



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2663

by Rep. David McSweeney

#### SYNOPSIS AS INTRODUCED:

110 ILCS 1005/1.5 new  
110 ILCS 1010/11  
110 ILCS 1010/11.5 new

from Ch. 144, par. 241

Amends the Private College Act and the Academic Degree Act. Provides that a religious institution may file an annual application with the Board of Higher Education to become exempt from the educational requirements, standards, or demands under the Acts or those Acts' administrative rules and the Board may annually grant the exemption; defines "religious institution". Specifies application requirements.

LRB101 04940 AXK 49949 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 College Act is amended by adding  
5 Section 1.5 as follows:

6 (110 ILCS 1005/1.5 new)

7 Sec. 1.5. Exemption from Act and rules; religious  
8 institution.

9 (a) The purpose of this Section is to allow private  
10 religious institutions to create and provide post-secondary  
11 religious education, with the authority to grant degrees,  
12 without being burdened by secular educational regulations and  
13 thereby:

14 (1) eliminate this State's entanglement with religious  
15 matter;

16 (2) eliminate this State's conflict with religious  
17 institutions' missions;

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

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

22 (5) recognize the constitutional liberty of students,  
23 faculty, and other persons to attend, teach at, or

1 otherwise interact with religious institutions that are  
2 free from government oversight or control;

3 (6) allow students and their families greater and more  
4 affordable educational options;

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

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

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

1       (c) A religious institution may file an annual application  
2 with the Board to become exempt from the educational  
3 requirements, standards, or demands under this Act and Part  
4 1030 of Title 23 of the Illinois Administrative Code, and the  
5 Board may annually grant the exemption. The application must  
6 include a \$1,000 application fee and all of the following:

7           (1) Legal proof that the institution is a  
8 not-for-profit institution that is owned, controlled,  
9 operated, and maintained by a bona fide church or religious  
10 denomination and is lawfully operating as a not-for-profit  
11 religious corporation pursuant to Illinois law.

12           (2) A requirement that the institution may not use the  
13 term "university" in its name, but may use the term  
14 "college".

15           (3) A statement adopted by the institution's  
16 organizational body that the offered programs of study are  
17 limited to religion, theology, or preparation for a  
18 religious vocation that confers status or authority with  
19 the religion as ministers or clergy.

20           (4) A notarized copy of an affidavit stating that no  
21 federal or State funds are used for the institution's  
22 programs of study.

23           (5) A requirement that the title of the degrees offered  
24 by the institution contain a religious modifier, such as  
25 Associate of Religious Studies, Bachelor of Religious  
26 Studies, or Master of Religious Studies. Degree titles that

1 may not be used by the institution include, but are not  
2 limited to, Associate of Arts, Associate of Applied Arts,  
3 Associate of Applied Science, Associate of Science,  
4 Bachelor of Arts, Bachelor of Science, Bachelor of  
5 Education, Bachelor of Divinity, Master of Education,  
6 Master of Arts, Master of Science, Master of Divinity,  
7 Doctor of Philosophy, Doctor of Education, or Doctor of  
8 Divinity.

9 (6) A certification by the religious institution that  
10 no other non-religious degrees or programs of study are  
11 offered at the institution.

12 (7) A certification by the religious institution that  
13 the following statement shall be included in all  
14 promotional, admissions, catalog, and student enrollment  
15 materials and any websites or social media accounts of the  
16 institution:

17 "[Name of entity] has received an exemption from  
18 the Illinois Board of Higher Education as a religious  
19 institution providing religious instruction only.  
20 [Name of entity] is not accredited by a body recognized  
21 by the U.S. Department of Education or Council for  
22 Higher Education Accreditation. Any credentials  
23 awarded by [name of entity] are not likely to be  
24 recognized by authorized and accredited institutions  
25 of higher education, employers, and certification or  
26 licensing bodies. Complaints pertaining to the

1 exemption may be directed to the Illinois Board of  
2 Higher Education at [www.ibhe.org](http://www.ibhe.org)".

3 (8) A certification by the religious institution that  
4 the following statement is prominently disclosed on all  
5 transcripts issued by the institution: "This institution  
6 is not authorized by the Illinois Board of Higher  
7 Education."

8 (9) A certification by the religious institution that  
9 it shall use an enrollment agreement provided by the Board  
10 that discloses the conditions under this subsection (c).  
11 This agreement must outline the institution's process for  
12 addressing student complaints. Students must sign and date  
13 the enrollment agreement, and copies of the agreement must  
14 be kept with the institution's academic records.

15 (10) A requirement that all students sign and date an  
16 affidavit stating that the student is not using federal or  
17 State educational loan funds to pay for the program of  
18 study offered by the institution.

19 (d) If this Section conflicts with any other provisions of  
20 this Act or of Part 1030 of Title 23 of the Illinois  
21 Administrative Code, this Section shall supersede the other  
22 provisions.

23 Section 10. The Academic Degree Act is amended by changing  
24 Section 11 and by adding Section 11.5 as follows:

1 (110 ILCS 1010/11) (from Ch. 144, par. 241)

2 Sec. 11. Exemptions for nursing school and job training  
3 programs. This Act shall not apply to any school or educational  
4 institution regulated or approved under the Nurse Practice Act.

5 This Act shall not apply to any of the following:

6 (a) in-training programs by corporations or other business  
7 organizations for the training of their personnel;

8 (b) education or other improvement programs by business,  
9 trade and similar organizations and associations for the  
10 benefit of their members only; or

11 (c) apprentice or other training programs by labor unions.

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

13 (110 ILCS 1010/11.5 new)

14 Sec. 11.5. Exemption for religious institution.

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

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

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

24 (3) decrease expenses to this State associated with the  
25 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) recognize the constitutional liberty of students,  
4           faculty, and other persons to attend, teach at, or  
5           otherwise interact with religious institutions that are  
6           free from government oversight or control;

7           (6) allow students and their families greater and more  
8           affordable educational options;

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

12           (8) increase commerce in this State by reducing the  
13           number of State residents who leave this State to obtain  
14           religious education outside of this State.

15           (b) In this Section:

16           "Religious education" means education in primarily  
17           religious subjects. The term may also include secular subjects  
18           so long as the education incorporates significant religious or  
19           faith-based instruction and is part of a comprehensive  
20           educational program to equip the student to integrate his or  
21           her religion or faith into his or her career or work.

22           "Religious institution" or "institution" means any  
23           Illinois tax-exempt, post-secondary educational institution  
24           dedicated, in its articles of incorporation, affidavit under  
25           the Religious Corporation Act, charter, or bylaws, to religious  
26           education and actually engaged exclusively in religious



1 education. A religious institution may be independent or may  
2 operate under the control or supervision of or as an integrated  
3 part of any church, denomination, association of religious  
4 assemblies, or religious hierarchy.

5 (c) A religious institution may file an annual application  
6 with the Board to become exempt from the educational  
7 requirements, standards, or demands under this Act and Part  
8 1030 of Title 23 of the Illinois Administrative Code, and the  
9 Board may annually grant the exemption. The application must  
10 include a \$1,000 application fee and all of the following:

11 (1) Legal proof that the institution is a  
12 not-for-profit institution that is owned, controlled,  
13 operated, and maintained by a bona fide church or religious  
14 denomination and is lawfully operating as a not-for-profit  
15 religious corporation pursuant to Illinois law.

16 (2) A requirement that the institution may not use the  
17 term "university" in its name, but may use the term  
18 "college".

19 (3) A statement adopted by the institution's  
20 organizational body that the offered programs of study are  
21 limited to religion, theology, or preparation for a  
22 religious vocation that confers status or authority with  
23 the religion as ministers or clergy.

24 (4) A notarized copy of an affidavit stating that no  
25 federal or State funds are used for the institution's  
26 programs of study.

1           (5) A requirement that the title of the degrees offered  
2           by the institution contain a religious modifier, such as  
3           Associate of Religious Studies, Bachelor of Religious  
4           Studies, or Master of Religious Studies. Degree titles that  
5           may not be used by the institution include, but are not  
6           limited to, Associate of Arts, Associate of Applied Arts,  
7           Associate of Applied Science, Associate of Science,  
8           Bachelor of Arts, Bachelor of Science, Bachelor of  
9           Education, Bachelor of Divinity, Master of Education,  
10           Master of Arts, Master of Science, Master of Divinity,  
11           Doctor of Philosophy, Doctor of Education, or Doctor of  
12           Divinity.

13           (6) A certification by the religious institution that  
14           no other non-religious degrees or programs of study are  
15           offered at the institution.

16           (7) A certification by the religious institution that  
17           the following statement shall be included in all  
18           promotional, admissions, catalog, and student enrollment  
19           materials and any websites or social media accounts of the  
20           institution:

21           "[Name of entity] has received an exemption from  
22           the Illinois Board of Higher Education as a religious  
23           institution providing religious instruction only.  
24           [Name of entity] is not accredited by a body recognized  
25           by the U.S. Department of Education or Council for  
26           Higher Education Accreditation. Any credentials

1           awarded by [name of entity] are not likely to be  
2           recognized by authorized and accredited institutions  
3           of higher education, employers, and certification or  
4           licensing bodies. Complaints pertaining to the  
5           exemption may be directed to the Illinois Board of  
6           Higher Education at [www.ibhe.org](http://www.ibhe.org)".

7           (8) A certification by the religious institution that  
8           the following statement is prominently disclosed on all  
9           transcripts issued by the institution: "This institution  
10           is not authorized by the Illinois Board of Higher  
11           Education."

12           (9) A certification by the religious institution that  
13           it shall use an enrollment agreement provided by the Board  
14           that discloses the conditions under this subsection (c).  
15           This agreement must outline the institution's process for  
16           addressing student complaints. Students must sign and date  
17           the enrollment agreement, and copies of the agreement must  
18           be kept with the institution's academic records.

19           (10) A requirement that all students sign and date an  
20           affidavit stating that the student is not using federal or  
21           State educational loan funds to pay for the program of  
22           study offered by the institution.

23           (d) If this Section conflicts with any other provisions of  
24           this Act or of Part 1030 of Title 23 of the Illinois  
25           Administrative Code, this Section shall supersede the other  
26           provisions.