

# SHEEO State Authorization Inventory

## Colorado

**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: **Colorado Department of Higher Education**
  - o Description:  
The Commission on Higher Education administers the statute for private degree-granting, accredited institutions and out-of-state public institutions.
  - o Contact:  
Heather DeLange  
Degree Authorization Act Officer  
Colorado Department of Higher Education  
303-866-2723  
[heather.delange@dhe.state.co.us](mailto:heather.delange@dhe.state.co.us)
  - o Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
- b. Links:  
[http://higherred.colorado.gov/Publications/General/Regulations/2010\\_fed\\_regulations\\_outofstate\\_insts\\_mar11.pdf](http://higherred.colorado.gov/Publications/General/Regulations/2010_fed_regulations_outofstate_insts_mar11.pdf)
- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.  
Colorado Department of Higher Education,  
Division of Private Occupational Schools
- d. If the division of responsibility among these agencies is not clear, please explain.  
[http://higherred.colorado.gov/Publications/General/Regulations/2010\\_fed\\_regulations\\_outofstate\\_insts\\_mar11.pdf](http://higherred.colorado.gov/Publications/General/Regulations/2010_fed_regulations_outofstate_insts_mar11.pdf)

## 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.

- Public, in-state degree granting institutions
- Yes** Public, out-of-state degree granting institutions
- Yes** Private, in-state, not-for-profit degree granting institutions
- Yes** Private, out-of-state, not-for-profit degree granting institutions
- Yes** 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:

**Regardless of “in-state or out-of-state” language, the institution must have physical presence in Colorado in the form of a main campus/headquarters, branch campus, or place of business, as determined by the Department.**

- 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.

**Not other than programmatic, i.e., State Board of Nursing, etc.**

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

**Yes.**

- o If yes, please explain:

**Institutions must hold accreditation from a US Department of Education recognized agency to gain authorization. If the institution is a start-up institution, there must be documented evidence that the institution is continuously working toward accreditation.**

- o 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 or only institutions themselves?

**Institutions only, at this time.**

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

**Education**

**Colorado Department of Education**

**Nursing**

**State Board of Nursing DORA**

**Counseling Psychology**

**Colorado Department of Education**

### **3. Exemptions**

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

**Under current regulations, if an institution does not meet the physical presence standard, no authorization is necessary.**

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

**Notification of the activities that are occurring in Colorado is requested.**

- 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)?  
**Yes, if non-profit, owned, maintained, controlled by a church or religious organization, and exempt from property taxation under Title 7.**

- 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?

No.

- 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? 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, but requesting notification of activities.

- 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?

No, but request notification of activities.

- Does this apply only to distance education students or more generally?

- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?

No.

- What about adjunct faculty?  
No.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?  
No.
- What about adjunct faculty?  
No.
- 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.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?  
No, but request notification.
  - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?  
No.
- Advertising in local media sources that are largely viewed by residents of the state?  
No.
- Advertising in national media sources that can be accessed by residents of the state?  
No.
- Having computer servers or other equipment located in the state?  
No.
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?  
No, but request notification.
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?  
No.
- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?  
No.

- Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?  
**No.**
  - 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?  
**Current regulations do not have an expiration period: Indefinite.**
- d. What does an institution need to do to maintain authorization?  
**Remain accredited and in good standing with the agency.**
- 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?  
**By losing its accreditation.**
- 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.  
**Current regulations is set up for one authorization per institution.**
- 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)?  
**Regulations are currently under review and are likely to change in the near future.**
- j. Is your agency currently planning to amend its application process by the end of 2011?
  - o If yes, please provide a brief description of the anticipated change.  
**Unknown.**
  - o If yes, when does the agency expect the change to be fully implemented?  
**Unknown.**

## 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.  
<http://higherred.colorado.gov/Publications/Policies/Current/i-partj.pdf>
- 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.)?  
**An evaluation team is built in to the application fee.**
- c. What are the costs, if any, to renew authorization?  
**N/A.**
- d. What costs are associated with receiving a waiver or exemption to authorization?  
**Currently, N/A.**

## 8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.  
**No.**
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.  
**Have participated in the Presidents' Forum discussion, though no agreement yet.**

- d. 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?

Yes.

- If yes, please describe the process or provide a web link to the material that describes the complaint process.  
<http://highered.colorado.gov/Academics/Complaints/default.html>
- 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)?

No, in this case I refer the student to the appropriate state agency where they can file a complaint.

- 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.

Heather DeLange  
Degree Authorization Act Officer  
1560 Broadway, Suite 1600  
Denver, CO 80202

- 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?  
A cease and desist letter is sent with instructions on how to become authorized.
- 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 2011?

Yes.

- If yes, please provide a brief description of the anticipated change.  
To be determined. Will likely include a physical presence, level of authorization, renewal process, data collection. All of this is yet to be determined.
- If yes, when does the agency expect the change to be fully implemented?  
Unknown.

- 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.  
Same as above. Looking at a potential online delivery authorization.
- If yes, when does the agency expect the change to be fully implemented?  
Unknown.

- 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.  
Same as above.
- If yes, when does the agency expect the change to be fully implemented?  
Same as above.

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



## 2010 Federal Regulations on State Approval of Out-of-State Private Institutions Offering Online Postsecondary Education

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On October 29, 2010, the U.S. Department of Education (USDOE) released new “program integrity” regulations concerning private for-profit and non-profit postsecondary institutions that participate in federal financial student aid (Title IV) and other federal funding programs. The basis of these new regulations is contained in the Higher Education Opportunity Act (HEOA) of 2008.

An important aspect of these regulations focus on the need for institutions that offer distance or correspondence education (online-delivery) in states which they are not physically located to acquire authorization from states in which enrolled distance or correspondence students reside. This notice will clarify Colorado’s requirements for online institutions not physically located in the state that offer distance or correspondence education to Colorado residents.

The Colorado Department of Higher Education (DHE) has two divisions that oversee private postsecondary education: the **Division of Private Occupational Schools (DPOS)** and the **Degree Authorization Act (DAA)**, which is in the Academic Affairs unit of the DHE. These two divisions are governed by different statutes and rules.

DPOS authority is contained in The Private Occupational Education Act, Title 12, Article 59 of the Colorado Revised Statutes (C.R.S.). DPOS regulates private, for-profit schools that offer diploma programs, certificate programs, and associate level degree programs. In addition, DPOS policies can permit unaccredited institutions for operation in Colorado.

The Degree Authorization Act, found in Title 23, Article 2 sets forth policies that govern institutions offering programs at the baccalaureate level and higher. The DAA requires all private or public institution to hold accreditation by an accrediting agency or organization recognized by the USDOE as a requirement for consideration for approval by the Colorado Commission of Higher Education.

### **The Division of Private Occupational Schools (Diploma, certificate, and associates programs)**

The Division of Private Occupational Schools ( “DPOS”) oversees private for profit postsecondary institutions that offer occupational education and training programs at the associate degree level and below (diploma and certificate). The Private Occupational Education Act, CRS 12-59-103, defines “Operate” or “Operating” when used with respect to a school, “to establish, keep, or maintain any facility or location in this state where from, or through, educational services are offered or educational credentials are granted.” Thus, according to DPOS statutes, physical presence is a requirement for state approval.

However, out of state schools that are actively solicit<sup>i</sup> and recruit prospective students in the state of Colorado to enroll in occupational programs/courses offered at the out-of-state school, regardless of the method of delivery of its educational programs/course must apply for an out of state certificate of approval and an agent permit with DPOS for authorization. Further, section 12-59-111(2), C.R.S., defines “Out-of-state schools” as, *“any person desiring to engage in the performance of the duties as an agent within this state, for a school located outside this state, shall make application through the school to the board upon forms provided by the division.”* Colorado statutes, with respect to private occupational schools, defines “Agent” as *any person owning any interest in, employed by, or representing a school located within or without this state who enrolls or who, offers or attempts to secure the enrollment of any person in this state for education in a school within Colorado or for a school located outside this state.* Finally, out of state schools shall secure and maintain a minimum \$50,000 surety bond and to renew a certificate of approval from the Division on an annual basis.

Please refer to the Division’s website ([click here](#)) for an Application for an Out-of-State School; Out-of-State Agent’s Permit Application; and Guidelines for completing the application process.

To review and download a copy of the Laws and Rules & Regulations concerning The Private Occupational Education Act, please visit the DPOS website, <http://highered.colorado.gov/dpos/>.

**For additional information, please contact:**

Jim Parker  
Director, Division of Private Occupational Schools  
[jim.parker@dhe.state.co.us](mailto:jim.parker@dhe.state.co.us)  
(303) 866-2723

**The Degree Authorization Act (Baccalaureate and graduate programs)**

The Colorado Commission on Higher Education (CCHE) has statutory responsibility for administration of Title 23, Article 2 of the Colorado Revised Statutes (amended 2008), which authorizes the following types of institutions to offer academic degrees or degree credits: (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. Under the Degree Authorization Act (C.R.S. Title 23, Article 2), eligible institutions must maintain a physical presence in Colorado.

Current CCHE policy (Section I, Part J) defines physical presence as:

**2.03 Presence in Colorado; “In-House” Programs; Marketing in Colorado**

- 2.03.01 An institution seeking state authorization shall have a physical presence in Colorado, in the form of its main campus or headquarters, or a branch campus, or a place of business<sup>ii</sup>, as determined by the Department.
- 2.03.02 An institution offering “in-house” courses, programs, and training exclusively and specifically for a private company or group is not required to seek authorization, but to avoid any regulatory misunderstanding, should notify the Department of its activity.

- 2.03.03 An institution not yet authorized to do business in Colorado shall not market or advertise prospective Colorado-based programs unless it has Department approval for such marketing efforts. Approvals shall be made at the Department's discretion.

Please visit: <http://higherred.colorado.gov/Publications/Policies/Current/i-partj.pdf> for more information and guidelines to the authorization process.

**For additional information, please contact:**

Heather DeLange  
Degree Authorization Act Officer  
[heather.delange@dhe.state.co.us](mailto:heather.delange@dhe.state.co.us)  
(303) 866-2723

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<sup>i</sup> Active solicitation of Colorado students may include (but is not necessarily limited to) attempting to attract students to enroll in an out-of-state school by placing ads in Colorado newspapers or running ads on Colorado based TV or radios stations; direct-mailing Colorado residents written promotional materials; sending sales agents/representatives to Colorado to attempt student recruitment; Internet advertising or publicizing availability of educational courses/programs *specific to Colorado* residents (i.e. continuing education requirements and specific state occupational licensure and renewal); or engaging in other means of solicitation *that specifically contacts or targets Colorado residents* in order to encourage them to enroll in a private occupational school that is offering a certificate, diploma or degree.

<sup>ii</sup> \**Note: Clinical rotations, externships, internships, etc. could trigger physical presence; please contact the Department of Higher Education for additional information if a program contains one of these requirements for completion.*