



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3441

Introduced 2/14/2014, by Sen. Pat McGuire

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.855 new

Creates the Higher Education Distance Learning Act. Provides that in recent years, distance education offered by institutions of higher learning has been increasing, with such distance education being offered on an interstate basis by many institutions. Provides that the provision of distance education is declared to affect the public safety and welfare and shall be subject to regulation and control in the public interest. Provides that the Board of Higher Education is authorized to participate in a state authorization reciprocity agreement on behalf of this State. Provides that the Board of Higher Education shall be the lead agency in coordinating interstate reciprocity for distance learning for participating institutions in this State. Sets forth provisions governing agreements where Illinois is the home state or the reciprocal state. Provides that this Act applies only to distance learning programs and authorizes the Board of Higher Education to adopt rules for the execution of its powers and duties under the Act. Creates the Distance Learning Fund to supplement support for the administration and enforcement of the Act. Amends the State Finance Act to create the Distance Learning Fund.

LRB098 19909 OMW 55128 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 1. Short Title. This Act may be cited as the Higher
5 Education Distance Learning Act.

6 Section 5. Legislative declaration of public policy. In
7 recent years, distance education offered by institutions of
8 higher learning has been increasing, with such distance
9 education being offered on an interstate basis by many
10 institutions. Often, students participate in such education in
11 states where the institution maintains no actual physical
12 presence. Both the regulation and the availability of
13 institutions to participate in distance learning have been
14 hampered by multi-jurisdictional differences between the
15 states and uneven regulation among the states for the same
16 programs. Various multi-state compacts have addressed this
17 problem by creating a voluntary system of interstate
18 reciprocity for institutions of higher learning to streamline
19 authorization and regulations for institutions of higher
20 learning that voluntarily agree to participate in a reciprocity
21 program. The provision of such distance education is hereby
22 declared to affect the public safety and welfare and to be
23 subject to regulation and control in the public interest. It is

1 further the public policy of this State that such a program of
2 reciprocity shall be made available on a voluntary basis to
3 participating institutions of higher learning and that any
4 other institutions that choose not to participate shall
5 continue to be regulated under current laws and regulations
6 that govern distance learning.

7 Section 10. Definitions. In this Act:

8 "Board" means Board of Higher Education.

9 "Home state" means the state that regulates each
10 participating institution of higher learning and its distance
11 learning programs. A state cannot be the "home state" unless
12 the institution either has a physical presence in that state or
13 holds its principal institutional accreditation in that state.

14 "Institution of higher learning" or "institution" shall
15 have the meaning ascribed to it under Section 10 of the Higher
16 Education Student Assistance Act.

17 "Mediated instruction" means the delivery of instruction
18 at a distance facilitated by technology, such as by
19 teleconferencing, video-conferencing, or the Internet.

20 "Participation agreement" is the agreement that each
21 willing participating institution is required to sign and abide
22 by in order to take advantage of the reciprocity agreements
23 granted by other states.

24 "Participating institution" means any institution that
25 offers an associate degree or higher, in whole or in part,

1 through distance learning and has voluntarily or willingly
2 entered into a participation agreement to be regulated by a
3 participating home state with respect to institutional and
4 program approval, complaints, and institutional and program
5 reviews.

6 "Physical presence" means on-going occupation of a
7 physical location for instructional purposes or maintenance of
8 an administrative office to facilitate instruction.

9 "State" means any state, commonwealth, district, or
10 territory of the United States that is a participant in good
11 standing in a state authorization reciprocity agreement.

12 "State authorization reciprocity agreement" or
13 "reciprocity agreement" means the voluntary agreement that
14 establishes reciprocity between willing states for approval of
15 postsecondary educational services delivered by distance
16 learning beyond state boundaries.

17 Section 15. Authorization. The Board is authorized to
18 participate in a state authorization reciprocity agreement on
19 behalf of this State. The Board shall be the lead agency in
20 coordinating interstate reciprocity for distance learning for
21 participating institutions in this State.

22 Section 20. Illinois as the home state. Where this State
23 has been designated as the home state for a participating
24 institution, the Board shall approve, investigate, authorize,

1 monitor, and establish common standards, reauthorize,
2 establish, and investigate complaints, and attend to other
3 administrative matters involving distance learning, including
4 complaints from students and others in this State and from
5 other states where the participating institutions are offering
6 distance learning under a reciprocity agreement.

7 Section 25. Illinois as the reciprocal state. Where another
8 state has been designated as the home state, a participating
9 institution has received required approval, the participating
10 institution has no physical presence in this State, and the
11 participating institution does not hold its principal
12 institutional accreditation in this State, the Board shall
13 allow such participating institution to offer distance
14 learning in this State under a participating agreement
15 authorized by this Act. The Board shall charge no fee for
16 granting such reciprocal distance learning approval.

17 However, if the participating institution has another home
18 state, but also has a physical presence State or has its
19 principal institutional accreditation in this State, the Board
20 may regulate the institution and its distance learning programs
21 in this State and is not bound by this participating agreement.

22 Section 30. Application of the Act. This Act applies only
23 to distance learning programs and does not affect other
24 approvals of institutions or programs required under the law in

1 this State, nor does it affect any exemptions of institutions
2 or programs granted by the law in this State. Except as
3 required in Section 25 of this Act, any participating
4 institution that remains eligible and in good standing under
5 this Act shall not be required to obtain any other approval for
6 distance learning required by Illinois law, unless the
7 institution withdraws and is removed from this reciprocity
8 program.

9 Section 35. Distance Learning Fund. The Distance Learning
10 Fund is created as a special fund in the State treasury. All
11 fees collected for the administration and enforcement of this
12 Act shall be deposited into the Fund. All money in the Fund
13 shall be used, subject to appropriation, by the Board to
14 supplement support for the administration and enforcement of
15 this Act and may not be used for any other purpose.

16 Section 90. Rules. The Board shall adopt rules for the
17 execution of the powers and duties delegated to it by this Act,
18 including, but not limited to, minimum standards for
19 institutions and any fees required to cover the cost of the
20 administration of this Act.

21 Section 500. The State Finance Act is amended by adding
22 Section 5.855 as follows:

1 (30 ILCS 105/5.855 new)

2 Sec. 5.855. The Distance Learning Fund.