

2011

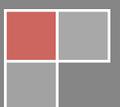
# State Approval Regulations for Distance Education: A 'Starter' List

Final Revised March 17, 2011

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



Revised  
3/17/2011



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

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

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

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

## Purpose of this ‘Starter’ List

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

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

## Methodology

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

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

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

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

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

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

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

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

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

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

## **Caveats**

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

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

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

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

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

As a result of these regulations, higher education reorganization (CT, MD), pending legislation (CT, MD, ND, UT), or of other local priority-setting activities, we have heard that the state approval regulations are under review and might change.

***There will be mistakes.***

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

**Other Resources**

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

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

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

You might also wish to check:

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

**Thank You!!!**

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

Bruce Chaloux  
Southern Regional Education Board

Janet Poley  
American Distance Education Consortium

Russ Poulin  
WICHE Cooperative for Educational Technologies

Maggi Murdock  
University of Wyoming

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

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

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

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

## **Recommendations and Observations**

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

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

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

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

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

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

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

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

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

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

**Next Steps**

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

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

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

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

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

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

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

**Revised Document released:** March 17, 2011

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# Contents

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State Approval Regulations for Distance Education: A ‘Starter’ List.....	2
States Regulating Distance Education at a Glance.....	11
Categorization of States Regulating Distance Education.....	12
Alabama .....	13
Alaska .....	16
Arizona Revised March 4, 2011 .....	18
Arkansas.....	20
California.....	22
Colorado.....	23
Connecticut.....	25
Delaware Revised March 8, 2011.....	28
District of Columbia Information not verified by the state .....	30
Florida Information not verified by the state .....	32
Georgia.....	33
Hawaii Information not verified by the state .....	34
Idaho Revised March 4, 2011 .....	35
Illinois Revised March 4, 2011.....	36
Indiana .....	38
Iowa.....	41
Kansas Information not verified by the state .....	43
Kentucky.....	45
Louisiana .....	47
Maine Information not verified by the state.....	48
Maryland.....	50
Massachusetts Revised March 4, 2011 .....	51
Michigan.....	53
Minnesota Revised March 8, 2011.....	55
Mississippi.....	57
Missouri .....	59
Montana.....	62

Nebraska .....	63
Nevada .....	65
New Hampshire.....	67
New Jersey     Information not verified by the state .....	69
New Mexico     Information not verified by the state .....	71
New York.....	73
North Carolina     Revised March 8, 2011.....	74
North Dakota.....	77
Ohio     Revised March 4, 2011.....	78
Oklahoma.....	82
Oregon     Information not verified by the state .....	83
Pennsylvania     Information not verified by the state .....	85
Rhode Island.....	86
South Carolina.....	88
South Dakota     Information not verified by the state .....	89
Tennessee .....	90
Texas .....	91
Utah     Revised March 4, 2011.....	93
Vermont .....	95
Virginia .....	96
Washington     Revised March 4, 2011.....	97
West Virginia.....	99
Wisconsin.....	101
Wyoming.....	103
Addendum   March 17, 2011 .....	104
Alaska Commission on Postsecondary Education:.....	104
Oregon .....	104
Mississippi Commission on Proprietary School and College Registration (CPSCR) .....	105
Oklahoma.....	105



## States Regulating Distance Education at a Glance

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

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

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

# Categorization of States Regulating Distance Education

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

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

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

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

**Link to Complaint Process if Available:**

**Contact Name:** Elizabeth C. French

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

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

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

**Do They Regulate Distance Education?** Yes

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

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

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

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

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

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

**Continued on next page**

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

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

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

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

**Link to Regulations:**

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

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

**Contact Name:** Annette McGrady

**Contact Title:** Private School Licensure Specialist

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

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

**Do They Regulate Distance Education?** Yes

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

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

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

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

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

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

**Agency:** Arkansas Department of Higher Education

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

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

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

**Link to Complaint Process if Available:**

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

**Contact Name:** Zanette Douglas

**Contact Title:** Coordinator of Institutional Certification

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

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

**Do They Regulate Distance Education?** Yes

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

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

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

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

**Continued on next page**

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

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

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

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

**Link to Complaint Process if Available:**

**Contact Name:** Brenda Germann

**Contact Title:** Director

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

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

**Do They Regulate Distance Education?** Yes

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

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

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

# Delaware Revised March 8, 2011

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**Agency:** Delaware Department of Education

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

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

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

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

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

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

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

**Contact Name:** Wayne Barton

**Contact Title:** Director

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

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

**Do They Regulate Distance Education?** Yes

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

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

**What is the application fee?**

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

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

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

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

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

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

## Florida Information not verified by the state

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

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

**Link to Regulations:**

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

**Link to Complaint Process if Available:**

**Contact Name:** Susan Hood

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

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

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

**Do They Regulate Distance Education?** Yes

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

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

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

**Agency:** Nonpublic Postsecondary Education Commission

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

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

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

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

**Contact Name:** William Creews

**Contact Title:** Executive Director

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

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

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

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

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

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

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

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

**Comments about the Application Process:**

**Agency:** Council on Postsecondary Education

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

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

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

**Link to Complaint Process if Available:**

**Contact Name:** Sarah Levy

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

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

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

**Do They Regulate Distance Education?** Yes

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

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

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

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

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

**Continued on next page**

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

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

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

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

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

**Contact Name:** Lindsey Lane

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

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

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

**Do They Regulate Distance Education?** Yes

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

Fairly straight forward.

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

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

**Agency:** Board of Regents

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

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

**Link to Regulations:** None

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

**Contact Name:** Larry Tremblay

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

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

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

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

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

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

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

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

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

**Agency:** Maryland Higher Education Commission

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

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

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

**Link to Complaint Process if Available:**

**Contact Name:** Sue A. Blanshan

**Contact Title:** Director of Academic Affairs

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

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

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

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

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

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

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

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

**Agency:** Mississippi Commission on College Accreditation

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

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

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

**Link to Complaint Process if Available:**

**Contact Name:** Menia Dykes

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

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

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

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

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

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

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

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

**Continued on next page**

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

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

**Who They Regulate:** Proprietary institutions

**Link to Regulations:** Not listed

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

**Contact Name:** Marilyn Gardner

**Contact Title:** Proprietary Schools Specialist

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

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

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

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

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

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

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

# North Carolina Revised March 8, 2011

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

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

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

**Link to Regulations:**

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

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

**Contact Name:** Maggie Ryan

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

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

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

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

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

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

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

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

**Continued on next page**

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

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

**Link to Regulations:**

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

**Link to Complaint Process if Available:**

**Contact Name:** Diannette Jackson

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

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

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

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

**Description of Application Process:**

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

**What is the application fee?**

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

**Other mandatory fees:** Student Protection Fund

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

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

**Agency:** State Regents for Higher Education

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

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

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

**Link to Complaint Process if Available:**

**Contact Name:** Gina Wekke

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

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

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

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

**Description of Application Process:**

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

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

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

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

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

# South Carolina

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**Agency:** Commission on Higher Education

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

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

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

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

**Link to Complaint Process if Available:**

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

**Contact Name:** Renea Eshleman

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

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

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

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

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

**Description of Application Process:**

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

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

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

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

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

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

**Agency:** Tennessee Higher Education

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

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

**Link to Regulations:**

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

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

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

**Contact Name:** Stephanie Bellard Chase

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

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

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

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

**Description of Application Process:**

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

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

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

**Agency:** Higher Education Coordinating Board

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

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

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

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

**Contact Name:** Van Davis

**Contact Title:** Deputy Assistant Commissioner

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

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

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

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

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

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

**Continued on next page**

**Agency:** Texas Workforce Commission

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

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

**Link to Regulations:**

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

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

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

**Contact Name:** Michael De Long

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

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

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

**Do They Regulate Distance Education?** Yes

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

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

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

**Agency:** State Council of Higher Education

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

**Who They Regulate:** Regulates all out-of-state schools and most private schools operating in Virginia, including degree-granting, non-degree granting, for-profit, and non-profit.

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

However, SCHEV is in the process of promulgating new regulations, which should become effective early to mid-2012.

**Link to Complaint Process if Available:** <http://www.schev.edu/forms/StudentComplaintInformation.pdf>  
(may need to paste URL in browser).

**Contact Name:** Linda Woodley

**Contact Title:** Director for Private and Out-of-State Postsecondary Education

**Contact Phone:** 804-371-2938

**Contact Email:** [LindaWoodley@schev.edu](mailto:LindaWoodley@schev.edu)

**Do They Regulate Distance Education?** Yes, with a physical presence component.

**Description of Application Process:**

<http://www.schev.edu/highered/pope/forms/newschool/IC%20Application%20form%20rev.doc>

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

**What is the application fee?** Degree-granting, \$6,000; Non-degree granting, \$2,500

**Comments about the Application Process:** Schools must recertify annually, annual recertification fee based on gross tuition and ranges from \$500 to \$2,500 per branch operating in Virginia. Any school interested in seeking certification to operate in Virginia must attend a new school orientation prior to submitting an application for certification. School must prepare an application package, which includes a school plan, surety instrument, financial projection analysis, administration and faculty qualification form (much more than standard three page application). School must successfully complete a site visit also. Final application approval made by Council resolution. Application process available from following link: <http://www.schev.edu/highered/pope/NewSchool.asp>.

**Agency:** Higher Education Policy Commission

<http://wvhepcnew.wvnet.edu/>

**Who They Regulate:** Licensing and approval authority for all private degree-granting and for-profit institutions.

**Link to Regulations:** [https://www.wvhepc.org/resources/series\\_20.pdf](https://www.wvhepc.org/resources/series_20.pdf)

**Link to Complaint Process if Available:**

**Contact Name:** Mark Stotler

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

**Contact Phone:** 304-558-0262

**Contact Email:** [STOTLER@hepc.wvnet.edu](mailto:STOTLER@hepc.wvnet.edu)

**Do They Regulate Distance Education?** Yes with a physical presence component. Definition of physical presence: <https://www.wvhepc.org/academic/privateinstauthorized.pdf>

**Description of Application Process:** Submit a self-study report to the commission and fee after consultation with Academic Affairs staff. Recommend contacting the Commission for details on expectations of the self-study report.

**Is There an Application Fee Y/N?** Yes if actually locating in the state. Fee may be waived for online institution located elsewhere. Surety bond may be required

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

**Continued on next page**

**Agency:** West Virginia Council for Community and Technical College Education

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

**Who They Regulate:** Associate degrees and lower

**Link to Regulations:** <http://www.wvctcs.org/downloads/RulesPolicies/HEPC/133-35.pdf> and <http://www.wvctcs.org/downloads/RulesPolicies/135-20.pdf>,

**Link to Complaint Process if Available:**

**Contact Name:** Mark W. Stotler

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

**Contact Phone:** 304-558-0262

**Contact Email:** [stotler@hepc.wvnet.edu](mailto:stotler@hepc.wvnet.edu)

**Do They Regulate Distance Education?** Unclear but probably closer to yes, authorization is limited to institution delivering instruction in West Virginia and with a physical presence in the state.

**Description of Application Process:** Make initial contact with Academic Affairs staff to determine appropriate policy.

**Is There an Application Fee Y/N?** Yes, but may be waived depending on manner of physical presence.

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

# Addendum March 17, 2011

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## Alaska Commission on Postsecondary Education

### Who They Regulate:

- All postsecondary education providers unless specifically exempted by statute.
- The University of Alaska System reports to a separate governing body, the University of Alaska Board of Regents.

### Link to the Complaint Process if Available:

<http://akadvantage.alaska.gov/Portals/0/Content/Regs122910and010111.pdf>.

**This statement is not applicable:** Do They Regulate Distance Education? All references to application are regarding application for authorization, per the State contact.

**What is the application fee?** For authorization, \$2,500.00.

## Oregon

Editor's Note: With the changes in the noted below, we would now categorize Oregon as a RED state since every institution needs to undergo a review, even if it is likely to be exempted. Also, Jennifer Diallo (who responded for Oregon) will soon be the person in charge of Oregon's degree authorization processes

**Agency:** Office of Degree Authorization

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

**Who They Regulate:** Any school or organization offering degrees and post-secondary credits.

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

**Link to Complaint Process if Available:** For complaints about degree-granting schools, email ODA. For non-degree granting schools, contact the Private Career Schools section of the OR Dept of Education.

**Contact Name:** Jennifer Diallo

**Contact Title:** Program Evaluator

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

**Contact Email:** [oda@osac.state.or.us](mailto:oda@osac.state.or.us)

**Do They Regulate Distance Education?** It depends. Purely online programs with no practicum or other on-the-ground learning/credit-bearing activity are exempt from ODA authorization; however, this

exemption must be established and verified before it is effective. Any program that requires students to self-arrange practicum-type experiences would not qualify as exempt from ODA regulation. Determination of exempt status requires a review and verification by ODA to confirm the school's legal status as a degree-granting institution and the validity of their degrees for use in Oregon.

**Description of Application Process:** Information and application forms for verification of exempt status (for purely online and religious exemptions) and for authorization of practicum, partial degree and full degree programs are available on the ODA website (<http://www.osac.state.or.us/oda/>). Contact ODA via email ([oda@osac.state.or.us](mailto:oda@osac.state.or.us)) for more information.

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

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

Bachelors, Masters, and Doctoral Degrees: \$4,250 per degree title (BA, BS, MA, MS, MAT, MEd, MBA, PhD, ND, JD, EdD, etc.)

## Mississippi Commission on Proprietary School and College Registration (CPSCR)

**Link to Regulations:** <http://www.michie.com/Mississippi>. Mississippi Code of 1972 as Amended, Chapter 060 of Title 75.

Link to Complaints: 75-60-19

**Do they register if offering distance education?** No, exempted unless there is a physical presence.

## Oklahoma

**Contact Name:** Gina Wekke

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