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SPRINGFIELD

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UNIVERSITIES AND COLLEGES:  
Use of State Scholarships by  
Students Taking Some Courses  
at Non-Approved Institutions

Dr. Joseph D. Boyd  
Executive Director  
Illinois State Scholarship Commission  
102 Wilmot Road  
Deerfield, Illinois 60015

Dear Dr. Boyd:

I have your letter and enclosures asking about the legality of certain policies the Commission proposes to put into effect beginning in the fall of 1978. These would govern agreements between "qualified" institutions of higher education -- meaning those that meet certain statutory standards -- and non-"qualified" institutions, under which students receiving Commission scholarships and attending the former could take some courses at the latter.

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These proposed policies require, among other things, that the outside courses be part of a student's course of study which will lead to a degree or certificate; that the programs conform to various guidelines of the Illinois Board of Higher Education and Illinois Community College Board; that the courses sought to be taken not be available in the "qualified" institution in which the student is enrolled; that the percentage of students at "qualified" institutions who take outside courses be limited; and that regular audits and reviews of such programs be made. The policies are intended to ensure that students receive quality education even though some of their courses are taught outside of "qualified" institutions.

The Higher Education Student Assistance Law (Ill. Rev. Stat. 1975, ch. 122, par. 30-15 et seq.), part of The School Code, authorizes the Commission to award scholarship aid to qualified Illinois college students. Section 30-15.8(a) of the Code (Ill. Rev. Stat. 1975, ch. 122, par. 30-15.8(a)) provides that:

"(a) An applicant to whom the Commission has awarded a scholarship or grant may apply for enrollment as a student in any qualified institution of higher learning. \* \* \* The institution shall be entitled to the payments of tuition and other necessary fees provided by the scholarship or grant. \* \* \*"

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In turn, section 30-15.2(d) of the Code (Ill. Rev. Stat. 1975, ch. 122, par. 30-15.2(d)) defines "qualified institution" as:

"[A]n educational organization located in this State which provides (1) at least an organized two-year program of collegiate grade in the liberal arts or sciences, or both, directly applicable toward the attainment of a baccalaureate degree, or, beginning with academic year 1972, a program in health education directly applicable toward the attainment of a certificate, diploma or an associate degree, (2) which either is, (a) operated by this State, or (b) operated publicly or privately, not for profit, and (3) in the judgment of the Commission meets standards substantially equivalent to those of comparable institutions operated by this State.  
\* \* \* (Emphasis added.)

The statute gives no further guidance about what kinds of institutions the Commission should approve.

By statute the question of which institutions, otherwise coming within the requirements of the law, meet "standards substantially equivalent to those of comparable institutions operated by this State" is to be determined in the first instance by the Commission. Since the students involved will be officially enrolled in, and tuition will be paid on their behalf to, institutions that meet the other, objective requirements of the statute, the Commission may within reasonable bounds approve, as qualified, institutions which allow students to take some courses taught outside the qualified institutions. The Commission

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may also establish a policy governing the conditions under which it will approve institutions which allow students to take outside courses.

Very truly yours,

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