



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3491

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

105 ILCS 426/15

105 ILCS 426/20

105 ILCS 426/30

110 ILCS 1005/1.5 new

110 ILCS 1010/11

from Ch. 144, par. 241

Amends the Private Business and Vocational Schools Act of 2012, the Private College Act, and the Academic Degree Act. Defines "religious institution" in these Acts. Provides that any religious institution (instead of any institution devoted entirely to the teaching of religion or theology) shall not be considered to be a private business and vocational school; makes related changes. Provides that no religious institution shall be subject to the educational requirements, standards, or demands contained in the Private College Act or the Academic Degree Act or in those Acts' administrative rules.

LRB099 07639 NHT 27770 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 Business and Vocational Schools Act
5 of 2012 is amended by changing Sections 15, 20, and 30 as
6 follows:

7 (105 ILCS 426/15)

8 Sec. 15. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 "Board" means the Board of Higher Education established
11 under the Board of Higher Education Act.

12 "Certificate of completion" or "certificate" means any
13 designation, appellation, series of letters or words, or other
14 symbol that signifies or purports to signify that the recipient
15 thereof has satisfactorily completed a private business and
16 vocational school's program of study that is beyond the
17 secondary school level, but not a post-secondary degree program
18 at the associate, baccalaureate, master's, doctoral, or
19 post-baccalaureate, professional degree level.

20 "Chief managing employee" is the individual who is the head
21 administrator or supervisor at a school's principal location.

22 "Educational institution" or "institution" means an
23 organization that promotes business and vocational education,

1 even though the institution's principal effort may not be
2 exclusively educational in nature.

3 "Enrollment agreement" means any agreement or instrument,
4 however named, that creates or evidences an obligation binding
5 a student to purchase a program of study from a school.

6 "Non-degree program of study" or "program of study" means
7 any designation, appellation, series of letters or words, or
8 other symbol that signifies or purports to signify that the
9 recipient has satisfactorily completed an organized academic
10 program of study beyond the secondary school level, such as a
11 certificate, but below the associate's degree level and that
12 does not include any recognized degree program such as an
13 associate's, baccalaureate, master's, or doctoral degree, a
14 post-baccalaureate, professional degree, or a post-degree
15 certificate, such as a post-baccalaureate certificate,
16 post-master's certificate, or post-doctoral certificate.

17 "Program of study" as used in this definition means any
18 academic program beyond the secondary school level, except for
19 a program offered by a religious institution ~~that is devoted~~
20 ~~entirely to religion or theology~~, a program offered by an
21 institution operating under the authority of the Private
22 College Act, the Academic Degree Act, or the Board of Higher
23 Education Act, or a program of study of less than one year in
24 length operating under the statutory authority granted to the
25 Department of Financial and Professional Regulation.

26 "Permit of approval" means a non-transferable permit,

1 issued by and pursuant to the authority of the Board of Higher
2 Education through its Division of Private Business and
3 Vocational Schools to a private business and vocational school
4 in the name of the school, that authorizes the school to
5 solicit students and to offer and maintain one or more courses
6 of instruction in compliance with the provisions of this Act
7 and such standards and rules as may be adopted by the Board.

8 "Private business and vocational school" or "school" means
9 an educational institution privately owned or operated by a
10 person, partnership, corporation, or other entity offering
11 courses of instruction for which tuition is charged, whether
12 such courses of instruction are offered on site, through
13 correspondence, by distance education, or by other methods, to
14 prepare individuals to do any of the following:

15 (1) To follow a trade or artistic occupation.

16 (2) To pursue a manual, mechanical, technical,
17 industrial, business, commercial, office, personal service
18 (other than nursing), or other non-professional
19 occupation.

20 (3) To follow a profession, if the profession is not
21 subject to licensing or registration under any existing
22 State statute requiring the licensing or registration of
23 persons practicing such profession or if the school is not
24 subject to the regulation of the agency with such licensing
25 or registration authority.

26 (4) To improve, enhance, or add to the skills and

1 abilities of the individual relative to occupational
2 responsibilities or career opportunities.

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

10 "Religious institution" means any private postsecondary
11 educational institution dedicated, in its articles of
12 incorporation, charter, or bylaws, to religious education and
13 actually engaged exclusively in religious education. A
14 religious institution may be independent or may operate under
15 the control or supervision of or as an integrated part of any
16 church, denomination, association of religious assemblies, or
17 religious hierarchy.

18 In the event that the changes made to this Section by this
19 amendatory Act of the 99th General Assembly conflict with any
20 other provisions of this Act, the changes shall supersede the
21 other provisions.

22 (Source: P.A. 97-650, eff. 2-1-12.)

23 (105 ILCS 426/20)

24 Sec. 20. Permit of approval. No person or group of persons
25 subject to this Act may establish and operate or be permitted

1 to become incorporated for the purpose of operating a private
2 business and vocational school without obtaining from the Board
3 a permit of approval, provided that a permit of approval is not
4 required for a program offered by a religious institution ~~that~~
5 ~~is devoted entirely to religion or theology~~ or a program
6 offered by an institution operating under the authority of the
7 Private College Act, the Academic Degree Act, or the Board of
8 Higher Education Act. Application for a permit must be made to
9 the Board upon forms furnished by it. Permits of approval are
10 not transferable. Whenever a change of ownership of a school
11 occurs, an application for a permit of approval for the school
12 under the changed ownership must immediately be filed with the
13 Board. Whenever an owner, partnership, or corporation operates
14 a school at different locations, an application for a permit of
15 approval must be filed for each location. A school must have
16 approval prior to operating at a location and must make
17 application to the Board for any change of location and for a
18 classroom extension at a new or changed location. Each
19 application required to be filed in accordance with the
20 provisions of this Section must be accompanied by the required
21 fee under the provisions of Sections 75 and 85 of this Act, and
22 all such applications must be made on forms prepared and
23 furnished by the Board. The permit of approval must be
24 prominently displayed at some place on the premises of the
25 school at each school location open to the inspection of all
26 interested persons. The Board shall maintain, open to public

1 inspection, a list of schools, their classroom extensions, and
2 their courses of instruction approved under this Act and may
3 annually publish such a list. Issuance of the permit of
4 approval by the Board does not denote that the school or any
5 program offered by the school is recommended, guaranteed, or
6 endorsed by the Board or that the Board is responsible for the
7 quality of the school or its programs, and no school may
8 communicate this to be the case. No guarantee of employability
9 of school graduates is made by the Board in its approval of
10 programs or schools, and no school may communicate such
11 information.

12 In the event that the changes made to this Section by this
13 amendatory Act of the 99th General Assembly conflict with any
14 other provisions of this Act, the changes shall supersede the
15 other provisions.

16 (Source: P.A. 97-650, eff. 2-1-12.)

17 (105 ILCS 426/30)

18 Sec. 30. Exemptions. For purposes of this Act, the
19 following shall not be considered to be a private business and
20 vocational school:

21 (1) Any religious institution ~~devoted entirely to the~~
22 ~~teaching of religion or theology.~~

23 (2) Any in-service program of study and subject offered
24 by an employer, provided that no tuition is charged and the
25 instruction is offered only to employees of the employer.

1 (3) Any educational institution that (A) enrolls a
2 majority of its students in degree programs and has
3 maintained an accredited status with a regional
4 accrediting agency that is recognized by the U.S.
5 Department of Education or (B) enrolls students in one or
6 more bachelor-level programs, enrolls a majority of its
7 students in degree programs, and is accredited by a
8 national or regional accrediting agency that is recognized
9 by the U.S. Department of Education or that (i) is
10 regulated by the Board under the Private College Act or the
11 Academic Degree Act or is exempt from such regulation under
12 either the Private College Act or the Academic Degree Act
13 solely for the reason that the educational institution was
14 in operation on the effective date of either the Private
15 College Act or the Academic Degree Act or (ii) is regulated
16 by the State Board of Education.

17 (4) Any institution and the franchisees of that
18 institution that exclusively offer a program of study in
19 income tax theory or return preparation at a total contract
20 price of no more than \$400, provided that the total annual
21 enrollment of the institution for all such courses of
22 instruction exceeds 500 students and further provided that
23 the total contract price for all instruction offered to a
24 student in any one calendar year does not exceed \$3,000.

25 (5) Any person or organization selling mediated
26 instruction products through a media, such as tapes,

1 compact discs, digital video discs, or similar media, so
2 long as the instruction is not intended to result in the
3 acquisition of training for a specific employment field, is
4 not intended to meet a qualification for licensure or
5 certification in an employment field, or is not intended to
6 provide credit that can be applied toward a certificate or
7 degree program.

8 (6) Schools with no physical presence in this State.
9 Schools offering instruction or programs of study, but that
10 have no physical presence in this State, are not required
11 to receive Board approval. Such an institution must not be
12 considered not to have a physical presence in this State
13 unless it has received a written finding from the Board
14 that it has a limited physical presence. In determining
15 whether an institution has no physical presence, the Board
16 shall require all of the following:

17 (A) Evidence of authorization to operate in at
18 least one other state and that the school is in good
19 standing with that state's authorizing agency.

20 (B) Evidence that the school has a means of
21 receiving and addressing student complaints in
22 compliance with any federal or state requirements.

23 (C) Evidence that the institution is providing no
24 instruction in this State.

25 (D) Evidence that the institution is not providing
26 core academic support services, including, but not

1 limited to, admissions, evaluation, assessment,
2 registration, financial aid, academic scheduling, and
3 faculty hiring and support in this State.

4 In the event that the changes made to this Section by this
5 amendatory Act of the 99th General Assembly conflict with any
6 other provisions of this Act, the changes shall supersede the
7 other provisions.

8 (Source: P.A. 97-650, eff. 2-1-12.)

9 Section 10. The Private College Act is amended by adding
10 Section 1.5 as follows:

11 (110 ILCS 1005/1.5 new)

12 Sec. 1.5. Exemption from Act and rules; religious
13 institution.

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

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

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

23 (3) decrease expenses to this State associated with the
24 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) allow students and their families greater and more
4 affordable educational options;

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

8 (7) 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 such as business, trade, or vocational instruction so long as
15 the education incorporates significant religious or
16 faith-based instruction and is part of a comprehensive
17 educational program to equip the student to integrate his or
18 her religion or faith into his or her career or work.

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

1 (c) No religious institution is subject to the educational
2 requirements, standards, or demands contained in this Act. No
3 religious institution is subject to the educational
4 requirements, standards, or demands contained in Part 1030 of
5 Title 23 of the Illinois Administrative Code.

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

10 Section 15. The Academic Degree Act is amended by changing
11 Section 11 as follows:

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

13 Sec. 11. Exemptions.

14 (a) This Act shall not apply to any school or educational
15 institution regulated or approved under the Nurse Practice Act.

16 (b) This Act shall not apply to any of the following:

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

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

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

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

6 (1) eliminate this State's entanglement with religious
7 matter;

8 (2) eliminate this State's conflict with religious
9 institutions' missions;

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

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

14 (5) allow students and their families greater and more
15 affordable educational options;

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

19 (7) increase commerce in this State by reducing the
20 number of State residents who leave this State to obtain
21 religious education outside of this State.

22 In this subsection (c):

23 "Religious education" means education in primarily
24 religious subjects. The term may also include secular subjects
25 such as business, trade, or vocational instruction so long as
26 the education incorporates significant religious or

1 faith-based instruction and is part of a comprehensive
2 educational program to equip the student to integrate his or
3 her religion or faith into his or her career or work.

4 "Religious institution" means any private postsecondary
5 educational institution dedicated, in its articles of
6 incorporation, charter, or bylaws, to religious education and
7 actually engaged exclusively in religious education. A
8 religious institution may be independent or may operate under
9 the control or supervision of or as an integrated part of any
10 church, denomination, association of religious assemblies, or
11 religious hierarchy.

12 No religious institution is subject to the educational
13 requirements, standards, or demands contained in this Act. No
14 religious institution is subject to the educational
15 requirements, standards, or demands contained in Part 1030 of
16 Title 23 of the Illinois Administrative Code.

17 In the event that this subsection (c) conflicts with any
18 other provisions of this Act or of Part 1030 of Title 23 the
19 Illinois Administrative Code, this subsection (c) shall
20 supersede the other provisions.

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