



State Regulation of Cross-Border Distance Education

Review and Results for The University of Saint Mary

October 7, 2011

Contact: Andrew Roberts, Partnership Director 303-316-2221 andrew.roberts@deltak-innovation.com



State Regulation of Cross Border Distance Education Review of USM's Compliance Requirements

Executive Summary

Deltak has been working closely with Eduventures on behalf of its partners to determine each partner's exposure to individual states' authorization requirements for distance education. Deltak's objective has been to provide guidance and highlight the states that need attention first. This report presents Deltak's and Eduventures' review and assessment of USM's *current* exposure state-by-state and the states it should contact first regarding compliance.

The states have been prioritized, taking into account each state's regulations in relationship to USM's presence in the state. Based on key factors of each state's requirements, Eduventures determined that there are *twelve* (12) states considered "First Priority" for USM, because they have very clear directives that *pure online activities* require a thorough and full-scale review/approval/licensure, and in many cases they tend to have an involved application process. Another *five* (5) states have been categorized as "Second Priority" because they require a full application process but the application process is typically less involved. *Eight* (8) states are identified as "important" because they do not require full compliance applications or their directives are explicit because the state reserves the prerogative to determine compliance requirements on a school-by-school basis. The remaining *twenty-four* (24) states and the District of Columbia, in which no action is required under current regulations have been classified as "monitor," which Eduventures will do to detect any changes in these states' requirements. Included in this report you will find:

- State-by-State Summary of Prioritization
- Background and Review of Project
- Detailed Requirements for Each State



State-by-State Summary of Prioritization

In order to determine the best strategy for undertaking compliance, Eduventures evaluated 6 factors determined to be the most important in deciding the priority of each state in an overall compliance effort.

Key Factors Examined in This Analysis:

- 1. **Jurisdiction**: Is USM subject to regulatory oversight in a given state, based on its overall activity in that state?
- 2. **Compliance Triggers:** Which program activity if any is primarily responsible for triggering compliance requirements for USM?
- 3. **Compliance Action**: If regulated, is formal "approval", "authorization to operate" or "licensure" required for USM to continue current operations in a given state or is there some other action USM must take to be in compliance?
- 4. **Burden**: How lengthy, complicated or challenging is the application (or other) process required to comply?
- 5. **Imminence**: What is the perceived risk (assessed by Eduventures) of near-term state enforcement of its particular regulatory requirements?
- 6. **Cost**: What is the relative financial burden to USM to fulfill the state's compliance requirements?

The following table provides a breakdown of states that will require action from USM. It is important to note that many states are actively focused on regulation of higher education within their state, and there are several that are still reviewing their obligations and responsibilities. New announcements, additional details and changes are frequent and ongoing. All information is subject to change, and Eduventures will be monitoring this closely and providing regular updates that will be made available to Deltak. As updates and changes are communicated to Deltak, we will continue to keep you informed.



USM SUMMARY OF STATE REQUIREMENTS

Eduventures Priority Rating	Subject to Compliance	Triggers for Requirement	Approval/ Licensure/ Action Required	Lengthy/ Involved Process+ Required	Spring 2011 Enrollments
Arkansas	✓	Enrollments	Full Application	Full Application 🗸	
Minnesota	✓	Enrollments	Full Application	✓	13
Iowa	✓	Practicum	Full Application	✓	17
Alabama	✓	Enrollments	Full Application	✓	2
Massachusetts	✓	Enrollments	Contact State	✓	2
Kentucky	✓	Practicum	Full Application	✓	7
Wisconsin	✓	Enrollments	Full Application		
Tennessee	✓	Practicum	Full Application 🗸		3
Missouri	✓	Practicum	Full Application		15
North Carolina	✓	Fac., Practicum	Full Application		4
Colorado	✓	Practicum	Full Application		5
New Hampshire	✓	Practicum	Full Application		3
Maine	✓	Practicum	Full Application		8
Ohio	✓	Practicum	Full Application	ull Application ✓ 8	
Oregon	✓	Fac., Practicum	Full Application		4
Louisiana	✓	Practicum	Full Application		2
Wyoming	✓	Enrollments	Full Application		1
Alaska	✓		Establish Exemption 0		0
New Mexico	✓		Establish Exemption 2		2
Mississippi	✓		Establish Exemption		1
North Dakota	✓		Establish Exemption		0
Utah	✓		Establish Exemption		0
Pennsylvania	✓		Information Form		5
Texas	✓		Notify State		16
Oklahoma	✓		Notify State		1



Eduventures Priority Rating	Subject to Compliance	Triggers for Requirement	Approval/ Licensure/ Action Required	Lengthy/ Involved Process+ Required	Spring 2011 Enrollments
Arizona					1
California					24
Connecticut					0
D.C.					0
Delaware					0
Florida					10
Georgia					3
Hawaii					0
Idaho					1
Illinois					10
Indiana					1
Maryland					7
Michigan					4
Montana					2
Nebraska					2
Nevada					0
New Jersey					13
New York					4
Rhode Island					3
South Carolina					10
South Dakota					4
Vermont					0
Virginia					6
West Virginia					0

⁺The application is considered lengthy/involved if it requires several pages of detailed information (>5) or involves a number of different steps, or both, in comparison to simply filing an application based on readily available information.



Background and Review

With the October 29, 2011 announcement of its Program Integrity Rules, the U.S. Department of Education (DOE) shined a spotlight on the issue of state regulation of the delivery of education. Although states have held a longstanding and important role in regulating higher education delivered to their residents, this has historically been done by institutions physically located within their states. The advent of online delivery of education across state borders did not raise awareness of state statutes and codes concerning education delivered through nontraditional means, but rather brought with it a collective disregard for the fact that this type of delivery might place a school under the jurisdiction of state law and its specific regulations and requirements. The U.S. DOE announcement made clear that it would hold colleges and universities accountable for complying with the individual regulatory requirements of each state in which they operate, even when a school conducts online education only. Follow-up "Dear Colleague" letters from DOE relaxed the deadline for compliance to July 1, 2014, but made clear that it reserved the right to disqualify an institution from receiving Title IV funds if it could not demonstrate good faith effort and progress toward complying with state regulation by July 1, 2011.

In this climate Deltak sought assistance from Eduventures, which has followed this issue closely since October 2010 when this requirement emerged from the negotiated rule-making process, to determine the best way to come into compliance. Since that time, a court vacated this state compliance provision (known as C.F.R. § 600.9(c)) based on a process violation, removing (for the time being) the ability for the DOE to restrict access to Title IV funding based on this requirement.

Whether or not the DOE moves forward in requiring compliance with state regulations, Eduventures believes that schools with a significant investment in distance learning, particularly in certain states, should still move quickly to come into compliance in those states where the need for authorization is clear. There is the possibility that, without clear DOE enforcement, states might feel obligated to pursue enhanced enforcement on their own, knowing that ignorance among the schools is no longer an excuse for noncompliance, and concerned that lack of enforcement could be perceived by schools as a free pass in their state.

There is a considerable burden on schools, including USM, to 1) investigate, research, and fully identify each state's individual requirements, 2) determine exactly which requirements apply to their institutions, and 3) execute a plan of action to comply by submitting the various applications, documents and fees. Deltak engaged Eduventures to conduct a review of all state regulations, alongside an analysis of USM's activities and presence in each state, to develop an action plan for becoming fully compliant with all relevant state regulations.



Project Overview

Eduventures based its analysis of state regulatory requirements on a careful reading of statutes and Administrative Codes, as well as several authoritative industry sources, most of which incorporated input directly from state regulators themselves. Eduventures continues to monitor all new information and provides Deltak with regular updates as changes in state requirements are published.

Information on USM's educational activities and presence ("footprint") in each state was determined based on information provided directly from the school, via a Deltak questionnaire. Every effort was made to seek relevant input from Deltak, although no warranty can be made by Eduventures or Deltak that we obtained an accurate and complete footprint for USM.

Starting with an understanding of the different states' requirements, Eduventures looked at USM's specific footprint in each state. After careful review with Deltak, a level of priority was assigned to each state.

Considerations

Exemptions: Throughout this report Eduventures has taken into account the various exemptions granted by each state. Most states extend a number of boilerplate exemptions including military base installations, as well as religious, corporate-sponsored, and union- or trade-sponsored offerings. A few states accept DOE-recognized accreditation, home-state authorization, or other broad qualifiers as an exemption from their jurisdiction. These are all noted where applicable.

Economic Feasibility: Where relevant and feasible, explicit economic considerations and requirements have been included, namely application fees, licensing fees, and any surety or bond required by the state. It is important to note that while many states have posted fees, most are encouraging schools to reach out first to see if their activities truly warrant authorization at the fee level stated. Our research over the past several months indicates that the published fees for a given state may or may not accurately reflect the actual costs that will be incurred by schools offering online programs to residents of said state. Deltak recommends that USM directly initiate contact with the "First Priority" states to describe its footprint in the state prior to submitting full applications and fees. An individual, custom letter outlining presence or a direct phone call with the state is the preferred communication method of most states. Where changes in activities might be made to change compliance requirements, these have been noted. No inquiry or analysis has been made to identify any tax effects or implications of operating in a particular state.



Faculty: There are a number of states where USM does not need to submit a full application for state authorization because it does not currently have faculty residing in that state. However, USM may want to consider the potential burden should it choose to hire faculty in the future within the following states: Alaska, California, Connecticut, Georgia, Mississippi, and West Virginia.

Deltak remains committed to USM and providing guidance through the state authorization process. Should you have any questions regarding this report, please contact Andrew Roberts.

Andrew Roberts, Partnership Director

andrew.roberts@deltak-innovation.com

303-316-2221



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ALABAMA

Alabama Commission on Higher Education
Nancy Lacey, Staff Associate, 334-242-2109, nancy.lacey@ache.alabama.gov

Alabama Department of Postsecondary Education, Private School Licensing Division Annette McGrady, Private School Licensure Specialist, 334-293-4651, amcgrady@dpe.edu

USM	I PRES	SENCE:
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Online enrollments: 2

Faculty: 1

STATE REQUIREMENT: APPLY FOR APPROVAL

VERY CLEAR

- There is a 3 step process for obtaining approval and licensure to operate in the State of Alabama as an out-of-state institution of higher education: Complete the Alabama Commission on Higher Education (ACHE) Application for Review and Approval of a Course or Program of Instruction Proposed by Non-resident Institutions of Higher Education
 (http://www.ache.alabama.gov/Nonresident/Single-Application.pdf) and receive approval for the proposed program(s) of instruction from the Commission;
- 2. Make application to the Alabama Department of Postsecondary Education (ADPE) for licensure (http://www.accs.cc/pdfs/privateschool/PSL%20Application%20for%20License.pdf); and

Secure a Certificate of Authority to operate as a foreign corporation (for incorporated institutions) from the Alabama Office of the Secretary of State

(http://www.sos.state.al.us/downloads/dl3.aspx?trgturl=business/sosff-1.pdf&trgtfile=sosff-1.pdf). Alabama gives a very clear directive to out-of-state schools offering online education in their state, and clarified this position on April 1, 2011. Penalties for noncompliance could exceed \$500 per day of violation.

TRIGGERS FOR REQUIREMENTS:

Alabama's Code assigns regulatory jurisdiction for all types of "courses of instruction, whether given in residence or by mail" as a supplement to the general law of fraud in their state. The only relevant trigger is the offering of education to Alabama residents, whether through advertising, recruiting, soliciting or actually **enrolling students**.



REGULATED INSTITUTIONS:

All non-state institutions are subject to regulation. Alabama specifies that "No proprietary postsecondary school, unless otherwise exempted, shall operate within the State of Alabama unless the school first secures a Private School License." Clarifying statements made by Alabama officials as well as their website indicate that this oversight extends to public out-of-state schools.

EXEMPTIONS:

Alabama provides for exemption of the usual "restricted" types of schools, such as those with strictly religious, employer-affiliated or trade-related affiliations.

PROCESS DETAILS:

To obtain approval of its course of instruction, USM must:

1. Complete the application form along with the required fee, forms and documents (http://www.ache.alabama.gov/Nonresident/Single-Application.pdf);

To obtain licensure as a private school in Alabama, USM must:

- 1. Complete an application
- 2. Provide copies of the following
 - a. Licenses, Approvals, or Authorizations issued by any Local, State, or Federal Agencies;
 - b. Accreditations;
 - c. Affiliations;
 - d. Endorsements;
 - e. Fire and/or Health inspection Report;
 - f. Articles of Incorporation or Certificate of Existence granted to do business in Alabama (Initial applications only).
- 3. Provide Name, Title, and Address of corporate officers
- 4. Include fees, surety bond, and current financial statement
- 5. Enclose an affidavit

To obtain a certificate of authority to operate in Alabama as a foreign corporation, USM must:

- 1. Complete application (http://www.sos.state.al.us/downloads/dl3.aspx?trgturl=business/sosff-1.pdf in duplicate
- 2. Include articles or certificate of incorporation and all amendments duly certified within the last six months by the Secretary of State or other official having custody of corporate records in the state or other jurisdiction under whose law it is incorporated.
- 3. Send with \$150 filing fee payable to the Alabama Secretary of State dated within the last 90 days, along with a self -addressed stamped envelope to:

Alabama Secretary of State

Attn: Business Entities

PO Box 5616

Montgomery, AL 36103-5616



FEES: NON-REFUNDABLE

A two-year authorization fee is assessed at 1/2 of one percent of annual gross tuition from Alabama students, with a minimum of \$1,250 for non-degree institutions, \$2,500 for degree institutions, and a maximum of \$15,000 per two-years for any institutions.

This is in addition to the Foreign Entity Registration (filing fee) of \$150, payable to the Alabama Secretary of State.

BOND REQUIREMENTS:

A Performance Bond in the amount of \$50,000 is required by the State of Alabama. An Agent's Bond of \$2,500 per agent is also required.



ALASKA

Alaska Commission on Postsecondary Education
Jo Anne Hayden, Program Coordinator, 907-465-6741, EED.ACPE-IS@alaska.gov

USM PRESENCE:

Online enrollments: 0

Faculty: 0 – The hiring of faculty would trigger the need to submit a full application of approval to operate in the state of Alaska

STATE REQUIREMENT: EXEMPTION APPLICATION

VERY CLEAR

USM does not need to obtain authorization for distance education offerings because it does not maintain a physical presence in the state.

If USM were to hire faculty in the state of Alaska, it would be required to submit a full application for approval to operate within the state.

Even though USM does not have enrollments today, it should apply for an exemption from authorization as an out-of-state institution offering educational programs in Alaska for future enrollments. Applicants for exemption must be accredited by an agency recognized by the United States Secretary of Education.

Alaska requires that all distance education or online programs exempt from authorization requirements include a conspicuous statement on all advertising in Alaska media, or specifically targeting Alaska students, indicating that the program is exempt from authorization as an online or distance delivered institution and does not have a physical presence in the state.

TRIGGERS FOR REQUIREMENTS:

If an institution has a physical presence in Alaska it is subject to jurisdiction. "Physical presence" within the state is defined by:

- Facility
- Equipment
- Faculty/staff

REGULATED INSTITUTIONS:

All post-secondary educational providers in Alaska.



EXEMPTIONS:

Alaska provides exemptions for some educational providers offering:

- Only short programs no more than 80 hours in duration
- Programs that do not require a fee and do not result in any type of educational credential
- Programs offered solely for the provider's constituents that are unavailable to the general public

PROCESS DETAILS:

Exemption status is determined by review, and only after submission of a complete application file. Only completed applications will be considered. Forms and instructions to request determination of status in Alaska are here: https://akadvantage.alaska.gov/About_Us/Programs_and_Services/Authorization.aspx.

ACPE staff will review the application to determine whether USM programs meet the criteria for exemption or approval. Upon determination of status, USM will receive a letter stating any findings within 10 business days.

FEES: NON-REFUNDABLE

An application fee of \$100 is required for review of the application and verification of exempt status.

BOND REQUIREMENTS:



ARIZONA

State Board for Private Postsecondary Education
Teri Stanfill, Ex. Director, 602-542-2399, Teri.stanfill@azppse.gov

USM PRESENCE:
Online enrollments: 1

Faculty: 1
CTATE DECLUDENCHT. NOME
STATE REQUIREMENT: NONE CLEAR
USM is not required to obtain approval or licensure in the state of Arizona because it does not
"operate" within the state. Arizona uses a physical presence standard for "operate" that does not
include practicums.
TRIGGERS FOR REQUIREMENTS:
"Operate" is defined by the Arizona state code as:
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 granted and includes contracting for the performance of any of these acts.
REGULATED INSTITUTIONS :
All private (profit/non profit) postsecondary educational institutions
EVEL ADTIONS
EXEMPTIONS:
Arizona exempts all religious degree granting postsecondary institutions.
PROCESS DETAILS:
Not Applicable
Тостиринали
FEES: NON-REFUNDABLE
Not Applicable
BOND REQUIREMENTS:
Not Applicable



ARKANSAS

Arkansas Department of Higher Education

Zanette Douglas, Coordinator of Institutional Certification, 501-371-2012,

zanette.douglas@adhe.edu

USM PRESENCE:

Online enrollments: 1

Faculty: 0

STATE REQUIREMENT: APPLY FOR APPROVAL

VERY CLEAR

As an out-of-state institution offering courses/degree programs customarily offered in colleges and universities to Arkansas students, USM triggers the requirement to obtain certification from the Arkansas Higher Education Coordinating Board prior to offering such courses or degree programs.

Arkansas gives a very clear directive to out-of-state schools offering online education in their state, and clarified this position on April 1, 2011. Penalties for noncompliance could exceed \$500 per day of violation.

TRIGGERS FOR REQUIREMENTS:

Offering any course or degree to residents of Arkansas.

REGULATED INSTITUTIONS:

All out-of-state and/or non-public institutions offering degree or certificate/diploma programs are required to be certified by the Arkansas Higher Education Coordinating Board (AHECB). All private out-of-state institutions must also be licensed by the Arkansas State Board of Private Career Education (SBPCE) unless granted exemption.

EXEMPTIONS:

Arkansas provides exemption of the usual "restricted" types of schools, such as those on military bases, with strictly religious, employer-affiliated or trade-related affiliations. Also exempt are Arkansas public colleges and universities, and independent Arkansas institutions incorporated in Arkansas on or prior to April 7, 1975. Colleges and universities subject to coordination by the Arkansas Higher Education Coordinating Board may be exempt for licensing by the Arkansas SBPCE.



PROCESS DETAILS:

Prior to applying for Certification, an institution must first apply for Licensure (or for an exemption) with the Arkansas State Board of Private Career Education.

To obtain Certification, USM must:

- 1. Submit a Letter of Notification/(Intent to submit proposals) signed by the chief academic officer of the institution (Form 1) to ADHE prior to submitting a formal application.
- 2. Submit a formal application that includes the following:
 - a. Institution Information and Course/Degree Program Title
 - b. Description of College-Level Courses/Degree Programs
 - c. General Education Requirements for Associate and Baccalaureate Degree Programs (requirement is for CLIENT to follow the AHECB's established general education core curriculum before awarding a degree at the associate or baccalaureate level.)
 - d. Target Population to be Served
 - e. Demographics-Composition of Students
 - f. External Advisory Groups
 - g. Institutional Readiness and Commitment
 - h. Administrator Credentials
 - i. Faculty and Instructional Support Staff
 - j. Student Support Services
 - k. Evaluation and Assessment
 - I. Financial Information
 - m. Accreditation
 - n. Licensure and Approval by Other Agencies
 - o. Consumer Disclosure
 - p. Student Grievances

FEES: NON-REFUNDABLE

A notification fee (\$250) is to be submitted with each Letter of Notification.

The processing fees are assessed for a two-year period and are based on the number of college-level course or degree programs as follows:

Initial Planning and Development Fee of \$3,000

Course/Program Certification Fee of \$2,500 for up to 5 courses/degree programs (\$500 per program after that).

BOND REQUIREMENTS:

A Bond in the amount of total annual tuition collected from Arkansas residents in the prior year (but not less than \$20,000) is required by the State of Arkansas.



CALIFORNIA

Department of Consumer Affairs, Bureau for Private Postsecondary Education Joanne Wenzel, Deputy Bureau Chief, 916-431-6905, <u>Joanne.Wenzel@dca.ca.gov</u>

USM PRESENCE:

Online enrollments: 24

Faculty: 0 – The hiring of faculty would trigger the need to submit a full application of approval to operate in the state of California

STATE REQUIREMENT: NO ACTION REQUIRED

SOMEWHAT CLEAR

USM is not required to obtain authorization to operate in California, because it does not meet the state's definition of physical presence. If it were to hire a faculty member in the state it would need to submit an application to the Bureau for Private Postsecondary Education.

TRIGGERS FOR REQUIREMENTS:

If an institution has a physical presence in California it is subject to jurisdiction. There are still some questions about the definition of the term "physical presence", as well as legislation currently under consideration which may affect the way postsecondary education is regulated in California. While this information is subject to change, correspondence with officials yielded three elements that clearly establish physical presence:

- Physical office or mailing address
- Faculty
- Staff

REGULATED INSTITUTIONS:

All private non-profit and for-profit postsecondary education institutions.

EXEMPTIONS:

California provides for exemption of the usual "restricted" types of schools, such as those with strictly religious, employer-affiliated or trade-related affiliations.

PROCESS DETAILS:

Complete Application found at http://www.bppe.ca.gov/applications/approval accredited.pdf

FEES: NON-REFUNDABLE

Application Fee: \$750

BOND REQUIREMENTS:



COLORADO

Colorado Department of Higher Education
Heather DeLange, Degree Authorization Act Officer, 303-866-2723,
heather.delange@dhe.state.co.us

USM PRESENCE:

Online enrollments: 5

Faculty: 1

STATE REQUIREMENT: APPLY FOR APPROVAL VERY CLEAR; SUBJECT TO CHANGE

USM has a physical presence in Colorado as defined by the state, and therefore needs to be authorized by the Department of Higher Education to operate in the state.

Colorado updated its directives regarding its jurisdiction over online instruction by out-of-state schools as of March 1, 2011. Administrators warn that changes may still be imminent, so USM should monitor and remain apprised of any changes in these requirements.

TRIGGERS FOR REQUIREMENTS:

Any higher education institution with a physical presence in Colorado must be authorized by the Department of Higher Education even if it offers instruction to residents of Colorado only over the Internet. Physical presence is defined in the statutes as:

- 1. Main campus
- 2. Headquarters
- 3. Branch campus
- 4. Other place of business as determined by the Department of Higher Education (clinical rotations, externships, internships, etc. could trigger physical presence)

REGULATED INSTITUTIONS:

All private accredited institutions, out-of-state public institutions, and bible colleges and seminaries are regulated by the Colorado Department of Higher Education.

EXEMPTIONS:

Institutions that may grant degrees include (1) Colorado publicly-supported colleges and universities; (2) accredited private colleges and universities; (3) postsecondary seminaries and bible colleges; and, (4) private occupational schools authorized by the Private Occupational School Division to offer associate degrees, however only those with a physical presence must receive authorization to operate.



PROCESS DETAILS:

As the first step toward authorization, representatives of a private college or university shall consult with the designated administrator of the Degree Authorization Act (Ms. Heather DeLange) prior to submission of required documentation.

FEES: NON-REFUNDABLE

\$3,000 application fee for an accredited college.

BOND REQUIREMENTS:



CONNECTICUT

State of Connecticut Department of Higher Education
Amy Hughes, Office of Academic Affairs, 860-947-1822, ahughes@ctdhe.org

USM PRESENCE:

Online enrollments: 0

Faculty: 0 The hiring of faculty would trigger the need to submit a full application of approval to

operate in the state of Connecticut

STATE REQUIREMENT: NONE

SUBJECT TO CHANGE

USM has no physical presence in Connecticut, and therefore is not subject to its licensure or accreditation requirements for degree-granting institutions.

If USM were to hire faculty in the state of Connecticut, it would be required to submit a full application for approval to operate within the state

Connecticut has not updated, clarified or elaborated on its regulatory requirements for higher education institutions in several years, however the Governor introduced legislation in early 2011 that would reorganize the Department of Education. All policies and requirements in Connecticut are subject to change at any time.

TRIGGERS FOR REQUIREMENTS:

With regard to "Programs Offered by Out-of-State Institutions" (Section 10a-34-24), Connecticut specifies that "any institution with a physical presence in the state shall be subject to the requirements of the Regulations of Connecticut State Agencies." Physical presence has been defined by regulators as:

- 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; or
- Recruitment office.



REGULATED INSTITUTIONS:

The Connecticut Department of Higher Education has approval and licensing authority for public and independent degree-granting institutions of postsecondary education with a physical presence in Connecticut, as well as private occupational schools, regardless of degree-granting status.

EXEMPTIONS:
None
PROCESS DETAILS:
Not Applicable
FEES: NON-REFUNDABLE
None
BOND REQUIREMENTS:
Not Applicable



DELAWARE

Delaware Department of Education

Wayne Barton, Director, Teacher & Administrator Quality Development, 302-735-4120, wbarton@DOE.k12.de.us

USM PRESENCE:	
Online enrollments: 0	
Faculty: 0	

STATE REQUIREMENT: NOTIFICATION OF STUDENTS ON FINANCIAL AID STATE RESPONSE

USM does not have a physical presence in Delaware, so there is no requirement for it to be authorized by the state. Delaware does require USM to notify the state for any Delaware residents it enrolls who are receiving financial aid.

Clarification of Delaware's requirements was obtained through direct communication with the Delaware DOE, which updated its directives on regulatory requirements as of April 11, 2011. No near-term change is expected in this requirement.

TRIGGERS FOR REQUIREMENTS:

An institution must have some type of physical plant (offices or classrooms) to establish the physical presence that would require obtaining approval to operate.

REGULATED INSTITUTIONS:

All higher education institutions

EXEMPTIONS:	
None	

PROCESS DETAILS:

Upon enrolling a student in Delaware who is receiving financial aid, USM should notify the Delaware Department of Education at the contact information above.

FEES:	NON-REFUNDABLE		
None			

BOND REQUIREMENTS:	

None



FLORIDA

Commission for Independent Education

Jeannie Yockey-Fine, Educational Policy Analyst/Licensure Manager, 850-245-323,

jeannie.yockeyfine@fldoe.org

USM PRESENCE	•

Online enrollments: 10

Faculty: 0

STATE REQUIREMENT: NO ACTION REQUIRED

CLEAR

USM **does not need to apply** for approval in the state of Florida, because it does not maintain a physical location or a mailing address in the state.

Florida updated its regulations on February 1, 2011. No near-term changes are anticipated.

TRIGGERS FOR REQUIREMENTS:

Florida asserts jurisdiction over out-of-state institutions when they have a physical presence in the state, and defines such physical presence as maintaining:

- a physical location in this state
- a mailing address in this state
- a telephone or facsimile number in this state
- a mail forwarding service or telephone answering or relay service in this state; or
- advertising any such presence

Florida statutes also extend physical presence to include any attempt to offer a "degree, diploma or credit in Florida; or any activity connected with the administration, promotion, recruitment, placement, instruction, fee collection or receipt, or any other function of a purported independent postsecondary educational institution, other than periodic and customary contact with the institution's own alumni."

REGULATED INSTITUTIONS:

All independent institutions (an out-of-state institution is considered independent even if a public institution in its home state)

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Not Applicable
FEES: NON-REFUNDABLE
Not Applicable
BOND REQUIREMENTS:
Not Applicable

PROCESS DETAILS:



GEORGIA

Nonpublic Postsecondary Education Commission (NPEC)
Carl G. Camann, Ph.D., Deputy Director, 770-414-3208, ccam@npec.state.ga.us

USM PRESENCE:

Online enrollments: 3

Faculty: 0 – The hiring of faculty members would trigger the requirement to submit a full application for approval to operate in the state of Georgia.

STATE REQUIREMENT: NO ACTION REQUIRED

VERY CLEAR

USM does not provide tax-reportable payments to residents of Georgia; therefore, it does not need to apply for a Certificate of Authorization.

Georgia updated its directive on online instruction as of March 1, 2011, so no near-term change is expected in this requirement.

TRIGGERS FOR REQUIREMENTS:

Any out-of-state institution, even if it offers instruction to residents of Georgia only over the internet, must obtain a Certificate of Authorization if it engages in any of the following activities:

- 1. Maintains a telephone number with a Georgia area code;
- 2. Maintains a postal address with a Georgia zip code;
- 3. Markets and/or recruits Georgia students via any means of media which originates in Georgia;
- 4. Maintains an Internet URL which originates in Georgia or utilizes an ISP which is based in Georgia;
- 5. The institution provides payment reportable for income tax purposes via either a W-2 or Form 1099 to any individual resident of the State for any purpose.

REGULATED INSTITUTIONS:

Georgia specifies that "all private institutions offering post-secondary education in this state, whether or not they grant degrees or maintain a physical presence in-state, must obtain a certificate granting 'permission to operate' from the authority/regulating body."

EXEMPTIONS:

In addition to the boilerplate exemptions for religious, employer-affiliated and specific trade-related institutions, Georgia exempts *in-state* institutions that are accredited by a DOE-recognized agency and have:

- Been in existence for at least 10 years prior to July 1, 1989 OR
- Chartered prior to 1955



PROCESS DETAILS:

To apply for a Certificate of Authorization, Georgia requires the following:

- 1. Notify NPEC that an application is forthcoming
- Complete the application form along with the required fee, forms and documents
 (http://www.gnpec.org/forms/PDF%20Files/Application%20for%20Certificate%20of%20Authorization.pdf)
- 3. Obtain a letter from an insurance agency or bonding company certifying that the school owner is qualified to secure the required bond
- 4. Include the following forms (http://www.gnpec.org/forms/formsandinstructions.asp) with the initial application form:
 - a. Financial Statement
 - b. Minimum Standards Self-Evaluation Summary Form
 - c. Personnel Data Inventory
 - d. Program of Instruction Outline
 - e. Director's Agreement Form
 - f. Records Agreement Form
 - g. Application for Agent's Permit Form(s)
- 5. Also submit the following documents, individually, identified by Exhibit letter:
 - Exhibit B: Entrance requirements description
 - Exhibit C: Entrance information provided to students
 - Exhibit D: Student contract (required for non-degree institutions)
 - Exhibit F: Educational goals for the institution
 - Exhibit G: Certificate or diploma
 - Exhibit H: Statement of business practices and advertising policies
 - Exhibit I: Description of facilities and equipment
 - Exhibit J: Description of placement services
 - Exhibit L: Current catalog or similar publication
 - Exhibit M: Occupancy Permit: Enclose a copy of the occupancy permit.
 - Exhibit N: Grievance Policy
 - Exhibit O: Refund Policy (Must be at least as favorable to the student as NPEC refund policy, which can be found in Standard Nine of the Minimum Standards).
- 6. Send the application, along with the required fee, bond letter, forms and exhibit documents to the Deputy Director



FEES: NON-REFUNDABLE

An initial evaluation fee, plus \$400 for each additional program of study, must accompany the application:

- Nondegree-granting institutions =\$1,000
- Associate degree-granting institutions = \$2,000
- 4-year degree-granting institutions = \$3,000
- Masters degree-granting institutions = \$4,000
- Doctoral degree-granting institutions = \$5,000

After the initial evaluation, an evaluation committee **may** be impaneled to conduct an onsite visit to further evaluate a new institution, an elevation of degree level, or a new program of instruction. The institution will be notified of the amount of the "Evaluation Committee Fee" due (\$600 base fee+ \$600 for each day or part thereof per committee member conducting a program evaluation), which must be received before the committee visits the institution.

When all other requirements for the Certificate of Authorization are met, the institution will be billed for a year's authorization fee and any additional evaluation committee cost, (if necessary). Annual authorization fees are assessed at 2/10 of one percent of gross tuition from Georgia students, with a minimum of \$500 for non-degree institutions, \$1,000 for degree institutions, and a maximum of \$25,000 per year for any institutions.

Final authorization is granted only after receipt of all fees.

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

BOND REQUIREMENTS:

Once the standards for authorization are met Georgia will require a surety bond based on gross tuitions in the previous year or estimated for the current year (but not to exceed actual gross tuitions) as follows:

Gross Tuition*	Minimum Bond
\$0-\$50,000	\$20,000
50,001 - 100,000	30,000
100,001- 200,000	50,000
200,001 - 300,000	75,000
300,001 - 400,000	100,000
400,001 - 500,000	150,000
* of Georgia students	



HAWAII

Department of Commerce and Consumer Affairs, Consumer Protection

USM PRESENCE:
Online enrollments: 0
Faculty: 0
STATE REQUIREMENT: NO ACTION REQUIRED SOMEWHAT CLEAR
USM is not required to obtain approval or licensure in the state of Hawaii because it is accredited with a
nationally recognized accrediting agency. Hawaii recognizes this accreditation as sufficient approval to
operate in the state.
TRIGGERS FOR REQUIREMENTS:
Not Applicable
REGULATED INSTITUTIONS:
All non-accredited degree granting institutions
This non-decreased degree granting institutions
EXEMPTIONS:
Not Applicable
DOGGES DETAILS
PROCESS DETAILS:
Not Applicable
FEES: NON-REFUNDABLE
Not Applicable
BOND REQUIREMENTS:
Not Applicable



IDAHO

State Board of Education

Harvey W. Lyter III, State Coordinator for Private Colleges & Proprietary Schools, 208.332.1587 harv.lyter@osbe.idaho.gov

USM PRESENCE:	
Online enrollments: 1	
Faculty: 0	

STATE REQUIREMENT: NONE

CLEAR

USM is not required to obtain approval in the state of Idaho because it has no physical presence within the state. Idaho updated its stance in an August 3, 2011 web posting clarifying that it is a "brick and mortar" state, and that only those schools that have teaching or business operations facilities inside Idaho need register.

TRIGGERS FOR REQUIREMENTS:

According to an August 3, 2011 update, Idaho is a "brick and mortar" state, and no longer uses a very broad definition of physical presence. The update specifies that:

"Online Only Institutions located outside Idaho Do Not have to register. Only those schools that have teaching or business operations facilities inside Idaho need register. Recruiting Agents, attending school/job fairs, online course practicums/clinicals conducted inside Idaho, employing faculty who live in Idaho, etc, Do Not Count as Presence."

REGULATED INSTITUTIONS:

All independent institutions (an out-of-state institution are considered independent even if a public institution in its home state).

EXEMPTIONS:		
Not Applicable		
PROCESS DETAILS:		
Not Applicable		
FEES: NON-REFUNDABLE		
Not Applicable		

BOND REQUIREMENTS: Not Applicable



ILLINOIS

Illinois Board of Higher Education Nina Tangman, Support Staff Academic Affairs/Diversity & Outreach, 217-557-7384, tangman@ibhe.org

USM PRESENCE:		
Online enrollments: 10		
Faculty: 0		

STATE REQUIREMENT: NONE

SOMEWHAT CLEAR

USM is not required to obtain approval or licensure in the state of Illinois because it does not maintain a "physical presence" within the state. Institutions are exempted if they offer less than 10% of course work in Illinois.

Illinois Board of Higher Education suggests that institutions that may meet the exemption requirements under Illinois, but are unsure, should submit a request through the online submission process and staff will provide a response.

TRIGGERS FOR REQUIREMENTS:

In determining whether an institution has a limited physical presence, the Board shall require the following:

- A) Evidence of authorization to operate in at least one other state; and
- B) Evidence of accreditation by a body recognized by the U.S. Department of Education and/or the Council for Higher Education Accreditation; and
- C) Evidence that the institution will offer ten percent or less of coursework, as measured by academic credits, for a degree program in the State of Illinois, or evidence that the institution is offering degrees through one hundred percent asynchronous versus synchronous on-line instruction from an out-of-state site or sites; and
- D) Evidence that the institution is not providing core academic support services, including but not limited to admissions, evaluation, assessment, registration, financial aid, academic scheduling, and faculty hiring and support in the State.

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All independent and out-of-state higher education.

EXEMPTIONS:



PROCESS DETAILS:

Schools unsure of their exemption status should submit a request (<u>Distance Education Online Submission Form</u>) through the online submission process and staff will provide a response.

FEES:	NON-	REFUN	<i>VDABLE</i>
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Not Applicable

BOND REQUIREMENTS:



INDIANA

Indiana Commission on Proprietary Education Claudia Braman 317-232-1320 rmiller@cpe.in.gov

USM PRESENCE:
Online enrollments: 1

Faculty: 0

STATE REQUIREMENT: NO ACTION AT THIS TIME

UNCLEAR

USM is not required to obtain authorization from the Indiana Commission for Proprietary Education because it does not maintain physical presence within the state of Indiana.

Indiana does not give clear guidance for out-of-state institutions delivering "pure online education" within their state, nor does it offer visible public directives on complying with state regulatory requirements. There is no indication that an institution that is nationally accredited and operates out-of-state needs to be approved to operate in Indiana, however this state should be monitored for changes.

TRIGGERS FOR REQUIREMENTS:

Triggers for "physical presence" are:

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

REGULATED INSTITUTIONS:

All private postsecondary schools fall under the Commission on Proprietary Education.

EXEMPTIONS:

Any postsecondary proprietary educational institution approved or regulated by any other state regulatory board, agency or commission;

PROCESS DETAILS:

Not Applicable

FEES: NON-REFUNDABLE

Not Applicable

BOND REQUIREMENTS:



IOWA

Iowa College Student Aid Commission

Carolyn Small, Postsecondary Registration Administrator, 515-725-3413, Carolyn.small@iowa.gov

USM PRESENCE:

Online enrollments: 17

Faculty: 0

STATE REQUIREMENT: APPLY FOR APPROVAL

CLEAR

USM is required to obtain approval in the state of Iowa because it has a physical presence in the state. USM engages in "on the ground" activities which is defined by the state of Iowa to include a practicum or internship.

TRIGGERS FOR REQUIREMENTS:

"Presence" means maintaining a physical, postal, telephone or internet address within Iowa.

"On the ground" activities that require a school to register include, but are not limited to, recruiting, admitting, enrolling, or advising students; **in-person instruction including a practicum or internship**; administration; distribution of correspondence study materials; or housing technology that facilitates online programs, in the state of lowa.

REGULATED INSTITUTIONS:

All postsecondary educational institutions

EXEMPTIONS:

Not Applicable

PROCESS DETAILS:

Submit a paper document and a complete duplicate in pdf format on a CD. Applications may be submitted electronically by contacting the Postsecondary Approval Administrator at the Iowa College Student Aid Commission.

A copy of the application may be found here:

http://www.iowacollegeaid.gov/images/docs/file/PostsecondaryRegistration/CS/ch261b_reg_app_or_exe_mpt_claim051310.pdf

FEES: NON-REFUNDABLE

There is a \$4,000 initial application fee.



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KENTUCKY

Kentucky Council on Postsecondary Education
Sarah Levy, Senior Associate, Academic Affairs, 502-573-1555, sarah.levy@ky.gov

USM PRESENCE:

Online enrollments: 7

Faculty: 0

STATE REQUIREMENT: APPLY FOR LICENSURE

CLEAR

USM is required to be licensed because its practicum requirement qualifies it as "operating" in Kentucky. Kentucky has a clear definition of "operating and soliciting" which includes any kind of instruction that utilizes teachers, trainers, mentors, etc.

Kentucky has not updated its published regulations recently; however, it did update its fee schedule as of April 1, 2011 for licensed institutions. Eduventures believes that Kentucky's stance is not likely to change in the near term.

TRIGGERS FOR REQUIREMENTS:

All out-of-state institutions that *operate or solicit* in Kentucky and offer online courses and programs to Kentucky students must be licensed. Schools that do not engage in any of the "operating or soliciting" activities below must certify that in a letter for review to determine whether licensure is required or not.

"Operating or soliciting" as defined in the licensing regulation means having a physical presence within Kentucky and includes:

- a) An instructional or administrative site within Kentucky whether owned, leased, rented, or provided without charge;
- b) Instruction of any kind, originating from or delivered within Kentucky utilizing teachers, trainers, counselors, advisors, sponsors, or mentors;
- An agent, recruiter, in-state liaison personnel, institution, or business located in Kentucky that advises, promotes, or solicits for enrollment, credit, or award of an educational or occupational credential;
- d) An articulation agreement with a Kentucky licensed college or state-supported institution; or
- e) Advertising, promotional material, or public solicitation in any form that targets Kentucky residents through distribution or advertising in the state.

REGULATED INSTITUTIONS:

All non-profit colleges and universities and proprietary baccalaureate institutions are regulated by the Council for Postsecondary Education. Postsecondary schools offering less than a baccalaureate degree are regulated by the State Board for Proprietary Education.



EXEMPTIONS:

None

PROCESS DETAILS:

USM must submit an application for a license on the form entitled Application for Licensure as an Out-of-State Institution to Operate in the Commonwealth of Kentucky Pursuant to 13 KAR 1:020. A request for an application can be made here: https://cpe.custhelp.com/cgi-bin/cpe.cfg/php/enduser/ask.php

An application shall be accompanied by copies of the following:

- College charter;
- College catalog;
- College constitution and bylaws;
- Student enrollment application;
- Student contract or agreement;
- Documentation of accreditation, licensure, or approval by appropriate agencies; and
- Disclosure of any prior loss or denial of:
 - o Accreditation with dates and reason and loss or denial; or
 - Licensure or approval by an agency in this state or another state with dates and reason for the loss of denial; and
 - o Disclosure of any former names of the college with the dates it was used.

FEES: NON-REFUNDABLE

This is the application fee structure for the New College Application Fee for Out-of-State:

- Out-of-State College (each site licensed separately) \$5,000
- In-State College \$1,000

PLUS

Offering Fee (per program, or per course if not offering entire program)

- Course if not offering entire program \$200
- Certificate, Diploma, or Associate's program \$200
- Bachelor's program \$500
- Master's or Specialist program \$1,500
- Doctoral program \$2,000

After the initial licensing fee, there will be an annual license fee based on enrollment:

- 100-500 \$2,000
- 501-1,000 \$3,000
- 1,001-2,000 \$4,500
- 2,001-3,000 \$6,000
- 3,001-4,000 \$8,000
- 4,001-5,000 \$10,000
- 5,001 and above \$12,000



BOND REQUIREMENTS:

An out-of-state college shall secure and maintain a surety bond equal to or in excess of the largest amount of unearned tuition held by the college at any time during the most recently completed fiscal year, executed by a surety company qualified and authorized to do business in Kentucky.



LOUISIANA

Louisiana Board of Regents

Nancy Beall, Assistant Program Manager Louisiana Board of Regents, (225) 342-4253

USM PRESENCE:

Online enrollments: 2

Faculty: 0

STATE REQUIREMENT: APPLY FOR APPROVAL

CLEAR

USM is required to obtain approval in the state of Louisiana because it requires a clinical or practical component to its distance education degrees.

The Board of Regents has adopted rules and regulations for the administration of RS 17:1808. For institutions domiciled in Louisiana, the term operating applies to the offering of courses and programs through any modality. For institutions domiciled outside Louisiana, the term operate shall mean the offering of courses that are physically delivered in the state of Louisiana and/or require clinical experiences in the state of Louisiana.

TRIGGERS FOR REQUIREMENTS:

The term clinical experiences shall mean site-based learning activities (e.g. clinical, internships, student teaching, practicum, field-based experiences, etc.) in settings (e.g. hospitals, schools, businesses, etc.) in which candidates are working with patients, children, teachers, principals, etc. in Louisiana and are observed/assisted/evaluated by supervisors, preceptors, coaches, teachers, principals, or other individuals to determine that course and program requirements have been addressed.

REGULATED INSTITUTIONS:

All postsecondary institutions.

EXEMPTIONS:

Exemption from licensure is restricted to those institutions named in law and religious institutions that grant religious degrees exclusively. The degrees must be religious in nature by title and content.

PROCESS DETAILS:

USM must complete a license application

(http://regents.louisiana.gov/assets/docs/Planning/ACT_129_License_App_New_Institution_2011-2012_2011_0412.doc)

Completed applications should be returned to:

Dr. Larry Tremblay
Louisiana Board of Regents
P.O. Box 3677

Baton Rouge, Louisiana 70821-3677



FEES: NON-REFUNDABLE

All applications must be accompanied by a non-refundable fee of seven-hundred fifty dollars (\$750)

BOND REQUIREMENTS:

In the event licensure is granted by the Louisiana Board of Regents, institutions that do not hold regional or national accreditation will be required to post a surety bond in the amount of ten-thousand dollars (\$10,000) issued by a surety authorized to do business in the State of Louisiana.



MAINE

Maine Department of Education

Harry Osgood, Higher Education Specialist, (207) 624-6846, harry.osgood@maine.gov

USM PRESENCE:

Online enrollments: 8

Faculty: 0

STATE REQUIREMENT: APPLY FOR LICENSURE

/FRY CLFAR

USM requires a practicum and therefore is required to secure licensure in Maine to operate as an approved degree-granting institution.

Prior to completing the full application, USM should reach out directly to Harry Osgood to ensure full licensure is required based on its footprint.

Maine has not updated its policy in several years, but has provided clarification and confirmation of these regulations through phone conversations, indicating that changes are unlikely in the near term.

TRIGGERS FOR REQUIREMENTS:

An out-of-state institution offering degrees and academic credits from outside of Maine has a physical presence in Maine if:

- There is any person assisting the institution in any way from within Maine
- It maintains an office or mailing address in the State
- It conducts any part of the instructional program or support activities from within the State, specifically including:
 - o advertising
 - o solicitation of potential students
 - o enrollment of students
 - o providing student services
 - o student mentoring
 - o instruction of students

The state of Maine elaborates further on the specific requirement for out-of-state institutions offering "pure online" education by specifying that "Physical presence shall be evident when support services for telecommunications offerings include institutional representatives serving as tutors, counselors, instructors or monitors at the Maine receiving site."

REGULATED INSTITUTIONS:

State oversight of public and private schools, colleges, and universities primarily centers upon degree-granting authorizations and private-for-profit proprietary school licensure.



EXEMPTIONS:	
Not Applicable	

PROCESS DETAILS:

Complete the form found at http://www.surveymonkey.com/s/ospnf and return to:

Harry W. Osgood Higher Education Specialist Maine Department of Education #23 State House Station Augusta, Maine 04333

FEES:	NON-REFUNDABLE
Not Ap	plicable

BOND REQUIREMENTS: Not Applicable



MARYLAND

Maryland Higher Education Commission

Sue A. Blanshan, Director of Academic Affairs, 410-260-4533, sblansha@mhec.state.md.us

USM PRESENCE:

Online enrollments: 7
Faculty: 0
STATE REQUIREMENT: NONE VERY CLEAR
USM is not required to be licensed in Maryland because it does not operate in-state. Maryland's Code
takes a very narrow view of "operating in-state," which is not met when there is no physical location.
Recent affirmation that Maryland requires no action from educational institutions offering "pure online
education" in their state means that these rules are not likely to change in the near term.
TRIGGERS FOR REQUIREMENTS:
Establishing a physical facility with an address in Maryland.
REGULATED INSTITUTIONS:
Degree-granting institutions and private career schools
EXEMPTIONS:
Not Applicable
PROCESS DETAILS:
Not Applicable
FEES: NON-REFUNDABLE
Not Applicable
BOND REQUIREMENTS:
Not Applicable



MASSACHUSETTS

Massachusetts Department of Higher Education

Claudia R. Bell, Academic Program and Policy Specialist, 617-994-6913, cbell@bhe.mass.edu

USM PRESENCE:

Online enrollments: 2

Faculty: 0

STATE REQUIREMENT: SEEK DETERMINATION FROM STATE

VERY CLEAR

The determination as to whether a school requires approval to operate in Massachusetts can only be made by Claudia Bell (or someone in the Mass. Dept. of Higher Ed) unless there is very obvious physical presence "on the ground" that would clearly trigger the need for approval. USM requires students to complete a practicum or internship in the state of Massachusetts which most likely triggers the need for approval. Therefore, USM must contact Claudia Bell to determine the appropriate action.

All schools must obtain either approval to operate or confirmation from the state that they are exempt from needing approval.

Massachusetts was very clear in a personal interview that their determination is based on a subjective assessment of the degree to which an institution is targeting Massachusetts residents, and the extent to which this involves face-to-face interaction. No change is expected in this policy near-term.

TRIGGERS FOR REQUIREMENTS:

Massachusetts focuses on whether an institution has an "on-the-ground" presence in the state when determining whether or not it needs to obtain approval. Some examples of an on-the-ground presence (but there are others) include:

- Face-to-face engagement with students in internships, practicums, etc.
- Faculty engaging with students face-to-face in the state

REGULATED INSTITUTIONS:

Degree granting institutions with "physical presence" in Massachusetts.

EXEMPTIONS

The current Massachusetts code entitled <u>Degree Granting Regulations for Independent Institutions of Higher Learning</u> does not offer explicit exemptions from regulation. <u>Section 2.07</u> deals specifically with out of state institutions.



PROCESS DETAILS:

All institutions operating in any way, including online/distance education in Massachusetts must first contact Claudia Bell via email with details about their offerings in Massachusetts and the different ways that the school interacts with its Massachusetts students. Claudia will then engage in dialogue with the school to further understand and verify the scope of the schools presence in the state, after which she will either notify the school that it is required to apply for approval to operate, or send the school an email confirming that approval to operate is not required in their case.

Each school must engage in this dialogue individually and on its own behalf. No school can delegate this communication to an agent, nor can any institution engage in this process on behalf of a system or collection of schools.

FEES: NON-REFUNDABLE

An institution shall pay the following fees:

- Initial license for a Massachusetts-based or Out-of-state institution: \$10,000 plus \$2,000 for each degree requested at the same time if more than one.
- Annual fee each year for the first five years following initial licensure: \$4,000. For each
 additional degree at Massachusetts licensed institutions: \$4,500 plus \$2,000 for each additional
 degree requested at the same time if more than one. (There is no fee for NEASC-CIHE institutions
 for additional degrees at existing categories/levels)
- Periodic inspection or review (if a separate review from Board's participation in New England Association of Schools and Colleges review is required): \$4,000.
- Other requests requiring public hearings (e.g., award honorary degree(s), change the name of an institution, or retitle an existing, authorized degree): \$500.
- Institutional closure: \$500. All records must be transmitted by the institution in electronic form. Fees are to be paid to the Board's Licensing Fee Trust Fund at the time the institution files articles of organization or amendment or a foreign corporation certificate with the Secretary of State or upon scheduling of periodic inspection or review.

		RFN	

None



MICHIGAN

Michigan Department of Energy, Labor, and Economic Growth Michael Beamish, Department Specialist, 517-241-6806, BeamishM@michigan.gov

USM PRESENCE:
Online enrollments: 4
Faculty: 0
STATE REQUIREMENT: NONE VERY CLEAR
USM is not required to obtain approval or licensure in Michigan because it does not have a physical presence in the state.
Michigan's regulations have not changed for many years, however state officials have responded very recently and consistently with this assessment of the requirements for out-of-state institutions. No near-term changes are anticipated in this state.
TRIGGERS FOR REQUIREMENTS:
Physical presence in Michigan means operating a physical location in the strictest sense, and does not include conducting courses such as internships, clinicals, practicums or other educational settings involving a location in Michigan [this was clarified on April 22 after information to the contrary had circulated]. Advertising is allowed without approval or licensure.
REGULATED INSTITUTIONS:
Private colleges, universities, and non-degree granting proprietary schools
EXEMPTIONS:
Not Applicable
PROCESS DETAILS:
Not Applicable
FEES: NON-REFUNDABLE
Not Applicable

BOND REQUIREMENTS:



MINNESOTA

Minnesota Office of Higher Education
Brian Geraghty, Director, 651-259-3976, brian.geraght@state.mn.us
George Roedler, Jr., 651-259-3975, george.roedler@state.mn.us

USM PRESENCE:

Online enrollments: 13

Faculty: 0

STATE REQUIREMENT: CERTIFICATE OF AUTHORIZATION

VERY CLEAR

USM is required to obtain Degree-Granting Institutional Registration because it offers programs or courses to students in Minnesota.

Minnesota gives clear guidelines and instructions on its online application for 2010 - 2011. An updated application is expected soon, but there is no indication that it will be substantially different in process or applicability.

George Roedler has indicated he prefers institutions contact his office first to determine the extent to which registration is required, if at all. He prefers institutions wait to send payment until his office can compute a total. He believes this total will almost always be lower than the published total fee.

If USM is found to trigger full application requirements, Minnesota is willing to work with USM to "teach out" existing students if that is the route the institution prefers to take.

TRIGGERS FOR REQUIREMENTS:

Any private and public postsecondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion.

REGULATED INSTITUTIONS:

Any school which falls into any one or more of the following categories must complete an application for Degree-Granting Institutional Registration:

- private non- profit post secondary education institution which offers a degree
- private for-profit post secondary education institution which offers a degree
- non-Minnesota public and private post secondary institutions offering programs or courses to students in Minnesota which do not require them to leave the state of Minnesota for completion.
- non-Minnesota individuals, entity or institution which contracts with Minnesota post secondary
 institution to provide training for which credits may be awarded that can be applied towards a
 degree.



EXEMPTIONS:

Minnesota provides for exemption of "restricted" types of schools, including religious schools those that are strictly offered through trade- or union-related affiliations, and those that are employer-sponsored.

PROCESS DETAILS:

Institutions should contact the office of George Roedler to receive a preliminary assessment of their requirements in Minnesota.

To apply for a Degree-Granting Institutional Registration, USM, must:

- 1. Complete the application form along with the required fee, forms and documents (http://www.ohe.state.mn.us/pdf/136pack.pdf)
- 2. Mail all registration materials and the fee in check form made payable to the *Office of Higher Education* to:

Office of Higher Education ATTN: Degree Granting Institutional Registration PO Box 64449 St. Paul, MN 55164

FEES: NON-REFUNDABLE

Initial Degree Granting Institutional Registration:

- Non-Degree Programs \$250 each
- Associates \$2,000 + \$250 for each additional degree program
- Bachelors \$2,500 + \$500 for each additional degree program
- Masters \$3,000 + \$750 for each additional degree program
- Doctoral \$3,500 + \$1,000 for each additional degree program

BOND REQUIREMENTS:

Only a school that has fallen below minimum financial standards set by the Department of Education and has been notified that its continued participation in Title IV will be conditioned upon its satisfying either the Zone Alternative or a Letter of Credit will be required to post this additional security.



MISSISSIPPI

Commission on Proprietary School and College Registration

Marilyn Gardner, Proprietary Schools Specialist, 601-432-6340 mgardner@mscjc.edu

USM PRESENCE:

Online enrollments: 1

Faculty: 0 – The hiring of faculty would trigger the need to submit a full application for approval to operate in the state of Mississippi

STATE REQUIREMENT: LETTER OF EXEMPTION

CLEAR

USM is not required to obtain approval or licensure in the State of Mississippi because it does not maintain a physical presence in Mississippi. The Commission does not regulate academic degree-granting postsecondary institutions that are located outside Mississippi that offer courses/programs via the internet.

If USM were to hire faculty in the state of Mississippi, it would be required to submit a full application for approval to operate within the state.

A recent statement issued by the CPSCR states that a school that does not engage in any trigger activities must submit a letter to the CPSCR stipulating that the institution has read the listed conditions which would require authorization and does not engage in any of the conditions.

TRIGGERS FOR REQUIREMENTS:

Any institution not based in the State of Mississippi, whether or not it offers instruction to residents of Mississippi only over the Internet, is determined to need a Certificate of Registration issued by the Commission to offer postsecondary instruction in the State if they engage in at least one of the following activities:

- 1. The institution maintains a telephone number with a Mississippi area code;
- 2. The institution maintains a postal address with a Mississippi zip code;
- 3. The institution markets and/or recruits Mississippi students via any means of media which originates in Mississippi;
- 4. The institution maintains an Internet URL which originates in Mississippi or utilizes an ISP which is based in Mississippi; or
- 5. The institution provides payment reportable for income tax purposes via either a WV2 or Form 1099 to any individual resident of the State for any purpose associated with the institution's Mississippi students.

REGULATED INSTITUTIONS:

All proprietary educational institutions



EXEMPTIONS:

Postsecondary institutions with no "physical presence." For definition of "physical presence" see above.

PROCESS DETAILS:

Because USM engages in none of the above trigger activities, it must address a letter to CPSCR which states the following:

"[Name of Institution] located at [Legal Mailing Address] has reviewed the conditions which would cause it to be required by the State of Mississippi's Commission on Proprietary School and College Registration to be authorized. Resultant from this review, [Name of Institution] stipulates that it engages in none of the listed conditions."

The body of the letter should also indicate the name and contact information for the individual to whom any return information should be directed.

FEES: NON-REFUNDABLE

Not Applicable

BOND REQUIREMENTS:



MISSOURI

Missouri Department of Higher Education Coordinating Board for Higher Education, (573) 751-2361, info@dhe.mo.gov

USM UNIVERSITY PRESENCE:

Online enrollments: 15

Faculty: 9

STATE REQUIREMENT: CERTIFICATION TO OPERATE

VERY CLEAR

USM is required to obtain a Certification to Operate in Missouri because it offers instruction to students in the state that could involve interaction, organized by or through a school, between 2 or more students and/or instructors. The specific details of how USM's practicums and the interpersonal exchanges associated with these are conducted in Missouri will ultimately determine whether the school is subject to this requirement.

Guidelines and directives on Missouri's regulatory requirements are abundantly clear, and the basis for these regulations has not changed since 2001. There is no reason to expect any near-term change in these requirements.

TRIGGERS FOR REQUIREMENTS:

The act of offering postsecondary instruction in the state triggers the certification requirement, apart from any particular organizational structure or delivery mechanism. Physical presence includes a "formally scheduled instructional interaction organized by or through a school taking place between two or more students and/or instructors within the state of Missouri."

REGULATED INSTITUTIONS:

All nonpublic schools or training facilities, both not-for-profit and for-profit, unless specifically exempted.



EXEMPTIONS:

Missouri exempts the following types of schools from its Proprietary School Certification Requirements:

- Missouri public institutions
- Missouri not-for-profit independent institutions accredited by a U.S. Department of Education recognized accrediting commission
- Not-for-profit religious institutions accredited by a U.S. Department of Education recognized accrediting commission
- Not-for-profit religious institutions offering only religiously designated degrees and programs
- Charitable institutions that provide instruction without financial charge
- Schools offering only non-vocational or recreational courses or programs
- Employer sponsored instruction or training available only to employees
- Training by restricted membership trade or professional associations for members only
- Schools or training programs regulated and approved by other state [of Missouri] agencies
- Elementary and/or secondary schools (i.e., schools enrolling students primarily under the age of 16)

PROCESS DETAILS:

To apply for Certification, USM must:

- 1. Request (http://www.dhe.mo.gov/psc/proprecertform2.php), obtain and complete the application form which includes:
 - a. Institutional Information
 - i. Location
 - ii. Ownership
 - iii. Control
 - iv. Accreditation
 - b. Program Inventory
 - i. Program Title
 - ii. Enrollment
 - iii. Length (weeks)
 - iv. Required Hours
 - v. Tuition and Fees
 - vi. Award (i.e. Certificate, AAS, BS etc)
 - c. Personnel Data
 - d. Financial Totals, Responsibilities and Statements
 - i. Financial Resources
 - ii. Income and Expenditures
 - e. Exhibits
 - i. Publications
 - ii. Completed Enrollment Agreement
 - iii. Official Completed Transcript
 - iv. Program and Course Information
 - v. Equipment List and Facility Description
 - vi. Personnel Information and Resumes
 - vii. Corporate Documentation



viii. Employment Salary

WHERE ACADEMICS AND INNOVATION CONVERGE

ix. Financial Reports

Supplemental Information

- 2. Undergo a site visit examination if required
- 3. Upon approval, post security deposit

FEES: NON-REFUNDABLE

Annual certification fees are calculated at \$.001 per one dollar of net tuition and fees income, with a minimum of \$250 and a maximum of \$2,500 per school. Recertification applications due every year before March 15.

For schools with a certificate of approval for the sole purpose of recruiting students in Missouri, the net tuition used for the certification fee computation shall be only that paid, or estimated if initial, to the school by students recruited from Missouri and the fee shall be two hundred fifty dollars (\$250) plus \$.001 per one dollar of net tuition and fees income (excluding refunds, books, tools, and supplies).

BOND REQUIREMENTS:

Missouri requires a "security deposit" in the form of a surety bond, an irrevocable letter of credit, or a cash bond secured by a certificate of deposit. The amount is calculated as 10% of the preceding year's gross tuition, with a minimum of \$5,000 and a maximum of \$25,000.



MONTANA

The Board of Regents of the Montana University System

Thomas H. Gibson, Director, e-Learning Business Development, 406-444-0311,

tgibson@montana.edu

USM PRESENCE:
Online enrollments: 2
Faculty: 0
STATE REQUIREMENT: NONE CLEAR
USM is not required to obtain approval or licensure in the state of Montana because it is accredited by a
nationally recognized accrediting agency.
The Board of Regents of the Montana University System recognizes any accrediting agency approved
and accepted by the Council on Higher Education Accreditation at http://www.chea.org . No near-term
change is anticipated.
TRIGGERS FOR REQUIREMENTS:
Non-accredited institutions or loss of accreditation.
REGULATED INSTITUTIONS:
All degree-granting institutions.
EXEMPTIONS:
Not Applicable.
PROCESS DETAILS:
Not Applicable
FEES: NON-REFUNDABLE
Not Applicable
BOND REQUIREMENTS:
Not Applicable



NEBRASKA

Nebraska Coordinating Commission for Postsecondary Education Kathleen Fimple, Academic Programs Officer, 402-471-2030, kathleen.fimple@nebraska.gov

USM PRESENCE:	
Online enrollments: 2	
Faculty: 0	

STATE REQUIREMENT: NONE

CLFAR

USM is not required to obtain approval or licensure in the state of Nebraska because it does not have a "physical presence" within the state. For a definition of "physical presence" refer to triggers for requirements.

TRIGGERS FOR REQUIREMENTS:

"Physical presence" in Nebraska shall be evidenced by arrangements for sites where an out-of-state institution offers one or more courses for college credit on an established schedule at locations other than the personal residence of individual students.

REGULATED INSTITUTIONS:

Not Applicable

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.

EXEMPTIONS:	
Not Applicable	
PROCESS DETAILS:	
Not Applicable	

BOND REQUIREMENTS:	
Not Applicable	



NEVADA

Nevada Commission on Postsecondary Education David Perlman, Administrator, 702 486-7330

USM PRESENCE:

Online enrollments: 0 - should USM have enrollments that require a practicum, USM will need to apply

for licensure Faculty: 0

STATE REQUIREMENT: NO ACTION REQUIRED

CLEAR

USM is not required to obtain approval or licensure in the state of Nevada because it does not have any students enrolled. Any activity including externships, or other hands-on segment conducted in Nevada would require approval by the Commission on Postsecondary Education.

USM's footprint should be monitored closely in this state.

Nevada updated its regulations page on May 6, 2011 and clearly defined the jurisdiction of the Commission in regards to online learning. No near-term change is anticipated for Nevada.

TRIGGERS FOR REQUIREMENTS:

Training providers not located within the borders of Nevada which offer education via distance learning are not required to be licensed by the Commission on Postsecondary Education if:

- 1. The training entity is not located in any part within the borders of Nevada;
- 2. The training entity does not solicit within the borders of Nevada (billboards, local phone books or newspapers, job fairs in Nevada, etc.); and,
- 3. No part of the training takes place within the borders of Nevada such as (but not limited to) externship, seminars, hands-on segments; etc.
- 4. In addition, if the sole activity is to employ Nevada residents as faculty to teach via distance education, licensure is not required.

REGULATED INSTITUTIONS:

The Nevada Commission on Postsecondary Education has oversight authority for private postsecondary educational institutions operating in the state of Nevada.

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PROCESS DETAILS:

In order to obtain approval as an accredited degree granting institution, USM, must fill out a full application (http://www.cpe.state.nv.us/CPE%20Info%20for%20New%20Schools.htm)

The application requires the following forms:

- Private Postsecondary Educational Institution Bond
- Budget Estimate
- Release For Substantiation Of Financial Data
- Curriculum Attachments/Instructions
- Program Description
- Curriculum Content
- Distance Education
- Distance Education Courses
- Director
- Academic Director2
- Instructor
- Background Investigation
- Attachments And Certifications
- Ownership
- Catalog Approval Checklist (Attach Catalog)
- Acceptance Agreement Checklist (Attach Agreement)
- Accreditation/Licensure
- Reviewed or audited financial statement, prepared and signed by a certified public accountant within 12 months before the date of this application. The statement must be submitted with the application. A compiled statement is NOT acceptable.
- Fifteen-hundred-dollar (\$1,500) non-refundable application fee payable to the "STATE OF NEVADA TREASURER"
- One complete copy of curriculum for each program to include books, handouts, etc.
- Letter from accrediting body indicating they are aware of this application, if accredited.
- Two fingerprint cards and \$51.25 money order payable to "Department of Public Safety" for each form 40c submitted.

FEES: NON-REFUNDABLE

Application Fee: \$1,500 (May also require fee for subject matter expert review and on-going security bond)



BOND REQUIREMENTS:

Bonding requirements can be found in NRS 394.480. The minimum bond amount is \$10,000, but a higher bond may be required. Bond amounts are calculated by multiplying tuition times projected enrollment time percentage of program length to one year



NEW HAMPSHIRE

Higher Education Commission

Patti Edis, 603-271-0257, patricia.edis@ed.state.nh.us

USM PRESENCE:

Online enrollments: 3

Faculty: 0

STATE REQUIREMENT: APPLY FOR APPROVAL

CLFAR

USM is required to obtain approval in the state of New Hampshire because it has a physical presence within the state. New Hampshire defines physical presence to include practicums.

TRIGGERS FOR REQUIREMENTS:

"Physical presence" is determined by a New Hampshire telephone number or mailing address of any kind, or if advising/mentoring or instruction is taking place inside the boundaries of the state of New Hampshire.

REGULATED INSTITUTIONS:

New Hampshire asserts

- 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;
- 3. Career/Occupational Schools.

EXEMPTIONS:

An out-of-state institution with no physical presence in the state of New Hampshire that is accredited by a regional or national agency recognized by the U.S. Department of Education, the Council for Higher Education, or both and is either:

- a. offering credit-bearing courses, programs and/or degrees exclusively by online computer
 delivery in which the server is located outside of the state, including online instructors residing
 in the state that do not physically meet with students;
- b. Sends recruiters to college fairs or advertises in the state;

PROCESS DETAILS:

USM must set up a meeting with the executive director to discuss the proposed institutional plan, timeline and process. New Hampshire suggests USM prepare a brief narrative or outline for the discussion.



FEES: NON-REFUNDABLE

\$3,000 initial review fee including site visit; \$1,000 per visit thereafter

BOND REQUIREMENTS:



NEW JERSEY

New Jersey Commission on Higher Education

Director of Academic Affairs, 609-292-2955, nj che@che.state.nj.us

USM PRESENCE:	
Online enrollments: 13	
Faculty: 0	

STATE REQUIREMENT: NONE

CLEAR

USM is not required to obtain approval or licensure in the state of New Jersey because it does not maintain a physical presence within the state.

New Jersey recently updated the public information on its website to clearly address the regulation of out-of-state institutions with no physical presence in the state. No near-term changes are anticipated in New Jersey.

TRIGGERS FOR REQUIREMENTS:

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".

REGULATED INSTITUTIONS:

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.

EXEMPTIONS:			
Not Applicable			
PROCESS DETAILS:			
Not Applicable	_	_	

FEES: NON-REFUNDABLE	
Not Applicable	

BOND REQUIREMENTS:	
Not Applicable	



NEW MEXICO

New Mexico Higher Education Department
Stephanie Ellis, Private and Proprietary Schools Administrator, 505-476-8442,
Stephanie.ellis@state.nm.us

USM PRESENCE:	
Online enrollments: 2	
Faculty: 0	

STATE REQUIREMENT: ESTABLISH EXEMPTION

CLEAR

USM is not required to obtain authorization from New Mexico because it does not maintain a "presence" as defined by the state. However USM must formally establish that they are exempt by completing an exemption application. Institutions applying for exemption must agree to provide annual update reports on July 15 of each year to the Department. The institution and its representatives also must agree to make no reference to the Department in advertising and/or printed materials.

The New Mexico Higher Education Department's website was updated on March 10, 2011. No near term changes are anticipated.

TRIGGERS FOR REQUIREMENTS:

"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.

REGULATED INSTITUTIONS:

Private postsecondary institutions

EXEMPTIONS:

Regionally accredited institutions.

PROCESS DETAILS:

To establish an exemption status, USM must complete and submit the Claim for Exemption & Annual Update Report http://www.hed.state.nm.us/Exemption.aspx

FEES: NON-REFUNDABLE

One-time fee of \$500 for exemption.

BOND REQUIREMENTS:



NEW YORK

Office of College and University Evaluation, New York State Education Department Coordinator, 518- 474-1551, ocueinfo@mail.nysed.gov

USM PRESENCE:

Online enrollments: 4

Faculty: 0

STATE REQUIREMENT: NONE

CLEAR

USM is not required to obtain approval or licensure in the state of New York because it does not have a physical presence within the state.

New York has updated and clarified their directives for out-of-state distance education on March 15, 2011, so no near-term change is expected in these rules.

TRIGGERS FOR REQUIREMENTS:

New York defines physical presence as engaging in any one of the following:

- Operates an instructional site (a physical location at which a group of students receives instruction from a faculty member, whether the faculty member is physically present or by telecommunication) in New York State.
- Sponsors organized activities within New York State that are related to the academic program (e.g., advising, mentoring, study groups, examination administration for groups of students).
- Has a representative, whether paid or not, acting on its behalf within New York State to arrange or conduct instructional or academic support activities.

REGULATED INSTITUTIONS:

All public, private, and proprietary institutions of education located in New York State and out-of-state degree-granting institutions that have a physical presence in New York State.

EXEMPTIONS:

Institutions who engage in ONLY the following practices are exempt:

- Communicates electronically with students in New York State (e.g., by computer or broadcast) in ways that do NOT involve an instructional site or an organized group activity;
- Advertises in New York State media;
- Recruits students, e.g., at college fairs, job fairs, or trade shows;
- Conducts alumni activities in the State, such as alumni clubs.

PROCESS DETAILS:

Not Applicable

FEES: NON-REFUNDABLE



BOND REQUIREMENTS:	
Not Applicable	



NORTH CAROLINA

The University of North Carolina General Administration on behalf of
The University of North Carolina Board of Governors
Maggie Ryan, Assistant Director of Licensure and Workforce Studies, (919) 962-4558

USM PRESENCE:

Online enrollments: 4

Faculty: 2

STATE REQUIREMENT: APPLY FOR LICENSURE

CLEAR

USM is required to obtain licensure in the State of North Carolina because it maintains a "physical presence" in the state.

USM requires students to partake in internships and practicums to complete their degree, which triggers the need for a license to operate in North Carolina.

TRIGGERS FOR REQUIREMENTS:

An institution undertakes postsecondary degree activity in North Carolina 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)

REGULATED INSTITUTIONS

All postsecondary degree awarding institutions

EXEMPTIONS:

Postsecondary institutions with no "physical presence"



PROCESS DETAILS:

The process for licensing is an extensive one as delineated in <u>Rules And Standards – Licensing Nonpublic Institutions to Conduct Post-Secondary Degree Activity in North Carolina</u>. The first step for acquiring licensure in North Carolina is a conference with the UNC General Administration staff to review the standards and procedures for applying for licensure. Following this is a letter of intent and then an application process which includes:

Procedures for Seeking Licensure

- A. Preliminary Conference
- B. Letter of Intent
- C. Application for Licensure
- D. Examination Visit
- E. Examiners' Report and Recommendations
- F. Institutional Hearing
- G. Staff Review and Proposal
- H. Action of Board of Governors
- I. Certificate of Licensure

FEES: NON-REFUNDABLE

Initial fee of \$5,000, which includes up to four degrees at the associate or bachelor's level or two degrees at the master's level or one degree at the doctoral or first professional level if reviewed at the time of initial application

BOND REQUIREMENTS:

Determined by the state



NORTH DAKOTA

North Dakota State Board for Career and Technical Education 701-328-3180, cte@nd.gov

USM	PRE.	SENCE	:
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Online enrollments: 0

Faculty: 0

STATE REQUIREMENT: EXEMPTION APPLICATION

VERY CLEAR

As of August 1, 2011, with the passage of HB 1092, USM will be exempt from regulation under North Dakota Century Code 15-20.4-02 which added a new exemption for "Institutions whose only physical presence in this state consists of students enrolled in practicums, internships, clinicals, or student teaching in this state".

USM should file a Distance Exemption Request with CTE to cover itself should it register students in the state of North Dakota.

TRIGGERS FOR REQUIREMENTS:

"Physical Presence" is defined as: "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."

REGULATED INSTITUTIONS:

Any "Postsecondary educational institution" which includes 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.

EXEMPTIONS:

School providing distance education only with no physical presence, which now includes practicums.

PROCESS DETAILS:

The exemption request form can be found at: CPE Exemption Form

FEES: NON-REFUNDABLE

None

BOND REQUIREMENTS:



OHIO

Ohio Board of Regents

Stephanie Davidson, PhD, Director of Academic Programs, 614-728-1904,

Sdavidson@regents.state.oh.us

USM PRESENCE:

Online enrollments: 8

Faculty: 0

STATE REQUIREMENT: APPLY FOR APROVAL

VERY CLEAR

USM must apply for approval in Ohio because it requires students to complete a **practicum** to receive their degree.

Ohio gives a very clear directive to out-of-state schools offering online education in their state, and clarified this position on March 31, 2011. Its site is currently under construction so monitoring this state is advisable.

TRIGGERS FOR REQUIREMENTS:

Out-of-state institutions offering distance education programs to Ohio residents must seek authorization from the Chancellor if:

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

REGULATED INSTITUTIONS:

"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.

EXEMPTIONS:

School providing distance education only with no physical presence as defined by the state.



PROCESS DETAILS:

Any institution engaging in activities that require approval, is required to complete the program authorization process, which includes the following steps:

- The institution submits a letter of intent and the applicable fees to the Regents;
- The institution develops a proposal for each program to be submitted for review;
- The institution hosts a site visit. Review teams composed of discipline experts spend time on the campus or administrative headquarters and meet with personnel relevant to the request;
- The review team writes a report containing program strengths and weaknesses, and suggestions and recommendations:
- The institution responds to the recommendations of the report by writing an institutional response;
- The team reviews the response and makes a recommendation to the Chancellor's staff to approve or not approve the program;
- If authorization is recommended, the staff prepares a summary of the request, which is posted on the Regents' website;
- Once the ten-day posting period has ended, the piece is removed from the website and forwarded to the Chancellor's office for his review and approval;
- The Chancellor performs his review; and
- If the Chancellor approves the request, the institution is issued a certificate of authorization

FEES:	NON-REFUNDABLE
Not A	plicable

BOND REQUIREMENTS:



OKLAHOMA

Oklahoma State Regents for Higher Education Houston D. Davis, Ph.D., Vice Chancellor for Academic Affairs

USI	M P	RES	ENCE:	
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Online enrollments: 1

Faculty: 0

STATE REQUIREMENT: LETTER OF INFORMATION

CLEAR

USM is required to write a letter to the Vice Chancellor of the Oklahoma State Regents for Higher Education, outlining their physical presence in the state.

Oklahoma does not define physical presence. Institutions are instructed to send a letter from the institution's chief executive officer to Dr. Houston Davis detailing the extent to which the institution in question will be delivering course and/or degree programs to Oklahoma residents. This includes any practicum or internship requirements as well as adjunct faculty in the state.

TRIGGERS FOR REQUIREMENTS:

Physical presence includes but is not limited to:

- 1. A branch or institutional plant located in Oklahoma
- 2. Maintaining a PO Box or mailing address in Oklahoma
- 3. Having a telephone number registered in Oklahoma

REGULATED INSTITUTIONS:

All public and private, non-for profit degree-granting institutions.

EXEMPTIONS:

As stated in the Oklahoma Academic Affairs Code 3.1.3 "Institutions that offer courses and programs completely online, with no physical presence in Oklahoma, do not fall under the jurisdiction of this policy."



PROCESS DETAILS:

USM's President, or Chief Executive Officer, must send a letter to the Oklahoma State Regents for Higher Education. The letter should include information pertaining to any programmatic externship, internship, clinical, or practicum requirements, or proctored examinations that will be completed in the state. The letter should also respond to the hiring of adjunct faculty in Oklahoma. The information within the letter will be used to determine the extent of the physical presence, if any, USM will have in Oklahoma. The letter should also include a statement of affiliation status from the institution's accrediting agent listing the programs approved for distance learning. Once the letter and information is received, the Vice Chancellor's staff will review and respond appropriately.

The letter may be sent to:

Houston D. Davis, Ph.D.
Vice Chancellor for Academic Affairs
Oklahoma State Regents for Higher Education
P.O. Box 108850
Oklahoma City, Oklahoma 73101-8850

FEES: NON-REFUNDABLE

Not Applicable

BOND REQUIREMENTS:



OREGON

Oregon Office of Degree Authorization, (541) 687-7478, oda@osac.state.or.us

USM PRESENCE:

Online enrollments: 4

Faculty: 0

STATE REQUIREMENT: APPLY FOR APPROVAL

CLEAR

USM needs to obtain authorization for distance education offerings because it maintains a physical presence in the state.

Online degree programs that include a practicum or internship, or other assistance within the state as described above and more fully in Oregon Administrative Rule 583-030-0015 (23), must be individually approved by ODA before they are offered to students in Oregon.

TRIGGERS FOR REQUIREMENTS:

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 including practicum or internship.

REGULATED INSTITUTIONS:

Any school offering degrees and credits

EXEMPTIONS:

School providing distance education only with no physical presence, which is defined as:

- (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



Online programs with assistance as defined in OAR 583-030-0015(23) must complete the application file for online (with practicum) programs which includes:

- 1. Initial Approval Request form
- 2. A list of online (with practicum) programs offered
- 3. A description for each degree program that explains the structure, learning goals, requirements, delivery method, basis for assessment and award of credit
- 4. A description of the structure and supervision model for the practicum that explains the learning goals, criteria for site selection, and role and qualifications of site supervisor.
- 5. Programs that offer preparation for the practice of a licensed profession in the state of Oregon must show evidence that they prepare students to meet any standards established by the appropriate Oregon licensing board.
- 6. A <u>Qualifications sheet</u> for any supervisor, proctor, instructor, discussion leader, or other mentor assisting students in the practicum
- 7. Information regarding requirements, fees and policies affecting Oregon students

FEES: NON-REFUNDABLE

Payment of the review fee by the institution, by check payable to *State of Oregon – ODA*. The review fee for an online program with practicum or other assistance is \$500 per program.

BOND REQUIREMENTS:



PENNSYLVANIA

Pennsylvania Department of Education, Postsecondary Education

Carol M. D. Gisselquist, Higher Education Associate, 717-787-4448, cgisselqui@state.pa.us

USM PRESENCE:	
Online enrollments: 5	
Faculty: 0	

STATE REQUIREMENT: COMPLETE INFORMATION FORM

CLEAR

USM must complete and submit an assessment form for Pennsylvania. Pennsylvania recently stated that all out-of-state degree-granting institutions seeking information from or approval by Pennsylvania Department of Education (PDE) must complete and submit an information form. This will be reviewed by the PDE, and they will be in contact with any further instruction.

Pennsylvania has released a statement and information form in May 2011. No near term change is anticipated.

TRIGGERS FOR REQUIREMENTS:

Out-of-state institutions offering distance education programs to Pennsylvania residents do not need to seek approval unless they:

- Administer proctored exams in the state;
- Offer some other course component (e.g., student teaching, clinical placement, practicum) that takes place in Pennsylvania
- Enroll students (has them sign an enrollment agreement) in Pennsylvania

REGULATED INSTITUTIONS:

All out-of-state public and independent colleges and universities.

EXEMPTIONS:	
None	



Complete the information form found at this link: Pennsylvania Information Form

Completed forms are to be mailed, or emailed to:

Division of Higher Education Pennsylvania Department of Education 333 Market Street, 12th Floor Harrisburg, PA 17126-0333

Fax: 717-772-3622

E-mail submissions should be sent to: RA-COLLUNIVSEMINFO@state.pa.us

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Not Applicable

BOND REQUIREMENTS:



RHODE ISLAND

Rhode Island Board of Governors for Higher Education

Deanna Valletri, Executive Assistant, 401-450-6010, Deanna@etal.uri.edu

USM PRESENCE:

Online enrollments: 3

Faculty: 0

STATE REQUIREMENT: NONE

CLEAR

USM is not required to obtain approval or licensure in the state of Rhode Island because it does not "operate" within the state.

Rhode Island emphasizes physical presence in its correspondence and directives. There is no expected near-term change in Rhode Island.

TRIGGERS FOR REQUIREMENTS:

Any institution which operates in Rhode Island. Operates is defined as:

- 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.

REGULATED INSTITUTIONS:

All postsecondary degree awarding institutions

EXEMPTIONS:

Postsecondary institutions are exempt if the only physical presence they have in the state of Rhode Island are individual instructors who provide instruction by distance learning under the auspices of an institution located outside of the state, as long as no additional on-ground instructional services or any (i.e., onground or at-a-distance) student or administrative services are provided within the state of Rhode Island by the instructor. Institutions located outside the borders of Rhode Island may use individual instructors located in Rhode Island to provide instruction by distance learning, as long as the institution does not seek to undertake any other form of operation in the state.



PROCESS DETAILS:	
Not Applicable	
FEES: NON-REFUNDABLE	
Not Applicable	
BOND REQUIREMENTS:	
Not Applicable	



SOUTH CAROLINA

South Carolina Commission on Higher Education

Michael Raley, Director of Academic Affairs and Licensing, 803-737-3921, mraley@che.sc.gov

USM PRESENCE:

Online enrollments: 10

Faculty: 0

STATE REQUIREMENT: NONE

CLEAR

USM is not required to obtain approval in the state of South Carolina because it is exempt by the state. South Carolina exempts schools whose only physical presence is a practicum or clinical experience in the state.

South Carolina recently clarified the extent of its jurisdiction and no near-term changes are anticipated in South Carolina.

TRIGGERS FOR REQUIREMENTS:

"Operating or soliciting" refers to having actual presence within the State of South Carolina and includes for the purposes of application of this Chapter:

- (a) an instructional or administrative site within South Carolina whether owned, leased, rented, or provided without charge;
- (b) instruction whether theory or clinical originating from South Carolina utilizing teachers trainers, counselors, advisors, sponsors, or mentors [The Commission does not require licensing of institutions that offer programs online or at a distance where the sole activity is employment of faculty members who are residents of South Carolina].
- (c) an agent, recruiter, in-state liaison personnel, institution, or business that solicits for enrollment or credits or for the award of an educational or occupational credential; and
- (d) advertising, promotional material, or public solicitation in any form that targets South Carolina residents through distribution or advertising in the state.

REGULATED INSTITUTIONS:

All non-South Carolina chartered institutions that are operating or soliciting in South Carolina in any delivery format.



EXEMPTIONS:

The commission exempts the following types of distance education programs:

- 1. The Commission does not require licensing of institutions where the sole activity is a practicum or clinical experience in South Carolina.
- 2. The Commission does not require licensing of institutions that offer programs online or at a distance where the sole activity is employment of faculty members who are residents of South Carolina.
- 3. The Commission does not require licensing of institutions where an in-state proctor administers exams for courses delivered by distance learning.
- 4. The Commission does not require licensing of institutions that use search engine marketing (Bing, Google) or web site advertisements that originate outside the borders of South Carolina.

PROCESS DETAILS:		
Not Applicable		

FEES: NON-REFUNDABLE	
Not Applicable	



SOUTH DAKOTA

South Dakota Board of Regents 605-773-3455, info@sdbor.edu

USM PRESENCE:	
Online enrollments: 4	
Faculty: 0	
•	EAR
USM is not required to obtain approval or licensure in the state of South Dakota because they are	
accredited by a nationally recognized accrediting agency.	
No person or governmental entity may offer postsecondary education credit or degree in South Da	kota,
or while organized under the laws of South Dakota, unless currently holding accreditation from an	
accrediting agency recognized by the United States Department of Education pursuant to 20 U.S.C.	
§ 1099b as amended to January 1, 2009, as a regional or national institutional accrediting agency, of	or
participating in any federal financial assistance program authorized by Title IV of the Higher Educat	ion Act
of 1965 as amended to January 1, 2009. No near-term change expected in South Dakota.	
TRIGGERS FOR REQUIREMENTS:	
Any non-accredited institutions.	
REGULATED INSTITUTIONS:	
All postsecondary educational institutions	
EXEMPTIONS:	
Religious institutions offering credit and degrees solely within that religion.	
PROCESS DETAILS:	
Not Applicable	
FEEC. MON DEFUNDABLE	
FEES: NON-REFUNDABLE	
Not Applicable	

BOND REQUIREMENTS:



TENNESSEE

Commission on Higher Education

Julie Woodruff, Director of Regulatory Affairs, <u>julie.woodruff@tn.gov</u>
Nicholas Cook, Assistant Director of Regulatory Affairs, <u>nicholas.cook@tn.gov</u>

USM PRESENCE:

Online enrollments: 3

Faculty: 0

STATE REQUIREMENT: APPLY FOR APPROVAL

CLEAR

USM is required to obtain approval in the State of Tennessee because it maintains a "physical presence" as defined by the state. Tennessee has a broad definition of physical presence which **includes a practicum or internship that is completed in-state**.

The Commission on Higher Education published a document outlining Tennessee state statues on distance education and the interpretations of those statues by the commission. This document was published on March 31, 2011 and no near-term changes are expected.

TRIGGERS FOR REQUIREMENTS:

Physical presence as further outlined for purposes of authorization shall include but not be limited to:

- 1. An instructional site within the state;
- 2. Instruction within or originating from Tennessee designed to impart knowledge with response utilizing teachers, trainers, counselors, etc., or computer resources, or computer linking (e.g. Internet), or any form of electronic telecommunications;
- 3. Dissemination of an educational credential from a location within the state;
- 4. An agent, recruiter, institution or business that solicits for enrollment or credits or for the award of an educational credential;
- 5. Advertising, promotional material or public solicitation in any form that targets Tennessee residents or uses local advertising markets in the state for institutions seeking, holding or required to hold a certificate of authorization.

THEC interprets the definition of physical presence to:

- include having an instructor lead a distance education course from within the state;
- include advertisements that appear on the webpage of a local newspaper;
- include facilitating and/or entering into an arrangement with any business, organization, or similar entity located in Tennessee for the purpose of providing an internship, externship, practicum, clinical, student teaching, or similar opportunity; and
- only include enrolling a Tennessee student if the recruitment of the student involves any of the prohibited activities.

REGULATED INSTITUTIONS:

All postsecondary degree awarding institutions



EXEMPTIONS:

Postsecondary institutions with no "physical presence."

PROCESS DETAILS:

USM must file an initial Authorization Application, available from Teresa Warren at teresa.warren@tn.gov. After filing an electronic version of the Initial Authorization Application with the fee, it will be reviewed by a staff member of the Division of Postsecondary School Authorization (DPSA).

FEES: NON-REFUNDABLE

\$3,000 for initial application plus \$500 for each proposed program plus \$1,000 to \$4,000 per program level (associates to doctoral)

BOND REQUIREMENTS:



TEXAS

Texas Higher Education Coordinating Board

Van Davis, Deputy Assistant Commissioner, 512-427-6223, van.davis@thecb.state.tx.us

USM PRESENCE:

Online enrollments: 16

Faculty: 0

STATE REQUIREMENT: NOTIFY STATE OF PRESENCE

SOMEWHAT CLEAR

USM is not currently required to obtain approval or licensure in the state of Texas because it does not have a presence within the state.

However Texas is requesting that institutions submit a letter of inquiry to the state because they have not finalized their policy on out of state distance education. The Texas legislature is considering new bills on the regulation of higher education and a rule change is anticipated in October. Texas expects to respond to institutions' letters when it has a finalized policy in November. This state requires monitoring to ensure future compliance.

TRIGGERS FOR REQUIREMENTS:

Having a "presence" in Texas determines if an institution is under the oversight of the Coordinating Board. To have a presence, a school can have a single representative of a school or a person being paid by the school who is in direct contact with students, actively recruiting, offering advice, counseling, or accepting payments on the schools behalf while in the state of Texas.

REGULATED INSTITUTIONS:

All private and public (non-Texas) postsecondary institutions offering or seeking to offer credits and degree programs in the state.

EXEMPTIO	NS :
Not Applic	able



Texas requests that institutions submit formal letters of inquiry to the Higher Education Coordinating Board that include the following information: institution's name, address, accreditor, type (i.e., public, private, proprietary), degree programs in Texas, and whether or not there is a physical presence or agent in the state (this would include a location or any face-to-face contact with students through practicums, clinicals, internships, externships, etc.). They request a PDF formatted letter be emailed directly to Dr. Gaye Bumsted Perry at gaye.bumstedperry@thecb.state.tx.us.

Texas will keep the letter on file and respond in November when their policy is finalized. In addition to the Coordinating Board, USM should also contact the Texas Workforce Commission as they are the agency which has legal authority to authorize the operation of an institution within the state.

FEES: NON-REFUNDABLE

Not Applicable

BOND REQUIREMENTS:



UTAH

Utah Division of Consumer Protection Marla Winegar, 801-530-6601

USM PRESENCE:

Online enrollments: 0

Faculty: 0

STATE REQUIREMENT: EXEMPTION APPLICATION

CLEAR

USM is not required to be registered in the state of Utah because it is accredited by a nationally recognized accrediting agency. USM should file an accredited institution exemption form to cover itself if/when students from the state are enrolled.

Utah has clear and recently updated directives. There is no near-term change anticipated.

TRIGGERS FOR REQUIREMENTS:

Not Applicable.

REGULATED INSTITUTIONS:

All proprietary institutions, which are private institutions offering postsecondary education.



EXEMPTIONS:

Schools that are exempted under the Act are those that:

- A. Are government funded;
- B. Offer instruction exclusively at or below the 12th grade level;
- C. Offer only professional review courses;
- D. Are owned and operated by a bona fide church or religious denomination;
- E. Are accredited by a regional or national accrediting agency that is recognized by the U.S. Department of Education (To be in compliance with 34CFR 600.9 an accredited institution must apply for a certificate of exemption);
- F. Are organized by a business organization for its employees;
- G. Offer workshops or seminars that last no longer than three days and offer no academic reward;
- H. Offer a program in barbering, cosmetology, real estate, or insurance that is regulated and approved by another government agency;
- I. Offers emergency medical services training if all of the institution's instructors, course coordinators and courses are approved by the Department of Health;
- J. Is approved under Part 141, Federal Aviation Regulations, 14 C.F.R. Chapter 141; or provides aviation training under Part 61, Federal Aviation Regulations, 14 C.F.R. Chapter 61 and exclusively offer aviation training that a student fully receives within 24 hours after the student pays any tuition, fee, or other charge for the aviation training.
- K. Is approved by the State office of Vocational Education and are subject to the Nurse Aide Registry.
- L. Exclusively offers general education courses or instruction solely remedial, avocational, nonvocational or recreational in nature and does not advertise occupational objectives or grant educational credentials: or
- M. Exclusively prepares individuals to teach courses or instruction described in item L above.

PROCESS DETAILS:

USM must complete the Accredited Institution Application for Exemption Certificate which can be found at this link: http://consumerprotection.utah.gov/downloads/certificate-of-exemption-app.pdf

Completed applications may be mailed to:

Department of Commerce
Division of Consumer Protection
160 East 300 South
Box 146704
Salt Lake City, Utah 84114-6704

FEES: NON-REFUNDABLE

Flat fee of \$1,500 **OR** Sliding scale: determined by 1% of the gross tuition income of registered programs during the previous year, except that the fee may not be less than \$1,500 or more than \$2,500.

BOND REQUIREMENTS:



VERMONT

Vermont State Board of Education
Cathy Hilgendorf, Postsecondary Approval Coordinator, 802-828-5402,
cathy.hilgendorf@state.vt.us

USM PRESENCE:

Online enrollments: 0

Faculty: 0

STATE REQUIREMENT: NONE

CLEAR

USM is not required to obtain approval or licensure in the state of Vermont because it does not operate within the state.

Vermont does not regulate postsecondary education unless there is a physical presence established in Vermont, and only grants certificates of approval for institutions offering credit courses and degree programs from a physical location in Vermont. Physical presence does not include an in-state practicum, internship, mentorship or teaching experience. Also advertising alone does not constitute a physical presence.

TRIGGERS FOR REQUIREMENTS:

"A postsecondary school whose primary operation is in the State of Vermont" means a postsecondary school which offers the majority of its courses in an institution in Vermont or which maintains its principal administrative offices in Vermont and offers post-secondary courses in Vermont.

An out-of-state postsecondary school which offers more than seventy-five percent of its credit hours toward a degree in its Vermont affiliate must obtain a certificate of degree-granting authority in Vermont before it may confer or offer to confer a degree.

REGULATED INSTITUTIONS:

All postsecondary educational institutions with a physical presence in Vermont.

EXEMPTIONS:

Not Applicable

PROCESS DETAILS:

Not Applicable

FEES: NON-REFUNDABLE

Not Applicable

BOND REQUIREMENTS:



VIRGINIA

State Council of Higher Education

Linda Woodley, Director for Private and Out-of-State Postsecondary Education, 804-371-2938, <u>LindaWoodley@schev.edu</u>

USM PRESENCE:
Online enrollments: 6
Faculty: 0
STATE REQUIREMENT: NONE VERY CLEAR
USM is neither required nor eligible to be certified in Virginia because it does not have a physical presence
in the state, nor does it initiate its instruction through a mechanism/server located in Virginia.
Virginia clarified it regulations concerning Out-of-State Distance Education Programs in a letter dated
March 2, 2011. No near term change is expected in this policy.
TRIGGERS FOR REQUIREMENTS:
Only schools with a physical presence in Virginia are eligible for certification. An out-of-state institution
that does not operate a facility in Virginia and/or the mechanism by which instruction is initiated (server)
is not located within Virginia, the school does not meet Virginia's criterion of physical presence.
DECLINATED INSTITUTIONS
REGULATED INSTITUTIONS:
All out-of-state and private schools, including degree and non-degree granting, as well as profit and not-
for-profit.
EXEMPTIONS:
None
DDOCESS DETAILS
PROCESS DETAILS:
Not Applicable
FEES: NON-REFUNDABLE
Not Applicable

BOND REQUIREMENTS:



WEST VIRGINIA

Higher Education Policy Commission

Mark Stotler, Assistant Director of Academic Affairs, 304-558-0262, STOTLER@hepc.wvnet.edu

USM PRESENCE:

Online enrollments: 0

Faculty: 0 The hiring of faculty would trigger the need to submit a full application of approval to operate in the state of West Virginia

STATE REQUIREMENT: NONE

CLEAR

USM is not required to obtain approval or licensure in the State of West Virginia because it does not maintain a "physical presence" in the state.

If USM were to hire faculty in the state of West Virginia, it would be required to submit a full application for approval to operate within the state.

If USM were to employ a faculty member who resides in West Virginia they would be required to apply for approval.

TRIGGERS FOR REQUIREMENTS:

"Physical Presence" is defined as:

- An institution employs in West Virginia any person or persons for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or any other activity on behalf of the sponsoring organization. Such activity would include advertising, promotional material, or public solicitation in any form that targets West Virginia residents through distribution or advertising in the State.
- 2. In addition, the institution has physical presence in West Virginia if it delivers or plans to deliver, instruction in West Virginia, and receives assistance from any other organization within the state in delivering the instruction, such as, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution.

REGULATED INSTITUTIONS:

All postsecondary degree granting institutions and for-profit institutions

EXEMPTIONS:

Postsecondary institutions with no "physical presence." For definition of "physical presence" see above.

PROCESS DETAILS:



FEES: NON-REFUNDABLE	
Not Applicable	
POND REQUIREMENTS:	



WISCONSIN

State Council of Higher Education
Linda Woodley, Director for Private and Out-of-State Postsecondary Education, 804-371-2938,
LindaWoodley@schev.edu

USM PRESENCE:

Online enrollments: 7

Faculty: 0

STATE REQUIREMENT: APPLY FOR APPROVAL

VERY CLEAR

USM must obtain approval from the Educational Approval Board of Wisconsin. Online institutions must be approved if they serve Wisconsin residents, and is very clear that an institution does not need to have a physical presence to trigger the need for approval.

Wisconsin gives very clear and detailed guidance on its requirements for out-of-state institutions providing purely distance education in their state and these requirements are not expected to change.

TRIGGERS FOR REQUIREMENTS:

Under s.38.50 (2), Wis. Stats., "[t]he board shall protect the general public by inspecting and approving private trade, correspondence, business, and technical schools doing business within this state, whether located within or outside this state,...and courses of instruction offered by the schools and regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by the schools." Therefore, institutions with online programs must obtain EAB approval if they enroll students from the state of Wisconsin.

REGULATED INSTITUTIONS:

All out-of-state and private schools, including degree and non-degree granting, as well as profit and not-for-profit.

EXEMPTIONS

Wisconsin statutes provide a general exemption from EAB oversight for publically-governed and religious institutions. While the statutes also provide an exemption for certain non-profit, in-state institutions, no out-of-state, non-profit institutions are exempt from EAB oversight.



In Chapter 11 of its Administrative Code, the EAB acknowledges that distance learning presents a materially new context for Wisconsin to protect consumers. Because the oversight of online programs differs from those offered on-ground, EAB 11 makes several "accommodations" for distance learning providers in its approval process and fees. For example, if a school has approval from another state whose requirements are substantially equivalent to those of the EAB, then the board may accept that state's approval as fulfilling all or parts of the approval process.

Application details can be found here: http://eab.state.wi.us/resources/newschoolapp.pdf

FEES: NON-REFUNDABLE

Application Fee:

- \$2,000, if the school is applying for approval of one program which does not lead to a degree.
- \$2,500, if the school is applying for approval of one program which leads to an associate degree.
- \$3,300, if the school is applying for approval of one program which leads to a baccalaureate degree.
- \$3,900, if the school is applying for approval of one program which leads to a master's degree.
- \$5,100, if the school is applying for approval of one program which leads to a doctoral degree.
- \$500 for each additional program

BOND REQUIREMENTS:



WYOMING

Wyoming Department of Education

Samantha Mills, Education Program Consultant, 307-777-5712 smills@educ.state.wy.us

USM PRESENCE:

Online enrollments: 1

Faculty: 0

STATE REQUIREMENT: APPLY FOR APPROVAL

VERY CLEAR

USM is required to register with the Wyoming Department of Education under Wyoming Statutes 21-2-401 thru 21-2-407 and in accordance with the Chapter 30 Rules and Regulations of the Wyoming Department of Education.

All private degree granting postsecondary education institutions shall apply annually to the Department for registration or renewal of registration in accordance with the statutes, rules and regulations and policies of the Department.

TRIGGERS FOR REQUIREMENTS:

Not Applicable

REGULATED INSTITUTIONS:

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.

EXEMPTIONS:

Wyoming provides for exemption of the usual "restricted" types of schools, such as those with strictly religious, employer-affiliated or trade-related affiliations.

PROCESS DETAILS:

To obtain approval of its course of instruction, USM, must verify accreditation and complete an application form http://edu.wyoming.gov/Libraries/Publications/PSL_610_A_1.sflb.ashx Applications can be mailed to:

Wyoming Private School Program
Wyoming Department of Education
2300 Capitol Ave.
Cheyenne, WY 82072
(307) 777-5712



FEES: NON-REFUNDABLE		
Application Fee: \$100	 	_

BOND REQUIREMENTS:	
Not Applicable	