

2011

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

Compiled January 2011

In partnership with WCET, SREB, ADEC, and the University of Wyoming



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# 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 several new regulations, including the expectation that: "Under the Higher Education Act, for an institution in any State to be eligible to participate in Federal programs, it must be legally authorized by the State to provide postsecondary education." Institutions are expected to comply **in each state** in which they 'operate' by July 1, 2011. Institutions possessing proof that they are applying in a state will be considered in compliance for the 2011-2012 year.

## Purpose of this 'Starter' List

The need for approval 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 allowing them to plan how to meet the July 1 deadline.

## 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 did this work in about a month. Given that the answers often depend on what activities your institution is currently undertaking 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.***

We have already heard that as a result of these regulations or of other priorities in some states that the state approval regulations are under review and might change.

***Research is based on reviews of websites, documents, laws, and regulations.***

We did not conduct a survey. We contacted states only when there was no other option left to us due to inconsistent or missing information in the published materials.

***There will be mistakes.***

Given our short timeframe and the complexity of state laws and regulations, there are bound to be inaccuracies. We do not warranty this information in any way. We ask states and institutions to inform us of any inaccuracies by February 18. We will post an updated document by the end of February.

**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.

In January 2011, [Eduventures](#) released “Online Learning Across State Borders: Assessing State Regulation of Out-of State Institutions.” We urge institutional personnel to also review that document to assist in interpreting state authorization regulations in each state.

**Thank you!!!**

We thank the following for their efforts in leading this partnership and performing state reviews:

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, coordinated data collection, and performed the final edits.

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

## Next Steps

### ***Give us your feedback.***

We hope that you will find this information useful. We would like to hear from you if you have corrections or experiences in any state that you would like to share. On behalf of this partnership, WCET will be collecting all feedback on this document. Please go to WCET's web page, which provides updates on the state approval issue, and complete the survey with your feedback:

<http://wcet.wiche.edu/advance/state-approval>.

### ***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>

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

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. In many instances this information is not easily found (at least that was our experiences from our efforts in securing the information). In many instances, states have specific instructions for applying for licensure/approval, multiple steps with more than one state agency where action must be undertaken, many forms (sometimes online, sometimes not), application fees and/or surety bonds, and defined timelines for when an application can be submitted. 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.

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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 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, you will probably have 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 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 and 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 Pennsylvania Rhode Island	Alaska Colorado Hawaii Idaho Indiana Louisiana Montana New Hampshire Oklahoma South Carolina South Dakota	Alabama Arizona Arkansas California Connecticut Delaware District of Columbia Florida Georgia Illinois Iowa Kansas Kentucky Maine Maryland Michigan Mississippi Missouri Nebraska Nevada New Jersey New Mexico New York North Carolina North Dakota Ohio Oregon 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:** Five-part online application with submission of general information about institution and plan for operation in AL.

<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 AL.

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

**Continued on next page**

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

**Who They Regulate:** licensing of all non-state institutions; all proprietary postsecondary institutions

**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:** 334-242-2959

**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 AL students, not less than \$2500, not to exceed \$15,000.

**Comments about the Application Process:** They offer certificates of exemption, but not clear how an institution qualifies.



**Agency:** AK Commission on Postsecondary Education

(ACPE is Funded by the Alaska Student Loan Corporation (operates separately from the State).

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

**Who They Regulate:** 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. ([http://www.chea.org/pdf/State\\_Uses\\_of\\_Accreditation.pdf](http://www.chea.org/pdf/State_Uses_of_Accreditation.pdf))

**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:**

<http://touchngo.com/iglcntr/akstats/Statutes/Title14/Chapter48/Section130.htm>

**Contact Name:** Not found on the website

**Contact Title:** Not found on the website

**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." Most Postsecondary Education wouldn't qualify for an exemption.

**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

Very few institutions would qualify as exempt if operating from out of AK.

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

**What is the application fee?** \$2500, and a renewal fee of \$500-2500

**Comments about the Application Process:** Process is lengthy and includes a site visit.

The Dow Lohnes Report states that: Enrolling state residents in a strictly online class does not constitute presence sufficient to require some type of licensure. (pg 50/147). But this was not clear from the statutes or the authorization website.



**Agency:** Arizona State Board for Private Post Secondary 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) Postsecondary Education

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

**Link to Complaint Process if Available:**

**Contact Name:** Teri Stanfill

**Contact Title:** Ex. Director

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

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

**Do They Regulate Distance Education?** for private institutions Did not find any info about regulations for public institutions

**Description of Application Process:** LICENSE APPLICATION PROCESS, which takes between 180 and 240 days and involves: Submitting a required License Application (refer to exhibit C)

Submitting the appropriate, non-refundable application filing fee

Participating in an education facility inspection/visit

Appearing 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 (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.

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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.

Vocational programs are exempt if they are state funded programs.



**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 apps for on-site vs. online or distance programming; submission of materials is not open-ended, 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; \$2500 for up to five program certifications

**Comments about the Application Process:** For out-of-state online programming, if an institution initiates contact with a student, state certification is required. If the student initiates contact with an out-of-state institution, certification is not required.

**Continued on next page**

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

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

**Who They Regulate:** licensing of all out-of-state/non-public institutions offer 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.



**Agency:** Dept. of Consumer Affairs. Bureau for Private Postsecondary Ed.

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

**Who They Regulate:** All private (profit/non-profit) Postsecondary Education

**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:** Not found on the website

**Contact Title:** Not found on the website

**Contact Phone:** 916-431-6959

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

**Do They Regulate Distance Education?** yes, for Private Postsecondary Education

**Description of Application Process:** Pretty straight forward 2 page form Accredited:  
[http://www.bppe.ca.gov/applications/approval\\_accredited.pdf](http://www.bppe.ca.gov/applications/approval_accredited.pdf) (2 page app and potential site visit)

Not 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; steps are not outlined, only that "by Jan 1, 2011, the bureau will have processes and procedures." Appears that non proprietary institutions Need to be accredited but not authorized.

**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.

**Agency:** CA Postsecondary Education Commission

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

**Who They Regulate:** doesn't list approval regulations or processes.

**Link to Regulations:** <http://www.cpec.ca.gov/>

**Link to Complaint Process if Available:**

**Contact Name:** Not found on the website

**Contact Title:**

**Contact Phone:**

**Contact Email:**

**Do They Regulate Distance Education?**

**Description of Application Process:**

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

**What is the application fee?**

**Comments about the Application Process:** The site doesn't provide information about approval for non-profits to operate, however the site has links to agencies that are approved to operate: List of state approved and exempt schools: <http://www.cpec.ca.gov/links/LinksSubPage.ASP?LinkType=26>

List of WASC accredited non-public institutions:  
<http://www.cpec.ca.gov/links/LinksSubPage.ASP?LinkType=27>.



**Agency:** CO Dept of Ed; Private Occupational School Division and the Degree Authorization Act (both under the DHE and have the same contact)

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

**Who They Regulate:** All; private accredited institutions, out-of-state public institutions, and bible colleges and seminaries

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

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

**Contact Name:** Heather DeLange

**Contact Title:** Administrator of the Degree Authorization Act

**Contact Phone:** 303-866-2723

**Contact Email:** [heather.delange@dhe.state.co.us](mailto:heather.delange@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 ed about any activity occurring in the state.

The CO 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;

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- 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://higherred.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/>

**Who They Regulate:** The Board of Governors regulates "higher education and post-secondary education" through the licensing of those "operating institutions of higher learning" in Connecticut. See comments for remarks regarding who "operates" an institution.

**Link to Regulations:** [www.ctdhe.org/regulations/default.htm](http://www.ctdhe.org/regulations/default.htm)

**Link to Complaint Process if Available:** <http://www.ctdhe.org/POSA/pdf/CP2ComplaintForm.pdf>

**Contact Name:** Patricia Santoro, Director Academic Affairs

**Contact Title:** Office of Academic Affairs

**Contact Phone:** 860-947-1819

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

**Do They Regulate Distance Education?** Only if there is physical presence:

in-state mailing address; in-state telephone and/or fax number; requiring students to take exams in-state; Contracting with a local institution (library, community college) to provide access to information resources; Requiring students to gather together (e.g. study groups) without the presence of an instructor; providing students with in-person advising or tutor services within the state; Presence of instructors in-state, teaching students within the state via online or remote interaction; Presence of an internet server or other institution-owned telecommunications equipment within the state; administrative building; recruitment office;

**Description of Application Process:** Procedure for obtaining license from the Board of Governors of Higher education; Mailing of 3 copies of application which is available at [www.ctdhe.org/regulations/pdfs/institutionapplication.pdf](http://www.ctdhe.org/regulations/pdfs/institutionapplication.pdf). Application must be mailed 9 months in advance of the date for which approval to operate is requested. Must include answers to 69 questions with subparts and 1. Program Summary 2. Catalogue in which program is offered 3. Audited Financial Statement 3. Letter of approval from accrediting organization 4. IPEDS institutional characteristics survey.

**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?** Not found on the website

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**Comments about the Application Process:** CT uses the term authorization for their approval process.

<http://www.ctdhe.org/Regulations/ConditionsAuthorizationApproval.htm>.

## Delaware

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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.

**Link to Regulations:** not found on the website

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

**Contact Name:** Maureen Laffey

**Contact Title:** Director

**Contact Phone:** 302-577-5240

**Contact Email:** [mlaffey@doe.k12.de.us](mailto:mlaffey@doe.k12.de.us)

**Do They Regulate Distance Education?** yes

**Description of Application Process:** Couldn't be located on the website or through search.

**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.

## District of Columbia

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

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

**Who They Regulate:** The Commission Regulates those "educational institutions" providing post-secondary 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 post-secondary 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.



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

**Who They Regulate:** approval of all independent institutions (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

**Description of Application Process:** Myriad of forms, supplementary documents, and "exhibits" required.

**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

**Comments about the Application Process:** Dow Lohnes Report states that NPEC bases regulation strictly on in-state advertising and/or recruiting.



**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:** doesn't 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 for private. 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.



**Agency:** State Board of Education

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

**Who They Regulate:** proprietary

**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?** Regulations do not mention distance or online.

33-2402: An institution is deemed to have a physical presence in Idaho if it owns, rents, leases, or uses any office or other physical location in Idaho from which it, or its representatives sells, offers for sale, or distributes any course or courses for academic credit or otherwise.

**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, ranges from \$100-\$5,000

**Comments about the Application Process:** must be registered to operate as a business in ID. Private not-for-profit degree-granting institutions are not required to be authorized, but need to be accredited. (CHEA). 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.



**Agency:** Illinois Board of Higher Education

<http://www.ibhe.state.il.us/>

**Who They Regulate:** approval over independent and out-of-state higher education.

**Link to Regulations:**

<http://www.ibhe.org/Academic%20Affairs/Applications/Independent/materials/IllinoisStatutes.pdf>

**Link to Complaint Process if Available:** Use institutional ombudsman/Dean/Dept. head/provost - hotline 217-782-2551

**Contact Name:** G.W. Reed

**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 offer degrees in Illinois only 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.

**Description of Application Process:** Provide a notice of intent to the Board staff in writing.

Meet with the Board Staff (can be over the phone)

Complete the application

(<http://www.ibhe.org/Academic%20Affairs/Applications/Independent/materials/DegreeGrantingAuthority.pdf>)

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

**What is the application fee?** There are no licensing fees.

**Comments about the Application Process:** 13 page application, pretty straight forward.

**Continued on next page**

**Agency:** Illinois State Board of Education

<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.state.il.us/spec-ed/html/complaint\\_investigation.htm](http://www.isbe.state.il.us/spec-ed/html/complaint_investigation.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:** Public institutions

**Link to Regulations:** not relevant to distance programs operating from out of Indiana

**Link to Complaint Process if Available:** <http://www.in.gov/che/2373.htm>

**Contact Name:** Jennifer Seabaugh, Teresa Sanders

**Contact Title:** ICHE liaison, Commissioner

**Contact Phone:** <http://www-in-gov/che/2373-htm>

**Contact Email:** <http://www.in.gov/che/2372.htm>

**Do They Regulate Distance Education?** Yes for institutions within the state, no policy found on public institutions operating from out-of-state.

**Description of Application Process:** Not found

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

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

**Comments about the Application Process:** Governor Mitch Daniels is creating a process for Western Governors University students to obtain in-state scholarships.

**Continued on next page**

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

**Who They Regulate:** Proprietary - Private

**Link to Regulations:** <http://www.in.gov/legislative/iac/T05700/A00010.PDF>

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

**Contact Name:** Jeff Weber

**Contact Title:** Commissioner

**Contact Phone:**

**Contact Email:**

**Do They Regulate Distance Education?** Yes. IN 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

[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:** 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 Board of Regents

<http://www.regents.iowa.gov/>

**Who They Regulate:** Higher Ed Regent Universities

**Link to Regulations:** <http://www.regents.iowa.gov/>

**Link to Complaint Process if Available:** <http://www.regents.iowa.gov/contactus/contactus.html>

**Contact Name:** <http://www.regents.iowa.gov/Boardstaff/boardstaff.html>

**Contact Title:** State Authorization Officers

**Contact Phone:** 515-281-3934

**Contact Email:** [xxxxx@iastate.edu](mailto:xxxxx@iastate.edu)

**Do They Regulate Distance Education?** <http://www.continuetolearn.uiowa.edu/iride/>

**Description of Application Process:** Not found

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

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



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

**Who They Regulate:** Higher Education in the state

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

**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?** Not found on the website

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



**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:** Application couldn't be found online.

**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/ronlyres/28B0D28F-9FFD-4FD8-812F-DD1437D527D1/0/12FeeScheduleJan2010editioneff030510.pdf>.

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

**Comments about the Application Process:** Site visits required. See regulations link for details. Application form couldn't be found online.

**Continued on next page**

**Agency:** State Board for Proprietary Education

<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 (exempt)

**Link to Regulations:** none

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

**Contact Name:** Larry Tremblay

**Contact Title:** Deputy Commissioner, Planning, Research, and Performance

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

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

**Do They Regulate Distance Education?** Yes

**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?** unknown

**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.



**Agency:** Maine Department of Education- In the case of Post Secondary 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 Post Secondary 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 e-mail is provided although web-page based e-mail 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

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**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.](http://www.maine.gov/education/highered/DegGrant/DegGrantAuth.htm#nonmaine)



**Agency:** Maryland Higher Education Commission

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

**Who They Regulate:** Degree-granting institutions

**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:** Unclear but a contact is: Genny Secura

**Contact Title:** Senior Education Policy Analyst-Planning and Academic Affairs

**Contact Phone:** 410-260-4536

**Contact Email:** [gsegura@mhec.state.md.us](mailto:gsegura@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 MD

**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.

# Massachusetts

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**Agency:** Board of Higher Education in Massachusetts; Board's staff makes up the "Massachusetts Board of Higher Education."

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

**Who They Regulate:** Regulates the Massachusetts Public System of Higher Education, (State Universities, and Community Colleges) and independent institutions located in and outside the state. (see Distance Ed.)

**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. General Statute giving award of degree grant

**Link to Complaint Process if Available:** Link to Student Complaint Process; <http://www.mass.edu/forstudents/complaints/complaintprocess.asp> Complaints and investigations regarding the allegations that an institution is granting degrees without authority. See 2.10 at; <http://www.mass.edu/forinst>

**Contact Name:** Francesca Purcell, Ph.D.

**Contact Title:** Associate Commissioner for Academic and P-16 Policy

**Contact Phone:** 617-994-6937

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

**Do They Regulate Distance Education?** Maybe: Depends upon construction of terms in statute and regulations; Ma. St. 69 S 31(a) states; no "educational institution chartered, incorporated, or organized in another state, (shall) conduct within the commonwealth any courses, available to residents of the commonwealth, leading to the award of a degree unless..." they have received approval from the Board of Higher Education. BOHE regulations mirror this language at 610 CMR 2.03 (4). Approval/application procedure description in 610 CMR 2.06 & 2.07 applies to "Out-of-state institutions" seek "authority to operate in Massachusetts" Many of those institutions under the purview of the Agency do not have campuses in Massachusetts. See; <http://www.mass.edu/forinstitutions/academic/purview.asp#out>

**Description of Application Process:** 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. Substantial fees have been created by the Board of Higher Education. The board appoints a committee to review the application and visit the institution if necessary. They submit a report to the board and the institution may respond to this 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.



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

**Who They Regulate:** Proprietary Schools and other out-of-state institutions: "Schools in Michigan that teach a trade, occupation, or vocation, usually to individuals beyond the high school level, are required to be licensed by State law."

**Link to Regulations:** <http://www.michiganps.net/>

**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?** All the rules seem to relate to physical presence in the state, though that term is not used. There is the following vague statement: "The standards set forth in these rules apply to home study schools insofar as applicable."

<http://www.michiganps.net/ViewAttachment.aspx?ID=109>

The following memo indicates that institutions offering a bachelors degree no longer need to obtain a permit to solicit in the state, but should ask for an exemption.

<http://www.michiganps.net/ViewAttachment.aspx?ID=342>

Michigan has adopted the new federal definitions of "distance" and "correspondence" education, but there is no indication of how those definitions are applied.

**Description of Application Process:** See this site for procedures:

<http://www.michiganps.net/ViewAttachment.aspx?ID=109>

See this site for several related memos and documents:

<http://www.michiganps.net/resources.aspx?function=NSF>

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

**What is the application fee?** Applicants can apply for a \$1,000 for a "temporary permit" while being reviewed. An out-of-state applicant for a new license pays \$400. Fees may be adjusted according to the Consumer Price Index.

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**Comments about the Application Process:** There is a "Frequently Asked Questions" memo for out-of-state institutions. Degree-granting institutions are covered by the second point:

[http://www.michigan.gov/documents/mdcd/PSU\\_Non-Public\\_Postsecondary\\_Education\\_Options\\_229497\\_7.pdf](http://www.michigan.gov/documents/mdcd/PSU_Non-Public_Postsecondary_Education_Options_229497_7.pdf).



**Agency:** Minnesota Office of Higher Education

**Who They Regulate:** Which Institutions Must Be Licensed?

Private Career School Licensure is required for most for-profit private schools and training firms that offer occupational programs below the baccalaureate level in Minnesota.

Which Institutions Must Register? Private

**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=1078>

**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>

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

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

**What is the application fee?** New Schools to Private Institutions Registration that offer One Degree:

- Associates - \$2,000
- Bachelors - \$2,500

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- Masters - \$3,000
- Doctoral - \$3,500

New Schools to Private Institutions Registration that offer Two or More Degree or Non-Degree Pro

**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.

## Mississippi

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**Agency:** Mississippi Commission on College Accreditation

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

**Who They Regulate:** approve all colleges and universities or other entities that offer one or more post-secondary 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:**

**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

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

**Who They Regulate:** proprietary

**Link to Regulations:** not listed

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

**Contact Name:** Marillyn 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, as the term "Proprietary school" has a broad definition: "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

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

**Link to Complaint Process if Available:** None.

Students are asked to first complain to their school: <http://www.dhe.mo.gov/contactus.php#media>

**Contact Name:** Proprietary School Certification Program

**Contact Title:**

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

**Contact Email:** [info@dhe.mo.gov](mailto:info@dhe.mo.gov)

**Do They Regulate Distance Education?** Purely online programs do not seem to be covered as the definition of 'operate' focuses on physical presence in the state: " to establish, keep, or maintain any facility at a location or locations in this state where, from, or through which education is offered or given and shall include contracting with any person, group, or entity to perform any such act."

<http://www.moga.mo.gov/statutes/C100-199/1730000600.HTM>

Solicitation of students in the state does require approval: <http://www.moga.mo.gov/statutes/C100-199/1730000602.HTM>

**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

**Comments about the Application Process:** The Department of Higher Education has the authority to recognize licensure granted elsewhere, if it wishes: "The board may dispense with investigation of an out-of-state applicant and may grant a certificate of approval upon payment of the required fees, provided that in the board's judgment, requirements for approval in the state, territory, or District of Columbia are substantially equal to those in force in Missouri at the time application for approval is filed and upon due proof that such applicant has continually operated a proprietary school for two years, and holds a current license in the other state." See: <http://www.moga.mo.gov/statutes/C100-199/1730000604.HTM>.



**Agency:** Montana Board of Regents

<http://www.mus.edu/board/BORinfo.asp>

**Who They Regulate:** private degree granting

**Link to Regulations:** Chapter 20: regulations on Postsecondary Education repealed:

[http://data.opi.mt.gov/bills/mca\\_toc/20.htm](http://data.opi.mt.gov/bills/mca_toc/20.htm)

**Link to Complaint Process if Available:**

**Contact Name:** Office of Commissioner of Higher Education

**Contact Title:**

**Contact Phone:** 406-444-6570

**Contact Email:** <http://itsd.mt.gov/about/contact.asp>

**Do They Regulate Distance Education?**

**Description of Application Process:**

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

**What is the application fee?**

**Comments about the Application Process:** Degree-granting institutions must get the Board of Regents' approval or be accredited by 1 of 6 agencies recognized by the Board of Regents. There is no state agency in Montana that regulates licenses or oversees proprietary schools.



**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 post-secondary 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:** Dr. Marshall Hill

**Contact Title:** Executive Director; (According to commission regulations. "all contacts with the commission (for the application process) shall be through the Commissioner or his designee")

**Contact Phone:** 402-471-2847

**Contact Email:** [marshall.hill@nebraska.gov](mailto:marshall.hill@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 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." Do they mean institutions offering only partial courses, or institutions 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:**

**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 Commissioned 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.

(May also require fee for subject matter expert review and 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."

## New Hampshire

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**Agency:** New Hampshire Post-Secondary 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. Career/Occupational Schools.

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

**Link to Complaint Process if Available:** Complaints Regarding Non-Compliance with Agency Regulations; Made to Executive Director of the Commission. See; <http://www.nh.gov/postsecondary/complaints/index.html>

**Contact Name:** Kathryn G. Dodge, Ph. D.

**Contact Title:** Executive Director

**Contact Phone:** 603-271-2555 Ext- 350- Assistant Patricia Edes is 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 agency reg. 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 and is either, a. offering courses "exclusively by online computer delivery," b. recruiting in the state, c. partnered with an approved NH institution, or d. contracting 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 advertising/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 Regulations Chapter Pos 1003-1005. However 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 regulations. chapter Pos 1003-1004. (Plan must be submitted 6 months in advance of start date. 3. The executive director appoints an evaluation team, which prepares a report regarding the plan. 4. Institution has 10 days to respond. 5. Full commission approves or disapproves the application.

6. Commission reports its finding to state legislative education committees, which may also have to approve the incorporation. (see N.H. St. 292: 8-h) For exemptions to the application process see comments.

**Is There an Application Fee Y/N?** Yes; Fee Schedule exists in table in agency reg. Chapter Pos 1009, Agency's breakdown of fees available at [http://www.nh.gov/postsecondary/colleges/approval\\_procedures.html](http://www.nh.gov/postsecondary/colleges/approval_procedures.html)

**What is the application fee?** Out-of-state Institution fees; 1. Incorporation of a branch within the state; \$10,000. 2. Approval of a program or degree; \$3,000. 3. Site Visits; \$1,000 for additional visits. 4. Continuing review; \$500 for review of annual reports.

**Comments about the Application Process:** Out-of-state institutions may avoid the application process in several ways; 1. The institution may be outside the jurisdiction of the commission because it does not have a physical presence in the state. 2. Under Agency Regulation Chapter Pos 1006.03 the commission may accept the accreditation of an institution by a recognized accreditation agency in lieu of the application process. 3. Agency reg. Chapter Pos 1008, the commission must accept recognized accreditations under limited circumstances described therein. For instance, in situations in which an agency is offering "closed courses" not open to the public. A lower "administrative fee" is applicable under these circumstances.



**Agency:** New Jersey Commission on Higher Education; Comprised of 15 members appointed by the governor, and a staff. Licenses degree offering institutions. Advised by The President's Council, a statutory entity comprised of the presidents of the public institutions

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

**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:** web-page based e-mail contact <http://www.state.nj.us/highereducation/about/staff.htm>

**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 Ed; 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 ed. are good for 1-5 years.

**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 NM:

<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 where at least 50% of the degree can be earned via distance learning technology and is going to be applied to an existing program of study.

**Link to Regulations:** Proprietary: <http://www.highered.nysed.gov/ocue/aipr/section3-58.html>  
<http://www.highered.nysed.gov/ocue/ded/reviewoptions.html>

**Link to Complaint Process if Available:**  
<http://www.highered.nysed.gov/ocue/spr/COMPLAINTFORMINFO.html>

**Contact Name:** Office of College and University Evaluation

**Contact Title:** Not found on the website

**Contact Phone:** 518- 474-2593

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

**Do They Regulate Distance Education?** Yes. They regulate distance ed when it comprises at least 50% of a degree earned and applied to an existing program of study in the state of New York.

**Description of Application Process:** There is an online form that one fills out and submits to the OCUE, including a 16 page self study form: <http://www.highered.nysed.gov/ocue/aipr/register.html>

**Is There an Application Fee Y/N?** Couldn't find one on the website.

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

**Comments about the Application Process:** Institutions seeking such authority should contact the Office of College and University Evaluation (OCUE) after reviewing (the information at: <http://www.highered.nysed.gov/ocue/aipr/Protocolforopeningacollege.htm>). If, after reviewing the information about procedures and requirements and the regulatory context for establishing a college, the institution has a serious commitment to establishing a college, OCUE will schedule of meeting with the chief academic officers of the institution to discuss the requirements and the procedures in detail.

## North Carolina

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**Agency:** Board of Governors, The University of North Carolina

<http://www.northcarolina.edu/bog/index.htm>

**Who They Regulate:** all baccalaureate or higher degree-granting institutions, including proprietary institutions

**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:**

**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

**Description of Application Process:**

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

**What is the application fee?** \$5,000 base fee for up to four degree programs (or two graduate level programs); up to \$16,000 annually for 30 or more programs.

**Continued on next page**

DRAFT

**Agency:** North Carolina Community College System/Office of Proprietary School Services

<http://www.ncccs.cc.nc.us/>

**Who They Regulate:** for-profit institutions offering associate or certain 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:** Suzanne Williams

**Contact Title:** Director of Proprietary Schools and Liaison to Boards and Commissions

**Contact Phone:** 919-807-6960

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

**Do They Regulate Distance Education?** yes, but only if there is physical presence; an institution offering a program entirely by "distance" does not have to seek licensure.

**Description of Application Process:**

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

**What is the application fee?** \$2,500

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

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

**Contact Name:** No name provided

**Contact Title:** No name provided

**Contact Phone:** 701-328-3180

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

**Do They Regulate Distance Education?** It appears that purely distance activities are not regulated. See definition of 'operate' from the ND Century Code 15-20.4-01: "'To operate' an educational institution, or like term, means to establish, keep, or maintain any facility or location in this state where, from, or through which, education is offered or given, or educational credentials are offered or granted, and includes contracting with any person, group, or entity to perform any such act."

**Description of Application Process:** 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



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

**Who They Regulate:** The Board Regulates Secondary Education in Ohio, including Ohio's public universities, non-profits in Ohio, for-profits offering associates degrees or higher, and out-of-state institutions public and private.

**Link to Regulations:** Agency Regulations; (Authorization Requirements 3333-1-08) <http://codes.ohio.gov/oac/3333-1> General State Statutes; <http://codes.ohio.gov/orc/3333> State statutes concerning issuance of certificates of authorization see Ohio Rev. Code 1713.02 at <http://codes.ohio.gov/orc/1713>

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

**Contact Name:** Stephanie Davidson, PhD

**Contact Title:** Director of Academic Programs

**Contact Phone:** 614-728-1904

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

**Do They Regulate Distance Education?** Most likely not although not currently expressed in regulations/statutes; Pertinent statute Ohio Rev. St. 1713.02 (c) states that no institution "may offer courses within this state until it has received a certificate of authorization from the Ohio Board of Regents." Institution as defined by Ohio Rev. St. 1713.01 encompasses out-of-state private and public universities. The corresponding Regulations. Ohio Administrative Code 3333-1-08 applies to institutions that "offer degrees". However, there is reason to believe that the Regents draw a distinction between purely online instruction, and those institutions with a physical presence. See the following link (which is no longer available directly from the agency website):

[http://regents.ohio.gov/academic\\_programs/program\\_approval/pdfs/AccreditationOverview.pdf](http://regents.ohio.gov/academic_programs/program_approval/pdfs/AccreditationOverview.pdf)

"Regent's Policy is not to regulate out-of-state institutions that offer online degree work that does not include any activities within the state's borders. (e.g. class, solicitation, tutoring, workshops, licensure pieces, and so forth)" See also The State of State Regulation of Cross Border Post-Secondary Regulation suggesting a physical presence policy at <http://www.dowlohn.com/files/Publication/41537f7b-0ba3-49c5-85e4-026b17ad3e9a/Presentation/PublicationAttachment/bab9d02e-0a22-4367-90ce-1651fd4c3899/Presence%20Report.pdf>

**Description of Application Process:** Application is made to the Chancellor of the Regents of the Board of education. The application must conform to the requirements set out in the agency reg. 3333-1-08 which appears to be a comprehensive report on the school, its faculty, facilities, resources finances etc. The Chancellor is in charge of creating the actual application form. It appears that this process is under review and revision. See [http://regents.ohio.gov/academic\\_programs/program\\_approval/index.php](http://regents.ohio.gov/academic_programs/program_approval/index.php)

**Is There an Application Fee Y/N?** None adopted

**What is the application fee?** Ohio Board of Regents is authorized to promulgate a regulation establishing fee for its review of an application under Ohio Rev. St. 1713.03 However, such fee has not been promulgated by the pertinent agency regulations.

**Comments about the Application Process:** Process is under review and subject to change; "we are currently reviewing and revising our process for program approval and institutional reauthorization." See [http://regents.ohio.gov/academic\\_programs/program\\_approval/index.php](http://regents.ohio.gov/academic_programs/program_approval/index.php) Institutions with questions are told to contact [Stephanie Davidson](#).

**Additional Comments:** CONTACT IS A NECESSITY as authorization procedures are under review, and informal agency policy, as opposed to express statutes or regulations, deal with the issue of distance education.



**Agency:** State Regents for Higher Education

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

**Who They Regulate:** licensing for public and private, non-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:** unclear, but head of Academic Affairs and a good contact is: Houston Davis

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

**Contact Phone:** 405-225-9100

**Contact Email:** [hdavis@osrhe.edu](mailto:hdavis@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?**

**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

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**Agency:** Pennsylvania Department of Education, Post Secondary 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>

**Link to Complaint Process if Available:**

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

**Contact Title:** staff member

**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:** Pennsylvania's regulations confused us. We suggest contacting the Pennsylvania Department of Education.

## Rhode Island

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

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

**Who They Regulate:** Out-of-state post-secondary 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:** [deanna@etal.uri.edu](mailto:deanna@etal.uri.edu)

**Do They Regulate Distance Education?** yes

**Description of Application Process:** If the distance ed lacks a physical presence in RI it is subject to the laws governing institutions in 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/hiedinst.pdf>

**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

**Comments about the Application Process:** If the distance ed lacks a physical presence in RI it is subject to the laws governing institutions in 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/hiedinst.pdf>

12 months prior to operating:

- a letter itemizing programs and degrees;

-completed proposal

-\$1,000 fee

**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 non-SC chartered institutions that are operating or soliciting in SC in any delivery format

**Link to Regulations:** [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:**

**Contact Name:** Michael Raley

**Contact Title:** Associate Director of Academic Affairs

**Contact Phone:** 803-737-0056

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

**Description of Application Process:**

**Is There an Application Fee Y/N?** Yes, but amount not found

**What is the application fee?** Also required for out-f-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 \$5,000 minimum bond.

## South Dakota

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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>

SD 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:** Commission on Higher Education

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

**Who They Regulate:** licensing and approval authority of all 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:**

**Contact Name:** Stephanie Bellard Chase

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

**Contact Phone:** 615-253-7495

**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.

**Description of Application Process:** 12 page 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 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:** Kevin Lemoine

**Contact Title:** Deputy Assistant Commissioner

**Contact Phone:** 512-427-6226

**Contact Email:** [Kevin.Lemoine@thecb.state.tx.us](mailto:Kevin.Lemoine@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:** couldn't 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://www.twc.state.tx.us/>

**Who They Regulate:** licensing of non-degree proprietary vocational-technical institutions

**Link to Regulations:**

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=40&pt=20&ch=807](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=20&ch=807)

**Link to Complaint Process if Available:**

**Contact Name:**

**Contact Title:**

**Contact Phone:** 512-936-3100

**Contact Email:**

**Do They Regulate Distance Education?** Yes (at least it appears to be the case)

**Description of Application Process:**

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

**What is the application fee?**



**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:**

**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 might be added.



**Agency:** Vermont State Board of Education

<http://www.education.vermont.gov/new/html/mainboard.html>

**Who They Regulate:** Post-Secondary Education Approval

**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?** Yes

**Description of Application Process:** Must apply and receive approval from the State Board of Ed. Before registering name w. Sec. of 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 Ed. before conferring degrees.

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

**What is the application fee?** \$1,000-1500

**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:** licensing/approving all private degree-granting, proprietary, and out-of-state institutions operating in the state

**Link to Regulations:** <http://www.schev.edu/AdminFaculty/iApproval/final%20regulations%208-24-06.pdf>

**Link to Complaint Process if Available:** <http://www.schev.edu/forms/StudentComplaintInformation.pdf>

**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, 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?** \$6,000 plus surety bond of at least \$5,000

**Comments about the Application Process:** Fairly standard: Three page application and a surety bond.

Instructions:

<http://www.schev.edu/highered/pope/forms/newschool/Instructions%20for%20completing%20certification%20package.doc>.



**Agency:** Washington Higher Education Coordinating Board

<http://www.hecb.wa.gov/>

**Who They Regulate:** The EAB has authority over colleges and universities that offer associate, bachelors, and graduate degree programs.

**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 Title:**

**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 only do not appear to need approval, but there are strict rules about any type of presence or operating in the state. From: <http://apps.leg.wa.gov/wac/default.aspx?cite=250-61-050> is the following definition:

(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.

**Description of Application Process:** <http://www.hecb.wa.gov/autheval/daa/applicationprocess.asp>

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.

DRAFT

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.

**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 should review Washington's regulations about presence and operating in the state: <http://apps.leg.wa.gov/wac/default.aspx?cite=250-61-050>.

## West Virginia

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**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, 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. Recommend contacting the Commission for details on expectations of the self-study report.

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

**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/135-20.pdf>

**Link to Complaint Process if Available:**

**Contact Name:** Kathy D'Antoni

**Contact Title:** Vice Chancellor

**Contact Phone:** 304-558-2411

**Contact Email:** [dantoni@wvctcs.org](mailto:dantoni@wvctcs.org)

**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:**

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

**What is the application fee?** \$50,000 surety bond



**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, post-secondary schools." It is not clear how the EAB regulates public post-secondary schools although they purport to do so.

**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:** 608-266-1996

**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.

**Additional Comments:** The EAB seems to believe it has authority over public post-secondary schools located outside the state, and takes this very seriously; "unapproved schools are breaking the law and may be fined up to \$500." Furthermore, policy is that if a school is already operating without approval it has 60 days to complete an application upon receipt or be referred to the attorney general's office.. Statutory language seems to suggest that public institutions are exempt. Finally, there are many agencies in the state that each take a portion of the pie; See <http://www.legalexplorer.com/legal/legal-QA.asp?Sid=16&Qid=1#A1>

**Agency:** Wyoming Department of Education <http://edu.wyoming.gov/Default.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 post-secondary educational institutions (except WY Public Universities and Colleges).