

SHEEO State Authorization Inventory

Illinois

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

a. Agency Name: **Illinois Board of Higher Education**

o Description:

The Illinois Board of Higher Education regulates program approval for public, independent, and out-of-state degree-granting institutions of higher education. IBHE is an agency with an appointed Board.

o Contacts:

George W. Reid
Executive Director
Illinois Board of Higher Education
431 East Adams Street, 2nd floor
Springfield, IL 62701
217-782-2551

Bob Blankenberger
Deputy Director for Academic Affairs and Student Success
Illinois Board of Higher Education
431 East Adams Street, 2nd floor
Springfield, IL 62701
217-557-7350
blankenberger@ibhe.org

o Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?

Bob Blankenberger
Deputy Director for Academic Affairs and Student Success
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431 East Adams Street, 2nd floor
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b. Links:

Link to agency: <http://www.ibhe.org/default.htm>

Link to regulations:

<http://www.ibhe.org/Academic%20Affairs/Applications/Independent/materials/CodeA1030-Private%20CollegesandUniversities.pdf>

- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.
Illinois State Board of Education
- d. If the division of responsibility among these agencies is not clear, please explain.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- Yes** Public, in-state degree granting institutions
- Yes** Public, out-of-state degree granting institutions
- Yes** Private, in-state, not-for-profit degree granting institutions
- Yes** Private, out-of-state, not-for-profit degree granting institutions
- Yes** Private, in-state, for-profit degree granting institutions
- Yes** Private, out-of-state, for-profit degree granting institutions
- No** Public, in-state, non-degree granting institutions
- No** Public, out-of-state, non-degree granting institutions
- No** Non degree, not-for profit institutions
- No** Non degree, for-profit institutions
- Yes** Religious institutions
- Yes** Tribally-controlled institutions

Clarifying comments:

As with other institutions subject to the Private College Act and the Academic Degree Act, religious institutions must receive approval from IBHE for “Any academic program, regardless of duration, that offers any designation, appellation, series of letters or words or other symbol known as or labeled as an associate degree, a bachelor's degree, a master's degree, a doctor's degree, a professional degree or a certificate of advanced study.” Illinois religious institutions may offer programs devoted entirely to religion or theology without IBHE approval so long as these are not offered under these degree designations.

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.
Post secondary educational institutions are required to receive ISBE approval for non-degree programs falling under ISBE jurisdiction through the Private Business

and Vocational Schools Act. Institutions offering programs at the postsecondary degree level in Illinois must receive approval from IBHE.

- c. Is accreditation required for an institution to be authorized in your state?
Yes.

- o If yes, please explain:

Any institution applying for authorization to operate in the State of Illinois must specify its accreditation status. New institutions without accreditation from an accrediting authority recognized by the U.S. Department of Education or the Council for Higher Education Accreditation shall provide a clearly defined plan to move from candidate to affiliate status including detailed plans and the projected time line for obtaining affiliate status within five years after the date of Board approval, unless the Board waives the original time line because it is found to be an unrealistic expectation. Initial authorization to operate in Illinois for institutions new to the State shall be for five years. The Board may deny a continuation of the initial approval or offer a limited extension if the institution has failed to achieve affiliation status from an accreditation agency within the institution's proposed time line for obtaining accreditation. Failure to maintain accreditation status constitutes grounds for revocation of the certificate of approval or authorization to operate.

- o If yes, what type of accreditation is required? Please, check all that apply as appropriate.

Regional
 National
 Programmatic/specialized

Clarifying comments:

Programmatic accreditation is required for certain degree programs leading to licensure of certification.

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

Both.

- e. Programs in certain subject areas that may require separate approval.

Education

The Illinois State Board of Education

Christopher Koch, State Superintendent

100 N. 1st Street

Springfield, IL 62777, 866-262-6663, 217-782-4321

<http://www.isbe.net/certification/>

Nursing

Nursing is regulated through the Illinois Department of Financial and Professional Regulation Division of Professional Regulation and the Board of Nursing
<http://www.idfpr.com/dpr/WHO/nurs.asp>

Social Work

Social Work is regulated by the Illinois Department of Financial and Professional Regulation Division of Professional Regulation
<http://www.idfpr.com/dpr/WHO/sw.asp>

Counseling Psychology

Counseling Psychology is regulated by the Illinois Department of Financial and Professional Regulation Division of Professional Regulation
<http://www.idfpr.com/dpr/WHO/prfcns.asp>

Allied Health Professions and related programs

Allied Health Professions are regulated by the Illinois Department of Financial and Professional Regulation Division of Professional Regulation

The Division of Professional Regulation provides a list of professions regulated at
<http://www.idfpr.com/DPR/default.asp>

Professional Regulation
320 W. Washington
Springfield, IL 62786
Phone: (217) 785-0800
TDD: (217) 524-6735
Fax: (217) 782-7645

The website of the Illinois Department of Financial and Professional Regulation is
<http://www.idfpr.com/>

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

Yes.

- o If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

Exemptions are described under 23 Illinois Administrative Code 1030.

<http://www.ibhe.org/Academic%20Affairs/Applications/Independent/materials/CodeA1030-Private%20CollegesandUniversities.pdf>

- Institutions in existence prior to the passage of the statutes governing private institutions for programs offered at their home campus location.
 - Institutions with Limited Physical Presence
 - Religious institutions not offering degree programs
- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?
- Institutions must receive written notice from the Board. For example, institutions must apply for the Limited Physical Presence exemption at <http://www.ibhe.org/Academic%20Affairs/distanceEd/default.htm>
- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?
- Institutions must provide contact information and submit required IBHE surveys.
- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?
- Are all religious institutions exempt (please describe)?

There is a limited exemption for non-degree granting religious institutions.

 - Are religious institutions that award only religious degrees or certificates exempt (please describe)?

Under the Private College Act, Academic Degree Act, and 23 Illinois Administrative Code 1030, Illinois religious institutions may offer programs devoted entirely to religion or theology without IBHE approval so long as these are not offered under a recognized degree designation. Religious institutions must receive approval from IBHE for “Any academic program, regardless of duration, that offers any designation, appellation, series of letters or words or other symbol known as or labeled as an associate degree, a bachelor's degree, a master's degree, a doctor's degree, a professional degree or a certificate of advanced study.”

 - Are certain religious institutions exempt that meet other criteria (please describe)?

No.

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

No.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

Yes. Institutions must apply for the Limited Physical Presence exemption at <http://www.ibhe.org/Academic%20Affairs/distanceEd/default.htm>

Section 1030.10 Exemption from Approval Requirements Institutions with Limited Physical Presence in Illinois

...

2) Any public or private person, group of persons, partnership or corporation that is located outside of the State of Illinois that is or contemplates offering instruction in Illinois above the high school level is not required under either the 1945 Act or the 1961 Act to obtain a certificate of approval or operating or degree authorization if the institution has a limited physical presence in the State. No such institution shall be considered to have limited physical presence for any geographic location and program in Illinois unless it has received a written finding from the Board that it has such a limited physical presence. In determining whether an institution has a limited physical presence, the Board shall require the following:

- A) Evidence of authorization to operate in at least one other state; and
- B) Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation; and
- C) Evidence that the institution will offer ten percent or less of coursework, as measured by academic credits, for a degree program in the State of Illinois, or evidence that the institution is offering degrees through one hundred percent asynchronous versus synchronous on-line instruction from an out-of-state site or sites; and
- D) Evidence that the institution is not providing core academic support services, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State of Illinois.

3) Institutions exempted under the 1945 and/or 1961 Acts offering one hundred percent asynchronous versus synchronous on-line instruction do not require additional Board approval.

4) Approved institutions under the jurisdiction of the 1945 or 1961 Acts offering one hundred percent asynchronous versus synchronous on-line instruction of a Board approved degree program do not require additional Board approval.

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

Exemptions are described under 23 Illinois Administrative Code 1030.

<http://www.ibhe.org/Academic%20Affairs/Applications/Independent/materials/CodeA1030-Private%20CollegesandUniversities.pdf>

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?

If the institution meets the other Limited Physical Presence requirements (below), then approval would not be needed unless these constitute more than 10% of the credit hours of the program.

A) Evidence of authorization to operate in at least one other state; and

B) Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation; and

C) Evidence that the institution will offer ten percent or less of coursework, as measured by academic credits, for a degree program in the State of Illinois, or evidence that the institution is offering degrees through one hundred percent asynchronous versus synchronous on-line instruction from an out-of-state site or sites; and

D) Evidence that the institution is not providing core academic support services, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State of Illinois.

Institutions must apply for the Limited Physical Presence exemption at

<http://www.ibhe.org/Academic%20Affairs/distanceEd/default.htm>

- Does this apply only to distance education students or more generally?

More generally.

- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
 If the institution meets the other Limited Physical Presence requirements (below), then approval would not be needed unless these constitute more than 10% of the credit hours of the program.
 - A) Evidence of authorization to operate in at least one other state; and
 - B) Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation; and
 - C) Evidence that the institution will offer ten percent or less of coursework, as measured by academic credits, for a degree program in the State of Illinois, or evidence that the institution is offering degrees through one hundred percent asynchronous versus synchronous on-line instruction from an out-of-state site or sites; and
 - D) Evidence that the institution is not providing core academic support services, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State of Illinois.
 Institutions must apply for the Limited Physical Presence exemption at <http://www.ibhe.org/Academic%20Affairs/distanceEd/default.htm>
 - Does this apply only to distance education students or more generally?
 More generally.
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
 No.
 - What about adjunct faculty?
 No.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
 No.
 - What about adjunct faculty?
 No.
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
 It depends on the nature of the agreement. Institutions are required to submit the information to the Board for a determination.

- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
Requires operating authority.
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
No.
- Advertising in local media sources that are largely viewed by residents of the state?
No.
- Advertising in national media sources that can be accessed by residents of the state?
No.
- Having computer servers or other equipment located in the state?
Yes, operating authority.
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
If the institution meets the other Limited Physical Presence requirements (below), then approval would not be needed unless these constitute more than 10% of the credit hours of the program.
 - A) Evidence of authorization to operate in at least one other state; and
 - B) Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation; and
 - C) Evidence that the institution will offer ten percent or less of coursework, as measured by academic credits, for a degree program in the State of Illinois, or evidence that the institution is offering degrees through one hundred percent asynchronous versus synchronous on-line instruction from an out-of-state site or sites; and
 - D) Evidence that the institution is not providing core academic support services, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State of Illinois.
 Institutions must apply for the Limited Physical Presence exemption at <http://www.ibhe.org/Academic%20Affairs/distanceEd/default.htm>
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
Yes operating authority would likely be required depending on the nature of the contracting.

- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
No.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
No.
 - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?
Not applicable.

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.
The submission process is electronic. This includes a mandatory orientation for new schools, electronic submission of a notice of intent, and electronic submission of application and supporting materials.
<http://www.ibhe.org/Academic%20Affairs/academicPrg/default.htm>
- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
This varies significantly based on the quality of the application and the ability of the institution to provide feedback. The range is typically from 3 to 9 months.
- c. What is the authorization duration?
Initial authorization to operate in Illinois for institutions new to the State is for five years. Initial approval for degree programs is for five years. In both cases, the Board may deny a continuation of the initial approval.
Once authorized, the following are grounds for revocation:
- Violation of any of the conditions governing issuance of the Certificate of Approval
 - Failure to maintain the conditions under which the institution and/or its degrees were authorized (for example, loss of accreditation status, change in faculty hiring, failure to meet licensure requirements, et al.).
 - Failure to permit any duly authorized representative of the Board to enter upon the premises of the institution and to inspect or otherwise examine the institution and its books, papers or other records.

- Fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
 - Failure to offer degrees or instruction for one continuous 12-month period;
 - Abandonment of the institution.
- d. What does an institution need to do to maintain authorization?
- Submit Annual Reports to the Board.
 - Satisfy Complaints Concerning Institutions
 - The staff of the Board shall initiate an investigation upon receipt of a verified written complaint and may initiate an investigation in response to oral or written information concerning any of the following: alleged violation of any of the conditions governing issuance of the Certificate of Approval; alleged failure to comply with this Act and Administrative rules; or alleged fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss.
 - Once authorized, the following are grounds for revocation:
 - Violation of any of the conditions governing issuance of the Certificate of Approval
 - Failure to maintain the conditions under which the institution and/or its degrees were authorized (for example, loss of accreditation status, change in faculty hiring, failure to meet licensure requirements, et al.).
 - Failure to permit any duly authorized representative of the Board to enter upon the premises of the institution and to inspect or otherwise examine the institution and its books, papers or other records.
 - Fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
 - Failure to offer degrees or instruction for one continuous 12-month period;
 - Abandonment of the institution.
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
- Fall Enrollment Survey
 Student Financial Aid Survey
 Information requested to satisfy complaints
 Program modifications
 The survey results are collected and published on the IBHE website.

- f. Can an institution lose its authorized status? If so, how?
- Once authorized, the following are grounds for revocation:
 - Violation of any of the conditions governing issuance of the Certificate of Approval
 - Failure to maintain the conditions under which the institution and/or its degrees were authorized (for example, loss of accreditation status, change in faculty hiring, failure to meet licensure requirements, et al.).
 - Failure to permit any duly authorized representative of the Board to enter upon the premises of the institution and to inspect or otherwise examine the institution and its books, papers or other records.
 - Fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;
 - Failure to offer degrees or instruction for one continuous 12-month period;
 - Abandonment of the institution.
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
- Each entity applies separately and by Regional location. Illinois is divided into 10 Regions for authorization to operate and to grant degrees. Each entity must apply for approval for each campus and degree offered in for a Region.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
- Yes. The main campus is the location for the initial operating Region. For each new degree and/or location a new approval is required for each delivery Region.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
- j. Is your agency currently planning to amend its application process by the end of 2011?
- No.
- If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.

Yes for for-profit and out-of-state institutions only. The fee varies by type and size of institution and program approval being sought.

<http://www.ibhe.org/AcademicAffairs/misc/NewFeeSchedule.pdf>

One-time \$5,000 application fee, plus \$250 notice of intent, plus per degree charges that vary by degree type and institution size, including for new degrees.

- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?
No.
- c. What are the costs, if any, to renew authorization?
Not applicable.
- d. What costs are associated with receiving a waiver or exemption to authorization?
No.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
No references to these exist in statute or rules.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
Not applicable.
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
No.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
At present, no method for processing such agreements exists.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
Yes.

- If yes, please describe the process or provide a web link to the material that describes the complaint process.
Institutional Complaint Hotline: (217) 557-7359
The Board receives general information email at info@ibhe.org
Students seeking to register a complaint about an institution are required to submit the complaint in writing. Complaint processing as relates to maintenance of institutional approvals is described in 23 Illinois Administrative Rules Sections 1030.70 and 1030.80.
 - If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?
No, such complaints are referred to the State where the institution is authorized and the institution's accrediting body.
 - If available, please provide a web link to the complaint form.
The Institutional Complaint Hotline is (217) 557-7359. An on-line complaint submission system is in development.
 - Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.
Richard Tapia, Assistant Director for Diversity and Outreach, 431 East Adams, 2nd Floor, Springfield, Illinois 62701, (217) 557-7359, tapia@ibhe.org
- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
The institution will receive written notification of the necessity to receive approval from the Board with a date by which a response is required. Failure to comply will result in the matter being forwarded to the Office of the Attorney General.
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.
Appeals must be received by the deadline provided in the warning letter.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?

Yes.

- If yes, please provide a brief description of the anticipated change.
The 10% course credit threshold may be changed to 50% to mirror the federal and accrediting body requirement.
The distinction between synchronous and asynchronous instruction may be eliminated in favor of a more inclusive mediated instruction definition.
- If yes, when does the agency expect the change to be fully implemented?
Uncertain, the rule revisions must be approved by the Board and by the legislature's Joint Committee on Administrative Rules.

- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?

Yes.

- If yes, please provide a brief description of the anticipated change.
The changes are based on the following themes:
1) Use of more specific definitions
2) Increasing transparency and accountability through new specific requirements related to consumer information disclosure and essential data elements
3) Tightening and publicizing the post-approval review process by using automatic triggers for review driven by data, complaints, and public disclosures such as adverse actions of accrediting bodies and federal and state authorities.
4) Administrative procedural changes
- If yes, when does the agency expect the change to be fully implemented?
Uncertain, the rule revisions must be approved by the Board and by the legislature's Joint Committee on Administrative Rules.

12. Is there anything else about the authorization process in your state that we and others ought to know about?