

# SHEEO State Authorization Inventory

## North Dakota

**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: **North Dakota Department of Career and Technical Education**
- Description:  
The North Dakota Department of Career and Technical Education (CTE) is part of State Government. CTE has an eight-member board with representation from K-12, Job Service, Higher Education, and the public.
  - Contact Information:  
Debra Huber  
Administrator  
Educational Equity, Private Postsecondary Institutions, and Special Populations  
State Capitol 15th Floor  
600 East Boulevard Avenue, Dept. 270  
Bismarck, ND 58505-0610  
701-328-2678
  - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?  
Same as above.
- b. Links:  
Home Agency: [www.nd.gov/cte/](http://www.nd.gov/cte/)  
  
Regulations Pertaining to Authorization: [www.nd.gov/cte/private-post-inst/](http://www.nd.gov/cte/private-post-inst/)
- c. The following agencies also have responsibility for authorization in the state.  
Additional Responsibility (program approval): [www.ndus.edu](http://www.ndus.edu)

- d. If the division of responsibility among these agencies is not clear, please explain. Career and Technical Education has primary responsibility for authorization. The System Office of Higher Education (NDUS) works in conjunction with CTE to facilitate authorization of entities providing credit-bearing/degree seeking educational opportunities.

## 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.

- No Public, in-state degree granting institutions
- Yes Public, out-of-state degree granting institutions
- No 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
- Yes Public, in-state, non-degree granting institutions
- Yes Public, out-of-state, non-degree granting institutions
- Yes Non degree, not-for profit institutions
- Yes Non degree, for-profit institutions
- No Religious institutions
- No 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.

No.

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

Yes.

- o If yes, please explain:

Those institutions granting associate of arts or science, bachelors, masters or doctorate degrees, i.e., private degree granting institutions, must provide evidence of accreditation by an organization recognized by the Council for Higher Education Accreditation. Those institutions granting associate of applied science degrees, diplomas, or certificates, i.e., private career schools, must provide evidence of accreditation by an organization recognized by the United States Department of Education.

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

Regional  
 National  
 Programmatic/specialized

Clarifying comments:

Programmatic accreditation may be required if licensure in that field is dependent upon appropriate programmatic accreditation.

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

CTE - Only institutions

CTE in conjunction with NDUS authorizes specific academic programs to be offered.

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

**Education**

Education Standards And Practices Board

[www.state.nd.us/espb](http://www.state.nd.us/espb)

**Nursing**

State Board of Nursing

[www.ndbon.org](http://www.ndbon.org)

**Social Work**

North Board of Social Work Examiners

[www.ndbswe.org](http://www.ndbswe.org)

**Counseling Psychology**

State Board of Psychological Examiners

[www.ndsbpe.org](http://www.ndsbpe.org)

**3. Exemptions**

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

Yes.

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

<http://www.nd.gov/cte/private-post-inst/docs/MemotoColleges2011.pdf>

- 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.?

**CTE Exemption Request**

[https://share.nd.gov/cte/forms/\\_layouts/FormServer.aspx?XsnLocation=https://share.nd.gov/cte/FormServerTemplates/CTEExemptionRequest.xsn&SaveLocation=https%3A%2F%2Fshare%2End%2Egov%2Fcte%2Fforms%2FExemptionRequest&Source=https%3A%2F%2Fshare%2End%2Egov%2Fcte%2Fforms%2FExemptionRequest%2FForms%2FAllItems%2Easpx&DefaultItemOpen=1](https://share.nd.gov/cte/forms/_layouts/FormServer.aspx?XsnLocation=https://share.nd.gov/cte/FormServerTemplates/CTEExemptionRequest.xsn&SaveLocation=https%3A%2F%2Fshare%2End%2Egov%2Fcte%2Fforms%2FExemptionRequest&Source=https%3A%2F%2Fshare%2End%2Egov%2Fcte%2Fforms%2FExemptionRequest%2FForms%2FAllItems%2Easpx&DefaultItemOpen=1)

- 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 – see link above.**

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

**Yes.**

- Are all religious institutions exempt (please describe)?

**Please see CTE exemption Memo/ ND Century Code at:**

<http://www.legis.nd.gov/cencode/t15c20-4.pdf>

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

**See century code link at:**

<http://www.legis.nd.gov/cencode/t15c20-4.pdf>

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

**See century code and CTE exemption request**

#### 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?

Yes.

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

See CTE memo on CTE website:

<http://www.nd.gov/cte/private-post-inst/docs/MemotoColleges2011.pdf>

- 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?

Yes.

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

More generally.

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

Yes.

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

More generally.

- 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?  
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.
- 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)?  
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.
- 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.

- 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?  
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.  
CTE Website: <http://www.nd.gov/cte/private-post-inst/>
- 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.  
Approximately one month assuming there is a scheduled CTE board meeting pending to review approval/disapproval. Meeting schedule is posted on CTE website.  
  
<http://www.nd.gov/cte/meetings/>
- c. What is the authorization duration?  
One year or until June 30 of the following year
- d. What does an institution need to do to maintain authorization?  
Application to renew an authorization to operate must be submitted to the board at least ninety days prior to the expiration date. Authorizations expire on the thirtieth day of June.
- 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?  
No answer provided.
- f. Can an institution lose its authorized status? If so, how?  
Yes.

- 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.  
Multi-institutional systems could apply for authorization on behalf of all of its component institutions. Essentially, the process is similar to the single institution application.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?  
No.
- 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)?  
There are not specific features of the authorization process that would be helpful.
- j. Is your agency currently planning to amend its application process by the end of 2011?  
No.
  - o If yes, please provide a brief description of the anticipated change.
  - o If yes, when does the agency expect the change to be fully implemented?

## 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. \$2,000.00  
<http://www.nd.gov/cte/private-post-inst/docs/DegreeGrantingApplication2006.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.)?  
Yes – see application  
<http://www.nd.gov/cte/private-post-inst/docs/DegreeGrantingApplication2006.pdf>
- c. What are the costs, if any, to renew authorization?  
Renewal cost is \$750.
- d. What costs are associated with receiving a waiver or exemption to authorization?  
No costs for a waiver.

## 8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.  
**All policies outlined in ND Century Code.**  
<http://www.legis.nd.gov/cencode/t15c20-4.pdf>
- b. What is the process, if any, to obtain a reciprocal agreement with your state?  
**Not applicable.**
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.  
**No.**
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.  
**No answer provided.**

## 9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?  
**Currently complaints are filed with CTE and are then handed to the Attorney General. That policy is currently under review and revision.**
  - If yes, please describe the process or provide a web link to the material that describes the complaint process.  
**Forthcoming.**
  - 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)?  
**Forthcoming.**
  - If available, please provide a web link to the complaint form.  
**Forthcoming.**
  - 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?  
**No answer provided.**
- 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.  
**No answer provided.**

## 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?  
**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?
- 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?  
**Yes.**
  - If yes, please provide a brief description of the anticipated change.  
**North Dakota law contains twelve exemptions from regulation for institutions that wish to operate in the state. With the passage of HB 1092, there will be thirteen. The existing twelve exemptions can be reviewed, here: ND Century Code. The newest exemption, which will go into effect August 1, 2011, is as follows:**  
  
*“Institutions whose only physical presence in this state consists of students enrolled in practicums, internships, clinicals, or student teaching in this state.”*  
  
**The board’s rules state: “Postsecondary educational institutions claiming to be exempt under North Dakota Century Code 15-20.4-02 shall provide to the board, in writing, sufficient information supporting the exemption.”**
  - If yes, when does the agency expect the change to be fully implemented?  
**August 1, 2011**

- 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?**

No.