**Section 1095.270 School Closing and Student Transcripts**

a) Notice Required

A school that is closing, either voluntarily or involuntarily, shall send to the Board the following:

1) Notice of the closure immediately by certified mail;

2) The name, address and telephone number of the person who will be responsible for closing arrangements;

3) The name, address and telephone number and the name of the course of instruction for each student who has not completed his or her course of instruction;

4) Information on the amount of class time left for each student, to complete the course, with the amount of refund, if any, for which each student is eligible;

5) Copies of the written notice being mailed to all enrolled students, explaining the procedures they are to follow to secure refunds or to continue their education; and

6) Its permit of approval, returned immediately by mail upon cessation of instruction or termination of approved status.

b) Teach-Out Plan

*When a postsecondary educational institution now or hereafter operating in this State proposes to discontinue its operation,* that *institution shall cause to be created a teach-out plan acceptable to the Board, which shall fulfill the school's educational obligations to its students. Should the school fail to deliver or act on the teach-out plan, the Board is in no way responsible for providing the teach-out*. (Section 70 of the Act)

1) A school shall have written plans designed to protect the contractual rights of its students and graduates in the event the school closes or undergoes a change of status (e.g., if the school changes location or if its permit of approval is revoked), including the right to complete the course of instruction in which the students or graduates enrolled.

2) If students are receiving instruction prior to the school's closing, the school shall file a plan including the information described in subsection (b)(2)(A) with the Board to ensure that the school's students will continue to receive training of the same quality and content as that for which they contracted, as indicated in subsection (b)(2)(B).

A) Arrangements for transferring students to a public or another approved private school shall be filed with the Board prior to any student transfer.

B) Prior to approving the school's arrangements for completing its teaching obligations to students, the Board shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.

c) Academic Records

*In the event a school proposes to discontinue its operations, the chief administrative officer of the school shall cause to be filed with the Board the original or legible true copies of all such academic records of the institution as may be specified by the Board*. (Section 70 of the Act)

1) Academic records include applications for enrollment and supporting documents, enrollment agreements, transcripts and attendance records.

2) *These records shall include, at a minimum, the academic records of each former student that is traditionally provided on an academic transcript, such as, but not limited to, courses taken, terms, grades, and other such information*.(Section 70 of the Act)

3) *In the event it appears to the Board that any such records of an institution discontinuing its operations is in danger of being lost, hidden, destroyed, or otherwise made unavailable to the Board, the Board may seize and take possession of the records, on its own motion and without order of court*.(Section 70 of the Act)

4) *The Board shall maintain or cause to be maintained a permanent file of records coming into its possession*.(Section 70 of the Act)

5) *As an alternative to the deposit of records with the Board, the institution may propose to the Board a plan for permanent retention of the records* that may include the transfer of records to a similar institution*. The plan must be put into effect only with the approval of the Board*.(Section 70 of the Act)

6) If the institution is in possession of any record or material, paper or electronic, that is not an academic record but contains personal information, a term that is defined by Section 5 of the Illinois Personal Information Protection Act [815 ILCS 530], the institution must retain a document or material destruction company to destroy those documents or materials, if permitted by the Family Educational Rights and Privacy Act (20 USC 1232g), in accordance with Section 40 of the Illinois Personal Information Protection Act.

7) If, pursuant to the federal Family Educational Rights and Privacy Act, the institution is required to retain any record or material that is not an academic record but contains personal information, a term that is defined by the Illinois Personal Information Protection Act, that institution must retain those records or materials in accordance with Section 45 of that Act.

8) The institution must send to the Board, the Illinois Attorney General's Office − Privacy Unit, and the Department of Education designee a certification that it has complied with its obligations under the federal Family Educational Rights and Privacy Act and the Illinois Personal Information Protection Act with respect to both academic records and non-academic records or materials that contain personal information. The Board will provide the form for certification after the institution has received a Permit of Approval.

9) If a State or federal law requires an institution to provide greater protections to records or materials that contain personal information, and the institution is in compliance with the provisions of that State or federal law, the institution shall be deemed to be in compliance with Section 45 of the Illinois Personal Information Protection Act.

10) A violation of the Illinois Personal Information Protection Act constitutes an unlawful practice under the Illinois Consumer Fraud and Deceptive Practices Act [815 ILCS 505].

d) Refund Requirements

1) The school shall refund all tuition, fees and other charges if the Board, in any situation in which students are receiving instruction prior to a school's closing, determines that:

A) The school has not fulfilled its contractual obligations; or

B) A student has reasonable objections to transfer resulting from the closing.

2) *The school and its designated surety bonding company are responsible for the return to students of all prepaid, unearned tuition. As identified in Section 55 of* the *Act, the surety bond must be a written agreement that provides for monetary compensation in the event that the school fails to fulfill its obligations. The surety bonding company shall guarantee the return to the school's students and their parents, guardians, or sponsors of all prepaid, unearned tuition in the event of school closure. Should the school or its surety bonding company fail to deliver or act to fulfill the obligation, the Board is in no way responsible for the repayment or any related damages or claims*. (Section 70 of the Act) (See Section 1095.210 for requirements of the surety bond.)

e) Transcript Requests

1) The Board is the custodian of records for student transcripts from closed private business and vocational schools that have turned over their student records to the Board.

2) The Board shall maintain a list of the private business and vocational schools that have closed and will publish the list on the Board website (www.ibhe.org).

3) A student who attended a Board-approved school that has since closed shall use the transcript request form and procedure developed by the Board along with the applicable fees.

4) The fee for a student transcript is $10 per copy and shall be submitted as check, certified check, cashier's check or money order payable to the Illinois Board of Higher Education.

5) Fees shall be submitted to:

Illinois Board of Higher Education

Division of Private Business and Vocational Schools

1 N. Old State Capitol Plaza, Suite 333

Springfield IL 62701

(Source: Amended at 42 Ill. Reg. 151, effective December 19, 2017)