

SHEEO State Authorization Inventory

Vermont

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: **Vermont State Board of Education
Through the Vermont Department of Education**
- Description:
The Vermont State Board of Education serves as the licensing and approval authority for in-state schools which are not part of the state college system and are not exempted by means of accreditation and for private institutions. Out-of-state schools wishing to establish a physical presence in Vermont need to be licensed and approved. There is no approval authority for private vocational-technical institutions that do not grant credits or degrees.
 - Contact Information:
Cathy Hilgendorf
Postsecondary Approval Coordinator
Vermont Department of Education
120 State Street, Montpelier, VT 05620
802-828-5402
cathy.hilgendorf@state.vt.us
 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
Same as above.
- b. Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency’s responsibility for authorization.
Link to home page: <http://www.education.vermont.gov/new/html/mainboard.html>

Link to Regulations:
<http://education.vermont.gov/new/pdfdoc/board/rules/2240.pdf>

http://education.vermont.gov/new/pdfdoc/pgm_postsecondary/EDU-State_Board_Approval_of_Postsecondary_Programs.pdf

- c. According to our records, 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.
Not applicable.

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
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
Yes	Tribally-controlled institutions

Clarifying comments:

In-state publics, in Vermont, are exempt. Anybody else, whether in-state or out-of-state, is subject to authorization if they offer credits or a degree.

- 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.
Our agency is the only authorizing entity, with the exception of the Sec of State, which registers any business operating within Vermont.
- c. Is accreditation required for an institution to be authorized in your state?
 - o If yes, please explain:
Yes for out-of-state schools; No for in-state schools.

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

Regional
 National
 Programmatic/specialized

Clarifying comments:

Must be an accrediting body recognized by the U.S. Department of Education.

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

Specific academic programs.

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

Education

Teacher Licensing is separate from program approval.

Nursing

Not sure if a Board of Nursing MUST approve a program from a professional perspective, but Department of Education does not require a separate approval.

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.

Our exemptions are largely linked to accreditation. Please see:

http://education.vermont.gov/new/pdfdoc/pgm_postsecondary/EDU-State_Board_Approval_of_Postsecondary_Programs.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.?

Automatic – no contact required.

- 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.)?

Must register with Secretary of State, as would any other business operating in Vermont.

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

Religious schools are treated like any other school – if they wish to offer credits and/or degrees, they are subject to approval.

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

In addition to the obvious, physical presence can be triggered by an administrative office or a required student gathering.

- 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.**

Note: Every situation is and will be reviewed on a case-by-case basis. Some of these scenarios have yet to be encountered here.

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
A key factor for us is whether or not the supervisor or mentor is COMPENSATED BY THE INSTITUTION.
 - Does this apply only to distance education students or more generally?
Generally.
- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
If the person in Vermont is not compensated by the institution, we do not consider the field experience alone to constitute a physical presence of the institution in our state.
 - Does this apply only to distance education students or more generally?
Generally.
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
If there is no contact other than online, and the students in Vermont have the same experience and level of contact as the students in China, AND the VT faculty work out of their home or in some other fashion which does not appear to be an administrative office of the school, then we do not consider it physical presence.
 - What about adjunct faculty?
No distinction.
- 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 distinction.
- 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?
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?
We have not encountered this yet to our knowledge and it is not addressed in our law.
 - 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?
Not if just proctor.
 - 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?
I don't think so. We have not encountered some of the scenarios you ask about; some of these have never been tested or addressed here.

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 physical presence only: must apply and receive approval from the State Board of Education before registering name with the Secretary of the State; must receive approval before offering credit-bearing courses/admitting first student; must apply for and receive Certificate of Degree Granting Authority from State Board of Education before conferring degrees.

Our applications are not currently on-line, purposely. We want to supply the application materials as a response to either a telephone or email inquiry.

The application PROCESS is described in our administrative rules:
<http://education.vermont.gov/new/pdfdoc/board/rules/2240.pdf>

- 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.

Four to seven months.

- c. What is the authorization duration?

Up to five years.

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

Renewal process is similar to initial UNLESS institution has become accredited. Accredited schools which are also approved in their home state, after our initial review and approval, are then subject to an annual registration and verification of accredited status, only.

- 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 evidence of home-state approval and accreditation if applicable, or full packet of initial review materials every five years if not.

- f. Can an institution lose its authorized status? If so, how?

State Board may revoke at will.

- 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?

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)?

Any schools applying to confer degrees in VT will also be reviewed by the Vermont Higher Education Council. The State Board of Education is required to seek advice from VHEC in its review and approval process for degree-granting authority.

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

Yes – application revisions are in process now.

- If yes, please provide a brief description of the anticipated change.
We are implementing new statutes effective 7-1-11. Possible revision of administrative rules in 2011/2012 to align with statutory changes.
- If yes, when does the agency expect the change to be fully implemented?
2012?

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.
\$4000 credit-bearing, \$5000 degree-granting, \$7500 simultaneous.
- 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.)?
Degree-granting reviews may involve covering the additional costs of site visit by team of reviewers from VHEC.
- c. What are the costs, if any, to renew authorization?
Same as above for non-accredited. If accredited, out-of-state schools pay \$500 per year after the initial approval.
- d. What costs are associated with receiving a waiver or exemption to authorization?
None.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
Interstate reciprocity is not addressed in our current regulations, as such.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
Never been done. We would be interested.
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.
Yes. We have had casual conversations with other North Eastern states, but several are undergoing internal changes which need to be sorted out first. In general, only New Hampshire seems eager to talk to Vermont about some reciprocity.

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://education.vermont.gov/new/pdfdoc/pgm_postsecondary/EDU-Complaint_Resolution_Statement_for_Postsecondary_Education_Matters.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)?
Not specifically addressed.
 - 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.

Cathy Hilgendorf
Postsecondary Approval Coordinator
Vermont Department of Education
120 State Street
Montpelier, VT 06620
802-828-5402
cathy.hilgendorf@state.vt.us

- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?
We rely heavily on State Attorney General, under law.

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?
Referral to State Attorney General.
- 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?
New statute changes effective July 1, 2011 are reflected in the answers to this survey.
 - 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?
We recognized our established, approved, accredited schools in our statute this spring.
 - 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?

The key to maintaining control and protecting consumers, in our small state with very limited regulatory capacity, is to do a thorough job with the INITIAL review and approval of schools wanting to establish a physical presence in Vermont. After that, we largely rely on accrediting agencies to watchdog the schools.