

2011

# State Approval Regulations for Distance Education: A 'Starter' List

Final Revised April 22, 2011

A partnership of WCET, SREB, ADEC, and the University of Wyoming



4/22/2011



# State Approval Regulations for Distance Education: A ‘Starter’ List

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On October 29, 2010, the U.S. Department of Education (USDOE) released the following new regulation for higher education institutions as “§ 600.9(c) State authorization”<sup>1</sup>:

*“If an institution is offering postsecondary education through distance or correspondence education to students in a State in which it is not physically located or in which it is otherwise subject to State jurisdiction as determined by the State, the institution must meet any State requirements for it to be legally offering postsecondary distance or correspondence education in that State. An institution must be able to document to the Secretary the State’s approval upon request.”*

Institutions are expected to comply **in each state** in which they ‘operate’ by July 1, 2011. U.S. Department of Education officials [have told us](#) that institutions possessing proof that they are applying in a state by July 1 will be considered as ‘good faith’ that the institution is in compliance for the 2011-2012 year. We are waiting for the official release of this statement.

## Purpose of this ‘Starter’ List

The need for state licensure/approval<sup>2</sup> is determined by the laws and regulations of each state, which vary significantly across the country. To assist institutions in finding and complying with these regulations, the [WICHE Cooperative for Educational Technologies](#), [Southern Regional Education Board](#), [American Distance Education Consortium](#), and the [University of Wyoming](#) formed a partnership. This effort is one of several activities our organizations are coordinating in response to this issue.

The intent of creating this list is to provide institutions with a starting point for determining the states, if any, in which approval needs to be secured. The U.S. Department of Education will not provide a comprehensive state-by-state list. We believe many of our member institutions needed information immediately to allow them to plan how to meet the July 1 deadline.

## Methodology

Given the short amount of time available to create the “starter list,” we decided that this process had to be fast and lean. We took the following steps:

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<sup>1</sup> “Electronic Code of Federal Regulations”, National Archives and Records Administration. Quoted from web page on February 28, 2011: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=422e8e1e4276e7662af45f2cd8f09d1e;rgn=div2;view=text;node=20101029%3A1.25;idno=34;cc=ecfr;start=1;size=25>

<sup>2</sup> We use the term “licensure/approval” in this document. States use a variety of terms (license, authorize, certify, approve, accredit, register) for the act of regulating institutions in their state.

### ***Question development.***

We focused on a small number of questions that could that would be the most helpful for institutional personnel in starting their research. Institutional regulations are complex. The distance education related activities that institutions conduct in each state vary greatly. The need for applying in a state often depends on the specific combination of state regulations and institution's activities. Given the uniqueness of state/institution interactions and the time constraint, we focused on a simple list of essential questions.

### ***Researched websites, documents, laws, and regulations.***

Based upon the experience of others and our time constraints, we did not conduct a survey. Representatives from each partner organization took responsibility for reviewing a subset of states. We reviewed the information that was readily available on websites or in other documents. We contacted states only when there was inconsistent, confusing, or missing information in the published materials.

### ***Requested State Agency Feedback.***

On January 28, 2011, our initial draft findings were published. That draft document was sent to each of the listed contacts, governing/coordinating boards represented by the State Higher Education Executive Officers, and others we thought could help us in a particular state. We asked state agencies to correct any inaccuracies in our report.

Forty states made official responses that have been incorporated into this document. States were contacted several times to obtain their input. Of the 11 outstanding states (DC, FL, HI, KS, ME, NJ, NM, OR, PA, SD, UT), one state is still seeking approval of their submission and another decided not to respond since legislation is pending. States that did not provide an official response are clearly labeled: "Information not verified by the state."

## **Caveats**

### ***This is not a comprehensive list with all the answers.***

The National Center for Higher Education Management Systems took 1.5 years to complete their state-by-state accreditation analysis conducted for the Council for Higher Education Accreditation (see below). We performed our analysis in about a month. Given that the answers often depend on what activities (local sites, advertising, proctoring, employees) your institution is currently conducting in a state, creating a list with all the answers would be impossible.

### ***We are not lawyers or state regulators.***

We did our best as knowledgeable higher education professionals to find the appropriate state agency (or agencies) and regulations and to present factual information from our research. We did not make any legal assessments because we are not trained in the law. Though we tended to avoid interpretations of regulations, this was unavoidable in some cases.

### ***State regulations will be a moving target in some states.***

As a result of these regulations, higher education reorganization (CT, MD), pending legislation (CT, MD,

ND, UT), or of other local priority-setting activities, we have heard that the state approval regulations are under review and might change.

***There will be mistakes.***

Given that some states did not provide feedback, our short timeframe, and the complexity of state laws and regulations, there are bound to be inaccuracies. Even in states that responded, we found that the answer may vary depending on who responds. We do not warranty this information in any way.

**Other Resources**

In compiling this list, we extensively consulted the following works:

- [“State Uses of Accreditation: Results of a Fifty-State Inventory”](#) (2010) – created by the National Center for Higher Education Management Systems for the Council for Higher Education Accreditation.
- [“State by State Analysis \(34 C.F.R. § 600.9\)”](#) (2010) – created by Kessenick, Gamma, & Free LLC for the Western Association of Schools and Colleges.
- [“The State of State Regulation of Cross-Border Postsecondary Education”](#) (2006) – Dow Lohnes PLLC.

These documents were used for guidance in finding the state regulatory agencies. They were also useful for triangulation purposes. We gained confidence if our research unearthed the same information found in these surveys.

You might also wish to check:

- In January 2011, [Eduventures](#) released “Online Learning Across State Borders: Assessing State Regulation of Out-of State Institutions.” You may request a copy through by sending an e-mail to: [bmaloney@eduventures.com](mailto:bmaloney@eduventures.com).
- The [Dow Lohnes](#) law firm is also working on similar questions and a service that will help your institution navigate the regulations.

**Thank You!!!**

We thank the following for their efforts in leading this partnership and performing state reviews. This effort was not in our job descriptions. These individuals decided to step-up and collaborate to benefit the distance learning community, at large:

Bruce Chaloux  
Southern Regional Education Board

Janet Poley  
American Distance Education Consortium

Russ Poulin  
WICHE Cooperative for Educational Technologies

Maggi Murdock  
University of Wyoming

We also wish to thank the following individuals for their support in completing this document:

- Marianne Boeke and Stacey Zis, National Center for Higher Education Management Systems (Advice).
- Myk Garn, Southern Regional Education Board (Advice).
- Corrie Lynn Gosko and Timothy Pearse, University of Wyoming (State Reviews).

A special thank you to Megan Raymond of the WICHE Cooperative for Educational Technologies, who performed state reviews, contacted and re-contacted the states, coordinated data collection, and performed the final edits.

Thank you to many others who gave input and advice along the way.

## **Recommendations and Observations**

***Additional ways institutions could use this document.*** Beyond its obvious usage, the ‘state authorization’ issue and this document can be used to further the discussion with leaders and policymakers. This regulation limits distance education when it is a necessary tool in meeting national completion and access goals. Suggestions include:

- Cross check what is included and learn more about your own state regulations. This issue has become more difficult because the state licensure/approval laws and regulations have not kept pace with today's technological possibilities. Institutions and governing/coordinating boards in some states have helped those agencies in updating their language.
- Share the document or the fact that it exists with leaders on campus. While it is more detailed than administrators may want, it will be assuring to them to know that this level of detail exists.
- Invite state policymakers and legislators to a discussion on the similarities and differences.

### ***A request to state licensing/regulatory agencies.***

In the draft document, we made the following recommendation: “given the anticipated increase in institutional efforts to meet the new federal regulations, we strongly encourage state agencies/licensing authorities to provide a link from their main website to information institutions will need to begin the approval process...It is in the best interests of both states and the institutions with which they will be working to make this information about licensure/approval processes as easy as possible to access and understand.” Whether it was from this recommendation or self-preservation, we are glad to see that a few states are providing clearer paths to this information on their website. For those that have not done so, we renew this recommendation.

### ***State regulatory agencies in states that do not require regulation need to post a standing letter.***

“How can I make these calls stop,” was a plaintive request to us from one of the state regulators. State agencies are hearing from institutions and if it is not true already, they will soon be overwhelmed.

The requests for letters in these states are prompting some to consider imposing a charge for this service.

Our recommendation is that the state agency post a letter stating under what conditions a distance education institution needs to apply. If the institution does not need to apply, it should use this “standing letter” as proof.

***A question we wished we would have asked.***

Several states have processes that fall short of the full approval process, such as requesting an exemption or registering in the state. These processes range from sending an e-mail to the agency telling them that you are serving students in the state to filling out applications with fees attached. For those who follow in this work, we recommend that they better document these requirements.

**Next Steps**

This is a revised final document which includes updated information from several states that provided changes after the previous document was published on February 28<sup>th</sup>. States with revised information are listed in the index with “revised” and the date of the revision. This is the final “starter list” document planned to be published by this partnership. If we receive several more updates from states, we might post an update or an addendum, but we will no longer actively seek state input.

The [State Higher Education Executive Officers](#) (SHEEO) is “intending” to assume the task of creating an expanded and continually updated list of state regulations. Meanwhile, we have met with other organizations to discuss how they can help in creating a single, on-going list. While the final home for an on-going list has not been formally announced, we are confident that we will be able to “pass the torch” to a trustworthy organization. We will provide all of our information and advise them on additional questions that could be addressed.

Instead of working on this list, this partnership is turning its attention to:

- WCET, SREB, and ADEC are partnering with other higher education organizations in seeking that “§ 600.9(c) State authorization” regarding state authorization and distance education is either rescinded or delayed for two years. Organizations that we are partnering with include the American Council on Education (ACE), Association of Public and Land-grant Universities (APLU), and the University Professional and Continuing Education Association (UPCEA). If a delay is granted, it will allow institutions to better prepare to meet these regulations and for interstate reciprocal agreements to be developed.
- If the regulations are not delayed or rescinded, finding new ways to make these processes easier on institutions and state regulatory agencies.
- Informing institutions on the latest news and advice regarding this issue.

***Watch for more background and updates on the “state approval” issue.***

WCET’s state approval page: <http://wcet.wiche.edu/advance/state-approval>

WCET’s blog: <http://wcetblog.wordpress.com>

**Revised Document released:** April 22, 2011

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## States Regulating Distance Education at a Glance

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Institutional personnel often worry about having to apply for approval in every state. To help them navigate through the approval processes, we created the chart on the next page. The states are categorized into one of the three following groups:

-  **Red – Nearly every institution will need to apply.** The state has specific regulations requiring institutions offering distance education (even without any physical presence) to students within the state to seek approval or licensure.
-  **Green – Few institutions will need to apply.** The state has no regulations on this issue or there are specific exemptions. In some states proprietary institutions might still need to apply.
-  **Orange – It depends.** If all the institution is doing is offering instruction to the student, then the institution will *probably* not have to apply. However, there are several “triggers” which could require you to seek authorization:
  - **Activities.** If you advertise in local media, advertise directly to students, require students to take a proctored exam locally, have any employee (including adjunct faculty) in the state, or do anything else in the state, check that state’s regulations closely as you might need to seek approval.
  - **Type of Institutions.** The regulations for private, public, religious, and tribal institutions vary by state.
  - **Registration or Notification.** Even if you are not required to apply, a few states require the institution to register with the state, apply for an exemption, or to notify the appropriate agency that the institution is operating in the state. For a few states, this includes a fee.

The above list is not exhaustive and the conditions that trigger whether you need approval or not vary from state to state. Again, these categories reflect our interpretation. Only a review of each state’s requirements will yield the answer for your institution.

# Categorization of States Regulating Distance Education

<b>Red</b> Nearly Every Institution Will Need to Apply	<b>Green</b> Few Institutions Will Need to Apply	<b>Orange</b> It Depends
Massachusetts Minnesota Rhode Island	Alaska Colorado Hawaii Idaho Indiana Louisiana New Hampshire South Dakota	Alabama Arizona Arkansas California Connecticut Delaware District of Columbia Florida Georgia Illinois Iowa Kansas Kentucky Maine Maryland Michigan Mississippi Missouri Montana Nebraska Nevada New Jersey New Mexico New York North Carolina North Dakota Ohio Oklahoma Oregon Pennsylvania South Carolina Tennessee Texas Utah Vermont Virginia Washington West Virginia Wisconsin Wyoming

**Agency:** Alabama Commission on Higher Education <http://www.ache.state.al.us/>

**Who They Regulate:** Approval of courses and programs for all non-state institutions.

**Link to Regulations:** <http://www.ache.alabama.gov/Nonresident/ApplReg.pdf>

**Link to Complaint Process if Available:**

**Contact Name:** Elizabeth C. French

**Contact Title:** Director, Office of Institutional Effectiveness and Planning

**Contact Phone:** 334-242-2179

**Contact Email:** [elizabeth.french@ache.alabama.gov](mailto:elizabeth.french@ache.alabama.gov)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** Alabama requires a five-part online application with submission of general information about the institution and the institution's plan for operation in the state.

<http://www.ache.alabama.gov/Nonresident/ApplReg.pdf>.

**Is There an Application Fee Y/N?** No

**What is the application fee?** No fee

**Comments about the Application Process:** Process is linked to licensure, so essentially a two-step process in Alabama.

**Additional Comments:** Presence in the state includes any online programming activities.

**Continued on next page**

**Agency:** Private School Licensing Division, Alabama Department of Postsecondary Education  
<http://www.accs.cc/psloverview.aspx>

**Who They Regulate:** Licenses both degree-granting and non-degree granting private postsecondary institutions. Institutions with a physical presence or that are advertising, recruiting, soliciting, offering, and enrolling Alabama residents are required to be licensed based on the following:

The Code of Alabama (1975), Section 16-46-2 states:

“It is hereby generally recognized that courses of instruction, whether given in residence or by mail, result in substantial benefits for students pursuing such courses, provided that such courses are designed and administered in accordance with recognized education standards and practices. It is also recognized that persons taking such courses and institutions offering such courses should be afforded additional protection under the laws of this state. It is the purpose of this chapter to supplement the general law of fraud of this state so as to provide for students, educational institutions, and the general public such added protection.”

**Link to Regulations:**

<http://www.accs.cc/pdfs/board/GUIDELINES%20FOR%20POLICY%20%282008%29.pdf>

**Link to Complaint Process if Available:** <http://www.accs.cc/complaintform.aspx>

**Contact Name:** Annette McGrady

**Contact Title:** Private School Licensure Specialist

**Contact Phone:** 334-293-4651

**Contact Email:** [amcgrady@dpe.edu](mailto:amcgrady@dpe.edu)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** Completion of lengthy application and submission of surety bond.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Two year: 1/2 of 1% of annual gross income from Alabama students, not less than \$2,500, not to exceed \$15,000. The application for a non-degree granting institution is a minimum of \$1,250.

**Comments about the Application Process:** They offer certificates of exemption. Exemptions are based on the following:

- A. Each school which claims an exempt eligibility must file a request for a Certificate of Exemption. Requests for Certificates of Exemption shall be filed with the Alabama Department of Postsecondary Education and shall include a current copy of the school catalog and, from the following, the appropriate supporting documentation:

1. Copy of nonprofit charter of incorporation or documentary evidence establishing parochial or religious affiliation and an official catalog listing only sectarian courses or programs of study.
2. Policy statement of the firm which limits enrollment in courses offered only to currently employed persons or labor unions and trade association training programs with membership prerequisites for enrollment. United States Department of Labor, Bureau of Apprenticeship Training Approval may establish exemption of apprenticeship and other on-the-job training programs.
3. Copy of the charter or articles of incorporation with by-laws establishing a nonprofit mode of operation.
4. Statement on letterhead of professional, business, or trade organization that enrollment in seminars or short courses is limited to members thereof. Each private school offering similar public seminars shall provide documentary evidence that a majority of enrolled students over the five years preceding the date of application for exemption have had at least half of their tuition and fees paid by their employers.
5. Copy of appropriate license, certificate, or approval by the state board, commission, or agency, and/or listing in the current directory or such regulatory agency.
6. Copy of the accreditation grant from an accrediting commission or agency recognized by the U.S. Department of Education. The status of accreditation shall be validated annually.

**Agency:** Alaska Commission on Postsecondary Education

<http://akadvantage.alaska.gov/>

**Who They Regulate:** All postsecondary education providers unless specifically exempted by statute. The University of Alaska System reports to a separate governing body, the University Of Alaska Board Of Regents. All Postsecondary Education; ACPE's oversight does not extend to the University of Alaska. The University of Alaska System is exempted by law having a separate governing body, the Board of Regents.

**Link to Regulations:**

[https://akadvantage.alaska.gov/About\\_Us/Programs\\_and\\_Services/Authorization.aspx](https://akadvantage.alaska.gov/About_Us/Programs_and_Services/Authorization.aspx)

**Link to Complaint Process if Available:**

**Contact Name:** Jo Anne Hayden

**Contact Title:** Program Coordinator, Institutional Authorization

**Contact Phone:** 907-465-6741

**Contact Email:** [EED.ACPE-IA@alaska.gov](mailto:EED.ACPE-IA@alaska.gov)

**Do They Regulate Distance Education?** "An entity that offers a postsecondary program, course, vocational training, or an educational credential - including distance education - must be authorized unless it is formally determined by ACPE to be exempt from authorization." All references to application are regarding application for authorization, per the State contact.

**Description of Application Process:** To become authorized, an institution must:

- Submit an application.
- Pay appropriate fees.
- Provide required surety (bond or CD).
- Meet minimum standards regarding quality of education, ethical business practices, and fiscal responsibility as described in law.
- Go through a successful on-site facility visit.
- Receive final approval by the Commission.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** For exemption, \$100. No required fee at renewal.



**Comments about the Application Process:** The process is lengthy and includes a site visit. Accredited institutions headquartered in another state and authorized by their home state may qualify for exemption from authorization, but must apply for exempt status.

To become exempt an institution must submit an application, pay appropriate fee, and provide documentation relative to qualifying status for exemption. The application fee for exemption is \$100, and no bi-annual renewal fee.

# Arizona Revised March 4, 2011

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**Agency:** Arizona State Board for Private Postsecondary Education

[http://azppse.state.az.us/licensure\\_requirements.asp](http://azppse.state.az.us/licensure_requirements.asp)

**Who They Regulate:** All private (profit/non-profit) vocational and degree-granting institutions unless otherwise exempt pursuant to A.R.S. § 32-3021(F).

**Link to Regulations:** <http://azppse.state.az.us/UserFiles/PDF/Laws.pdf>

**Link to Complaint Process if Available:** A.R.S. § 32-3052 and A.A.C. R4-39-403

[http://azppse.state.az.us/student\\_info/compliance.asp](http://azppse.state.az.us/student_info/compliance.asp)

**Contact Name:** Teri Stanfill; Keith Blanchard

**Contact Title:** Executive Director; Deputy Executive Director

**Contact Phone:** 602-542-2399; 602-542-5769

**Contact Email:** [Teri.stanfill@azppse.gov](mailto:Teri.stanfill@azppse.gov); [keith.blanchard@azppse.gov](mailto:keith.blanchard@azppse.gov)

**Do They Regulate Distance Education?** If the institution has a physical presence in Arizona pursuant to A.R.S. § 32-3001(5). (This Board does NOT regulate public institutions).

**Description of Application Process:** LICENSE APPLICATION PROCESS, which takes between 180 and 240 days and involves submitting a required License Application. In order to determine licensure, the “Letter of Intent” must be submitted and reviewed. If licensure is required, the appropriate application packet is provided. Application process:

- Submit the appropriate, non-refundable application filing fee.
- Participate in an education facility inspection/visit.
- Appear before the Board at a scheduled Board Meeting for licensure consideration Receiving Board approval for licensure prior to recruiting students, enrolling students, accepting payment, and/or beginning educational instruction.

17 steps for private institutions see page 5/8:

<http://azppse.state.az.us/UserFiles/PDF/GeneralLicensureInformation.pdf>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$800 for Private postsecondary education

**Comments about the Application Process:** “Operate” means to establish, keep, maintain or utilize a physical facility, location or mailing address in this state where, from which or through which students are procured for private vocational or private degree programs, private vocational or private degree programs are offered or private vocational credentials or private degrees are offered or private vocational credentials or private degrees are offered or granted and includes contracting for the performance of any of these acts.

Licensure is determined by the location and activities of the institution, not the students’ location. (Dow Lohnes pg 52/147) (Enrolling students in a strictly online class).

Religious institutions are exempt provided they are tax exempt.

**Agency:** Arkansas Department of Higher Education

<http://www.adhe.edu/Pages/home.aspx>

**Who They Regulate:** Certification of all out-of-state and/or non-public institutions offering degree programs.

**Link to Regulations:** [http://www.adhe.edu/divisions/academicaffairs/Pages/aa\\_certification.aspx](http://www.adhe.edu/divisions/academicaffairs/Pages/aa_certification.aspx)

**Link to Complaint Process if Available:**

<http://www.adhe.edu/SiteCollectionDocuments/AcademicAffairsDivision/ICAC%20Rules%20and%20Regulations/APPENDIXJ.pdf>

**Contact Name:** Zanette Douglas

**Contact Title:** Coordinator of Institutional Certification

**Contact Phone:** 501-371-2012

**Contact Email:** [Zanette.Douglas@adhe.edu](mailto:Zanette.Douglas@adhe.edu)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** Application process includes different applications for on-site versus online or distance programming. The submission of materials is not open-ended. There are annual deadlines for submission of letter of intent and presentation to the Board.

**Is There an Application Fee Y/N?** Yes, many

**What is the application fee?** \$250 for letter of notification; \$3,000 for planning and development fee; \$2,500 for up to five program certifications

**Comments about the Application Process:** Rules and regulations stipulate that any institution offering degrees and courses to Arkansas residents must seek certification.

**Continued on next page**

**Agency:** Arkansas State Board of Private Career Education

<http://www.sbpce.org/>

**Who They Regulate:** License all out-of-state/non-public institutions offering certificate/diploma programs.

**Link to Regulations:** [http://www.sbpce.org/regulations/2009\\_REGULATIONS.pdf](http://www.sbpce.org/regulations/2009_REGULATIONS.pdf)

**Link to Complaint Process if Available:**

**Contact Name:** Brenda Germann

**Contact Title:** Director

**Contact Phone:** 501-683-8000

**Contact Email:** [brenda.germann@arkansas.gov](mailto:brenda.germann@arkansas.gov)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** Regulates career schools

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Too complex to list here. A description of fees begins on page 14 of the regulations document: [http://www.sbpce.org/regulations/2009\\_REGULATIONS.pdf](http://www.sbpce.org/regulations/2009_REGULATIONS.pdf)

**Agency:** Department of Consumer Affairs, Bureau for Private Postsecondary Education

<http://www.bppe.ca.gov/>

**Who They Regulate:** All private (profit/non-profit) postsecondary education institutions with a physical presence in California. Accreditation is not required, but approval to operate is.

**Link to Regulations:** [http://www.bppe.ca.gov/lawsregulations/ppe\\_act.shtml](http://www.bppe.ca.gov/lawsregulations/ppe_act.shtml)

**Link to Complaint Process if Available:** [http://www.bppe.ca.gov/forms\\_pubs/complaint.pdf](http://www.bppe.ca.gov/forms_pubs/complaint.pdf)

**Contact Name:** Joanne Wenzel

**Contact Title:** Deputy Bureau Chief

**Contact Phone:** 916-431-6905

**Contact Email:** [Joanne.Wenzel@dca.ca.gov](mailto:Joanne.Wenzel@dca.ca.gov)

**Do They Regulate Distance Education?** Yes, for private postsecondary education with a physical presence in California.

**Description of Application Process:** Pretty straight forward two page form

Accredited: [http://www.bppe.ca.gov/applications/approval\\_accredited.pdf](http://www.bppe.ca.gov/applications/approval_accredited.pdf) (two page application and potential site visit)

Non accredited: [http://www.bppe.ca.gov/applications/approval\\_nonaccredited.pdf](http://www.bppe.ca.gov/applications/approval_nonaccredited.pdf)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$5,000 for initial approval; \$3,000 for new branch of approved institutions; \$750 for approval to operate by means of accreditation.

**Comments about the Application Process:** Once approval is granted, approval is for a term of five years. The steps are not outlined, but there is a statement that "by Jan 1, 2011, the bureau will have processes and procedures."

**Additional Comments:** <http://www.bppe.ca.gov/>; link to exemptions: [http://www.bppe.ca.gov/lawsregulations/ppe\\_act.shtml#94874](http://www.bppe.ca.gov/lawsregulations/ppe_act.shtml#94874) Religious schools exempt.

The State does not have a legal definition of Physical Presence, per state contact.

**Editor's note:** Colorado has drafted a [document](#) that is specific to the oversight of distance delivery to Coloradoans from the perspective of the two divisions within Department of Higher Education (DPOS and Academic Affairs, DAA).

**Agency:** Colorado Department of Education, Private Occupational School Division and the Degree Authorization Act

<http://highered.colorado.gov/Academics/DegreeAuth/>

**Who They Regulate:** All; private accredited institutions, out-of-state public institutions, and bible colleges and seminaries. DPOS regulates all private, occupational schools

**Link to Regulations:** <http://highered.colorado.gov/Publications/Policies/Current/i-partj.pdf>

Link to DPOS regulations: <http://highered.colorado.gov/DPOS/Schools/forms.html>

**Link to Complaint Process if Available:**

<http://highered.colorado.gov/Academics/Complaints/default.html>

**Contact Name:** Heather DeLange; Jim Parker

**Contact Title:** Administrator of the Degree Authorization Act; Director for the Division of Private Occupational Schools

**Contact Phone:** 303-866-2723, same phone number for both contacts.

**Contact Email:** [heather.delange@dhe.state.co.us](mailto:heather.delange@dhe.state.co.us); [jim.parker@dhe.state.co.us](mailto:jim.parker@dhe.state.co.us)

**Do They Regulate Distance Education?** Yes, statute requires all private occupational schools offering education services regardless of the method of delivery to be regulated. Distance education study is offered typically via correspondence or online through the Internet and may be a component of a school's education programs (classroom, lab, practicum), or in the case of Internet or online schools that offer 100% of its certificate programs and degrees online.

Under the Degree Authorization Act (DAA), without physical presence an institution would not need to seek authorization. However, the institution must provide some sort of notification to the department of higher education about any activity occurring in the state.

DPOS regulates private institutions offering distance education or online programs that are physically located in the state. An out-of-state institution offering 100% online would be exempt, provided it does not actively market, advertise, and recruit Colorado residents.

Colorado's regulations are under review.

**Description of Application Process:** <http://highered.colorado.gov/dpos/Schools/forms.html>

- School requests application packet and reviews materials;
- School owner or personnel consults with a Division Program Specialist to review application;
- School completes and submits the application packet and applicable fees;
- The Division Program Specialist thoroughly reviews the application and associated materials to ensure compliance with all minimum standards and conducts an onsite inspection of the school's facilities.
- If need be, corrections and revisions are made to meet minimum standards and requirements and resubmitted to DPOS;
- An industry consultant may be required to evaluate programs;
- Once the application has been approved by the Program Specialist, it is presented to the Private Occupational Schools Board at its public meeting for consideration and approval.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Private: \$6,000 for not yet accredited; \$3,000 for accredited.

**Comments about the Application Process:** 2.03.01 An institution seeking state authorization shall have a physical presence in Colorado, in the form of its main campus or headquarters, or a branch campus, or a place of business, as determined by the Department.

<http://highered.colorado.gov/Publications/Policies/Current/i-partj.pdf>

If there is no physical presence, an institution can operate, but must notify Heather DeLange:

[heather.delange@dhe.state.co.us](mailto:heather.delange@dhe.state.co.us)



**Agency:** State of Connecticut Department of Higher Education

<http://www.ctdhe.org/>

[Please note the Governor introduced a bill on February 16, 2011 to restructure most of higher education under a single Board of Regents; if some form of this bill is adopted, then this name and main URL may change]

**Who They Regulate:**

Section 10a-34-1. Introduction.

(a) Purpose. The Board of Governors for Higher Education is responsible for initial and continuing review and approval of all institutions and programs of higher learning operating in the State of Connecticut that are subject to Section 10a-34 and subsections (a)(8) and (a)(9) of Section 10a-6, Connecticut General Statutes.

10a-22a Private Occupational Schools

Private occupational school" means a person, board, association, partnership, corporation, limited liability company or other entity offering instruction in any form or manner in any trade, industrial, commercial, service, professional or other occupation for any remuneration, consideration, reward or promise of whatever nature, except "private occupational school" shall not include (A) instruction offered under public supervision and control; (B) instruction conducted by a firm or organization solely for the training of its own employees or members; or (C) instruction offered by a school authorized by the General Assembly to confer degrees;

10a-22b. Certificate of authorization as occupational school. Application. Evaluation. Hospital-based occupational school. (a) No person, board, association, partnership, corporation, limited liability company or other entity shall offer instruction in any form or manner in any trade or in any industrial, commercial, service, professional or other occupation unless such person, board, association, partnership, corporation, limited liability company or other entity first receives from the commissioner a certificate authorizing the occupational instruction to be offered.

**Link to Regulations:** <http://www.ctdhe.org/Regs/RegsAcad.htm>

**Link to Complaint Process if Available:** Forms are available at <http://www.ctdhe.org/>

**Contact Name:** Amy Hughes

**Contact Title:** Office of Academic Affairs

**Contact Phone:** 860-947-1822

**Contact Email:** [ahughes@ctdhe.org](mailto:ahughes@ctdhe.org)

### **Do They Regulate Distance Education?**

Section 10a-34-23. Off-Campus Instruction, Correspondence Courses, and Use of Electronic Media.

All credit instruction offered by an accredited institution away from the institution's primary campus or by correspondence, or through the electronic media, or other means of distance education, shall meet the same standards required of instruction offered on campus, including but not limited to the following:

- (a) All credit instruction shall be consistent with the overall purposes and objectives of the offering institution.
- (b) Standards for admission shall be the same as the standards applicable to students enrolled on the primary campus.
- (c) There shall be qualified faculty or staff responsible for the coordination of off-campus instruction.
- (d) The quality of off-campus instruction, including faculty selection and course approval, shall be the responsibility of the same academic unit which administers the program on the primary campus.
- (e) All curricula shall be derived directly from approved programs. Each course shall be consistent in quality, content, and standards with resident courses offered on the primary campus.
- (f) Instruction shall be delivered by qualified instructional staff pursuant to Section 10a-34-13 of the Regulations of Connecticut State Agencies.
- (g) All students shall have access to adequate facilities, equipment, library resources, academic advising, and other necessary instructional support services, in accordance with the provisions of Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies. An institution providing instruction and programs by means of distance education may demonstrate compliance with the Board's approval standards through means equivalent to those used for resident instruction.

Section 10a-34-24. Programs Offered by Out-of-State Institutions.

- (a) Eligibility. Any institution with a physical presence in the state shall be subject to the requirements of the Regulations of Connecticut State Agencies. To be eligible for licensure to operate a program in Connecticut, an institution chartered or incorporated in another state must be fully accredited by a nationally recognized regional accrediting association and legally authorized to operate as an institution of higher learning and confer degrees in its home state.
- (b) Licensure requirements. The institution shall be required to demonstrate compliance with all applicable procedures and standards in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies as they apply to the program(s) to be offered in Connecticut.

In addition, there shall be qualified on-site administrative staff responsible for the overall administrative operation of all educational activities, to include instruction, counseling, advising, library services, and maintenance of academic records.

### **Description of Application Process**

In addition to the regulations referenced below, please note that other regulations may also apply:

For Higher Education Institutions/Programs:

- Section 10a-34-4. Licensure
- Section 10a-34-5. Accreditation
- Section 10a-34-6. Quality Assessment

For Private Occupational Schools:

- Sec. 10a-22k-3. Application for a proposed school
- Sec. 10a-22k-4. Evaluation procedures for initial or renewal of authorization
- Sec. 10a-22k-5. Evaluation criteria for initial or renewal of authorization
- Sec. 10a-22k-6. Certificate of authorization
- Sec. 10a-22k-7. Renewal of authorization

Application forms and formats are subject to change. As of February 2011, forms are available at <http://www.ctdhe.org/Regs/default.htm>.

**Is There an Application Fee Y/N?** No; Fees for application are only assessed against "Private Occupational Schools", and "hospital based occupational schools." See General Statute 10a-22 (<http://www.cga.ct.gov/2009/pub/chap185.htm#sec10a-34.htm>)

**What is the application fee?** Please note that the fee structures are under review. Contact the Department of Higher Education for applicable fees.

Private occupational school fees:

<http://www.ctdhe.org/POSA/SchoolInfo.htm#FeeSchedule>

**Comments about the Application Process:** Connecticut uses the term authorization for their approval process. <http://www.ctdhe.org/Regulations/ConditionsAuthorizationApproval.htm>.

# Delaware Revised March 8, 2011

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**Agency:** Delaware Department of Education

<http://www.doe.k12.de.us/>

**Who They Regulate:** Any institution wishing to offer degrees in the state.

Title 14, Chapter 1, Subchapter 2, § 122. (b) (8)

(<http://delcode.delaware.gov/title14/c001/sc02/index.shtml>)

“Providing for the licensing of any institution of higher education, public or private, which is not incorporated in the State or which is not established according to Delaware law, whether the main office of that institution is located within the State or in any state of the United States or in any nation of the world, if that institution offers any course, program of courses, or degree at a location within the State or by correspondence to residents of the State. Regulations on this subject shall include provisions for the identification and licensing of any agent of such an institution who contacts persons within the State, in person or by correspondence, for the purpose of soliciting enrollment by a permanent or temporary resident of the State in any such course, program of courses, or degree. The Department shall also determine the minimum requirements for the presentation of any course or program of courses and for the issuing of academic, normal school, collegiate, professional or university degrees of any level by such institutions as are not otherwise authorized by Delaware law to determine such requirements. Rules and regulations pursuant to this paragraph shall be proposed by the Secretary subject to approval by the State Board of Education;”

**Link to Regulations:** <http://regulations.delaware.gov/AdminCode/title14/200/292.shtml#TopOfPage>

**Link to Complaint Process if Available:** Not found on the website

**Contact Name:** Wayne Barton

**Contact Title:** Director

**Contact Phone:** 302-735-4120

**Contact Email:** [wbarton@DOE.K12.DE.US](mailto:wbarton@DOE.K12.DE.US)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** See sections “4.0 Levels of Approval” and “5.0 Application Process” at: <http://regulations.delaware.gov/AdminCode/title14/200/292.shtml>

**Is There an Application Fee Y/N?** Unknown

**What is the application fee?**

**Additional Comments:** From the Dow Lohnes report: Any institution wishing to offer degrees through the State of Delaware must complete the same application and is then subject to the same accreditation process regardless of whether the institution offers technology mediated learning.

From the regulations (<http://regulations.delaware.gov/AdminCode/title14/200/292.shtml>):

Title 14, 292 (6.1): “Out of state institutions wishing to offer credit bearing courses, programs of courses, or degree programs in Delaware shall make application to the Department at least one academic year before the requested date of implementation.”

Title 14, 292 (6.9): “A license fee of \$250.00 per out of state institution shall be required for each school year of operation. Program duration of a shorter period, such as one semester or one quarter, shall pay a minimum fee of \$150.00.”

Title 14, 292 (9.0): “The Department shall inform the Presidents of Delaware's public and private institutions of higher education of institutions that have applied to offer programs in the state. This notification shall take place after the applicant institution has completed the initial application and after the Department has reviewed the application, but before an on site visit to the institution has been made.”

Title 14, 292 (10.0): “Institutions shall request approval for programs to be added after the initial approval has been granted.”

**Agency:** Education Licensure Commission; The commission falls under the auspices of the State Education Office.

[http://app.dcre.dc.gov/about/index\\_bpla\\_education.shtm](http://app.dcre.dc.gov/about/index_bpla_education.shtm)

**Who They Regulate:** The Commission Regulates those "educational institutions" providing postsecondary education that "Operate in the District or are incorporated in the district and operate elsewhere" (see regulations. 2101.2). This regulation exists primarily in the form of licensure.

**Link to Regulations:** All State Statutes and Regulations for licensure:

<http://www.seo.dc.gov/seo/cwp/view,a,1224,q,536329.asp#>

For Degree Granting Institution Regulations:

[http://www.seo.dc.gov/seo/frames.asp?doc=/seo/lib/seo/services/edl/pdf/regulations\\_degree\\_granting.pdf&group=1507&open](http://www.seo.dc.gov/seo/frames.asp?doc=/seo/lib/seo/services/edl/pdf/regulations_degree_granting.pdf&group=1507&open)

**Link to Complaint Process if Available:** For complaint process see section 2115 of regulations at

[http://www.seo.dc.gov/seo/frames.asp?doc=/seo/lib/seo/services/edl/pdf/regulations\\_degree\\_granting.pdf&group=1507&open=|31195|](http://www.seo.dc.gov/seo/frames.asp?doc=/seo/lib/seo/services/edl/pdf/regulations_degree_granting.pdf&group=1507&open=|31195|)

#### **Complaint Form Link:**

**Contact Name:** Marilyn Thornton

**Contact Title:** Program Specialist

**Contact Phone:** 202-442-4314 or 202-442-4343 General Office Number 202-727-6436

**Contact Email:** Not available on website

**Do They Regulate Distance Education?** Probably not: D.C. Statute 38-1309: "No... Institutional shall operate a postsecondary educational institution in the District of Columbia... unless... The institution is granted a license to do so." Operate is defined as; "to establish, keep, or maintain any facility or location in the district..." 38-1310 (6) Exempts institutions not operating in the District of Columbia. However, any agent of the institution operating in the district may not be exempt.

**Description of Application Process:** Description taken from Commission regulations; 2103.7 States that the application should be submitted 180 days prior to the start of the educational program to be licensed. Regulations 2104 and 2105 describe the requirements for application. Application must demonstrate satisfaction of requirements in 2104 (16 parts with many sub-parts) and include information and documents required under 2105 (27 pieces of information or documents). Applicant is awarded a "provisional license" once they have complied or can comply within a reasonable time. Then they may be granted a permanent license subject to periodic review, including site inspections.

**Is There an Application Fee Y/N? Yes**

**What is the application fee?** Reg. 211; \$15 fee for receipt of application package by educational institution. \$250 Processing fee once application is submitted. Once license is obtained there is an annual fee of \$25-500 depending on the number of students.

**Comments about the Application Process:** Use licensure for approval.

**Additional Comments:** Exemptions for licensing contained in D.C. Statute 38-1310. Under the regulations, the 'Degree' vs. 'Non-degree' granting institution distinction.

Under D.C. Statue 38-1313, the Commission may issue an administrative penalty.

## Florida Information not verified by the state

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**Agency:** Commission for Independent Education <http://www.fldoe.org/cie/>

**Who They Regulate:** Approval of all independent institutions. Note: An out-of-state institution is considered “independent” even if a public institution in its home state.

**Link to Regulations:**

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=1000-1099/1005/1005.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1005/1005.html)

**Link to Complaint Process if Available:**

**Contact Name:** Susan Hood

**Contact Title:** Operations and Management Consultant Manager

**Contact Phone:** 850-245-3200

**Contact Email:** [Susan.Hood@fldoe.org](mailto:Susan.Hood@fldoe.org)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** Four to six month process; submission of a complete application and documentation, review by staff and follow-up [http://www.fldoe.org/cie/nsa\\_app1.asp](http://www.fldoe.org/cie/nsa_app1.asp)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Based on projected enrollments; ranges from \$500 for enrollments of under 100 to \$5,000 for enrollments over 10,000; plus \$2,000-\$3,000 based on degree level plus \$200 per degree program.



**Agency:** Nonpublic Postsecondary Education Commission

<http://www.gnpec.org/MainMenu.asp>

**Who They Regulate:** All private degree-granting institutions, postsecondary vocational-technical programs, and proprietary schools.

**Link to Regulations:** <http://www.gnpec.org/forms/formsandinstructions.asp>

**Link to Complaint Process if Available:** <http://rules.sos.state.ga.us/docs/392/5/06.pdf>

**Contact Name:** William Creews

**Contact Title:** Executive Director

**Contact Phone:** 770-414-3300

**Contact Email:** [billc@npec.state.ga.us](mailto:billc@npec.state.ga.us)

**Do They Regulate Distance Education?** Yes. See a special document recently created titled, "Addressing Federal On-line/Distance Education Requirements" that clearly addresses the requirements at:

<http://www.gnpec.org/Forms/PDF%20Files/OnlineRequirements.pdf>

**Description of Application Process:** Myriad of forms, supplementary documents, and "exhibits" required. <http://www.gnpec.org/forms/formsandinstructions.asp>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Initial fee based upon level of degree; non-degree granting institutions-\$1,000; doctoral degree granting institutions \$5,000; additional evaluation fees.

<http://www.gnpec.org/forms/PDF%20Files/Schedule%20of%20Fees.pdf>

**Comments about the Application Process:**

## Hawaii Information not verified by the state

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**Agency:** Department of Commerce and Consumer Affairs, Consumer Protection

<http://hawaii.gov/dcca>

**Who They Regulate:** Unaccredited degree granting institutions.

**Link to Regulations:** <http://hawaii.gov/dcca/ocp/udgi/regulation>

**Link to Complaint Process if Available:** [http://hawaii.gov/dcca/ocp/consumer\\_complaint](http://hawaii.gov/dcca/ocp/consumer_complaint)

**Contact Name:** Not listed on website

**Contact Title:**

**Contact Phone:**

**Contact Email:**

**Do They Regulate Distance Education?** Private not-for-profit degree-granting institutions are not required to be authorized.

**Description of Application Process:** Does not appear to be an application process if the institution is accredited.

**Is There an Application Fee Y/N?**

**What is the application fee?**

**Comments about the Application Process:** Accreditation is sufficient for out-of-state institutions. Private trade, vocational, and technical schools are required to be licensed and are regulated by the State of Hawaii's Department of Education. If an institution is accredited by a nationally approved accredited agency they are exempt from licensure.

# Idaho Revised March 4, 2011

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**Agency:** State Board of Education

<http://www.boardofed.idaho.gov/>

**Who They Regulate:** Proprietary and private

**Link to Regulations:** <http://legislature.idaho.gov/idstat/Title33/T33CH24.htm>

**Link to Complaint Process if Available:** <http://legislature.idaho.gov/idstat/Title33/T33CH24.htm>

**Contact Name:** Harv Lyter

**Contact Title:** State Coordinator for Private Colleges and Proprietary Schools

**Contact Phone:** 208-332-1587

**Contact Email:** [harv.lyter@osbe.idaho.gov](mailto:harv.lyter@osbe.idaho.gov)

**Do They Regulate Distance Education?** Idaho does not currently require an online-only school, located outside of Idaho, with absolutely no physical presence inside the state, to register with the office. However, please note that Idaho law defines 'presence' in the state all the way down to having a post office box. Direct phone, email, or personal solicitation would also constitute 'presence' the same as conducting recruiting agent activities inside the state. They do informally allow online-only schools to register for 'Recruiting Agent Only' status. This requires an annual application and a flat fee of \$200/year (\$100 registration + \$100 for unlimited number of agents). Several online-only schools voluntarily register this way to keep all of their options open for future expansion of services.

**Description of Application Process:** Private:

[http://www.boardofed.idaho.gov/priv\\_col\\_univ/col\\_univ\\_registration.asp](http://www.boardofed.idaho.gov/priv_col_univ/col_univ_registration.asp)

Private for-profit: [http://www.boardofed.idaho.gov/priv\\_proprietary/priv\\_proprietary\\_registration.asp](http://www.boardofed.idaho.gov/priv_proprietary/priv_proprietary_registration.asp)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Overall percentage that ranges from \$100-\$5,000

**Comments about the Application Process:** Must be registered to operate as a business in Idaho. Must be accredited; to operate, proprietary institutions need approval. The board may exempt a nonprofit postsecondary educational institution from the registration requirement in accordance with standards and criteria established in rule by the board.

Once the new Federal Rules become effective July 1, 2011, Idaho will re-evaluate procedures, however, major changes to current options/procedures, are not anticipated.

# Illinois Revised March 4, 2011

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**Agency:** Illinois Board of Higher Education

<http://www.ibhe.org/default.htm>

**Who They Regulate:** Program approval for public, independent, and out-of-state degree granting institutions of higher education in Illinois.

**Link to Regulations:**

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

**Link to Complaint Process if Available:** Use institutional ombudsman/Dean/Department head/provost - hotline 217-782-2551 <http://www.ibhe.state.il.us/consumerinfo/complaint.htm> (Editor's note: This link requests that complaints be directed back to the institution. This might not meet the expectation for the state to have a process to review or address complaints.)

**Contact Name:** G.W. Reid

**Contact Title:** Executive Director

**Contact Phone:** 217-782-2551

**Contact Email:** [info@ibhe.org](mailto:info@ibhe.org)

**Do They Regulate Distance Education?** Out-of-state institutions, both private and public, must receive IBHE approval to operate and to offer degrees in Illinois if they have established or intend to establish some kind of physical presence in the state. Institutions offering correspondence degrees or Internet-based instruction from other states are generally not required to seek IBHE approval if they are approved to operate in their home state, and have accreditation from a U.S. Department of Education recognized accrediting body.

**Description of Application Process:** 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>

**Is There an Application Fee Y/N?** Yes for for-profit and out-of-state institutions only.

**What is the application fee?** Varies by type and size of institution and program approval being sought.

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

**Comments about the Application Process:** Electronic application, pretty straight forward.

**Continued on next page**

**Agency:** Illinois State Board of Education **Revised March 4, 2011**

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

**Who They Regulate:** Private Businesses and Vocational Schools

**Link to Regulations:** <http://www.isbe.net/rules/archive/pdfs/451ark.pdf>

**Link to Complaint Process if Available:** [http://www.isbe.net/pbvs/html/student\\_complaints.htm](http://www.isbe.net/pbvs/html/student_complaints.htm)

**Contact Name:** Christopher Koch

**Contact Title:** State Superintendent

**Contact Phone:** 217-557-6763

**Contact Email:** <http://webprod1.isbe.net/contactisbe/>

**Do They Regulate Distance Education?** Yes [http://www.isbe.state.il.us/pbvs/pdf/29-22\\_supplementary\\_instruction.pdf](http://www.isbe.state.il.us/pbvs/pdf/29-22_supplementary_instruction.pdf)

**Description of Application Process:** Three page application: [http://www.isbe.state.il.us/pbvs/pdf/29-20\\_application\\_certificate.pdf](http://www.isbe.state.il.us/pbvs/pdf/29-20_application_certificate.pdf), include two copies of course catalog, supplemental application [http://www.isbe.state.il.us/pbvs/pdf/29-22\\_supplementary\\_instruction.pdf](http://www.isbe.state.il.us/pbvs/pdf/29-22_supplementary_instruction.pdf)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$500 for initial application, plus a \$150 fee for each course of instruction.

**Comments about the Application Process:** Students enrolled in a fully online course constitutes physical presence.

**Agency:** Indiana Commission for Higher Education

**Who They Regulate:** Indiana Public institutions ONLY

**Link to Regulations:** Regulations are relevant to distance education programs offered by Indiana institutions.

**Link to Complaint Process if Available:** <http://www.in.gov/che/>

**Contact Name:** Teresa Lubbers; Ken Sauer

**Contact Title:** Commissioner, Senior Associate Commissioner for Academic Affairs

**Contact Phone:** 317-464-4400

**Contact Email:** <http://www.in.gov/che/>

**Do They Regulate Distance Education?** Yes for Indiana Public Institutions.

**Description of Application Process:** Not applicable

**Is There an Application Fee Y/N?** Not applicable

**What is the application fee?** Not applicable

**Comments about the Application Process:** Only applies to Indiana institutions.

**Continued on next page**

**Agency:** Indiana Commission on Proprietary Education <http://www.in.gov/cope/>

**Who They Regulate:** Proprietary - Private

**Link to Regulations:** <http://www.in.gov/legislative/iac/T05700/A00010.PDF> code 21-17 is the most current.

**Link to Complaint Process if Available:** <http://www.in.gov/cpe/2329.htm>

**Contact Name:** Claudia Braman

**Contact Title:** Commissioner

**Contact Phone:** 317-232-1320

**Contact Email:** [rmiller@cpe.in.gov](mailto:rmiller@cpe.in.gov)

**Do They Regulate Distance Education?** Yes, Indiana uses the term accreditation for approval to operate in the state. May allow for operation through a reciprocal agreement (570 IAC 1-2-2)

**Description of Application Process:** Notify the Commission of intention to operate, and they will send application materials and a fee schedule. Upon receipt of application and fee, the institution will be allowed to operate under "application status" until review is final (60 days-11 months).

<http://www.in.gov/cpe/2451.htm>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$2,000 for out-of-state and \$1,000 for in-state

- For accreditation renewals \$500/ annually
- Degree applications in-state \$300/degree
- Out-of-state \$500/degree
- Degree renewals \$100/ in and out-of-state every 5 years
- Agent applications \$80
- Agent renewal \$50/annually
- Certificate fee \$50/ annually

[http://www.in.gov/cpe/files/2011\\_fee\\_schedule1.pdf](http://www.in.gov/cpe/files/2011_fee_schedule1.pdf)

**Comments about the Application Process:**

Triggers for physical presence:

- Local media advertisement
- Having a recruiter physically in state.
- Doing cold calls to Indiana residents.
- Physical location;
- or having a computer server

Online school faculty member living in Indiana is not a trigger.

National accreditation may exempt an institution from an on-site evaluation. The process seems straight forward, but it is not clear exactly if an institution that is nationally accredited and operates out-of-state needs to be approved to operate in Indiana. If the review indicates that the standards are substantially the same or greater than the standards and requirements of the Commission, then accredited status may be issued in lieu of an on-site evaluation, providing the status report provided by the accrediting commission indicates the institution to be in good standing. (*Indiana Commission on Proprietary Education; PT II,2.03; filed Feb 6, 1978, 4:30 pm: Rules and Regulations. 1979, p. 177; readopted filed Jan 9, 2002, 10:58 a.m.: 25 IR 1731; readopted filed Sep 11, 2008, 9:53 a.m.: 20080924-IR-570080518RFA*)



**Agency:** Iowa College Student Aid Commission

<http://www.iowacollegeaid.org/>

**Who They Regulate:** All postsecondary education.

**Link to Regulations:**

[http://www.iowacollegeaid.gov/index.php?option=com\\_content&task=view&id=95&Itemid=395](http://www.iowacollegeaid.gov/index.php?option=com_content&task=view&id=95&Itemid=395)

**Link to Complaint Process if Available:**

<http://www.iowacollegeaid.gov/images/docs/file/forms/constituentrequestform.pdf>

**Contact Name:** Carolyn Small

**Contact Title:** Postsecondary Registration Administrator

**Contact Phone:** 515-725-3413

**Contact Email:** [carolyn.small@iowa.gov](mailto:carolyn.small@iowa.gov)

**Do They Regulate Distance Education?** Under Iowa Code Chapter 261B, if a school has a presence it must be authorized by the Iowa College Student Aid Commission. Including a school offering distance education programs to Iowa residents, again, provided the school has a presence in the state.

Depending on whether the school has a presence in Iowa and the extent to which it is directly marketing to Iowa residents, the school may also be required to file evidence of financial responsibility under Iowa's consumer protection law, Iowa Code Section 714.18. If it is a for-profit school that offers a degree, diploma, or license, the school may also be required to establish an Iowa tuition refund policy under Iowa Code Section 714.22.

In the last six months, Iowa has expanded their policy relative to schools that must register under Chapter 261B. Updated, general information about who must register, including current definition of "presence" in the state, who must file evidence of financial responsibility, and who must establish a state tuition refund policy is on the website at:

[http://www.iowacollegeaid.gov/index.php?option=com\\_content&task=view&id=95&Itemid=395](http://www.iowacollegeaid.gov/index.php?option=com_content&task=view&id=95&Itemid=395)

Any school that is offering purely distance education programs to Iowa residents and has no "presence" is not required to register with the Commission. However, any school offering distance education programs to Iowa residents is strongly encouraged to contact Carolyn Small directly to discuss the school's activities and operations in Iowa in detail.

**Description of Application Process:** The application for registering under Iowa Code Chapter 261B – or requesting a formal exemption from registration:

[http://www.iowacollegeaid.gov/images/docs/file/PostsecondaryRegistration/CS/ch261b\\_reg\\_app\\_or\\_exempt\\_claim051310.pdf](http://www.iowacollegeaid.gov/images/docs/file/PostsecondaryRegistration/CS/ch261b_reg_app_or_exempt_claim051310.pdf)

The application for filing evidence of financial responsibility under Iowa Code Section 714.18 – or requesting a formal exemption:

[http://www.iowacollegeaid.gov/images/docs/file/PostsecondaryRegistration/CS/ch714\\_fin\\_responsibility\\_app\\_exempt070709.pdf](http://www.iowacollegeaid.gov/images/docs/file/PostsecondaryRegistration/CS/ch714_fin_responsibility_app_exempt070709.pdf)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?**

- Initial application \$4,000
- Renewal \$4,000
- Substantive Change or Amendment \$1,000

## Kansas Information not verified by the state

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**Agency:** Kansas Board of Regents <http://www.kansasregents.org/>

**Who They Regulate:** “The Kansas Board of Regents Private Postsecondary Education Department authorizes private and out-of-state institutions to operate in Kansas with a Certificate of Approval that must be renewed annually. These schools offer instruction for business trade, technical or industrial occupations, or confer degrees. All schools operating with a physical presence in Kansas or that are actively soliciting\* enrollment of prospective students to receive instruction in the state of Kansas must apply for a certificate of approval or an exemption.”

[http://www.kansasregents.org/private\\_out\\_of\\_state](http://www.kansasregents.org/private_out_of_state)

**Link to Regulations:** <http://www.kansasregents.org/resources/PDF/768-Article28PrivateandOut-of-StatePostsecondaryEducationInstitutionsRegulations-RevisedApril2010.pdf>

Frequently Asked Questions: [http://www.kansasregents.org/frequently\\_asked\\_questions](http://www.kansasregents.org/frequently_asked_questions)

**Link to Complaint Process if Available:** <http://www.kansasregents.org/resources/PDF/524-ComplaintProcedureandForm.pdf>

**Contact Name:** Andy Thompkins

**Contact Title:** President/CEO

**Contact Phone:** [http://www-kansasregents-org/staff\\_directory](http://www-kansasregents-org/staff_directory)

**Contact Email:**

**Do They Regulate Distance Education?** All schools operating with a physical presence in Kansas or that are actively soliciting enrollment of prospective students to receive instruction in the state of Kansas must apply for a certificate of approval or an exemption.

[http://www.kansasregents.org/private\\_out\\_of\\_state](http://www.kansasregents.org/private_out_of_state)

**Description of Application Process:** <http://www.kansasregents.org/index.cfm>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?**

See: <http://www.kansasregents.org/resources/PDF/768-Article28PrivateandOut-of-StatePostsecondaryEducationInstitutionsRegulations-RevisedApril2010.pdf>

**88-28-6. Fees.** Fees for certificates of approval, registration of representatives, and certain transcripts shall be collected by the state board in accordance with this regulation.

(a) For institutions domiciled or having their principal place of business within the state of Kansas, the following fees shall apply:

(1) (A) Initial issuance of certificate of approval without degree-granting authority \$1,700.00

- (B) Renewal of certificate of approval without degree-granting authority \$1,200.00
- (2) (A) Initial issuance of certificate of approval with degree-granting authority \$2,000.00
- (B) Renewal of certificate of approval with degree-granting authority \$1,600.00
- (3) (A) Initial registration of representative ..... \$ 150.00
- (B) Renewal of registration of representative ..... \$ 100.00
- (b) For institutions domiciled or having their principal place of business outside the state of Kansas, the following fees shall apply:
  - (1) (A) Initial issuance of certificate of approval without degree-granting authority \$3,400.00
  - (B) Renewal of certificate of approval without degree-granting authority \$2,400.00
  - (2) (A) Initial issuance of certificate of approval with degree-granting authority \$3,800.00
  - (B) Renewal of certificate of approval with degree-granting authority \$2,800.00
  - (3) (A) Initial registration of representative ..... \$ 300.00
  - (B) Renewal of registration of representative ..... \$ 200.00
- (c) For any institution that has ceased operation, the following fee shall apply:
  - Student transcript as requested or authorized by the student ..... \$ 10.00

(Authorized by and implementing K.S.A. 2005 Supp. 74-32,181; effective Oct. 20, 2006; amended April 16, 2010.)

**Agency:** Council on Postsecondary Education

<http://cpe.ky.gov/institutions/>

**Who They Regulate:** License all nonprofit colleges and universities and proprietary baccalaureate institutions

**Link to Regulations:** <http://www.lrc.ky.gov/kar/013/001/020.htm>

**Link to Complaint Process if Available:**

**Contact Name:** Sarah Levy

**Contact Title:** Senior Associate, Academic Affairs

**Contact Phone:** 502-573-1555

**Contact Email:** [sarah.levy@ky.gov](mailto:sarah.levy@ky.gov)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** To request an application, or if you have additional questions, please complete Ask a Question form at <https://cpe.custhelp.com/cgi-bin/cpe.cfg/php/enduser/ask.php>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$5,000 for out-of-state, plus a program fee:

<http://cpe.ky.gov/NR/rdonlyres/28B0D28F-9FFD-4FD8-812F-DD1437D527D1/0/12FeeScheduleJan2010editioneff030510.pdf>.

For colleges already licensed, see new fee schedule effective April 2011.

**Continued on next page**

**Agency:** State Board for Proprietary Education. Agency did not respond to verify information.

<http://www.bpe.ky.gov/>

**Who They Regulate:** Proprietary associate and non-degree credentials

**Link to Regulations:** <http://www.bpe.ky.gov/NR/rdonlyres/83D3B8AF-FE9E-4D09-BDD7-3B79C4052233/0/BPELawsandRegulations.pdf>

**Link to Complaint Process if Available:** <http://www.bpe.ky.gov/students.htm>

**Contact Name:** Lindsey Lane

**Contact Title:** Administrator, Division of Occupations and Professions

**Contact Phone:** 502-564-3296

**Contact Email:** [lindsey.lane@ky.gov](mailto:lindsey.lane@ky.gov)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** <http://www.bpe.ky.gov/NR/rdonlyres/4AF3CB96-F0D1-4666-9DEE-E895A650D3A8/0/ApplicationforaNewProgramForm.doc>

Fairly straight forward.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$150

**Agency:** Board of Regents

<http://regents.state.la.us/>

**Who They Regulate:** All institutions operating in Louisiana except religious institutions which are exempt.

**Link to Regulations:** None

**Link to Complaint Process if Available:** none

**Contact Name:** Larry Tremblay

**Contact Title:** Associate Commissioner for Planning and Research

**Contact Phone:** 225-342-4253

**Contact Email:** [larry.tremblay@la.gov](mailto:larry.tremblay@la.gov)

**Do They Regulate Distance Education?** Louisiana only regulates distance education for institutions domiciled in Louisiana or those that offer degree credit clinical/practicum experiences in Louisiana.

**Description of Application Process:** See website for forms and applications. Complete initial form to request application packet. Process seems fairly typical. Might not need to be authorized to operate if there is no physical presence. Strictly online may not constitute physical presence.

**Is There an Application Fee Y/N?** There is no application fee, only license fee

**What is the application fee?** Fees not available on website.

**Comments about the Application Process:** The institution must be accredited by a federally recognized accrediting agency to operate in Louisiana.

In order to meet the definition of a proprietary school, a private business must maintain a physical facility within the state, have a mailing address within the state, or employ at least one representative within the state.

## Maine Information not verified by the state

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**Agency:** Maine Department of Education- In the case of Postsecondary education, the Commissioner of Education is the liaison to the State Board of Education who makes final determinations regarding authorization to confer degrees <http://www.maine.gov/education/>

**Who They Regulate:** The Department of Education regulates K-12 and Postsecondary Education in the State of Maine, including those based inside and outside of Maine

**Link to Regulations:** <http://www.maine.gov/sos/cec/rules/05/chaps05.htm>

See Chapters 149, 150 and 170. Establishing Statutes; Me. St. 20-A § 10701-10714

**Link to Complaint Process if Available:** Not available

**Contact Name:** Georgette Valliere

**Contact Title:** Commissioner's Assistant

**Contact Phone:** 207- 624-6605

**Contact Email:** No email is provided although web-page based email for employees is located at; <http://www.maine.gov/education/eddir/teamlist.htm#CO>

**Do They Regulate Distance Education?** Yes; The pertinent statute at Me. St. 20-A § 10705, states that an educational institution located outside the state may offer courses leading to a degree only if; they are authorized by the state board. The pertinent regulation regarding telecommunications is 05-071 Chapter 149 2(E), although Distance regulators may also fall within the purview of 149 2(C). Any institution offering instruction by Telecommunication must apply and be authorized if they have a physical presence in Maine. Physical presence includes any person "assisting the institution in any way from within Maine." Regulation definitions, according to 149 2(E), Physical presence includes any "institutional representatives serving as tutor's, counselors, instructors, or monitors at the Maine receiving site.

**Description of Application Process:** The application process involves several steps. (Steps are outlined in Dept. of Education Regulations. 05-071-149 (c) & (e) First, the institution seeking to offer a degree within Maine must contact the Commissioner of Education to notify him or her of their intent to obtain State Board Approval to Offer an Academic Course or Program in Maine. The Commissioner provides the institution with application materials. The institution must respond to 10 questions with sub-parts. (See Reg. 05-071 Chapter 170 for standards in reviewing each question) The Commissioner gives the application to a committee who reviews it and prepares a report based upon the application, and where appropriate, a visit to the facilities. This report is forwarded by the Commissioner to the State Board of Education which then makes a final decision.

**Is There an Application Fee Y/N?** Yes, for proprietary institutions.



**What is the application fee?** \$100 plus surety bond (for proprietary schools, no fee listed for non-profit institutions).

**Comments about the Application Process:** Proprietary submit application 45 days prior to operating:  
<http://www.maine.gov/education/highered/ProprietarySchools/PropSchools.htm#exempt>

For out-of-state non-profits:

<http://www.maine.gov/education/highered/DegGrant/DegGrantAuth.htm#nonmaine>.

# Maryland

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**Agency:** Maryland Higher Education Commission

<http://www.mhec.state.md.us/>

**Who They Regulate:** Degree-granting institutions and private career schools.

**Link to Regulations:** [http://www.mhec.state.md.us/higherEd/COMAR/COMAR\\_CH\\_01\\_Web.pdf](http://www.mhec.state.md.us/higherEd/COMAR/COMAR_CH_01_Web.pdf)

**Link to Complaint Process if Available:**

**Contact Name:** Sue A. Blanshan

**Contact Title:** Director of Academic Affairs

**Contact Phone:** 410-260-4533

**Contact Email:** [sblansha@mhec.state.md.us](mailto:sblansha@mhec.state.md.us)

**Do They Regulate Distance Education?** Yes, unless there is no physical presence.

**Description of Application Process:** Online; must demonstrate "need" for the program in Maryland.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$5,000 per site for up to two degree programs; \$1,000 for each additional program

**Comments about the Application Process:** Maryland institutions can comment on the "need" for the online program in the state.

Note: The structure of higher education in Maryland is currently being reconsidered. If changed, there might be changes to this process.

# Massachusetts Revised March 4, 2011

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**Agency:** Massachusetts Board of Higher Education (staffed by the Department of Higher Education)

<http://www.mass.edu/>

**Who They Regulate:** Public System of Higher Education (community colleges, state universities, and University of Massachusetts) and some independent institutions, including for-profit colleges and universities.

**Link to Regulations:** Board of Higher Education Degree Granting Authority, Regulations 610 CMR 2.00; <http://www.mass.edu/forinstitutions/academic/documents/610CMR.pdf>. General Statute Creating the Board of Higher Education; Ma. St. 15a § 1.

**Link to Complaint Process if Available:** Link to Student Complaint Process  
<http://www.mass.edu/forstudents/complaints/complaintprocess.asp>

**Contact Name:** Claudia R. Bell

**Contact Title:** Academic Program and Policy Specialist

**Contact Phone:** 617 994-6913

**Contact Email:** [cbell@bhe.mass.edu](mailto:cbell@bhe.mass.edu)

**Do They Regulate Distance Education?** The Massachusetts Degree Granting Regulations for Independent Institutions of Higher Education (610 CMR 2.00) <http://www.mass.edu/forinstitutions/academic/documents/610CMR.pdf> shall apply and shall be limited to the following situations: (1) Certificates of organization referred to the Board by the Secretary of State proposing incorporation of a college, junior college, university, or other educational institution with power to grant degrees; (2) Proposed articles of amendment to the charter of an existing educational institution referred to the Board by the Secretary of State which will give the educational institution power to grant certain academic degrees, either earned or honorary; (3) Proposed articles of amendment to the charter of an existing educational institution referred to the Board by the Secretary of State changing its name to a name which will include the term “college”, “junior college” or “university”; (4) Actions by the Board implementing the requirement of M.G.L. c. 69, s. 31A that no educational institution chartered, located, offering courses, or otherwise doing business within the Commonwealth may award degrees within the Commonwealth unless authorized to do so by the Commonwealth; nor shall any educational institution chartered, incorporated, or organized in another state conduct within the Commonwealth any courses available to residents of the Commonwealth leading to the award of a degree unless the educational institution has received the approval of the Commonwealth for such courses.

(5) Actions by the Board implementing the requirements of M.G.L. c. 69, s. 30A that any institution of higher education not in compliance with Board's regulations may have its degree-granting authority revoked or suspended, after the procedures described in 610 CMR 2.10(2) have been followed.

Any answers on the need to be licensed would be specific to the actual situation and would be formulated after a staff review of the actual in place constellation of facts at the time of such review. The answer depends to a great deal on how Massachusetts consumers are affected e.g., would the institution target Massachusetts residents in a systematic and continuous way as part of an overall effort to serve the education market in Massachusetts? Is the Institution trying to reach into another jurisdiction? What is the specific degree of interactivity? The Board of Higher Education's general policy is to require an institution to be licensed if an education institution chartered, incorporated, or organized in another state, conducts within the Commonwealth any courses available to residents of the Commonwealth leading to the award of a degree.

**Description of Application Process:** Must file an application with the Board of Higher Education. Out-of-state institutions seeking "authority to operate in Massachusetts" must comply with the process as outlined in 2.06 & 2.07 of 610 CMR 2.00. Out-of-state institutions must file a Foreign Corporation Certificate with the Massachusetts Secretary of State (2.07 (5)), and then File an application with the board of education. The board appoints a committee to review the application and visit the institution. They submit a report to the board and the institution may respond to this report. The institution must respond to the visiting committee's report. There is an opportunity for a public hearing and then the board makes its' decision.

**Is There an Application Fee Y/N?** Yes; fee schedule exists at 610 CMR 2.06.

**What is the application fee?** \$10,000 plus \$2,000 for each degree requested at the same time if more than one. Annual fee of \$4,000 for first 5 years. Possible fee of \$4,000 for site inspection. All fees payable upon filing of foreign corporation certificate or scheduling of site inspection.

**Additional Comments:** An institution "chartered, incorporated, or organized in another state that seeks to offer courses in Massachusetts leading to the awarding of a degree" must meet several requirements set out in 2.07(5). This includes having a resident agent in the state.

# Michigan Revised April 22, 2011

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**Agency:** Michigan Department of Energy, Labor, and Economic Growth

**Who They Regulate:** Private Colleges, Universities, and Non- degree granting Proprietary Schools

**Link to Regulations:**

Private Colleges, Universities: [http://michigan.gov/documents/mdcd/policy\\_procedures\\_complete-current\\_1-24-06\\_229518\\_7.pdf](http://michigan.gov/documents/mdcd/policy_procedures_complete-current_1-24-06_229518_7.pdf)

Non- degree granting Proprietary Schools: [http://www.michiganps.net/16.0 Laws, Rules, and Regulations](http://www.michiganps.net/16.0_Laws,_Rules,_and_Regulations)

**Link to Complaint Process if Available:** <http://www.michiganps.net/complaint.aspx>

**Contact Name:** Michael Beamish

**Contact Title:** Department Specialist

**Contact Phone:** 517-241-6806

**Contact Email:** [BeamishM@michigan.gov](mailto:BeamishM@michigan.gov)

**Do They Regulate Distance Education?**

Approval or licensure by the State of Michigan is not required to provide online instruction to Michigan residents unless the school has a physical presence in the state. Physical presence would include conducting courses such as internships, clinicals, practicum's et al.

Approval is required if an institution employs faculty working from the state and the institution wishes to incorporate or file a certificate of authority to operate in Michigan.

Advertising is allowed without approval or licensure. Student recruiters that work in the state must be registered unless the institution is authorized to award bachelor degrees or higher by its home state.

Michigan has adopted the new federal definitions of "distance" and "correspondence" education.

**Description of Application Process:**

See this site for procedures:

Non- degree Granting: <http://www.michiganps.net/ViewAttachment.aspx?ID=109>

Degree Granting: [http://michigan.gov/documents/mdcd/policy\\_procedures\\_complete-current\\_1-24-06\\_229518\\_7.pdf](http://michigan.gov/documents/mdcd/policy_procedures_complete-current_1-24-06_229518_7.pdf)

See these sites for several related memos and documents:

[http://www.michiganps.net/resources.aspx?\\_function=NSF](http://www.michiganps.net/resources.aspx?_function=NSF)

[http://michigan.gov/mdcd/0,1607,7-122-1680\\_2735\\_2739---,00.html](http://michigan.gov/mdcd/0,1607,7-122-1680_2735_2739---,00.html)

[http://michigan.gov/mdcd/0,1607,7-122-1680\\_2735\\_2786---,00.html](http://michigan.gov/mdcd/0,1607,7-122-1680_2735_2786---,00.html)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?**

Non- degree Granting: \$1,305

Fees may be adjusted according to the Consumer Price Index.

Degree Granting: No Fee

**Comments about the Application Process:** For an overview see: [Establishing a Non-Public Postsecondary Educational Institution in Michigan \(FAQ\)](#).

# Minnesota Revised March 8, 2011

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**Agency:** Minnesota Office of Higher Education

**Who They Regulate:** Degree Granting Institutional registration is required for public and private schools that offer degrees to Minnesota residents that do not require the student to leave the state for a portion of the program.

Which institutions must register? Private and public.

**Link to Regulations:** <http://www.ohe.state.mn.us/mPg.cfm?pageID=197>

**Link to Complaint Process if Available:** <http://www.ohe.state.mn.us/mPg.cfm?pageID=205>

**Contact Name:** Brian Geraghty; George Roedler, Jr.

**Contact Title:**

**Contact Phone:** 651-259-3976; 651-259-3975

**Contact Email:** [brian.geraghty@state.mn.us](mailto:brian.geraghty@state.mn.us); [george.roedler@state.mn.us](mailto:george.roedler@state.mn.us)

**Do They Regulate Distance Education?** Yes

From the Registration form (<http://www.ohe.state.mn.us/pdf/136pack.pdf>):

"If your institution offers courses and programs via distance education to students in Minnesota, submit:

--A list of all programs available in Minnesota and enrollment in Minnesota by program (Spring 2010), or

--A list of all courses available in Minnesota and overall enrollment in Minnesota (Spring 2010)."

**Description of Application Process:** <http://www.ohe.state.mn.us/mPg.cfm?pageID=205>

Nine page application packet, clear instructions and fairly standard, but detailed.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Degree granting institutions that offer one degree:

- Associates - \$2,000
- Bachelors - \$2,500
- Masters - \$3,000
- Doctoral - \$3,500

\$500 for each additional program offered.

**Comments about the Application Process:** There is an extensive application. The directions are clear. Approval of each degree level and each program is required. Plans for student records in case of institutional closure are required.



**Agency:** Mississippi Commission on College Accreditation

<http://www.ihl.state.ms.us/oasa/mcca.html>

**Who They Regulate:** All colleges and universities or other entities that offer one or more postsecondary academic degrees and are domiciled, incorporated, or otherwise located in the state. Approve all colleges and universities or other entities that offer one or more postsecondary academic degrees and are domiciled, incorporated, or otherwise located in the state.

**Link to Regulations:** [http://www.ihl.state.ms.us/oasa/downloads/Standards\\_MCCA.pdf](http://www.ihl.state.ms.us/oasa/downloads/Standards_MCCA.pdf)

**Link to Complaint Process if Available:**

**Contact Name:** Menia Dykes

**Contact Title:** Coordinator of Academic Affairs and Nursing Education

**Contact Phone:** 601-432-6372

**Contact Email:** [mdykes@ihl.state.ms.us](mailto:mdykes@ihl.state.ms.us)

**Do They Regulate Distance Education?** Yes, if there is physical presence.

**Description of Application Process:** The application for authorization to operate an academic degree-granting postsecondary institution in the state is not available online. To receive an application, submit a written request via regular or electronic mail. A nonrefundable fee of \$100 must be received before an application will be sent via regular mail. Submit to the commission by February 1 a complete application along with a non-refundable \$3,000 application fee. The commission reviews applications at its annual meeting (in May or June).

Please note that the review process could take up to a year.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$3,000

**Continued on next page**

**Agency:** Commission on Proprietary School and College Registration. Agency did not respond to request for verification of information.

<http://www.sbcjc.cc.ms.us/program/psDefault.aspx>

**Who They Regulate:** Proprietary institutions

**Link to Regulations:** Not listed

**Link to Complaint Process if Available:** Not found on the website

**Contact Name:** Marilyn Gardner

**Contact Title:** Proprietary Schools Specialist

**Contact Phone:** 601-432-6340

**Contact Email:** [mgardner@mscjc.edu](mailto:mgardner@mscjc.edu)

**Do They Regulate Distance Education?** Not clear from the website

**Description of Application Process:** After receipt of the written request and a \$25 application fee, each prospective applicant will be mailed a copy of the Mississippi Proprietary School and College Registration Regulations and a copy of the application packet.

<http://www.sbcjc.cc.ms.us/program/psDefault.aspx>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$25 fee to apply to receive application packet.

**Agency:** Missouri Department of Higher Education

**Who They Regulate:** Nearly all institutions are covered, The complete statutory provision (Subsection 173.600 (9), RSMo) defines a proprietary school as “any person not specifically exempted in section 173.616 or other provisions of sections 173.600 to 173.618, which offers or maintains on either a profit or not for-profit basis within the state of Missouri a course or courses of instruction or study through classroom instruction or correspondence or which grants certificates or earned or honorary degrees.”

Non-Missouri public institutions are exempted from this requirement and are regulated through a different section of the statute (173.005.2 (11)).

“The coordinating board shall promulgate rules regarding:

a. The board's approval process of proposed new degree programs and course offerings by any out-of-state public institution of higher education seeking to offer degree programs or course work within the state of Missouri; and

b. The board's approval process of degree programs and courses offered by any out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by the board to operate a school in compliance with the provisions of sections 173.600 to 173.618.

The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri public higher education institutions. Such out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section. Any such out-of-state public institutions of higher education wishing to continue operating within this state must be approved by the board under the rules promulgated under this subdivision.”

**Link to Regulations:** <http://www.dhe.mo.gov/psc/>

**Link to Complaint Process if Available:** While the department does require students to pursue resolution through institutional processes, which are required as part of the licensure standards, the department does maintain a process for the review of student complaints at licensed schools. Information about that process is not currently available from the department’s website but is distributed to students upon request.

**Contact Name:** Leroy Wade; Rusty Monhollon

**Contact Title:** Assistant Commissioner for Financial Assistance, Outreach, and Proprietary Certification; for non-Missouri public institutions: Rusty Monhollon, Interim Assistant Commissioner for Academic Affairs.

**Contact Phone:** 573-751-2361; 573-751-5221

**Contact Email:** [Leroy.Wade@dhe.mo.gov](mailto:Leroy.Wade@dhe.mo.gov); [rusty.monhollon@dhe.mo.gov](mailto:rusty.monhollon@dhe.mo.gov)

**Do They Regulate Distance Education?** The code, which contains the administrative rules for the oversight process, contains definitions of terminology (physical presence, for example) and more complete descriptions of requirements that may be helpful as institutions review whether licensure is required. The related rules are available from the Missouri Secretary of State through the following links:

<http://www.sos.mo.gov/adrules/csr/current/6csr/6c10-5.pdf>

<http://www.sos.mo.gov/adrules/csr/current/6csr/6c10-10.pdf>

**Description of Application Process:** From: <http://www.dhe.mo.gov/psc/initialcertification.php>:

"The complete application for certification to operate a school in Missouri is not available online. In order to receive a complete application for certification to operate, you must contact the MDHE and request the necessary materials. You may submit your application request via telephone or by submitting an application request form."

"It is important to note that the review process takes a minimum of 120 days after the application reaches the MDHE."

**Is There an Application Fee Y/N?** Yes

**What is the application fee?**

"The annual fee for a proprietary school certificate of approval shall be \$.001 per one dollar of net tuition and fees income (excluding refunds, books, tools and supplies), with a maximum of two thousand five hundred dollars and a minimum of two hundred fifty dollars per school. For a school having a certificate of approval for the sole purpose of recruiting students in Missouri, the net tuition used for this computation shall be only that paid to the school by students recruited from Missouri and the fee shall be two hundred fifty dollars plus the amount produced by the foundation calculation."

There are two additional items pertaining to this requirement. First, for schools licensed under 173.600, the initial fee is \$250, for the first complete or any portion of the first year. After the first year, the formula described above is used. Second, for programs approved under 173.005, there is no fee.

**Comments about the Application Process:**

All proposals are required to follow the full application process regardless of approval in another state.

Schools must post a security deposit in order to receive approval to operate under 173.600. The deposit requirement may be met by a surety bond, cash bond, or letter of credit. All of those instruments must use department provided forms and requirements. The statutory reference for this requirement is 173.612. An excerpt relating to the amount of the deposit is copied below.

“The bond or other security shall cover all the facilities and locations of a proprietary school and shall not be less than five thousand dollars or ten percent of the preceding year's gross tuition, whichever is greater, but in no case shall it exceed twenty-five thousand dollars. The bond shall clearly state that the school and the agents of the school are covered by it.”

**Agency:** Montana University System, Montana Board of Regents

<http://mus.edu/board>

**Who They Regulate:** Out-of-state public and private and in-state public institutions.

**Link to Regulations:** 20-25-107 MCA and <http://www.mus.edu/borpol/bor300/320-1.pdf>

**Link to Complaint Process if Available:**

**Contact Name:** Thomas H. Gibson

**Contact Title:** Director, e-Learning Business Development

**Contact Phone:** 406-444-0311

**Contact Email:** [tgibson@montana.edu](mailto:tgibson@montana.edu)

**Do They Regulate Distance Education?** Regulations are directed at degree granting institutions delivering academic programs.

**Description of Application Process:** Contact for one-page information sheet.

**Is There an Application Fee Y/N?** Pursuant to Title 35 of the Montana Code Annotated, out-of-State businesses may not transact business in MT without meeting the registration requirements of the MT Secretary of State's Office, found at: <http://sos.mt.gov/Business/Forms/index.asp>.

**What is the application fee?** The application fee will vary depending on the nature of the business.

**Comments about the Application Process:** Degree-granting institutions must get the Board of Regents' approval or be accredited by one of six agencies recognized by the Board of Regents. There is no State agency in Montana that regulates licenses for higher education program delivery.

**Agency:** Nebraska Coordinating Commission for Postsecondary Education. The agency is an 11 person commission appointed by the governor and supported by a permanent staff.

<http://www.ccpe.state.ne.us/PublicDoc/CCPE/>

**Who They Regulate:** The Commission regulates those who offer postsecondary education in Nebraska, including Nebraska's public institutions, private institutions, and out-of-state institutions offering courses in Nebraska, including those offering courses by telecommunication with a physical presence. (See distance ed).

**Link to Regulations:** Regulations concerning applications for out-of-state institutions;

<http://www.ccpe.state.ne.us/PublicDoc/Ccpe/LegalRegulations/Chapters/RulesRegulationsChpt1.asp>

General statutes and regulations;

<http://www.ccpe.state.ne.us/PublicDoc/Ccpe/LegalRegulations/default.asp>

**Link to Complaint Process if Available:** Not available online

**Contact Name:** Kathleen Fimple

**Contact Title:** Academic Programs Officer

**Contact Phone:** 402-471-2030

**Contact Email:** [kathleen.fimple@nebraska.gov](mailto:kathleen.fimple@nebraska.gov)

**Do They Regulate Distance Education?** Yes; those "out-of-state institutions" delivering education via "telecommunications-based instruction" with a "physical presence" must apply to the commission for authorization to operate. (Title 281, 001.01 of Nebraska Administrative Code). "Physical Presence" is defined as a situation where "an out-of-state institution offers one or more courses for college credit on an established schedule on at locations other than the personal residence of individual students." See also Neb. Rev. St. § 85-1103.02.

**Description of Application Process:** Distance educators with a physical presence and institutions offering courses in Nebraska must apply to the Commission. Link to applications;

<http://www.ccpe.state.ne.us/PublicDoc/Ccpe/LegalRegulations/Chapters/RulesRegulationsChpt1.asp>

(Two applications; The first application seems to include anyone, including distances educators, who intend to offer full degrees, while the second only applies to those who offer single or partial courses. There is a difference in fees between the two applications.) The commission reviews the applications according to the criteria set out at 281 Nebraska Administrative Code 005. The commission holds a public hearing, and then makes a decision regarding authorization.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Full degree programs- "One Cohort Programs" = \$2,625 plus \$200 for additional programs, "On-Going Programs" = \$2,900 plus \$100-200 for additional programs. Single Courses, or Partial Courses- "Single Course" = \$1,775 plus \$100 per additional courses. (See fees in applications).

**Comments about the Application Process:** There is some ambiguity as to which application a distance educator with a physical presence must fill out. One application applies to those institutions "offering full degree programs"... while another applies to those "applying to offer less than a full program or only a portion of a course or courses with the instruction taking place on an established schedule at locations within Nebraska other than the personal residence of the student." The application applies to institutions offering only partial courses as well as those offering courses where only a portion of the class meetings take place outside of the personal residence of the student. (e.g. distance educators with a physical presence). Aside from a small difference in application fees the applications are substantially similar.



**Agency:** Nevada Commission on Postsecondary Education

<http://www.cpe.state.nv.us/>

**Who They Regulate:** Public and Private

NRS 394.099: "Postsecondary educational institution" means an academic, vocational, technical, home study, business, professional or other school, college or university that is privately owned, or any person offering postsecondary education.

**Link to Regulations:** <http://www.cpe.state.nv.us/CPE%20Info%20for%20New%20Schools.htm>

**Link to Complaint Process if Available:** <http://www.cpe.state.nv.us/CPE%20Complaint%20Info.htm>

**Contact Name:** David Perlman

**Contact Title:** Administrator

**Contact Phone:** 702-486-7330

**Contact Email:** [dperlman@cpe.state.nv.us](mailto:dperlman@cpe.state.nv.us)

**Do They Regulate Distance Education?** Yes

NRS 394.580 regarding "Jurisdiction": "Any person, private school or postsecondary educational institution, whether or not a resident of or having a place of business in this state, that instructs or educates, or offers to instruct or educate, enrolls or offers to enroll, contracts or offers to contract, to provide education, educational services or educational credentials in this state, whether provided in person or by correspondence, to a resident of this state...thereby submits to the jurisdiction of the courts of this state, concerning any cause of action arising from violation of any section of this chapter."

**Description of Application Process:** For schools not currently licensed by the Commission on Postsecondary Education: <http://www.cpe.state.nv.us/CPE%20Info%20for%20New%20Schools.htm>

- There is a form for if you "Do not know if I need to be licensed by the Commission on Postsecondary Education."
- Application form is lengthy and expects detailed information about finances, degrees, courses, faculty, and distance education.
- Commission meets quarterly.
- Applications must be submitted at least 60 days prior to a Commission meeting.
- "A major part of processing your application involves obtaining curriculum approval from a subject matter expert (there may be a nominal charge) and no application will be placed on the agenda until such time as the curriculum has been reviewed and approved."

- "Bonding requirements will be determined on the number of anticipated number of students enrolled in the first year of operating, times the tuition, times the ratio of course length to one year."

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$1,500. The state may also levy fee for a subject matter expert review of the application and an on-going security bond.

**Additional Comments:** David Perlman: "You are correct in that an institution that is considered public in another state would be considered private in Nevada and subject to the provisions of NRS and NAC Chapters 394."

This link is to help those out-of-state schools gain approval for Nevada:

<http://www.cpe.state.nv.us/CPE%20Online%20Info.htm>

# New Hampshire Revised April 15, 2011

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**Agency:** New Hampshire Postsecondary Education Commission

<http://www.nh.gov/postsecondary/>

**Who They Regulate:** 1. Degree Granting Institutions incorporated, or seeking to be incorporated in the state, 2. Out-of-state Degree Granting Institutions with a physical presence in the state. (See distance ed.) 3. Private Postsecondary Career Schools.

**Link to Regulations:** All Statutes and Regulations: <http://www.nh.gov/postsecondary/>

**Link to Complaint Process if Available:** Complaints regarding non-compliance with agency New Hampshire Code of Administrative Rules. Made to Executive Director of the Commission.

<http://www.nh.gov/postsecondary/complaints>

**Contact Name:** Kathryn G. Dodge

**Contact Title:** Executive Director

**Contact Phone:** 603-271-2555 Ext. 350 (Assistant, Patricia Edes, Ext. 351)

**Contact Email:** [Kdodge@pec.state.nh.us](mailto:Kdodge@pec.state.nh.us)

**Do They Regulate Distance Education?** No; only institutions with a physical presence are regulated.

Under New Hampshire Code of Administrative Rules, Chapter Pos 1001.01, the Commission has construed its jurisdiction not to extend to "An out-of-state institution with no physical presence in the state of New Hampshire" that is accredited by a regional or national agency recognized by the U.S.

Department of Education, the Council for Higher Education, or both and is either,

- a. offering credit-bearing courses, programs and/or degrees exclusively by online computer delivery in which the server is located outside of the state, including online instructors residing in the state that do not physically meet with students;
- b. Sends recruiters to college fairs or advertises in the state;
- c. Partners with an approved NH institution to provide credit to NH college and university students enrolled in study abroad experiences or other special study activities;
- d. Contracts with a NH entity that does not directly develop or deliver instruction.

Under 1001.02, describing those entities over which the commission has jurisdiction, "Physical presence is determined by a New Hampshire telephone exchange or post office box mail drop, or if advising/mentoring or instruction is taking place inside the boundaries of the state of New Hampshire."

**Description of Application Process:** Under New Hampshire Statute 186; 13-b an out-of-state institution "planning to establish a branch, branches or extension courses, in this state, shall apply" to the commission.

This process only applies to those organizations with a physical presence in the state. e.g. those seeking to establish and incorporate a physical branch in New Hampshire (See distance ed.) A description of the process may be found at [http://www.nh.gov/postsecondary/colleges/approval\\_procedures.html](http://www.nh.gov/postsecondary/colleges/approval_procedures.html). The approval process is governed by agency Rules, Chapter Pos 1003-1005. Generally the process is as follows:

1. Request evaluation by contacting the Executive Director of the Commission and setting up a meeting to discuss plan.
2. Submit a plan as outlined in agency Rules, chapter Pos 1003-1004. (Evaluation Plan must be submitted 6 months in advance of start date.
3. The Executive Director appoints an evaluation team, which performs a site visit and prepares an Evaluation Report.
5. Full commission approves or disapproves the application.
6. Institution may appeal disapproval.
7. Commission reports its finding to state legislative education committee biennially.

**Is There an Application Fee Y/N?** Yes; Fee Schedule exists in table in agency Rules Chapter Pos 1009, Agency's breakdown of fees available at <http://www.nh.gov/postsecondary/>

**What is the application fee?** Out-of-state institution fees;

1. Incorporation of a branch within the state; \$10,000.
2. Approval of a new program or degree, \$3,000.
3. 4. Continuing review (Annual Report) \$500; (Site Visit) \$2,000 plus stipends for Evaluation Committee. See comments for other fees.

**Comments about the Application Process:** Out-of-state institutions may avoid the full application process in several ways; 1. The institution is outside the jurisdiction of the Commission because it does not have a physical presence in the state. ONLY IF ALREADY APPROVED. 2. The institution seeks administrative approval under the following: a. The institution wishes to offer closed credit-bearing internships, practicums, courses, programs or degrees for which the general public are not admitted and the institution does not publicly advertise. b. The institution wishes to offer open credit-bearing course(s) that do not exceed 50% of degree requirement, credit-bearing internships or practicums, non-credit-bearing courses; and non-credit, non-course based residencies, internships or practicums. c. The institution wishes to offer credit-bearing internships to students employed in the State of New Hampshire. d. The institution wishes to have recruiter(s) residing in the State of New Hampshire. e. The institution wishes to partner with an approved NH institution to offer a credit-bearing course, program or degree(s); f. The institution wishes to contract with a NH entity that directly develops or delivers instruction. There is a \$500 fee per request.

**Agency:** New Jersey Commission on Higher Education

**Who They Regulate:** Any degree or credit offering institution with a physical presence in New Jersey, including those based inside and outside of the state, and those which are public, private, and proprietary in nature. (See NJ Statute 18A: 68-3, and Commission Licensing Regs, particularly 9A: 1-7.5)

**Link to Regulations:** Licensing Regulations;

[http://www.state.nj.us/highereducation/PDFs/LicensureRulesEffectiveJuly\\_28\\_2008.pdf](http://www.state.nj.us/highereducation/PDFs/LicensureRulesEffectiveJuly_28_2008.pdf)

Licensing Statutes: <http://www.state.nj.us/highereducation/PDFs/CollegeLicensureStatutes.pdf>

**Link to Complaint Process if Available:** Not available

**Contact Name:** Position Currently Vacant

**Contact Title:** Director of Academic Affairs

**Contact Phone:** 609-292-2955

**Contact Email:** [nj\\_che@che.state.nj.us](mailto:nj_che@che.state.nj.us)

**Do They Regulate Distance Education?** Yes; however only those with a physical presence in the state of New Jersey. (See Licensing Regulations at 9A: 1-7.5) Physical presence is defined as; "an entity offers credit-bearing courses from, or conducts some portion of the learning experience at a location established in New Jersey by the entity, whether established directly or under auspices of another entity or institution.

**Description of Application Process:** Application Process for out-of-State institution with physical presence seeking licensure for Distance Education; See licensing requirements at 9A: 1-5.2, Review Standards at 9A: 1-1.5 to 1.12, & sections of 9A: 2 for standards applicable to the proposed program or degree. General Description of process;

1. Institution Petitions Commission at least 1 academic year prior to requested date of implementation
2. Petition requirements listed at 9A: 1-5.2. Includes 6 items one of which is "any information the commission specifically requests." suggesting that consultation should be had before petition is submitted.
3. Commission sends summary of petition to New Jersey Colleges for comment.
4. Petition is sent to the President's Council for review and recommendation.
5. Commission makes decision. 6. Licensed institutions are subject to periodic review and must renew licenses if wish to continue offering courses.

**Is There an Application Fee Y/N?** No; however, the applying institution is responsible for reimbursing the Commission for expenses.

**What is the application fee?** See NH St. 18A: 68-3(b). The applicant must repay the commission for the "cost of consultants utilized and other out of pocket expenses incurred..."

**Comments about the Application Process:** Licenses for out-of-state institutions conducting distance education are good for 1-5 years.

## New Mexico Information not verified by the state

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**Agency:** New Mexico Higher Education Department

<http://www.hed.state.nm.us/>

**Who They Regulate:** Private postsecondary institutions (note: regionally-accredited institutions exempted).

**Link to Regulations:**

<http://hed.state.nm.us/content.asp?CustComKey=193250&CategoryKey=426160&pn=Page&DomName=hed.state.nm.us>

<http://www.nmcpr.state.nm.us/nmac/parts/title05/05.100.0002.htm>

**Link to Complaint Process if Available:**

**Contact Name:** Stephanie Ellis

**Contact Title:** Private and Proprietary Schools Administrator

**Contact Phone:** 505-476-8442

**Contact Email:** [stephanie.ellis@state.nm.us](mailto:stephanie.ellis@state.nm.us)

**Do They Regulate Distance Education?** Yes, if the institution has a "presence" in New Mexico.

Yes, if the institution recruits in New Mexico, does not have a presence, and is not exempt.

"Presence" is defined as offering courses, programs, or degrees on site or from a geographical site in New Mexico or maintaining an administrative, corporate or other address in the state. As a result, an institution offering online courses from a site in New Mexico is required to be licensed.

<http://www.hed.state.nm.us/content.asp?CustComKey=193250&CategoryKey=195543&pn=Page&DomName=hed.state.nm.us>

Out-of-state institutions recruiting in New Mexico:

<http://hed.state.nm.us/content.asp?CustComKey=193250&CategoryKey=426160&pn=Page&DomName=hed.state.nm.us>:

**Description of Application Process:** Licensing, Exemption, and Registration Processes are Clearly Described:

- Licensing is the most rigorous and is preserved for those private institutions that are not regionally accredited.
- Exemptions are for institutions that are "exempt" from licensure, but they are expected to complete an exemption claim form and an update form annually.

- Registration is for institutions without a "presence" in the state, but that recruit students from New Mexico.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Licensing-Initial Licensure: \$4,000

Exempt Schools-Initial Registration: \$500

Registered Schools-Initial Registration: \$1,000

**Additional Comments:** It is unclear if PUBLIC exempt schools are expected to apply for exemption with the state.



**Agency:** Office of College and University Evaluation, New York State Education Department:

<http://www.highered.nysed.gov/ocue/>

**Who They Regulate:** Public, private, and proprietary institutions of education located in New York State and out-of-state degree-granting institutions that have a physical presence in New York State.

**Link to Regulations:** <http://www.highered.nysed.gov/ocue/aipr/register.html> and <http://www.highered.nysed.gov/ocue/ded/>

**Link to Complaint Process if Available:**

<http://www.highered.nysed.gov/ocue/spr/COMPLAINTFORMINFO.html>

**Contact Name:**

**Contact Title:** Coordinator

**Contact Phone:** 518- 474-1551

**Contact Email:** [ocueinfo@mail.nysed.gov](mailto:ocueinfo@mail.nysed.gov)

**Do They Regulate Distance Education?** Yes, they regulate distance education when it comprises at least 50 percent of the work for a degree offered by an approved New York higher education institution. For distance education originating outside New York State, they use the concept of "physical presence" to determine whether they have the authority and responsibility to regulate. See:

<http://www.highered.nysed.gov/ocue/ded/policies.html>.

**Description of Application Process:** Contact Office of College and University Evaluation for info:

[ocueinfo@mail.nysed.gov](mailto:ocueinfo@mail.nysed.gov)

**Is There an Application Fee Y/N?** No

**What is the application fee?** Not applicable

**Comments about the Application Process:** Degree-granting institutions seeking clarification should contact the Office of College and University Evaluation after reviewing the information at:

<http://www.highered.nysed.gov/ocue/lrp/home.html>.

# North Carolina Revised March 8, 2011

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**Agency:** The University of North Carolina General Administration on behalf of the University of North Carolina Board of Governors

<http://www.northcarolina.edu/>

**Who They Regulate:** All postsecondary degree activity including associate, bachelor, master, and doctoral degree programs.

**Link to Regulations:**

[http://www.northcarolina.edu/aa\\_planning/licensure/Rules\\_Standards\\_Master\\_Updated\\_1-081.pdf](http://www.northcarolina.edu/aa_planning/licensure/Rules_Standards_Master_Updated_1-081.pdf)

**Link to Complaint Process if Available:** If the complaint cannot be resolved after exhausting the institution's grievance procedure, the student may file a complaint with the following office: Post-Secondary Education Complaints, c/o Assistant Director of Licensure and Workforce Studies, University of North Carolina General Administration, 910 Raleigh Road, Chapel Hill, NC 27515-2688, telephone (919) 962-4558. The student may contact UNC General Administration for further details.

**Contact Name:** Maggie Ryan

**Contact Title:** Assistant Director of Licensure and Workforce Studies

**Contact Phone:** 919-962-4558

**Contact Email:** [mryan@northcarolina.edu](mailto:mryan@northcarolina.edu)

**Do They Regulate Distance Education?** Yes, if the institution is conducting post-secondary degree activity in North Carolina. As stated on Page 2 of the Rules and Standards document referenced in the link above, an institution undertakes post-secondary degree activity in this State when it commences the activity by:

- a) Use of employees or agents within North Carolina; or
- b) Transmission, presentation, or dissemination of information over or through electronic equipment that is located in North Carolina and owned, leased, rented, licensed, or otherwise reserved for use by the institution; or
- c) Use of real property or facilities that are located in North Carolina and owned, leased, rented, licensed, or otherwise reserved for use by the institution; or
- d) Agreement with a third party to transmit, present, or disseminate information on behalf of the institution through any of the means described in a, b, or c, above. (Includes internships, externships, practicums, student teaching, etc).

**Description of Application Process:** The procedures for seeking licensure can be found in the Rules and Standards document which is accessible from the link to regulations above.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Initial Fee of \$5,000 includes up to four degree programs at the associate's or bachelor's level or two degree programs at the master's level or one degree program at the doctoral or first professional level if reviewed at the time of initial application. Additional fees per degree programs may be applied.

**Continued on next page**

**Agency:** North Carolina Community College System/Office of Proprietary School Services  
<http://www.ncccs.cc.nc.us/>

**Who They Regulate:** For-profit institutions offering certificate and diploma programs.

**Link to Regulations:**

[http://www.nccommunitycolleges.edu/PROPRIETARY\\_SCHOOLS/docs/PDFFiles/InquiryInfoPacket.pdf](http://www.nccommunitycolleges.edu/PROPRIETARY_SCHOOLS/docs/PDFFiles/InquiryInfoPacket.pdf)

**Link to Complaint Process if Available:**

**Contact Name:** Diannette Jackson

**Contact Title:** Education Consultant/Program Auditor II

**Contact Phone:** 919-807-7149

**Contact Email:** [jacksond@nccommunitycolleges.edu](mailto:jacksond@nccommunitycolleges.edu)

**Do They Regulate Distance Education?** Yes, but only if there is physical presence in North Carolina; an institution offering a program entirely by "distance", should contact the Office of Proprietary Schools for more information.

**Description of Application Process:**

**Is There an Application Fee Y/N?** Yes

**What is the application fee?**

- Initial Application - \$2,500;
- Renewal Application - \$1,250 base plus \$50.00 per program

**Other mandatory fees:** Student Protection Fund

- Initial Fee: \$1,250;
- Renewal Fee: Based on a formula. Contact Office of Proprietary Schools for more information.

**Guaranty Bond Required:** Amount based on application review and a formula. Contact The Office of Proprietary Schools for more information.

**Agency:** North Dakota State Board for Career and Technical Education

<http://www.nd.gov/cte/>

**Who They Regulate:** "Postsecondary educational institution" includes an academic, vocational, technical, home study, business, professional, or other school, college, or university, or other organization or person, operating in this state, offering educational credentials.

**Link to Regulations:** Please note that regulations are under review, please check

<http://www.nd.gov/cte/private-post-inst/>

<http://www.nd.gov/cte/private-post-inst/#apply>

**Link to Complaint Process if Available:** Not found

**Contact Name:** Debra Huber

**Contact Title:** Administrator

**Contact Phone:** 701-328-2678

**Contact Email:** [dehuber@nd.gov](mailto:dehuber@nd.gov)

**Do They Regulate Distance Education?** Please note that changes to the North Dakota statutes regarding exemptions and regulation are pending in the legislature and will be posted in the end of April. See website for updates and a letter addressed to online colleges: <http://www.nd.gov/cte/private-post-inst/>.

**Description of Application Process:** As of 2/18/11: Complete application found at: <http://www.nd.gov/cte/private-post-inst/docs/DegreeGrantingApplication2006.pdf>

Information requested includes: financial statement, surety bond, advertising, catalogs, accreditation, enrollment agreement, costs, programs, personnel, enrollment, facilities, equipment, educational credentials, placement, and refund policy. NOTE: There are extra requirements for institutions using distance education.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Initial fee: \$2,000

Renewal: \$750

# Ohio Revised March 4, 2011

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**Agency:** Ohio Board of Regents <http://regents.ohio.gov/>

**Who They Regulate:** The Chancellor of the Ohio Board of Regents approves the offering of degrees, degree programs, and credit-bearing course work within the State of Ohio by the following institutions:

- University of System of Ohio (USO) colleges and universities
- Ohio's independent non-profit colleges and universities
- Out-of-state public and independent colleges and universities
- For-profit institutions that offer, or solicit for, programs at or above the baccalaureate level\*
- For-profit institutions that offer associate degrees that want to be eligible to participate in the Ohio College Opportunity Grant program\*

\*For profit-institutions are also regulated by the Ohio State Board of Career Colleges and Schools (<http://scr.ohio.gov/>). See information about Ohio State Board of Career Colleges and Schools follows after the BOR information.

**Link to Regulations:** General State Statute: <http://codes.ohio.gov/orc/3333>

Issuance of Certificates of Authorization (for non-USO institutions only): <http://codes.ohio.gov/orc/1713>

General Administrative Rule: <http://codes.ohio.gov/oac/3333-1>

Standards for issuance of certificates of authorization under section 1713.03, Ohio Revised Code (for non-USO institutions only): <http://codes.ohio.gov/oac/3333-1-08>

**Link to Complaint Process if Available:** Not available online

**Contact Name:** Shane DeGarmo

**Contact Title:** Director, Program Approval

**Contact Phone:** 614-387-1215

**Contact Email:** [sdegarmo@regents.state.oh.us](mailto:sdegarmo@regents.state.oh.us)

**Do They Regulate Distance Education?** Out-of-state institutions offering distance education programs to Ohio residents must seek authorization from the Chancellor if:

- The institution maintains a “brick and mortar” presence in Ohio;
- The online program contains a component (e.g., student teaching, clinical placement, practicum) that will be completed in Ohio; or
- The institution solicits Ohio residents for its programs (for-profit institutions only).

Institutions that do not meet one of the conditions listed above may contact the agency for a letter indicating that its distance education programs are exempt from the authorization requirement.

**Description of Application Process:** Institutions seeking authorization from the Chancellor of the Ohio Board of Regents must meet the minimum standards established in Chapter 3333-1-08 of the Ohio Administrative Code pursuant to §1713.03 of the Ohio Revised Code. Institutions begin the process by submitting a letter of intent and applicable fees and are required to submit information on forms prescribed by the Chancellor. The type of review performed (site visit/document review) is dependent on the nature of the request and may include discipline experts contracted by the agency. Institutions are required to contact the agency prior to initiating the process to determine the forms needed and the type of review to be performed. The Chancellor renders the final decision to approve or not approve a request.

**Is There an Application Fee Y/N?** Yes.

**What is the application fee?** The fees to submit a request have been established under Chapter 3333-1-13 of the Ohio Administrative Code (<http://codes.ohio.gov/oac/3333-1-13>). Fees vary by degree level and for in- and out-of-state institutions.

**Comments about the Application Process:** The program authorization process is under review and institutions should contact Shane DeGarmo for the current forms and fee schedule.

**Additional Comments:** The agency is continually exploring ways to collaborate with accrediting bodies and other state agencies. Institutions submitting requests that also require the approval of other agencies are encouraged to work with the Board of Regents to schedule joint/concurrent reviews.

**Agency:** Ohio State Board of Career Colleges and Schools

<http://scr.ohio.gov/>

**Who They Regulate:** The Ohio State Board of Career Colleges and Schools has jurisdiction over for-profit schools seeking to offer degree and non-degree programs within the State of Ohio. In addition, schools seeking to offer programs at the baccalaureate degree level or higher must also receive the approval of the [Ohio Board of Regents](#).

**Link to Regulations:** In general, the offering and/or soliciting for programs (both online and classroom based) under the jurisdiction of the Ohio State Board of Career Colleges and Schools ("SBCCS") is governed by [Ohio Revised Code \("ORC"\) section 3332.06\(A\)\(1\)](#) that prohibits the offering of programs in Ohio and/or soliciting program enrollment in Ohio unless the programs are approved in accordance with ORC 3332.05.

**Link to Complaint Process if Available:**

<http://scr.ohio.gov/ConsumerInformation/FilingaComplaint.aspx>

**Contact Name:** John Ware

**Contact Title:** Executive Director

**Contact Phone:** 614-466-7802

**Contact Email:** [john.ware@scr.state.oh.us](mailto:john.ware@scr.state.oh.us)

**Do They Regulate Distance Education?** Yes, in general if a program is offered or solicited within the state.

1. Offering Programs in Ohio: The SBCCS has previously opined that the offering of programs approval requirement is limited to programs that have a physical presence in Ohio that would include schools with actual locations/programs emanating from Ohio or schools located elsewhere that conduct some type of instructional activity in the state. At this time SBCCS, does not consider externships as instructional activity. The presence of an online instructor or other employee in the state does not trigger registration requirements either, so long as the instructor/employee isn't conducting in-person activities with students.
2. Soliciting Program Enrollment in Ohio: Out-of-State schools that have admissions representatives that are physically present within the State of Ohio (either permanently or intermittently) must be approved in accordance with ORC Chapter 3332. Schools that solicit Ohio residents through Ohio-based media outlets (Ohio newspapers, Ohio radio stations and Ohio television channels) must also be approved in accordance with ORC Chapter 3332. Schools that have no physical presence within Ohio and who conduct recruiting/soliciting activity through the internet or through national media outlets (and that do not directly target Ohio residents) are not required to be approved under ORC Chapter 3332.



**Description of Application Process:** Submit a New School Application Request letter and do not submit fees. "All fees will be invoiced to your school after the request is received and the necessary fees are determined. All fees submitted to the Board are non-refundable. All necessary paperwork must be submitted in order for the review process to begin. Upon receipt and review of the new school packet, you will be notified of our findings." Detailed forms and instructions are available online.

<http://scr.ohio.gov/SchoolForms/Forms/NewSchoolProceduresandForms.aspx>

**Is There an Application Fee Y/N?** There are fees for operating in Ohio, but not an "application fee."

**What is the application fee?** Fees for operating range from \$150-800 and are based on Gross Tuition Income. View the fees and instructions here:

<http://scr.ohio.gov/LinkClick.aspx?fileticket=jgs1%2blvbHN4%3d&tabid=73>.

**Comments about the Application Process:** The website is very detailed and the forms are straightforward. The initial step is to submit a letter requesting an application packet.

**Agency:** State Regents for Higher Education

<http://www.okhighered.org/>

**Who They Regulate:** Licensing for public and private, not-for-profit degree-granting institutions.

**Link to Regulations:** <http://www.okhighered.org/state-system/policy-procedures/Chapter%203-Final-October%202010%20-with%20new%20formatting.pdf>

**Link to Complaint Process if Available:**

**Contact Name:** Gina Wekke

**Contact Title:** Vice Chancellor for Academic Affairs

**Contact Phone:** 405-225-9142

**Contact Email:** [gwekke@osrhe.edu](mailto:gwekke@osrhe.edu)

**Do They Regulate Distance Education?** Yes, with physical presence (OK PO Box and/or an OK telephone number meets the presence test).

**Description of Application Process:**

**Is There an Application Fee Y/N?** None could be found, but institution must pay for site visit.

**What is the application fee?** Accreditation policy is under review as well as a fee structure for operating in the state.

**Comments about the Application Process:** Institutions that offer courses and programs completely online, with no physical presence in Oklahoma, do not fall under the jurisdiction of this (OK Academic Affairs) policy.

Institutions that offer courses and programs completely online, with no physical presence in Oklahoma, do not fall under the jurisdiction of this policy.

<http://www.okhighered.org/state-system/policy-procedures/Chapter%203-Final-October%202010%20-with%20new%20formatting.pdf>

**Agency:** Office of Degree Authorization

<http://www.osac.state.or.us/oda/>

**Who They Regulate:** Any school offering degrees and credits.

**Link to Regulations:** <http://www.osac.state.or.us/oda/>

**Link to Complaint Process if Available:** Not found

**Contact Name:** Alan Contreras

**Contact Title:** Administrator

**Contact Phone:** 541-687-7478

**Contact Email:** [alan.L.contreras@state.or.us](mailto:alan.L.contreras@state.or.us)

**Do They Regulate Distance Education?** No.

From Oregon Administrative Rules 583-030-0009: "These rules do not apply to a school that offers degrees or credits from outside of Oregon and is unassisted within the state, so that any concomitant learning or evaluation occurring within Oregon is accomplished exclusively through interstate communication (e.g., internet, mail, telephone, fax) in which the student acts entirely alone within this state."

From Oregon Administrative Rules 583-030-0005: "The rule further applies to any school offering degrees and credits from outside of Oregon, in connection with learning or evaluation meant to occur within this state, if there is any person assisting the school from within this state in any way. Assisting the school includes, but is not limited to:

- (a) Maintaining an office or mailing address in the state or
- (b) Conducting any part of the instruction program or support activities from or in the state.

**Description of Application Process:** From ODA FAQ page: Application for full degree programs and religious exemptions may be made only on forms provided by ODA. These forms are provided upon request but are not available from the ODA web site. Forms are usually provided in electronic form as a Word document, which makes filling them out relatively easy. Application for limited review of partial programs varies depending on the program. Contact ODA for information. A school seeking initial degree authorization should allow three months to prepare its application and six additional months for review by ODA.

<http://www.osac.state.or.us/oda/faq.html>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Associate Degree: \$2,815 per degree title (AAS, AA, etc.)

Bachelors or Master's Degree: \$4,250 per degree title (BA, BS, MS, MBA, etc.)

Doctoral degree: \$5,635 per degree title (PhD, ND, JD, EdD, etc.)

# Pennsylvania Information not verified by the state. Revised April 15, 2011.

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**Agency:** Pennsylvania Department of Education, Postsecondary Education

**Who They Regulate:** Distance learning institutions with a physical presence.

**Link to Regulations:**

[http://www.pde.state.pa.us/portal/server.pt/community/higher\\_education/8711/institutional\\_approval\\_information/522454](http://www.pde.state.pa.us/portal/server.pt/community/higher_education/8711/institutional_approval_information/522454);

<http://www.pacode.com/secure/data/022/chapter40/chap40toc.html>

Additional questions for Distance Education/Telecommunications Instruction:

<http://www.portal.state.pa.us/portal/server.pt?open=18&objID=883996&mode=2>

**Link to Complaint Process if Available:**

**Contact Name:** Carol M. D. Gisselquist

**Contact Title:** Higher Education Associate

**Contact Phone:** 717-787-4448

**Contact Email:** [cgisselqui@state.pa.us](mailto:cgisselqui@state.pa.us)

**Do They Regulate Distance Education?** They do if the institution has a physical presence. A hired proctor for examinations counts as a physical presence.

**Description of Application Process:** The application process is customized to each institution. The institution needs to contact PDE and talk to them or meet with them in Harrisburg, PA about what they want to do and PDE will customize an application process to fit the institution.

**Is There an Application Fee Y/N?** Not listed on the website

**What is the application fee?** Not listed on the website

**Additional Comments:** We suggest contacting the Pennsylvania Department of Education for clarification and additional information.

**Agency:** Rhode Island Board of Governors for Higher Education

<http://www.ribghe.org/>

**Who They Regulate:** Out-of-state postsecondary institutions.

**Link to Regulations:** <http://www.ribghe.org/hiedinst.pdf>

**Link to Complaint Process if Available:** Not available

**Contact Name:** Deanna Velletri

**Contact Title:** Executive Assistant

**Contact Phone:** 401-456-6010

**Contact Email:** [dvelletri@ribghe.org](mailto:dvelletri@ribghe.org)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** If the institution seeking to offer distance education lacks a physical presence in Rhode Island, it is subject to the laws governing institutions within its jurisdiction. If there is a physical presence there is an application process involving the Rhode Island Board of Governors for Higher Education and the Secretary of State. <http://www.ribghe.org/regulations.htm>

12 months prior to operating:

- A letter itemizing programs and degrees;
- Completed proposal;
- \$1,000 fee

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$1,000

**Additional Comments:** Operate or Operating: Operating an institution includes: 1) establishing or maintaining within the borders of the state of Rhode Island a facility or location where instruction, student services or educational program administration are provided or postsecondary educational credentials are granted to persons in the state or to persons outside of the state; 2) contracting with any person, group, or entity to operate such an institution; or 3) the activities of persons owning an interest in, employed by, or representing for remuneration a postsecondary educational institution in or outside the state who, by solicitation made in the state: a) give counsel to, enroll or seek to enroll students for education offered by the institution; b) offer to award educational credentials for remuneration, on behalf of the institution; or c) who hold themselves out to persons in the state as representing a postsecondary educational institution for any purpose.

# South Carolina

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**Agency:** Commission on Higher Education

<http://www.che.sc.gov/>

**Who They Regulate:** License all out-of-state institutions that are operating or soliciting in South Carolina in any delivery format as well as in-state institutions not exempt by statute.

**Link to Regulations:** <http://www.che.sc.gov/AcademicAffairs/License/Regulations.pdf>

**Statute:** [http://www.che.sc.gov/AcademicAffairs/License/Licensing\\_Statute.pdf](http://www.che.sc.gov/AcademicAffairs/License/Licensing_Statute.pdf)

**Link to Complaint Process if Available:**

[http://www.che.sc.gov/AcademicAffairs/License/Complaint\\_procedures\\_and\\_form.pdf](http://www.che.sc.gov/AcademicAffairs/License/Complaint_procedures_and_form.pdf)

**Contact Name:** Renea Eshleman

**Contact Title:** Program Manager, Non-public Postsecondary Institution Licensing

**Contact Phone:** 803-737-2281

**Contact Email:** [reshleman@che.sc.gov](mailto:reshleman@che.sc.gov)

**Do They Regulate Distance Education?** Yes, but the Commission does not require licensing of institutions that enroll residents of South Carolina into online or distance programs unless the institution operates or solicits in South Carolina. Explanation of jurisdiction from a February 10, 2011 letter:

<http://www.che.sc.gov/AcademicAffairs/License/OperatingOrSolicitingExplanation.pdf>

**Description of Application Process:**

[http://www.che.sc.gov/AcademicAffairs/License/Procedures\\_for\\_DegreeGranting\\_Institutions.pdf](http://www.che.sc.gov/AcademicAffairs/License/Procedures_for_DegreeGranting_Institutions.pdf)

[http://www.che.sc.gov/AcademicAffairs/License/Procedures\\_for\\_NonDegreeGranting\\_Institutions.pdf](http://www.che.sc.gov/AcademicAffairs/License/Procedures_for_NonDegreeGranting_Institutions.pdf)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Page 17 of Regulations

<http://www.che.sc.gov/AcademicAffairs/License/Regulations.pdf>

Also required for out-of-state institutions is a surety bond by an entity licensed to do business in South Carolina. The amount of the bond is based upon anticipated tuition revenues with a \$20,000 minimum bond for an out-of-state institution to operate or solicit in South Carolina.



## South Dakota Information not verified by the state

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**Agency:** South Dakota Board of Regents

<http://www.sdbor.edu/>

**Who They Regulate:** Institutions offering credit or degrees in South Dakota must be accredited by a regional or national accreditation agency, be in candidacy for accreditation, or be part of a financial aid articulation agreement. Violators may be fined \$25,000.

Does not apply to religious institutions offering credit and degrees solely within that religion.

**Link to Regulations:** Regulation: <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=13-49-27.1&Type=Statute>

South Dakota Board of Regents: <http://www.sdbor.edu/>

**Link to Complaint Process if Available:** Not found

**Contact Name:** Contact the South Dakota Board of Regents with questions.

**Contact Title:**

**Contact Phone:** 605-773-3455

**Contact Email:** [info@sdbor.edu](mailto:info@sdbor.edu)

**Do They Regulate Distance Education?** No.

**Description of Application Process:**

**Is There an Application Fee Y/N?** No

**What is the application fee?** None

**Agency:** Tennessee Higher Education

<http://www.tn.gov/thec/>

**Who They Regulate:** All non-exempt postsecondary institutions operating in the state.

**Link to Regulations:**

<http://www.tn.gov/thec/Divisions/LRA/PostsecondaryAuth/pdf/Postsecondary%20Rules%20effective%207%2028%2009.pdf>

**Link to Complaint Process if Available:** The complaint form may be uploaded from the links listed at:

<http://www.tn.gov/thec/Divisions/LRA/PostsecondaryAuth/psa.html>

**Contact Name:** Stephanie Bellard Chase

**Contact Title:** Assistant Executive Director for Postsecondary School Authorization

**Contact Phone:** 615-741-5293

**Contact Email:** [Stephanie.Bellard@tn.gov](mailto:Stephanie.Bellard@tn.gov)

**Do They Regulate Distance Education?** Yes, required authorization of long distance learning institutions shall be reviewed based upon Commission staff evaluation of physical presence. See <http://www.tn.gov/thec/Divisions/LRA/PostsecondaryAuth/pdf/Distance%20Education%20Authorization%20Requirements%20-%20Final.PDF> for additional information specially addressing the authorization of distance education in Tennessee. The document also defines physical presence.

**Description of Application Process:**

[http://www.tn.gov/thec/Divisions/LRA/PostsecondaryAuth/school\\_authorization.html#initial\\_auth](http://www.tn.gov/thec/Divisions/LRA/PostsecondaryAuth/school_authorization.html#initial_auth)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$3,000 for initial application plus \$500 for each proposed program plus \$1,000 to \$4,000 per degree program level (associates to doctoral).

**Agency:** Higher Education Coordinating Board

<http://www.thecb.state.tx.us/>

**Who They Regulate:** Authorizes all private and public (non-Texas) postsecondary institutions offering or seeking to offer credits and degree programs in the state.

**Link to Regulations:** <http://www.thecb.state.tx.us/index.cfm?objectid=5AE5574E-DB27-F411-02936207FF354653>

**Link to Complaint Process if Available:** Not found.

**Contact Name:** Van Davis

**Contact Title:** Deputy Assistant Commissioner

**Contact Phone:** 512-427-6223

**Contact Email:** [van.davis@thecb.state.tx.us](mailto:van.davis@thecb.state.tx.us)

**Do They Regulate Distance Education?** Yes, but physical presence is a factor; enrolling Texas students in online courses/program only does not require authorization (although an agent for the institution must be registered with the CB)

**Description of Application Process:** Could not be found online.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$5,000 for certificate of authority to grant degrees in Texas.

**Continued on next page**

**Agency:** Texas Workforce Commission

<http://csc.twc.state.tx.us>

**Who They Regulate:** Any training, including distance education, offered to a Texas resident must be either licensed or exempted by this agency. In effect, any schools offering private postsecondary education must be licensed, with rare exceptions. In addition, degree programs must be approved by the Texas Higher Education Coordinating Board.

**Link to Regulations:**

Law: <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.132.htm>

Rules: <http://www.twc.state.tx.us/twcinfo/rules/ch807.pdf>

**Link to Complaint Process if Available:** <http://www.twc.state.tx.us/svcs/propschools/problem-school.html>

**Contact Name:** Michael De Long

**Contact Title:** Policy Program Specialist, Career Schools and Colleges

**Contact Phone:** 512-936-3104

**Contact Email:** [michael.delong@twc.state.tx.us](mailto:michael.delong@twc.state.tx.us)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** available at:  
<http://www.twc.state.tx.us/svcs/propschools/considering-schools.html>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$3,000 for “large” schools, plus applicable staff approval fees.

# Utah Revised March 4, 2011

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**Note from the Agency:** Utah's regulations may change. There is a bill in front of the Utah Legislature that has not yet passed. The legislative session ends (on March 10, 2011) - at that point it will be clear whether or not anything will change in Utah. Here is a link to the bill:

<http://le.utah.gov/~2011/htmdoc/sbillhtm/sb0210.htm>

**Agency:** Utah Division of Consumer Protection

<http://www.consumerprotection.utah.gov/>

**Who They Regulate:** Proprietary institutions, which are private institutions offering postsecondary education. Regionally or nationally accredited institutions and religious institutions are exempted. Utah Code Title 13 Chapter 34.

**Link to Regulations:** Division of Consumer Protection:

<http://consumerprotection.utah.gov/consumerinfo/schools.html>

Links to registrations are on the right side of the page.

**Link to Complaint Process if Available:** <http://consumerprotection.utah.gov/complaints/index.html>

**Contact Name:** Marla Winegar

**Contact Title:** Administrator

**Contact Phone:** 801-530-6601

**Contact Email:** [consumerprotection@utah.gov](mailto:consumerprotection@utah.gov)

**Do They Regulate Distance Education?** Proprietary institutions that advertise, recruit, or operate in the state must register. 'Operate' in Utah means 'to have a significant presence within the state.' See Utah Code 13-34-103.

**Description of Application Process:** Procedures and forms can be found at:

<http://consumerprotection.utah.gov/registrations/schools.html>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** The initial application fee will be computed as one-half of one percent of the gross tuition income of the registered program(s) expected during the first year, but not less than \$100 or more than \$2,000. The institution will provide documentation to substantiate the amount of the fee, in a form specified by the division.

**Comments about the Application Process:** It appears that there are no regulations that public or non-profit institutions are required to follow. A representative of the Utah State Board of Regents Office told us that legislation is in-the-works to address these new federal regulations. It is possible that the new requirements for public institutions and fees for inquiries might be added.

**Agency:** Vermont State Board of Education

<http://www.education.vermont.gov/new/html/mainboard.html>

**Who They Regulate:** In-state schools which are not part of the state college system and are not exempted by means of regional accreditation. Out-of-state schools wishing to establish a physical presence in Vermont.

**Link to Regulations:** <http://education.vermont.gov/new/pdfdoc/board/rules/2240.pdf>

**Link to Complaint Process if Available:**

**Contact Name:** Cathy Hilgendorf

**Contact Title:** Postsecondary Approval Coordinator

**Contact Phone:** 802-828-5402

**Contact Email:** [cathy.hilgendorf@state.vt.us](mailto:cathy.hilgendorf@state.vt.us)

**Do They Regulate Distance Education?** They do not regulate postsecondary education unless there is a physical presence established in Vermont, such as an administrative office.

**Description of Application Process:** For physical presence only: must apply and receive approval from the State Board of Education before registering name with the Secretary of the State; must receive approval before offering credit-bearing courses/admitting first student; must apply for and receive Certificate of Degree Granting Authority from State Board of Education before conferring degrees.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Currently \$2,000 - \$2,500, but for fiscal year 2012 increases are proposed.

**Comments about the Application Process:** This process requires the applying institutions to follow a very precise timeline of steps to comply with the standards.

**Additional Comments:** The Vermont State Board of Education only offers basic information on the website. All of the applications and forms and information about fees are accessible only through the approval coordinator.

**Agency:** State Council of Higher Education

<http://www.schev.edu/>

**Who They Regulate:** Regulates all out-of-state schools and most private schools operating in Virginia, including degree-granting, non-degree granting, for-profit, and non-profit.

**Link to Regulations:** <http://www.schev.edu/AdminFaculty/iApproval/final%20regs%208-24-06.pdf>

However, SCHEV is in the process of promulgating new regulations, which should become effective early to mid-2012.

**Link to Complaint Process if Available:** <http://www.schev.edu/forms/StudentComplaintInformation.pdf>  
(may need to paste URL in browser).

**Contact Name:** Linda Woodley

**Contact Title:** Director for Private and Out-of-State Postsecondary Education

**Contact Phone:** 804-371-2938

**Contact Email:** [LindaWoodley@schev.edu](mailto:LindaWoodley@schev.edu)

**Do They Regulate Distance Education?** Yes, with a physical presence component.

**Description of Application Process:**

<http://www.schev.edu/highered/pope/forms/newschool/IC%20Application%20form%20rev.doc>

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Degree-granting, \$6,000; Non-degree granting, \$2,500

**Comments about the Application Process:** Schools must recertify annually, annual recertification fee based on gross tuition and ranges from \$500 to \$2,500 per branch operating in Virginia. Any school interested in seeking certification to operate in Virginia must attend a new school orientation prior to submitting an application for certification. School must prepare an application package, which includes a school plan, surety instrument, financial projection analysis, administration and faculty qualification form (much more than standard three page application). School must successfully complete a site visit also. Final application approval made by Council resolution. Application process available from following link: <http://www.schev.edu/highered/pope/NewSchool.asp>.



# Washington Revised March 4, 2011

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**Agency:** Washington Higher Education Coordinating Board

<http://www.hecb.wa.gov/>

**Who They Regulate:** The HECB has authority over colleges and universities that offer associate, bachelors, and graduate degree programs as well as academic credit courses.

**Link to Regulations:** <http://www.hecb.wa.gov/autheval/daa/daaindex.asp>

**Link to Complaint Process if Available:**

<http://www.hecb.wa.gov/autheval/daa/ConsumerInformation.asp>

**Contact Name:** Degree Authorization Staff

**Contact Phone:** 360-753-7869

**Contact Email:** [DAinfo@hecb.wa.gov](mailto:DAinfo@hecb.wa.gov)

**Do They Regulate Distance Education?** Institutions offering distance instruction may be required to seek authorization if they are determined to operate in the state. Operation in the state is defined in the Degree-granting Institutions Act Regulation, WAC 250-61-050. From: <http://apps.leg.wa.gov/wac/default.aspx?cite=250-61-050> as follows:

(21) "To operate" means but is not limited to the following:

- a. Offering courses for academic credit at any Washington location or via distance learning from a Washington location.
- b. Granting or offering to grant degrees in Washington for credit obtained within or outside the state.
- c. Maintaining or advertising a Washington location, mailing address, telecommunications number or internet server for any purpose or any other function of a degree-granting institution, other than contact with the institution's former students for any legitimate purpose related to their having attended.
- d. Advertising, promoting, publicizing, soliciting, or recruiting for the institution or its offerings that is targeted specifically at Washington citizens, excluding multi-institutional college fairs.

NOTE: Operation in the state can also include the offering of externships, internships, clinical training, practica, etc. that take place in the state

**Description of Application Process:** <http://www.hecb.wa.gov/autheval/daa/applicationprocess.asp>

To expedite an initial decision regarding the need for authorization, institutions should complete the questionnaire found at: <http://www.hecb.wa.gov/autheval/daa/daaindex.asp>. Should authorization be required, HECB staff will provide the institution with information regarding the application process.

Step 1: Develop a detailed proposal. Develop an administrative structure and define the degrees and programs your college or university would like to offer in Washington. Outline proposed areas and level of study, the mode of delivery (distance education or classroom-based) and a potential location.

Step 2: Contact us to set up a meeting. Please call us at least one year prior to the proposed start of operations. We will discuss the application process, the areas of review, and the details of your proposal.

Step 3: Complete and submit the application. We will review your application and contact you if we have questions or need further clarification.

**\*Existing institutions do not need to develop a proposal but they do need to follow step 2 and 3. Contact Degree Authorization staff with questions.**

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Initial fee: \$2,000

<http://apps.leg.wa.gov/wac/default.aspx?cite=250-61-170>

**Comments about the Application Process:** Institutions may contact the Degree Authorization staff at [DAInfo@hecb.wa.gov](mailto:DAInfo@hecb.wa.gov) with any questions concerning the application process.

**Agency:** Higher Education Policy Commission

<http://wvhepcnew.wvnet.edu/>

**Who They Regulate:** Licensing and approval authority for all private degree-granting and for-profit institutions.

**Link to Regulations:** [https://www.wvhepc.org/resources/series\\_20.pdf](https://www.wvhepc.org/resources/series_20.pdf)

**Link to Complaint Process if Available:**

**Contact Name:** Mark Stotler

**Contact Title:** Assistant Director of Academic Affairs

**Contact Phone:** 304-558-0262

**Contact Email:** [STOTLER@hepc.wvnet.edu](mailto:STOTLER@hepc.wvnet.edu)

**Do They Regulate Distance Education?** Yes with a physical presence component. Definition of physical presence: <https://www.wvhepc.org/academic/privateinstauthorized.pdf>

**Description of Application Process:** Submit a self-study report to the commission and fee after consultation with Academic Affairs staff. Recommend contacting the Commission for details on expectations of the self-study report.

**Is There an Application Fee Y/N?** Yes if actually locating in the state. Fee may be waived for online institution located elsewhere. Surety bond may be required

**What is the application fee?** \$2,000

**Continued on next page**

**Agency:** West Virginia Council for Community and Technical College Education

<http://www.wvctcs.org/>

**Who They Regulate:** Associate degrees and lower

**Link to Regulations:** <http://www.wvctcs.org/downloads/RulesPolicies/HEPC/133-35.pdf> and <http://www.wvctcs.org/downloads/RulesPolicies/135-20.pdf>,

**Link to Complaint Process if Available:**

**Contact Name:** Mark W. Stotler

**Contact Title:** Assistant Director of Academic Affairs

**Contact Phone:** 304-558-0262

**Contact Email:** [stotler@hepc.wvnet.edu](mailto:stotler@hepc.wvnet.edu)

**Do They Regulate Distance Education?** Unclear but probably closer to yes, authorization is limited to institution delivering instruction in West Virginia and with a physical presence in the state.

**Description of Application Process:** Make initial contact with Academic Affairs staff to determine appropriate policy.

**Is There an Application Fee Y/N?** Yes, but may be waived depending on manner of physical presence.

**What is the application fee?** \$2,000

**Agency:** Wisconsin Education Approval Board

<http://eab.state.wi.us/>

**Who They Regulate:** "The EAB oversees for-profit, postsecondary schools (except cosmetology and real estate); out-of-state non-profit colleges and universities; in-state non-profit institutions incorporated after 1/1/92." <http://eab.state.wi.us/resources/faq.asp#9>.

**Who must have approval to operate?** Wis. Stat. 38.50 1(e) creates the approval authority in the EAB and states "For-Profit trade, correspondence, business, or technical schools" must be approved and excludes "schools supported primarily by taxes" (e.g. public schools) among several other exceptions. EAB Reg. 4.01(1) regarding approval of schools mirrors this language including exclusions. Finally EAB Reg. 11 regulates distance education provided by "private, postsecondary schools." Postsecondary Under s.38.50 (1)(e) 2., Wis. Stats., "[s]chools that are supported mainly by taxes" are exempt from EAB oversight. The EAB has consistently interpreted this exemption to mean public colleges/universities supported by state funding (including out-of-state public institutions) are exempt and therefore the agency would not require a publically governed institution to be approved.

**Link to Regulations:** All statutes and regulations; <http://eab.state.wi.us/board/regulation.asp>  
Agency Regulations Concerning Approval of schools; <http://eab.state.wi.us/board/eab004.pdf>  
Statutory Authority for Board re; approval of schools; <http://eab.state.wi.us/board/wis38.pdf>  
Regarding the approval of "private post secondary schools delivering distance programs"  
<http://eab.state.wi.us/board/eab011.pdf>

**Link to Complaint Process if Available:** <http://eab.state.wi.us/resources/complaint.asp>

**Contact Name:** David C. Dies

**Contact Title:** Executive Director

**Contact Phone:** 608-267-7733

**Contact Email:** [david.dies@eab.state.wi.us](mailto:david.dies@eab.state.wi.us)

**Do They Regulate Distance Education?** Yes; EAB Regulation Chapter 11 requires that "private postsecondary school(s) delivering distance learning programs" must meet certain standards and apply for approval; <http://eab.state.wi.us/board/eab011.pdf>. According to the definitions "'Distance learning" means instruction provided by means other than face-to-face student to teacher interaction; including video, computer-based, and correspondence instruction." Distance educators must do a full application as required by EAB 4.03. It is not clear whether public institutions must apply.

**Description of Application Process:** For a comprehensive description see; <http://eab.state.wi.us/resources/newschoolapp.pdf>.

However, generally speaking schools already operating and in violation of the law have 60 days from receipt of packet to submit or they will be referred to the attorney general for action. The process can take up to 70 business days to complete, and involves an examination of almost every aspect of the school, including governance, finances, review of academic programs etc.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$1,000-\$4,000 depending on the type of program.

**Agency:** Wyoming Department of Education

[http://edu.wyoming.gov/Programs/schools/private\\_school\\_licensing.aspx](http://edu.wyoming.gov/Programs/schools/private_school_licensing.aspx)

**Who They Regulate:** Except as provided by subsection (b) of this section, all trade, correspondence, distance education, technical, vocational, business or other private schools which are located within the state or have their principal place of business out-of-state but are doing business in the state, shall be licensed under this article before operating or doing business in this state.

(b) Any private degree granting post secondary education institution shall prior to operating or doing business in this state or continuing to operate or do business in this state, notify the department of education pursuant to W.S. 21-2-402(f) or be registered with the department in accordance with this article.

**Link to Regulations:** <http://michie.lexisnexis.com/wyoming/lpext.dll?f=templates&fn=main-h.htm>

**Link to Complaint Process if Available:**

**Contact Name:** Samantha Mills

**Contact Title:** Education Program Consultant

**Contact Phone:** 307-777-5712

**Contact Email:** [smills@educ.state.wy.us](mailto:smills@educ.state.wy.us)

**Do They Regulate Distance Education?** Yes

**Description of Application Process:** The Institution needs to verify accreditation, fill out a short form, and pay a \$100 fee.

[http://www.k12.wy.us/F/psl/degree\\_app.pdf](http://www.k12.wy.us/F/psl/degree_app.pdf)

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** \$100

**Comments about the Application Process:** The process is straightforward and simple but can be complicated if said institution is awaiting accreditation or is not accredited.

**Additional Comments:** This is slightly confusing because Private School Licensing also regulates postsecondary educational institutions (except Wyoming Public Universities and Colleges).

# Addendum April 4, 2011

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## Alaska Commission on Postsecondary Education

### Who They Regulate:

- All postsecondary education providers unless specifically exempted by statute.
- The University of Alaska System reports to a separate governing body, the University of Alaska Board of Regents.

### Link to the Complaint Process if Available:

<http://akadvantage.alaska.gov/Portals/0/Content/Regs122910and010111.pdf>.

**This statement is not applicable:** Do They Regulate Distance Education? All references to application are regarding application for authorization, per the State contact.

**What is the application fee?** For authorization, \$2,500.00.

## District of Columbia

### Legal Authorities

The basic functions and authorities of the Commission are established by the Education Licensure Commission Act of 1976, DC Law 1-104, as amended, which is codified as Title 31, Chapter 13 of the DC Code (1981 ed.).

The Commission administers this law, as well as a 1901 statute codified as Title 29, Chapter 8 of the DC Code, regulations for degree-granting institutions and non-degree postsecondary schools, and certain regulations of the US Department of Veterans Affairs.

**Contact Phone:** 202-727-6436

## Oregon

Editor's Note: With the changes in the noted below, we would now categorize Oregon as a RED state since every institution needs to undergo a review, even if it is likely to be exempted. Also, Jennifer Diallo (who responded for Oregon) will soon be the person in charge of Oregon's degree authorization processes

**Agency:** Office of Degree Authorization

<http://www.osac.state.or.us/oda/>

**Who They Regulate:** Any school or organization offering degrees and post-secondary credits.

**Link to Regulations:** <http://www.osac.state.or.us/oda/>



**Link to Complaint Process if Available:** For complaints about degree-granting schools, email ODA. For non-degree granting schools, contact the Private Career Schools section of the OR Dept of Education.

**Contact Name:** Jennifer Diallo

**Contact Title:** ODA Administrator

**Contact Phone:** 541-687-7478

**Contact Email:** [oda@osac.state.or.us](mailto:oda@osac.state.or.us)

**Do They Regulate Distance Education?** It depends. Purely online programs with no practicum or other on-the-ground learning/credit-bearing activity are exempt from ODA authorization; however, this exemption must be established and verified before it is effective. Any program that requires students to self-arrange practicum-type experiences would not qualify as exempt from ODA regulation. Determination of exempt status requires a review and verification by ODA to confirm the school's legal status as a degree-granting institution and the validity of their degrees for use in Oregon.

**Description of Application Process:** Information and application forms for verification of exempt status (for purely online and religious exemptions) and for authorization of practicum, partial degree and full degree programs are available on the ODA website (<http://www.osac.state.or.us/oda/>). Contact ODA via email ([oda@osac.state.or.us](mailto:oda@osac.state.or.us)) for more information.

**Is There an Application Fee Y/N?** Yes

**What is the application fee?** Associate Degree: \$2,815 per degree title (A, AA, AAS, AOS, etc.)

Bachelors, Masters, and Doctoral Degrees: \$4,250 per degree title (BA, BS, MA, MS, MAT, MEd, MBA, PhD, ND, JD, EdD, etc.)

## **Mississippi Commission on Proprietary School and College Registration (CPSCR)**

**Link to Regulations:** <http://www.michie.com/Mississippi>. Mississippi Code of 1972 as Amended, Chapter 060 of Title 75.

Link to Complaints: 75-60-19

**Do they register if offering distance education?** No, exempted unless there is a physical presence.

## **Oklahoma**

**Contact Name:** Gina Wekke

**Contact Title:** Assistant Vice Chancellor for Academic Affairs

# April 22, 2011 Revisions

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## Michigan

Please review revised information regarding establishing a non-public institution on the Michigan [webpage](#). Physical presence **does not** include conducting courses such as internships, clinicals, practicum's, etc. therefore approval is no longer required under those circumstances.

## New Jersey Commission on Higher Education

Link to site: <http://www.state.nj.us/highereducation/>

## New Hampshire

**Comments about the Application Process:** Out-of-state institutions may avoid the full application process in several ways; 1. The institution is outside the jurisdiction of the Commission because it does not have a physical presence in the state. ~~ONLY IF ALREADY APPROVED~~. 2. The institution seeks administrative approval under the following: a. The institution wishes to offer closed credit-bearing internships, practicums, courses, programs or degrees for which the general public are not admitted and the institution does not publicly advertise. b. The institution wishes to offer open credit-bearing course(s) that do not exceed 50% of degree requirement, credit-bearing internships or practicums, non-credit-bearing courses; and non-credit, non-course based residencies, internships or practicums. c. The institution wishes to offer credit-bearing internships to students employed in the State of New Hampshire. d. The institution wishes to have recruiter(s) residing in the State of New Hampshire. e. The institution wishes to partner with an approved NH institution to offer a credit-bearing course, program or degree(s); f. The institution wishes to contract with a NH entity that directly develops or delivers instruction. There is a \$500 fee per request.

## Pennsylvania

Pennsylvania Department of Education, Postsecondary Education link:

[http://www.education.state.pa.us/portal/server.pt/community/bureau\\_of\\_postsecondary\\_education/7325/division\\_of\\_higher\\_education/522367](http://www.education.state.pa.us/portal/server.pt/community/bureau_of_postsecondary_education/7325/division_of_higher_education/522367)

## Dow Lohnes Survey Link

[Revised link](#) for 2006 Dow Lohnes Report, "The State of State Regulation of Cross-Border Postsecondary Education"

## SHEEO/NCHEMS Authoritative List Development

[SHEEO](#) and [NCHEMS](#) announced on April 21, 2011 that they will be developing a directory of state regulators and an authoritative compendium of state laws and regulations. WCET will no longer be revising "Starter List" document. Please direct all future revisions to NCHEMS staff members, Marianne Boeke [marianne@nchems.org](mailto:marianne@nchems.org) or Stacey Zis [stacey@nchems.org](mailto:stacey@nchems.org). NCHEMS will be surveying all state regulators and asking additional questions that were not included in the several surveys that have been sent out previously. We are very appreciative of SHEEO and NCHEMS for taking on the important and valuable work of developing an authoritative list.