



Sen. Pat McGuire

Filed: 3/18/2014

09800SB3441sam001

LRB098 19909 OMW 56355 a

1 AMENDMENT TO SENATE BILL 3441

2 AMENDMENT NO. _____. Amend Senate Bill 3441 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Higher 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 of higher learning. Often, students participate
11 in such education in states where the institution of higher
12 learning maintains no actual physical presence. Both the
13 regulation and the availability of institutions of higher
14 learning to participate in distance learning have been hampered
15 by multi-jurisdictional differences between the states and
16 uneven regulation among the states for the same programs.

1 Various multi-state compacts have addressed this problem by
2 creating a voluntary system of interstate reciprocity for
3 institutions of higher learning to streamline authorization
4 and regulations for institutions of higher learning that
5 voluntarily agree to participate in a reciprocity program. The
6 provision of such distance education is declared to affect the
7 public safety and welfare and to be subject to regulation and
8 control in the public interest. It is further the public policy
9 of this State that such a program of reciprocity be made
10 available on a voluntary basis to participating institutions of
11 higher learning and that any other institutions of higher
12 learning that choose not to participate continue to be
13 regulated under current laws and rules that govern distance
14 learning.

15 Section 10. Definitions. In this Act:

16 "Board" means the Board of Higher Education.

17 "Distance learning" means instruction offered by any means
18 where the student and faculty member are in separate physical
19 locations. It includes, but is not limited to, online,
20 interactive video or correspondence courses or programs.

21 "Home state" means the state that regulates a participating
22 institution and its distance learning programs. A state cannot
23 be the "home state" unless the institution of higher learning
24 either has a physical presence in that state or holds its
25 principal institutional accreditation in that state.

1 "Participation agreement" means the agreement that each
2 participating institution is required to sign and abide by in
3 order to take advantage of the reciprocity agreement.

4 "Participating institution" means any institution of
5 higher learning that offers an associate's degree or higher, in
6 whole or in part, through distance learning and has voluntarily
7 or willingly entered into a participation agreement to be
8 regulated by a participating home state with respect to
9 institutional and program approval, complaints, and
10 institutional and program reviews.

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

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

17 "State authorization reciprocity agreement" or
18 "reciprocity agreement" means a voluntary agreement that
19 establishes reciprocity between willing states for approval of
20 postsecondary educational services delivered by distance
21 learning beyond state boundaries.

22 Section 15. Authorization. The Board is authorized to
23 participate in a state authorization reciprocity agreement on
24 behalf of this State. The Board shall be the lead agency in
25 coordinating interstate reciprocity for distance learning for

1 participating institutions in this State.

2 Section 20. Illinois as the home state. If this State has
3 been designated as the home state for a participating
4 institution, then the Board shall approve, investigate,
5 authorize, monitor, and establish common standards,
6 reauthorize, establish, and investigate complaints, and attend
7 to other administrative matters involving distance learning,
8 including complaints from students and others in this State and
9 from other states where the participating institutions are
10 offering distance learning under a reciprocity agreement.

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

21 However, if the participating institution has another home
22 state, but also has a physical presence in this State or has
23 its principal institutional accreditation in this State, the
24 Board may regulate the institution of higher learning and its

1 distance learning programs in this State and is not bound by
2 the reciprocity agreement.

3 Section 30. Application of the Act. This Act applies only
4 to distance learning programs and does not affect other
5 approvals of institutions of higher learning or programs
6 required under the laws of this State, nor does it affect any
7 exemptions of institutions of higher learning or programs
8 granted by the laws of this State. However, except as required
9 in Section 25 of this Act, any participating institution that
10 remains eligible and in good standing under this Act is not
11 required to obtain any other approval for distance learning
12 required by State law, unless the institution of higher
13 learning withdraws and is removed from this reciprocity
14 program.

15 Section 35. Fees. Fees to cover the cost of administration
16 and enforcement of this Act shall be set by the Board by rule.

17 Section 40. Distance Learning Fund. The Distance Learning
18 Fund is created as a special fund in the State treasury. All
19 fees collected for the administration and enforcement of this
20 Act shall be deposited into the Fund. All money in the Fund
21 shall be used, subject to appropriation, by the Board to
22 supplement support for the administration and enforcement of
23 this Act and may not be used for any other purpose.

1 Section 45. Student refund policy. The Board, by rule,
2 shall establish minimum standards for a fair and equitable
3 policy that governs refunds for students, which must be
4 required for all participating institutions subject to this
5 Act.

6 Section 50. Equitable treatment of students. Students who
7 are enrolled in institutions of higher learning governed by
8 this Act, either because they are residents of the home state
9 or because they are residents of participating reciprocal
10 states, and who receive services from the Board under this Act
11 are entitled to the same remedies, services, and redress under
12 this Act, regardless of their state of residency.

13 Section 90. Rules. The Board shall adopt rules for the
14 execution of the powers and duties delegated to it by this Act,
15 including, but not limited to, minimum standards for
16 institutions of higher learning.

17 Section 500. The State Finance Act is amended by adding
18 Section 5.855 as follows:

19 (30 ILCS 105/5.855 new)

20 Sec. 5.855. The Distance Learning Fund."