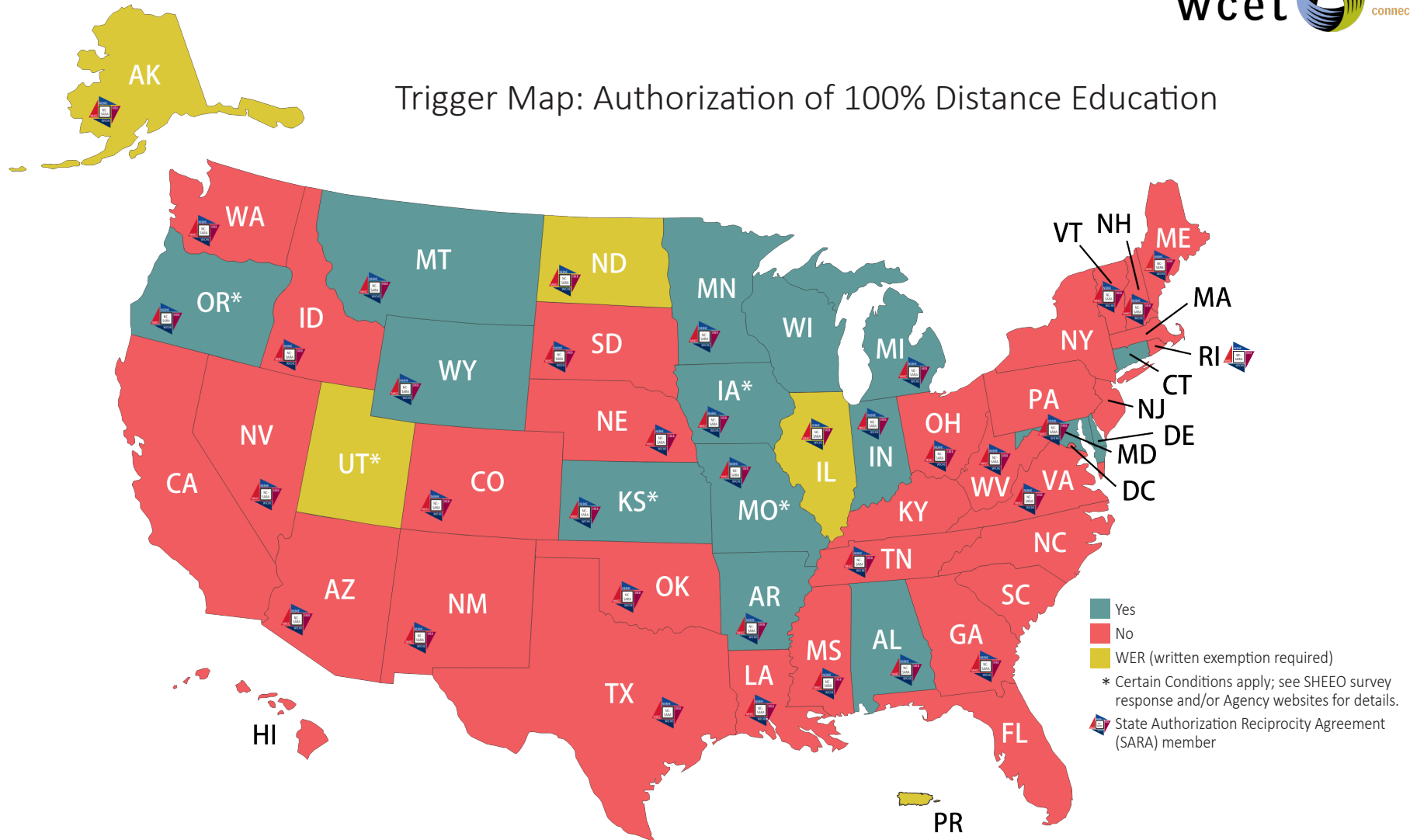


Trigger Map: Authorization of 100% Distance Education



Does 100% Distance Education need to be authorized?

The question in the SHEEO State Authorization Survey is, “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?”

In some states, certain types of institutions are not required to be authorized, while others are. For example, some states do not require public institutions to seek authorization for the DE students, but do require authorization of private institutions.

Some states employ a physical presence standard to determine whether authorization is required. The definition of physical presence varies widely. States’ approaches to authorization for DE may also change over time, the most accurate source of information are the websites of the authorizing agencies in each state.

Definitions:

Authorized means holding a current valid charter, license or other written document issued by a state, the federal government or a recognized Indian tribe, granting the named entity the authority to issue degrees and operate within a state or jurisdiction.

Distance Education (DE) means instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video or correspondence courses or programs.

Physical Presence means a measure by which a state defines the status of an educational institution's presence within the state.

Source of definitions: NC-SARA State Authorization Reciprocity Agreements Policies and Standards, May 13, 2015.

Impact of SARA on State Authorization Requirements:

A State Authorization Reciprocity Agreement (SARA) is an agreement among its member states, districts and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance-education courses and programs. A condition of SARA membership includes that the state agrees that it will not impose on an institution operating under SARA from another state any requirements, standards, fees or procedures other than those set forth in SARA policies and rules. SARA has established its own uniform standard for physical presence vs. distance education. For purposes of participation in SARA, this standard applies, but it does not affect the application of existing state laws to colleges that choose to operate outside of SARA or which are based in states that are not SARA members. Please see Section 5 of the SARA Policies and Standards for additional information.

Important Things to Know About 100% DE Authorization

Maryland: Pursuant to COMAR 13B.02.01.03B(12)(a)(i), 'Operate in Maryland' means (a) Establish or provide a location in the State for students to receive synchronous or asynchronous instruction for credit leading to a degree or certificate; (b) Require students to physically meet in a location in the State for instructional purposes more than twice during a full-term (quarter or semester) course for a total of more than 6 hours; or (c) Have more than five students, in a single program, physically present at one or more sites in the State in a supervised internship, practicum, or field experience as a required part of a degree or certificate program. Pursuant to COMAR 13B.02.01.03B(12)(c) the offering of distance instruction that originates outside Maryland that involves no physical presence in the state does not require approval by the Maryland Higher Education Commission. However, please note that Maryland law requires the registration of all out-of-state fully online programs that enroll Maryland students.

MHEC has determined that student placement in an internship, practicum, or residency site in Maryland through National Matching Services, Inc. (NMS) placements do not activate physical presence ('operate in Maryland'). While out-of-state institutions might be required to register or seek approval for other reasons (e.g., enrolling Maryland residents in fully online programs or administering practicum sites in Maryland), out-of-state institutions are not required to seek approval for current students or recent graduates matched to a site in Maryland through NMS.

Michigan: New legislation requires institutions that are not members of SARA must seek authorization to offer 100% distance education to students in Michigan.

Oregon: The state has repealed the exclusionary rule granting exemptions for online programs. An institution must obtain approval and submit the fee of \$7,000 to offer online programs to residents of Oregon.

Washington, D.C.: Currently institutions wishing to offer 100% online courses must submit information to the Commission for a determination whether licensure is required. Submit answers to list of 11 questions found on the website: <http://osse.dc.gov/service/distanceonline-education-inquiries>

Methodology

This trigger map was developed using the information reported by the state agencies to the State Higher Education Executive Officers association (SHEEO). State surveys were reviewed in June, 2015, and all data was accurately documented at that time. The date of the last revision provided by the agency is documented to easily determine whether the agency for a given state has made any changes since the data was accessed. WCET has updated the information in cases where the survey responses are known to no longer be valid; in those cases the answers in the table are denoted by a double asterisk **. The website for each state agency should always be the most current source of information about state authorization requirements. WCET is not responsible for decisions made by members based on this map. It is recommended that you check with the authorizing agencies in each state to answer any questions you might have about their policies and regulations.

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WCET's Connect, Learn, and Advance agenda,
and how to join WCET.

SARA States: Detailed List of Answers, Does 100% DE Need to be Authorized?

State (SARA States in blue font)	Authorization of DE: 100% DE Needs to be Authorized?	Authorization of 100% DE Clarification	Authorizing Agencies	Date of Last Revision to SHEEO Survey
AK	WER	IHEs with 100% DE programs must obtain a written exemption.	Alaska Commission on Postsecondary Education	5/11/15
AL	Yes	No exemptions, even IHEs eligible for exemption under AL Private School License Law, are still subject to programmatic review by the Commission. Exemption from ADPE does not constitute exemption from ACHE.	Alabama Commission on Higher Education; Alabama Department of Postsecondary Education Office of Private School Licensing Division; Office of Alabama Secretary of State	7/28/14; 7/25/2014; no revisions
AR	Yes	Physical presence is not a factor in certification.	Arkansas Department of Higher Education; Arkansas State Board of Private Career Education	5/9/14; 4/30/14
AZ	No		Arizona State Board for Private Postsecondary Education	6/11/14
CA	No		California Bureau for Private Postsecondary Education	3/31/15
CO	No		Colorado Department of Higher Education; Division of Private Occupational Schools	4/30/14/; 4/30/14
CT**	Yes		The (Connecticut) Office of Higher Education	4/30/14
DC	Yes**	See requirements and submit answers to questions found at the following site: http://osse.dc.gov/service/distanceonline-education-inquiries	(District of Columbia) Education Licensure Commission	2/19/15
DE	Yes		Delaware Department of Education	11/9/15
FL	No		Commission for Independent Education Florida Department of Education	4/3/15
GA	No	Institutions must notify NPEC of their online activity.	(Georgia) Nonpublic Postsecondary Education Commission	11/18/14
HI	No		Hawai'i Post-Secondary Education Authorization Program (HPEAP)	5/7/2014
ID	Yes**		Idaho State Board of Education	5/12/2015
IL	WER	100% DE programs must obtain a written exemption.	Illinois Board of Higher Education	4/30/14
IA*	Yes	There are some exemptions.	Iowa College Student Aid Commission	5/6/14
IN	Yes		Indiana Commission for Higher Education (CHE); Indiana Department of Workforce Development	4/24/14/ 4/30/14
KS*	Yes	Must complete an inquiry form to determine if authorization is necessary.	Kansas Board of Regents	5/7/14
KY	No	New regulations are anticipated to be available fall, 2015, this will likely change to Yes.	(Kentucky) Commission on Proprietary Education; Kentucky Council on Postsecondary Education	NA
LA	No		Louisiana Board of Regents	5/7/14
MA	No	Physical Presence does not include distance education or experiential learning activities within the Commonwealth, unless an institution also engages in an activity requiring Board.	Massachusetts Department of Higher Education (DHE); Massachusetts Division of Professional Licensure Office of Private Occupational School Education	10/1/15
MD	Yes**	Institutions are required to register fully online programs. New rules about number of participants in practicum that will mirror SARA policies regarding 10 students per site per program.	Maryland Higher Education Commission	3/17/15
ME	No		Maine Department of Higher Education	4/2/15
MI	Yes	Online, Yes; if school is non-degree granting, No.	Michigan Department of Licensing and Regulatory Affairs	5/28/14
MN	Yes	Yes, if a degree granting institution. No, if it is a non-degree granting institution.	Minnesota Office of Higher Education	4/28/14

*Certain conditions apply; see SHEEO Survey response and/or Agency websites for details. **Denotes content that has been updated from SHEEO survey response.

State (SARA States in blue font)	Authorization of DE: 100% DE Needs to be Authorized?	Authorization of 100% DE Clarification	Authorizing Agencies	Date of Last Revision to SHEEO Survey
MO*	Yes	Out-of-state public institutions are required to affirm in writing that they are accredited by a recognized regional body and will adhere to the Coordinating Board for Higher Education's Best Practices for Distance Education guidelines in order to serve Missouri residents. For non-public institutions, establishment of a physical presence, as defined by the Department of Higher Education, is necessary before distance education may be authorized.	Missouri Department of Higher Education	6/27/14
MS	No		Mississippi Commission on College Accreditation; Mississippi Commission on Proprietary School and College Registration	4/28/14; 8/20/14
MT	Yes	If an institution wants to offer post-secondary degree programs, whether online or in person, to Montana residents, that institution must gain authorization to do so.	Montana University System Office of the Commissioner of Higher Education	5/29/14
NC	No		The University of North Carolina Board of Governors; Office of Proprietary School Services North Carolina Community College System	3/25/15; 4/28/14
ND	WER	IHEs with 100% DE programs must obtain a written exemption.	North Dakota University System; North Dakota Department of Career and Technical Education	6/17/14; 5/13/14
NE	No		Nebraska's Coordinating Commission for Postsecondary Education; Nebraska Department of Education Private Postsecondary Career Schools	5/8/14; 5/8/14
NH	No		New Hampshire Department of Education Division of Higher Education - Higher Education Commission	5/2/14
NJ	No		New Jersey Secretary of Higher Education; The Center for Occupational Employment Information (COEI), New Jersey Department of Labor and Workforce Development	3/25/15; 4/29/14
NM	No**	"Presence" in the state is defined as offering courses, programs or degrees on site or from a geographical site in New Mexico or main- taining an administrative, corporate or other address in the state.	New Mexico Higher Education Department	5/1/14
NV	No		Nevada Commission on Postsecondary Education	3/16/15
NY	No		(New York) Office of College and University Evaluation; Bureau of Proprietary School Supervision New York State Education Department	5/12/15; 4/29/14
OH	No		Ohio Department of Higher Education; Ohio State Board of Career Colleges and Schools	3/17/15; 4/29/14
OK	No		Oklahoma State Regents for Higher Education; The Oklahoma Board of Private Schools; Oklahoma Board of Career and Technology Education	5/9/14; 4/29/14; 4/29/14
OR*	Yes	All institutions must obtain approval from the Commission to offer any educational credit or degree with Oregon.	(Oregon) Department of Education Private and Career Schools Office; Office of Degree Authorization	9/4/14; 5/5/15
PA	No		Pennsylvania Department of Education	5/22/14
RI	Yes**		Rhode Island Office of Higher Education	5/13/14
SC	No		South Carolina Commission on Higher Education	10/21/14
SD	No		South Dakota Secretary of State's Office (solely a filing agency)	2/9/15

*Certain conditions apply; see SHEEO Survey response and/or Agency websites for details. **Denotes content that has been updated from SHEEO survey response.

State (SARA States in blue font)	Authorization of DE: 100% DE Needs to be Authorized?	Authorization of 100% DE Clarification	Authorizing Agencies	Date of Last Revision to SHEEO Survey
TN	No		Tennessee Higher Education Commission Division of Postsecondary School Authorization (DPSA)	2/6/15
TX	No		Texas Higher Education Coordinating Board; Texas Workforce Commission	6/6/14; 5/2/14
UT*	WER	IHEs with 100% DE programs must obtain a written exemption.	Utah Division of Consumer Protection	5/29/14
VA	No		State Council of Higher Education for Virginia (agency name) Private and Out-of-State Postsecondary Education (unit name)	5/8/14
VT	No		Vermont State Board of Education through the Vermont Agency of Education	3/17/15
WA	No		Washington Workforce Training and Education Coordinating Board; Washington Student Achievement Council	10/21/14; 4/30/14
WI	Yes	If an institution enrolls a Wisconsin resident in an online program, it must obtain EAB approval.	Wisconsin Educational Approval Board	4/30/14
WV	No		West Virginia Council for Community and Technical College Education; West Virginia Higher Education Policy Commission	4/30/14; 4/30/14
WY	Yes	Please reference Wyoming Statute §21-2-401: "... all trade, correspondence, distance education, technical, vocational, business or other private schools which are located within the state or have their principal place of business out of state but are doing business in the state, shall be licensed under this article before operating or doing business in this state."	Wyoming Department of Education	5/2/14
Puerto Rico	WER**		The Puerto Rico Council on Education	3/16/15

*Certain conditions apply; see SHEEO Survey response and/or Agency websites for details. **Denotes content that has been updated from SHEEO survey response.