

HB4738



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4738

Introduced 2/6/2024, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

105 ILCS 426/75.5 new
110 ILCS 1005/14.20 new
110 ILCS 1010/7.5 new

Amends the Private Business and Vocational Schools Act of 2012. Provides that the Board of Higher Education may issue a cease and desist order to any school operating without the required permit of approval and may impose a civil penalty. Sets forth various requirements for the cease and desist order and the penalty. Amends the Private College Act and the Academic Degree Act to make similar changes.

LRB103 36086 RJT 66175 b

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 adding Section 75.5 as follows:

6 (105 ILCS 426/75.5 new)

7 Sec. 75.5. Operating without a permit; cease and desist
8 order. The Board may issue a cease and desist order to any
9 school operating without the required permit of approval and
10 may impose a civil penalty for such a violation. Each day's
11 violation shall constitute a separate offense. The penalty for
12 such a violation shall be a fee or other conditions as
13 established by rule. A penalty fee may not exceed \$10,000 per
14 violation. The Attorney General may bring an action in circuit
15 court to enforce the collection of the penalty fee.

16 The cease and desist order shall be issued to the school,
17 shall contain the school's name and address and a brief
18 factual statement, and shall identify this Act and the
19 statutory citations of this Act allegedly violated and the
20 penalty, if any, imposed. The cease and desist order must
21 clearly state that the school may choose to request a hearing.
22 If the school does not request a hearing with the Board within
23 30 days after the cease and desist order is served, then the

1 cease and desist order shall become final and not subject to
2 appeal notwithstanding anything to the contrary under Section
3 85 of this Act.

4 Section 10. The Private College Act is amended by adding
5 Section 14.20 as follows:

6 (110 ILCS 1005/14.20 new)

7 Sec. 14.20. Operating without a certificate; cease and
8 desist order. The Board may issue a cease and desist order to
9 any post-secondary educational institution operating without
10 the required certificate of approval and may impose a civil
11 penalty for such a violation. Each day's violation shall
12 constitute a separate offense. The penalty for such a
13 violation shall be a fee or other conditions as established by
14 rule. A penalty fee may not exceed \$10,000 per violation. The
15 Attorney General may bring an action in circuit court to
16 enforce the collection of the penalty fee.

17 The cease and desist order shall be issued to the
18 institution, shall contain the institution's name and address
19 and a brief factual statement, and shall identify this Act and
20 the statutory citations of this Act allegedly violated and the
21 penalty, if any, imposed. The cease and desist order must
22 clearly state that the institution may choose to request a
23 hearing. If the institution does not request a hearing with
24 the Board within 30 days after the cease and desist order is

1 served, then the cease and desist order shall become final and
2 not subject to appeal notwithstanding anything to the contrary
3 under Section 12 of this Act.

4 Section 15. The Academic Degree Act is amended by adding
5 Section 7.5 as follows:

6 (110 ILCS 1010/7.5 new)

7 Sec. 7.5. Cease and desist order. The Board may issue a
8 cease and desist order to any educational organization or
9 entity operating without the required authorization to operate
10 and grant degrees. The Board may impose a civil penalty for
11 such a violation. Each day's violation shall constitute a
12 separate offense. The penalty for such a violation shall be a
13 fee or other conditions as established by rule. A penalty fee
14 may not exceed \$10,000 per violation. The Attorney General may
15 bring an action in circuit court to enforce the collection of
16 the penalty fee.

17 The cease and desist order shall be issued to the
18 educational organization or entity, shall contain the name and
19 address of the educational organization or entity and a brief
20 factual statement, and shall identify this Act and the
21 statutory citations of this Act allegedly violated and the
22 penalty, if any, imposed. The cease and desist order must
23 state clearly that the educational organization or entity may
24 choose to request a hearing. If the educational organization

1 or entity does not request a hearing with the Board or its
2 designee within 30 days after the cease and desist order is
3 served, then the cease and desist order shall become final and
4 not subject to appeal notwithstanding anything to the contrary
5 under Section 10 of this Act.