

SHEEO State Authorization Inventory

Alaska

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: **Alaska Commission on Postsecondary Education**

o Description:

The Alaska Commission on Postsecondary Education (ACPE) is an enterprise agency of the State of Alaska, within the Executive branch. ACPE’s administrative functions are funded by the Alaska Student Loan Corporation, a public corporation which finances operations with the proceeds from tax-exempt bond sales and from income from related enterprise activities. ACPE is governed by a fourteen-member body established by law, representing higher education stakeholders and the general public.

ACPE has licensure and approval authority for all institutions of postsecondary education including collegiate and vocational-technical, for-profit/proprietary and not-for profit/ institutions.

The University of Alaska System (State University System) reports to a separate governing body, the University of Alaska Board of Regents.

o Contact:

Kris Cole
School Compliance Manager for Institutional Authorization
Alaska Commission on Postsecondary Education
907-465-6763
kris.cole@alaska.gov

Jo Anne Hayden
Program Coordinator for Institutional Authorization
Alaska Commission on Postsecondary Education
907-465-6741
joanne.hayden@alaska.gov

- o Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?

Jo Anne Hayden

Program Coordinator for Institutional Authorization

907-465-6741

EED.ACPE-IA@alaska.gov

Alaska Commission on Postsecondary Education

PO Box 110505

Juneau, AK 99811-0505

- b. Links:

Link to agency: <http://akadvantage.alaska.gov/>

Link to Institutional Authorization Page and ACPE regulations and ACPE statutes:

https://akadvantage.alaska.gov/About_Us/Programs_and_Services/Authorization.aspx
Chapter 17 Alaska State Regulations and Chapter 14.48 Alaska State Statutes

- 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.

None.

- d. If the division of responsibility among these agencies is not clear, please explain.

2. Types of Educational Providers Authorized

Alaska’s “authorized” status is one of two institutional statuses within our agency. The other status is exemption from authorization requirements. The answers below reflect Alaska’s “authorized” status.

- 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.

No Public, in-state degree granting institutions; **the only such institutions are within the University of Alaska System which report to a separate governing body, the University of Alaska Board of Regents**

No Public, out-of-state degree granting institutions; these institutions would qualify for **exempt status**

Yes Private, in-state, not-for-profit degree granting institutions

- No Private, out-of-state, not-for-profit degree granting institutions; **these institutions would qualify for exempt status**
- Yes Private, in-state, for-profit degree granting institutions
- No Private, out-of-state, for-profit degree granting institutions; these institutions would qualify for **exempt status**
- No Public, in-state, non-degree granting institutions
- No Public, out-of-state, non-degree granting institutions; these institutions would qualify for **exempt status**
- Yes Non degree, not-for profit institutions
- Yes Non degree, for-profit institutions
- Yes Religious institutions; **exempt status could be approved if offering non-degree religious training that is sponsored by and conducted solely for members of a bona fide religious organization**
- No Tribally-controlled institutions exempt status may be approved if the instruction is limited to learning Native culture and the institution meets related requirements

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.

No.

- c. Is accreditation required for an institution to be authorized in your state?

No; it is required in order for a degree-granting institution to be authorized or exempted

- o If yes, please explain:
- o If yes, what type of accreditation is required? Please, check all that apply as appropriate.

- Regional
- National
- Programmatic/specialized

Clarifying comments:

Accreditation must be by a U. S. Department of Education recognized accrediting body.

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

ACPE authorizes institutions and their programs.

- e. Programs in certain subject areas that may require separate approval.

Education; Teacher Certification Program

Cynthia Curran

Education & Early Development TLS-Teaching/Learning Support

(907) 465-2857

cynthia.curran@alaska.gov

Nursing

Nancy Sanders

Commerce, Community & Economic Development

(907) 269-8161

nancy.sanders@alaska.gov

Social Work

Eleanor Vinson

Commerce, Community & Economic Development

(907) 465-2551

eleanor.vinson@alaska.gov

Counseling Psychology

Counseling; Eleanor Vinson

Commerce, Community & Economic Development

(907) 465-2551

eleanor.vinson@alaska.gov

Psychology: Janalete Mays

Commerce, Community & Economic Development

(907) 465-5470

jan.mays@alaska.gov

Allied Health Professions and related programs

Nicole Ornelas-Garcia

Commerce, Community & Economic Development

(907) 269-8169

nicole.ornelas-garcia.alaska.gov

Others [please list]

Board of Barbers and Hairdressers

Melinda Butler

Commerce, Community & Economic Development

(907) 465-2547

melinda.butler@alaska.gov

3. Exemptions

Alaska's "exemption" is one of two institutional statuses conferred by ACPE. The answers below reflect Alaska's "exemption" status.

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

Yes.

- o If yes, please describe which institutions or programs the exemption applies to and how it works?

By law the University of Alaska System reports to a separate governing body, the University of Alaska Board of Regents.

General statutory exemptions include:

(1) instruction provided at a level from preschool through grade 12, including preparation for general equivalency diploma examinations

(2) a program operated by the United States;

(3) a program that does not offer educational credentials and is provided only to prepare individuals to take graduate examinations; and

(4) a program that does not offer educational credentials and is only avocational or recreational in nature.

- o If available, please provide any pertinent web links.

Sec. 14.48.030(a)

- o 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.?

Via notification and/or application (no fee) so ACPE can confirm statutory exemption.

Regulatory exemptions must be approved through the exempt application process. To become exempt an institution must submit an application, pay the appropriate fee, and provide documentation relative to qualifying status for exemption. The application fee for exemption is \$100. The institution must reapply bi-annually; however, there is no bi-annual renewal fee.

- 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.)?

Yes, if exempted under 20 AAC 17.015 (a) (1) or (6) the institution must include a conspicuous statement on marketing, admissions, and enrollment materials setting out verbatim 20 AAC 17.015 (a) (1) or (6), whichever is applicable, stating that the institution is exempt from authorization requirements under AS 14.48 and 20 AAC 17. An institution exempt from authorization requirements under (a) (8) must include a conspicuous statement on all advertising in Alaska media, or

specifically targeting Alaska students, indicating that the program is exempt from authorization under AS 14.48 and 20 AAC 17 as online or distance delivered education and that it does not have a physical presence in the state.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

Yes, exempt status can be approved if offering non-degree religious training that is sponsored by and conducted solely for members of a bona fide religious organization.

- o Are all religious institutions exempt (please describe)?

No, only non-degree religious training that is sponsored by and conducted solely for members of a bona fide religious organization.

- o Are religious institutions that award only religious degrees or certificates exempt (please describe)?

No, a religious institution offering religious degrees must be authorized.

- o Are certain religious institutions exempt that meet other criteria (please describe)?

Yes, a program that does not result in the awarding of a degree and that is sponsored by and conducted solely for the membership of a bona fide religious organization can be recognized exempt upon application.

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?

No, an exempt status is required. If there is physical presence an authorized status is required.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

Yes.

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence?

Physical Presence means presence of facility, equipment, faculty, or staff within the state as defined in 20 AAC 17.900 (a) (12).

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.**
- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
No; as long as there is no institutional physical presence within the state.
 - Does this apply only to distance education students or more generally?
All students.
 - Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
No; as long as there is no institutional physical presence within the state.
 - Does this apply only to distance education students or more generally?
All students.
 - Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
Yes.
 - What about adjunct faculty?
Yes.
 - Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
Yes.
 - What about adjunct faculty?
Yes.
 - 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.)?
No; as long as there is no institutional physical presence within the state.

- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
Yes.
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
For an employee- no, for an agent- yes. Agents are viewed as individuals contracted and paid in relation to the number of student contacts or enrollments they document, etc. An agent must have a recognized status with the agency.
- Advertising in local media sources that are largely viewed by residents of the state?
No; as long as there is no institutional physical presence within the state. However, our regulations do identify specific requirements in 20 AAC 17.070 Advertisement and solicitation.
 - Advertising in national media sources that can be accessed by residents of the state?
No; as long as there is no institutional physical presence within the state.
 - Having computer servers or other equipment located in the state?
Yes.
 - Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
Yes.
 - Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
Yes.
 - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
No; as long as there is no institutional physical presence within the state.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
No; as long as there is no institutional physical presence within the state.
 - 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?

Any negative response if combined with any of the yes responses would then create a yes response to the question.

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.

Institutions applying for initial authorization must contact the Alaska Commission on Postsecondary Education (ACPE) and request an Initial Authorization Packet. Requests can be made by e-mail at EED.ACPE-IA@alaska.gov or telephone (907) 465-6741. The applicable regulations are 20 AAC 17 <http://akadvantage.alaska.gov/Portals/0/Content/ACPERegs052611.pdf> and the applicable statutes are AS 14.48 <http://akadvantage.alaska.gov/Portals/0/Content/ACPEStat051911b.pdf>

In Alaska in order to operate a postsecondary educational institution, advertise or deliver postsecondary education or recruit postsecondary students in Alaska, an institution or an agent must have a recognized status with the commission; authorized or exempt from authorization.

To become authorized, an institution must:

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

To be exempt from authorization is a status conferred by applicable statute or regulation, and formally designated by the commission. For institutions:

- offering short programs that are less than 81 hours in duration;
- offering avocational or non-postsecondary education;
- that do not charge a fee or award a credential; or,
- that serve only the provider's constituents and are not offered to the general public

To become exempt from authorization an institution must:

- i. Submit an application

- ii. Pay appropriate fee-(\$100)
 - iii. Document meeting criteria identified in law as qualifying exemption
 - iv. Staff confers status

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)?
 For Authorization between a minimum of three months to a maximum of one year. For exemption, ten business days or less.
 Please provide a typical range if appropriate.

- c. What is the authorization duration?
 Initial Authorization one to two years; Renewal of Authorization may be up to five years. Exemption from Authorization two years.

- d. What does an institution need to do to maintain authorization?
 An institution must notify the Commission of institutional changes and renew their authorization to operate by:
 - i. Submitting an application
 - ii. Pay appropriate fees
 - iii. Document required surety (bond or CD)
 - iv. Continue to meet standards regarding quality of education, ethical business practices, and fiscal responsibility as described in law
 - v. On-Site facility visit may be required
 - vi. Receive final approval by the Commission

An exempt institution needs to recertify biannually.

- 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?
 Student outcomes reporting at renewal as defined in 20 AAC 17.062 (a).
 Dependent on institution; between one and five years. It is public information.

- f. Can an institution lose its authorized status? If so, how?
 Yes. 20 AAC 17.125; If the institution violates a provision of AS 14.48 or a regulation adopted by the commission, furnishes false, misleading, or incomplete information to the commission, or fails to furnish information requested by the commission; or violates a commitment made in an application for a request for authorization to operate an institution.
 An institution may also lose its status by not timely submitting a renewal or recertification application.

- 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.

No, unless applying as a single accredited institution with multiple sites.

- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?

Yes.

- 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)?

Submission of authorization-related application materials must be received a minimum of 90 days prior to quarterly Commission meetings.

- j. Is your agency currently planning to amend its application process by the end of 2011?

Yes.

- o If yes, please provide a brief description of the anticipated change.
Our exempt application will define physical presence and the requirement for institutions delivering online or distance delivered education programs without physical presence.
- o If yes, when does the agency expect the change to be fully implemented?
Currently in regulation process with projection of becoming law in October 2011.

7. Fees Associated with Authorization

- a. 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.

Yes; for authorization, \$2,500.00.

http://akadvantage.alaska.gov/About_Us/Programs_and_Services/Authorization.aspx

- b. 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.)?

-Program Amendment \$100; review status change for authorization including location, mission, educational programs, or delivery methods.

-Additional Site/Change of Site \$500; physical site visit

-Initial Agent Permit \$500; determine eligibility for permit

-Renewal of Agent Permit \$250; determine continuing eligibility for agent permit

-Institution and Agent Bonding Requirements 20 AAC 17.045-17.050

<http://akadvantage.alaska.gov/Portals/0/Content/ACPERegs052611.pdf>

-Required Financial Statements; 20 AAC 17.060 (i)-(l)

- c. What are the costs, if any, to renew authorization?
\$500-\$2,500; 3% of the average of the total receipts in the most recent authorization period, (minimum \$500-not to exceed \$2,500); renewal one to five years.
- d. What costs are associated with receiving a waiver or exemption to authorization?
\$100 fee; biannual recertification no fee.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
No. However; regulations allow an accredited institution authorized in its home state to be recognized in an exempt status.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
There is no existing process for entering into a reciprocal agreement. However the Commission has authority to set out regulations to establish a process and standards by which reciprocal agreements could be obtained.
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
Not at this time.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
ACPE would be interested in hearing more about proposals for consortia of states, related to exempting/approving online and distance delivered education programs.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
Yes.
 - o If yes, please describe the process or provide a web link to the material that describes the complaint process.
AS14.48.130 and 20 AAC 17.130-145
<http://akadvantage.alaska.gov/Portals/0/Content/ACPEStat051911b.pdf>
<http://akadvantage.alaska.gov/Portals/0/Content/ACPERegs052611.pdf>

- 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)?
 Yes; however, a student is encouraged to exhaust the institution's and accrediting body's complaint processes prior to contacting ACPE. If necessary, such a student can be directed to us for assistance.
 - If available, please provide a web link to the complaint form.
 Complainant may request form at
EED.ACPE-IA@alaska.gov
 - Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.
 Jo Anne Hayden, Program Coordinator for Institutional Authorization
 907-465-6741
EED.ACPE-IA@alaska.gov
 Alaska Commission on Postsecondary Education
 PO Box 110505
 Juneau, AK 99811-0505
- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?
 N/A.

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?
 Letter of warning informing the institution of requirement of law to achieve required status along with request to document compliance. If non-responsive in documenting compliance, than issuance of cease and desist order.
- 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.
 Yes. A final administrative order issued by the commission is subject to judicial review under AS 44.62 (Administrative Procedure Act).

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 2011?

Yes, currently in the regulatory change process; projected to become law by October 2011.

- If yes, please provide a brief description of the anticipated change.
Physical Presence means presence of facility, equipment, faculty, or staff within the state as defined in 20 AAC 17.900 (a) (12).
- If yes, when does the agency expect the change to be fully implemented?
Projected to become law by October 2011.

- 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?

No.

- 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?

No.

- 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?