

SHEEO State Authorization Inventory

Delaware

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: **Delaware Department of Education**
- Description:
The Delaware Department of Education regulates any institution wishing to offer degrees in the state.
 - Contact Information:
Wayne Barton
Director
Delaware Department of Education
302-857-3388
wbarton@doe.k12.de.us
 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
Same as above.
- b. Links:
Link to agency: <http://www.doe.k12.de.us/>

Link to regulations:
<http://regulations.delaware.gov/AdminCode/title14/200/292.shtml#TopOfPage>
- c. The following agencies also have responsibility for authorization in the state.
None.
- 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** 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
Yes* Private, out-of-state, for-profit degree granting institutions
No Public, in-state, non-degree granting institutions
No Public, out-of-state, non-degree granting institutions
No Non degree, not-for profit institutions
No Non degree, for-profit institutions
Yes* Religious institutions
_____ Tribally-controlled institutions

Clarifying comments:

Yes* if incorporated in Delaware or having a presence in the state.

- 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?

Yes.

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

- Yes** Regional
_____ National
_____ Programmatic/specialized

Clarifying comments:

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

- e. Do programs in certain subject areas require the separate approval by another state entity; for example, a professional licensing agency?

Nursing
Board of Nursing

Allied Health Professions and related programs
Where there is a State Board

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?
No.
 - 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.)?
- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?
 - Are all religious institutions exempt (please describe)?
No.
 - Are religious institutions that award only religious degrees or certificates exempt (please describe)?
No.
 - Are certain religious institutions exempt that meet other criteria (please describe)?
No.

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.

Classrooms and/or offices.

- 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.

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

No.

- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?

No.

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

No.

- 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.)?
Yes – with agreement under the state institution.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
No.
 - 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?
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?
No.
- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
Yes – if in a classroom setting.

- Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
Yes – if in a classroom setting.
 - 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?
No.

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.
Our application process is currently being revised.
- 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.
6 months or longer.
- c. What is the authorization duration?
5 years.
- d. What does an institution need to do to maintain authorization?
Become Regionally Accredited.
- 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?
Annual Reports are required.
- f. Can an institution lose its authorized status? If so, how?
Yes. Non renewal annually.
- 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.
Yes. Provided the offering at the various sites are the same.

- 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)?

Our application process is currently being revised.

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

Yes.

- If yes, please provide a brief description of the anticipated change.
New standardization and online.
- If yes, when does the agency expect the change to be fully implemented?
2012-2013 School Year

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.

\$250 annually for those with a physical presence 6.9

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- 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.)?

Associated costs are on the institution.

- c. What are the costs, if any, to renew authorization?

\$250 annually.

- d. What costs are associated with receiving a waiver or exemption to authorization?

Not applicable.

8. Interstate Reciprocity

Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.

Accept upon review.

- a. What is the process, if any, to obtain a reciprocal agreement with your state?
Currently Full application.
- b. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
Being considered with revisions.
- c. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
Being considered.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
Being developed with revisions.
 - 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?
DDOE.

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?
This is being reviewed by a team from the AG's Office.
- b. Can an institution or program appeal a warning or enforcement action? Appeals would go to the Secretary of Education 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?

Being discussed.

- If yes, please provide a brief description of the anticipated change.
No details at this time.
- 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?

Being reviewed.

- 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?

Being reviewed.

- 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?