

SHEEO State Authorization Survey March 2013 Version

Name of State: _____

Instructions: Because each state agency is different – and we want to reflect and appreciate that diversity in our final report – we are asking agency representatives to answer, as fully as possible, all of the questions below. Moreover, when you are asked to answer either “yes” or “no”, we encourage you to elaborate where needed.

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name:
 - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.).
 - Please review and correct as necessary the contact information below.
 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
- b. Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency’s responsibility for authorization.
- c. According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey.
- d. If the division of responsibility among these agencies is not clear, please explain.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

YES NO

___	___	Public, in-state degree granting institutions
___	___	Public, out-of-state degree granting institutions
___	___	Private, in-state, not-for-profit degree granting institutions
___	___	Private, out-of-state, not-for-profit degree granting institutions
___	___	Private, in-state, for-profit degree granting institutions
___	___	Private, out-of-state, for-profit degree granting institutions
___	___	Public, in-state, non-degree granting institutions
___	___	Public, out-of-state, non-degree granting institutions
___	___	Non degree, not-for profit institutions
___	___	Non degree, for-profit institutions
___	___	Religious institutions
___	___	Tribally-controlled institutions

Clarifying comments:

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.
- c. Is accreditation required for an institution to be authorized in your state?
- If yes, please explain:
 - If yes, what type of accreditation is required? Please, check all that apply as appropriate.
 - ___ Regional
 - ___ National
 - ___ Programmatic/specialized

Clarifying comments:

- d. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both?

- e. Do programs in certain subject areas (see list below) require the separate approval by another state entity; for example, a professional licensing agency? **Where “yes,” please provide the name and contact information for that agency.**

YES NO

____ ____ **Education**
Name/Contact information: _____

____ ____ **Nursing**
Name/Contact information: _____

____ ____ **Social Work**
Name/Contact information: _____

____ ____ **Counseling Psychology**
Name/Contact information: _____

____ ____ **Allied Health Professions and related programs**
Name/Contact information: _____

____ ____ **Others [please list]**
Name/Contact information: _____

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?
- If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links.
 - If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?
- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?
 - Are all religious institutions exempt (please describe)?
 - Are religious institutions that award only religious degrees or certificates exempt (please describe)?
 - Are certain religious institutions exempt that meet other criteria (please describe)?

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?
- b. If not, does your agency determine whether an institution must be authorized based on a physical presence (“operating”) standard?

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.
- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**

INSTRUCTIONAL ACTIVITIES

- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
 - Does this apply only to distance education students or more generally?
- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
 - Does this apply only to distance education students or more generally?

PROPERTY IN THE STATE

- Maintaining a location (physical building) in the state that is used for instructional activity?
- Maintaining a location (physical building) in the state that is used ONLY for non-instructional activity (administration, recruitment, etc.)?
- Housing ONLY computer servers or other equipment at a physical location in the state?
- Maintaining an in-state address or phone number, regardless of use?

RECRUITING ACTIVITIES

- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?

THIRD PARTY AGREEMENTS/CONTRACTS

- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
- Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?

ADVERTISING

- Advertising in local media sources that are largely viewed by residents of the state?
- Advertising in national media sources that can be accessed by residents of the state?

EMPLOYMENT IN THE STATE

- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
 - What about adjunct faculty?
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?

- What about adjunct faculty?
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?

OTHER

- Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that, if combined, would create a physical presence?

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.
- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
- c. What is the authorization duration?
- d. What does an institution need to do to maintain authorization?
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
- f. Can an institution lose its authorized status? If so, how?
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
- j. Is your agency currently planning to amend its application process by the end of 2013?

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. **COST TO APPLY.** Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.
- b. **COST FOR INITIAL AUTHORIZATION.** Is there an authorization fee to complete the initial authorization? If so, what is the fee or fee schedule? Please provide a web link if available.
- c. **COST TO RENEW.** What are the costs, if any, to renew authorization?
- d. **COST FOR EXEMPTION.** What are the costs, if any, to receive a waiver or exemption from authorization?
- e. **OTHER COSTS.** Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?

8. Interstate Reciprocity

- a. Do your state regulations explicitly prohibit interstate reciprocal agreements about authorization? If so, please describe.
- b. Do your state regulations explicitly allow interstate reciprocal agreements about authorization? If so, please describe.
 - What is the process, if any, to obtain a reciprocal agreement with your state?
 - Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
 - If there are any reciprocal agreements in place or under consideration by your agency, what is the scope of the agreement -- for instance, do they cover reciprocity with single agency, a set of agencies, a single state, multiple individual states, all states in a regional compact, all states in the US, etc.?
 - Is your agency engaged with any of the three national reciprocity agreement initiatives: President's Forum/CSG; WICHE/Regionals; or the Distance Education Commission? What is the current status of your engagement?
- c. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
 - If yes, please describe the process or provide a web link to the material that describes the complaint process.
 - If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?
 - If available, please provide a web link to the complaint form.
 - Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.
- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2013?
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?

THANK YOU!