make  
8 application on forms prepared and furnished by the  
9 Superintendent and secure approval from the Superintendent and  
10 pay the fee prescribed therefor.

11 From July 1, 2010 until June 30, 2012, supplementary  
12 application forms shall provide that private business and  
13 vocational schools that have obtained national accreditation  
14 for new courses or programs from an accrediting agency  
15 designated by the U.S. Department of Education may submit  
16 evidence of current accreditation in lieu of other application  
17 requests. Supplementary applications submitted on evidence of  
18 national accreditation must be approved or denied within 30  
19 days after receipt. If no action is taken within 30 days, the  
20 application shall be deemed approved and a certificate of  
21 approval must be issued.

22 (Source: P.A. 83-1484.)

23 (105 ILCS 425/13) (from Ch. 144, par. 148)

24 Sec. 13. Annual renewal of certificates and permits. Each  
25 school and each sales representative that continues as such

1 shall annually make application upon forms prepared and  
2 furnished by the Superintendent to renew its certificate of  
3 approval or his or her permit, as the case may be, and shall  
4 pay the required annual renewal fee. The Superintendent shall  
5 have the authority to designate renewal and expiration dates  
6 for all certificates of approval and sales representative's  
7 permits. Each such application shall be reviewed annually by  
8 the Superintendent.

9 From July 1, 2010 until June 30, 2012, application forms  
10 shall provide that private business and vocational schools that  
11 have obtained national accreditation from an accrediting  
12 agency designated by the U.S. Department of Education may  
13 submit evidence of current accreditation in lieu of other  
14 application requests. Applications submitted on evidence of  
15 national accreditation must be approved or denied within 30  
16 days after receipt. If no action is taken within 30 days, the  
17 application shall be deemed approved and a certificate of  
18 approval must be issued.

19 (Source: P.A. 85-1382.)

20 Section 99. Effective date. This Act takes effect July 1,  
21 2010."