

# SHEEO State Authorization Inventory

## Puerto Rico

**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: **The Puerto Rico Council on Education**
- Description:  
The Puerto Rico Council on Education (PRCE) is the licensing authority for private and public higher education, postsecondary non-degree granting, technical/vocational institutions, and also is the licensing authority and local accrediting entity for private and public k-12 schools that operate and confer degrees, diplomas or other academic credentials within the jurisdiction of the Commonwealth of Puerto Rico.
  - Contact Information:  
Mrs. Carmen L. Berríos Rivera  
Executive Director  
Puerto Rico Council on Education  
787-641-7100  
[cberrios@cge.gobierno.pr](mailto:cberrios@cge.gobierno.pr)
  - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?  
Dr. Judith Torres  
Director, Licensing and Accreditation Division  
[ju\\_torres@ces.gobierno.pr](mailto:ju_torres@ces.gobierno.pr)
- b. Links
- For IHE’s:** <http://www.gobierno.pr/cespr/inicio/>
- For non-degree, voc/tech and K-12:** <http://www.cge.gobierno.pr/>

- 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. This agency will also be requested to complete a survey. **Prior to the adoption of Reorganization Plan No. 1 of July 26, 2010, the Puerto Rico Council on General Education and the Puerto Rico Council on Higher Education were authorized to license basic and vocational (postsecondary) and higher education institutions, respectively. Regulations adopted by those agencies are still in effect until revised by the new Puerto Rico Council on Education. The regulations are currently under consideration.**
- d. If the division of responsibility among these agencies is not clear, please explain. **Puerto Rico Council on General Education and the Puerto Rico Council on Higher Education were consolidated into the Puerto Council on Education, as mandated by PR legislation approved in July 2010, Reorganization Plan No. 1 of July 26, 2010. The transition process was underway at the time of completion of this survey.**

**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
- 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:

**For IHE’s:**

**If the organization plans to have institutional units, centers, location or other sites in Puerto Rico, public and private institutions will be required a license.**

**An exemption due to religious nature, apply only to sectarian academic offerings. Other non-sectarian academic offerings that prepare the student for labor force or other non-sectarian purposes must be licensed by the Council..**

Institutions within military establishments are exempted only if their offerings are directed to military personnel in active duty and their dependents.

**For non-degree, voc/tech and K-12:**

Church/schools are exempted from licensure requirements but must seek registration at the Council. See PR Law No. 82 of 1995 (for a definition see PR Law No. 82, July 19, 1995).

Institutions within military bases are exempted.

- 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.

Yes. In order to do business in Puerto Rico, all corporations must be registered as such in the Puerto Rico State Department; they must also be registered in the Puerto Rico Treasury Department for tax purposes. Other state and federal permits or requirements applicable to an organization doing business in Puerto Rico may apply.

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

**For IHE's:** No. However certain professional licensing agencies require the candidates' academic credentials to be from educational institutions holding specialized accreditation.

**For non-degree, voc/tech and K-12: Yes.**

- o If yes, please explain:

A new requirement of PR Reorganization Plan No. 1 of July 26, 2010 is that public K-12 schools must be accredited by the Council.

Also, several professional or occupational examining or licensing boards require that the candidate hold an academic degree from an institution with specialized accreditation.

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

- Regional
- National
- Programmatic/specialized

Clarifying comments:

Accreditation required for public K-12 schools is from the local state agency: the PR Council on Education.

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

Both; licensing is required for the institution and its units, and the academic offerings in each one.

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

As a general rule, the state authorization of an institution and its programs by the PR Council on Education is the only approval needed for the degree or credential to be accepted. However, several professional or occupational licensing or examining boards in Puerto Rico prescribe specific academic requirements to be met by the candidate and/or conduct independent evaluations of the academic offerings. It is highly recommended that an interested party seeks information with the corresponding entity. Below links to web pages of some existing boards housed at the PR State Department and the PR Department of Health.

PR Department of Health.

<http://www.salud.gov.pr/JLDMPR/Pages/default.aspx>

PR State Department

<http://www.pr.gov/Estado/inicio/junta.htm>

### 3. Exemptions

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

Yes, please see below.

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

- Institutions operating within military establishments
- Academic offerings of religious (sectarian) nature in religious institutions of higher education
- Church/ schools ( see PR Law No. 82, July 19, 1995)

- 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.?

Registration is required for church/ schools. In all others the exemption is automatic if certain criteria are met, but the PRCE reserves the right to request evidence that said are criteria. Notification and consultation with the Council is recommended for public information purposes.

**For IHEs:** See Article 51 of Regulations No. 7605 of October 2008  
<http://www.gobierno.pr/CESPR/LicenciamientoInstituciones/>

**For other non degree granting and technical/vocational institutions:**  
See Article 2.7 of Regulations No. 6249, December 2000  
<http://www.cge.gobierno.pr/leyeregl.htmother>

- 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.)?  
The institution must also be a 'commercial' entity duly registered within the Puerto Rico Treasury Department, and the Puerto Rico State Department (if a corporation) to do business in Puerto Rico. Other state and federal permits or requirements applicable to an organization doing business in Puerto Rico may apply.
- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?
- Are all religious institutions exempt (please describe)?  
Yes, as long as this is their only thrust. Licensing is required for programs directed at other education activities.
  - Are religious institutions that award only religious degrees or certificates exempt (please describe)?  
Yes
  - Are certain religious institutions exempt that meet other criteria (please describe)?  
Church/ schools need to meet registration requirement. (Ask for the Church/School 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. But a procedure to establish a registration requirement, to determine and certify that such authorization is not required for a distance education institution and its programs, is pending approval by the Council. Proposed document is available at  
<http://www.gobierno.pr/CESPR/Conocenos/OficinaPresidenciaDirectorEjecutivo/ComunicacionesRelacionesPublicas/Noticias>

- 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.

PR Reorganization Plan No. 1 of July 26, 2010 defines operating in Puerto Rico as follows: *“Article 3 (s): To operate in Puerto Rico: to offer in Puerto Rico degrees or courses for credits leading to degrees, diplomas, certificates, titles or other credentials regardless of where the courses are offered.” (Note: unofficial translation)*

- 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?

**For IHEs:** Yes, if the activities are formally organized. Also if collaborative agreements exist with an IHE license by the PRCE to operate in PR this institution must give notice of such agreement to the PRCE.

**For non degree voc/tech and K-12:** No specific regulation.

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

To all.

- 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?

To all.

- 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. But the local licensed institution must comply with a requirement to give notice to the PRCE of the established agreement.
- 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?  
No. Unless there are activities involving staff, faculty or with students or other types of activities with academic results occur at the site where the computers or equipment are located.
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?  
No, but depends on the frequency of such events and the purpose for which they are offered.
- 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.

**For IHEs:** Regulations (Spanish and English) and other documentation and forms (in Spanish) available at:

<http://www.gobierno.pr/CESPR/LicenciamientoInstituciones/>

*[See new PR Reorganization Plan No. 1 of July 26, 2010 and previous Article 13 PR Law No. 17, June 16, 1993 as amended . Also see Article 51 of Regulations No. 7605 of October 2008]*

Scope: To all institutions (public and private), including nontraditional or distance learning institutions, of higher education operating within the Commonwealth of Puerto Rico. The license recognizes all institutional units, including campuses, branches, extension centers and additional locations, and the academic offerings of higher education at each.

General requirements and elements to be evaluated include: physical facilities, credentials and expertise of administrators, financial capability, level and sufficiency of the academic programs to develop expected knowledge and competencies in students, faculty credentials and expertise, libraries and bibliographic resources, laboratories and other auxiliary academic resources , services for students, public responsibility and security protections to students and the academic community.

Specific requirements and support documentation depends on the nature of the license or the substantive change sought.

Peer evaluation may be required. Cost of site visits to be paid by the applicant institution following established norms.

Notice of intent to apply is required (within 1 year, 6 month or 3 months) prior to submission of applications and expected time for initial operations or commencement of the substantive change.

Substantive changes or significant changes, as defined in the regulation, require authorization via amendments to the license, or recognition by the Council.

**For other non-degree granting and technical/vocational institutions:**

Regulations (in Spanish) available at:

<http://www.cge.gobierno.pr/leyeregl.htm>

Other documentation and forms (in Spanish) available at:

<http://www.cge.gobierno.pr/docu.htm>

*[See See new PR Reorganization Plan No. 1 of July 26, 2010 and previous Article 16 PR Law No. 148, July 15, 1999 as amended and Chapter 2 Regulations No. 6249, December 2000.]*

Scope: To all, public and private, K-12 and non- degree granting and technical/vocational institutions of postsecondary level, including nontraditional or distance learning institutions, operating within the Commonwealth of Puerto Rico. General requirements and elements to be evaluated include: financial viability to maintain operations, adequacy of physical facilities, professional capability of faculty and administrators, ability to fulfill obligations with students.

Specific requirements and support documentation depend upon the nature of the license sought and the substantive change.

Peer evaluation may be required.

Substantive changes, as defined in the regulation, require authorization via amendments to the license.

- 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.

90 working days.

- c. What is the authorization duration?

**For IHEs:** Up to 5 years for initial authorization, and from 5 to 10 years for renewals.

**For other non degree granting and technical/vocational institutions:** Up to 5 years.

- d. What does an institution need to do to maintain authorization?

Licensed institutions have an on-going responsibility to inform the PRCE of any institutional or programmatic changes that may impact the operation as defined in the license. Also, institutions must comply with all the required criteria throughout the time elapsed during evaluations, and submit for PRCE approval petitions to amend the license as needed.

- 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?  
Beside information about any changes, institutional or programmatic in nature, that may impact the operation as recognized in the license and petitions for amendments to the license, the institution must provide, annually, a surety bond, audited financial statements, and other institutional data.
- f. Can an institution lose its authorized status? If so, how?  
Yes, by failing to comply with required criteria established by law or regulations, including substantive evaluation elements, reporting or other requirements mandated by the PRCE. Procedures for license cancellation, suspension or probationary status are prescribed in the regulations.
- 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.
- 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)?  
A peer evaluation process in which the institution and its academic offerings are examined is a distinctive characteristic of the authorization process. Amendments to the licenses are required when substantive changes are to be implemented by the institution; for IHEs regulation define substantive changes with emphasis in programmatic ones, mainly at the graduate level; while at the non-degree voc tech level emphasis is on changes of institutional nature.
- j. Is your agency currently planning to amend its application process by the end of 2011?  
Yes. This is a legislated mandate arising from PR Reorganization Plan No. 1 of July 26, 2010.
- 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. 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 IHEs:** [ See Section 16.3 of Regulations No. 7605 of October 2008 and Guidelines to determine licensure application fees ( in Spanish), PRCHE Certification No 2007-275 at <http://www.gobierno.pr/NR/rdonlyres/415B6E04-87FA-46DA-B75B-0D6F4C2382E9/0/COMPUTOSCARGOS.pdf> ]

There is a Basic Fee of \$5,000.00 per application for License of initial Authorization and of \$5,000.00 plus \$1,000 per institutional unit for subsequent License Renewal applications.

A Basic Fee of \$1,000.00 - \$5,000.00 per application to be determined depending upon the nature of the substantive change(s) involved on each amendment.

**For non degree, voc/ tech and K-12:** [see Regulations No. 6249, December 2000.]

A Fee of \$250.00 for each application of License of initial Authorization, License Renewal and Amendments to a License

- 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.

**For IHEs:** Evaluators cost of travel associated to site visits, and the cost for insurance coverage and a surety bond [See Section 16.3 and Article 70 of Regulations No. 7605 of October 2008

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

- d. What costs are associated with receiving a waiver or exemption to authorization? No costs are established in existing regulations for those exemptions applicable to religious and military institutions.

For distance education institutions (those that are not required to obtain authorization by the PRCE) requesting to be registered in Puerto Rico, a proposed procedure for such registration establishes a \$500 fee for the initial registration and \$250 for each subsequent modification.

## 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?  
**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.  
**The issue is yet to be considered by the new PRCE.**

## 9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
  - o If yes, please describe the process or provide a web link to the material that describes the complaint process.  
**For IHEs': Chapter XIII at**  
[http://www.gobierno.pr/NR/rdonlyres/F15F15DF-A8C1-4341-A752-4490FF6791A3/0/REGLAMENTO\\_EN\\_INGLES\\_OTORGAMIENTO\\_DE\\_LICENCIAS\\_A\\_IES\\_DE\\_PR.pdf](http://www.gobierno.pr/NR/rdonlyres/F15F15DF-A8C1-4341-A752-4490FF6791A3/0/REGLAMENTO_EN_INGLES_OTORGAMIENTO_DE_LICENCIAS_A_IES_DE_PR.pdf)
  - o 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)?  
**Unless the complaint is motivated by the alleged need of such authorization the answer is No.**
  - o If available, please provide a web link to the complaint form.  
**For IHEs': Chapter XIII at**  
[http://www.gobierno.pr/NR/rdonlyres/F15F15DF-A8C1-4341-A752-4490FF6791A3/0/REGLAMENTO\\_EN\\_INGLES\\_OTORGAMIENTO\\_DE\\_LICENCIAS\\_A\\_IES\\_DE\\_PR.pdf](http://www.gobierno.pr/NR/rdonlyres/F15F15DF-A8C1-4341-A752-4490FF6791A3/0/REGLAMENTO_EN_INGLES_OTORGAMIENTO_DE_LICENCIAS_A_IES_DE_PR.pdf)

**For other non degree voc/tech and K-12:** - Article 3.4 at <http://www.cge.gobierno.pr/reglamentos/Reglamento%20de%20Licencias.pdf>

- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

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- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?  
**See above.**

## **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?  
**Sanctions include administrative and/or judicial orders to cease and desist from the illegal operation and fines of a minimum of \$ 1,000 and a maximum of \$5,000 for the first violation and of \$5,000 and \$10,000 for subsequent ones. Other sanctions may include the ineligibility to participate in PRCE administered programs such as student financial aid programs, research competitive programs, etc.**
- 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. See PR Reorganization Plan No. 1 of July 26, 2010 and PR Law No. 170 of August 12, 1988 as amended.**

## **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. To implement the legislative mandate of PR Reorganization Plan No. 1 of July 26, 2010.**
  - 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. Pending approval is a procedure to establish a registration requirement and to determine and certify that state authorization is not required for a distance education institution and its programs. Proposed document is available at <http://www.gobierno.pr/CESPR/Conocenos/OficinaPresidenciaDirectorioEjecutivo/ComunicacionesRelacionesPublicas/Noticias>

- 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?

Not at the moment.

- 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?**