



## State Authorization Requirements

### Introduction

When it comes to state authorization requirements, most states focus their authorization efforts at institutions with a clear physical presence within their state or at private, for-profit institutions in other states. However, some states do require authorization – or an exemption from authorization – from public, not-for-profit institutions such as Michigan community colleges who offer distance education to students within their borders. Please note that this information is based in part on the latest compendium compiled by the State Higher Education Executive Officers (SHEEO) and state regulations are constantly subject to change.

*The information contained herein should not be construed as legal advice. The MCCA is not a law firm, and individual colleges should consult with their own qualified legal counsel before making decisions.*

Revised 9/16 (Mississippi and Ohio)

State	Authorization Requirements	Physical Presence Triggers	Action by Colleges	Action Taken by MCCA
<b>Alabama</b>	License from AL Department of Postsecondary Education; Certificate of Authority to operate as foreign corporation from AL Sec of State	N/A	The Commission’s programmatic review requires the submission of a six-part online application including general information about the institution and the institution’s plan for operation in the state. Form is available at: <a href="http://www.ache.state.al.us/Content/Departments/NRI/NRI.aspx">http://www.ache.state.al.us/Content/Departments/NRI/NRI.aspx</a>  Initial Programmatic Review fee is \$2500.	
<b>Alaska</b>	Out-of-state institutions with no physical presence in Alaska may be recognized in an exempt status by applying for exemption from authorization to operate a postsecondary institution in Alaska.	Physical presence in Alaska means the presence of a facility, equipment, faculty or staff within the state.	To apply for exemption, complete and submit the Application for Exemption from Authorization along with the \$100 application fee. Form can be found at: <a href="http://acpe.alaska.gov/Portals/0/OTHER/Forms/00ExemptApp.pdf">http://acpe.alaska.gov/Portals/0/OTHER/Forms/00ExemptApp.pdf</a>  More information on process can be found at: <a href="http://acpe.alaska.gov/EDUCATOR-SCHOOL/Postsecondary_Institutions/Exemption">http://acpe.alaska.gov/EDUCATOR-SCHOOL/Postsecondary_Institutions/Exemption</a>	
<b>Arizona</b>	No regulation for Public Institutions	“...establish, keep, maintain or utilize a physical facility, location or mailing address...”		MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)  MCCA received <a href="#">response</a> May 20, 2014

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<b>Arkansas</b>	Certification from Arkansas Higher Education Coordinating Board	N/A	College must first submit a Letter of Intent and then file an application for authorization. Link to forms: <a href="http://www.adhe.edu/division/academicaffairs/Pages/aa_certification.aspx">http://www.adhe.edu/division/academicaffairs/Pages/aa_certification.aspx</a>  Letter of Intent fee is \$250. Application fee varies.	
<b>California</b>	No regulation for Public Institutions	N/A		MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)  California <a href="#">response</a> dated June 3, 2014. received on May
<b>Colorado</b>	No regulation for Public Institutions	"..physical location in a state for students to receive ...instruction; or requiring students to physically meet in the state...or establishing an administrative office in the state.."		MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)
<b>Connecticut</b>	No regulation for Public Institutions with purely online programs and no physical presence.	Physical Presence referenced but not defined. A definition is forthcoming.		
<b>District of Columbia</b>	No regulation for Public Institutions	Physical Presence standard used, committee determines on case-by-case basis; faculty employment and advertisement within the state will trigger		
<b>Delaware</b>	No regulation for Public Institutions	Classrooms, offices, internship/externship, field experience, proctored exams	If a college triggers the physical presence definition, it must seek authorization. Link to state information: <a href="http://www.doe.k12.de.us/dqihe/">http://www.doe.k12.de.us/dqihe/</a>	
<b>Florida</b>	No regulation for Public Institutions unless physical presence is triggered.	"...place of instruction, legal place of residence, or the place of evaluation of work" within the legal boundaries of the state		MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)  FL <a href="#">response</a> received on August 13, 2014

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<b>Georgia</b>	If physical presence triggered, you must have a Certificate of Authority from GA NPEC	Institution maintains phone number with GA area code; or maintains postal address with GA zip code; or markets/recruits GA students via any means of media that originates in GA; or maintains a URL which originates in GA or utilizes a GA ISP; or provides payment reportable for income tax purposes via either a W-2 or Form 1099 to any GA resident	If physical presence is triggered, College must seek Certificate of Authority from Georgia NPEC.  Link to instructions: <a href="http://www.gnpec.org/Forms/PDF%20Files/OnlineRequirements.pdf">http://www.gnpec.org/Forms/PDF%20Files/OnlineRequirements.pdf</a>	
<b>Hawaii</b>	No regulation for Public Institutions – unless physical presence is triggered	physical location in the State	Must submit an application, if you have a physical presence -  <a href="http://cca.hawaii.gov/hpeap/">http://cca.hawaii.gov/hpeap/</a>	
<b>Idaho</b>	No regulation for Public Institutions – unless college has a physical building in the state.	“Brick and Mortar”	Must register if you have a physical presence - <a href="http://www.boardofed.idaho.gov/private_col_univ/faq.asp#h">http://www.boardofed.idaho.gov/private_col_univ/faq.asp#h</a>	
<b>Illinois</b>	No regulation for Public Institutions	Does not consider purely online programs to be authorized; physical presence considered if admissions, evaluation, assessment, registration, financial aid, academic counseling, faculty hiring and support are conducted within the State of Illinois.		MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)  Illinois <a href="#">response</a> . Each college must fill out a form to get exemption. See letter for details.
<b>Indiana</b>	New legislation requires all out-of-state distance education providers to be authorized – Indiana intends to rely on SARA	Occupation of physical location for instruction; maintenance of administrative office – brick and mortar		MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)  Indiana <a href="#">response</a> received. Each college must submit an application for authorization. See letter for details.
<b>Iowa</b>	Purely online programs don't need to be authorized unless there is a physical presence trigger	A person who is compensated by the school conducts any portion of instruction within Iowa; or an address, location, phone number or internet protocol address in Iowa; also includes any field experience that is a required component of the course/program		MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)

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<b>Kansas</b>	<p>Certificate of Approval - As stated directly to the MCCA from Kansas Board of Regents:</p> <p><i>"When it comes to approving schools that offer distance education in the state of Kansas, we ask each school to complete the attached questionnaire...we truly take each school on a case-by-case basis. We do not target only program or individual courses. We look at the school as whole and how that school impacts Kansas. We look at a number of factors when determining if a school needs to apply with us and our questionnaire addresses each of those factors."</i></p>	<p>Brick and mortar location OR direct marketing to KS residents; hiring faculty within Kansas; amount of \$ collected from KS students over past 5 year period – case by case basis</p>	<p>KS requires each college to complete application</p> <p>Click <a href="#">here</a> for application</p> <p>FEES: <u>If it is determined</u> that your college's contacts with Kansas are substantial enough to warrant authorization and fees, the following fees may apply: \$5,500 initial application fee PLUS \$2,000 evaluation fee for associate degree level institutions.</p>	
<b>Kentucky</b>	<p>Purely online programs do not have to be authorized unless physical presence is triggered.</p>	<p>Instructional or administrative site within Kentucky; instruction originating or delivered within Kentucky utilizing teachers, trainers, counselors, advisors, sponsors or mentors; an agent, recruiter, in-state liaison personnel, institution or business located within KY that advises, promotes, or solicits for enrollment, credit or award of an educational or occupational credential; an articulation agreement with a KY institution; advertising targeting KY residents</p>		<p>MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)</p> <p><a href="#">Response</a> received . Colleges will need to send individual letters if they do not have a physical presence or apply if they do trigger a physical presence. See letter for details.</p>
<b>Louisiana</b>	<p>Purely online programs do not have to be authorized unless physical presence is triggered</p>	<p>Face to face instruction or experience that result in contact with others and awarding of credit (internships, clinicals, etc.)</p>	<p>Complete initial form to request application packet. No need to be authorized to operate if there is no physical presence. Strictly online does not constitute physical presence. <a href="http://regents.state.la.us/">http://regents.state.la.us/</a></p>	
<b>Maine</b>	<p>Online programs are not required to be authorized by an</p>	<p>Physical presence means an owned, leased, rented or provided facility, within</p>	<p>To acquire exemption or become authorized due to physical presence in the state of Maine, forms can be</p>	

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	Out-of-State institution unless the program is to have a physical presence within the boundaries of the State of Maine.	Maine, where education and/or training is provided to students for a fee.  Physical presence also includes periodic visits to Maine-based students by the school's faculty/representatives and/ or the activity of Maine residents who have been hired to serve as solicitors or agents on behalf of the school.	found at: <a href="http://www.maine.gov/doe/highered/degree-granting/index.html">http://www.maine.gov/doe/highered/degree-granting/index.html</a>	
<b>Maryland</b>	Institutions are required to register fully online programs.	Programs that include practica or internships, etc. must apply for a certificate of approval to operate in the state.	Colleges must register with the Maryland Higher Education Commission. Cost is \$1,000 each year. Link to forms: <a href="https://www.mhec.state.md.us/highered/acadAff/OOS Online/OOS Online Registration.asp">https://www.mhec.state.md.us/highered/acadAff/OOS Online/OOS Online Registration.asp</a>	
<b>Massachusetts</b>	Purely online distance education not regulated – unless physical presence is triggered.	Internships, residencies, mentorships, shadowing experience, student teaching within Mass.	Must apply for approval if physical presence is triggered - <a href="http://www.mass.edu">http://www.mass.edu</a>	
<b>Michigan</b>	Purely online distance education not regulated.	Brick and mortar of some type and providing face to face instruction		
<b>Minnesota</b>	Purely online distance education is regulated. Each degree level and each program must be approved by the MN Office of Higher Education. Each institution must submit application, wait time is typically 4-6 months. Approval must be renewed annually. Fees will apply to initial application and renewals.		Colleges must register with the MN Office of Higher Education. Link to site: <a href="http://www.ohe.state.mn.us/mpg.cfm?pageID=205">http://www.ohe.state.mn.us/mpg.cfm?pageID=205</a>	
<b>Mississippi</b>	Does not regulate 100% online programs – unless physical presence	Maintain a telephone number with a Mississippi area code;  maintains a postal address (either physical or PO Box) with a Mississippi zip code; advertises that a future institution will be	Institutions that do not trigger the physical presence requirements must send a letter to the Mississippi Commission on College Accreditation stating so. The Commission will approve each college on a case by case basis.  Full instructions can be found at: <a href="http://www.mississippi.edu/mcca">http://www.mississippi.edu/mcca</a>	

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		domiciled, incorporated, or otherwise located in the state.	<a href="/downloads/federal-online-ed-requirements.pdf">/downloads/federal-online-ed-requirements.pdf</a>  <a href="#">Mississippi Commission on College Accreditation</a>	
<b>Missouri</b>	Affirmation in writing of regional accreditation and writing affirming adherence to Coordinating Board for Higher Education's Best Practices for Distance Education Guidelines	"any person or location within the state of Missouri..." location is defined to include address, physical site, electronic device, or phone number originating from MO.		
<b>Montana</b>	Approval from Montana Board of Regents; proof of accreditation	Physical presence includes "regularly conducting business" which, in turn, includes the delivery of an online program	Each college must send letter (MCCA has form letter drafted) to the Montana Board of Regents. Click <a href="#">here</a> for the draft form letter.  Each college must register with the Montana Secretary of State via application. Click <a href="#">here</a> for the application.	
<b>Nebraska</b>	Purely online not considered to trigger physical presence	Includes establishing a physical location within the state.	There is currently no requirement or process for notifying the agency when an institution falls under one of the exemption categories.  However, a letter is available for institutions with exclusively online offerings that states approval is not required (giving the name and location of the institution).	
<b>Nevada</b>	Purely online programs not regulated unless physical presence.	Includes the performance of any educational activity within the state including advertising, instruction and recruiting	For exemption and authorization forms go to: <a href="http://www.cpe.state.nv.us/CPE%20Applications.htm">http://www.cpe.state.nv.us/CPE%20Applications.htm</a>	
<b>New Hampshire</b>	Purely online programs not regulated	NH telephone exchange or post office box mail drop, advising, mentoring or instruction in person taking place within the boundaries of NH	For approval process: <a href="http://www.education.nh.gov/highered/colleges/index.htm">http://www.education.nh.gov/highered/colleges/index.htm</a>	
<b>New Jersey</b>	Purely online programs not regulated	"Physical Presence" is defined in the higher education licensure rules of the New Jersey Administrative Code ('N.J.A.C.') to mean "that an entity offers credit-bearing courses from or conducts some portion of the learning experience at a location established in	If physical presence is triggered, college will need to be licensed by the state of New Jersey.  Details can be found at: <a href="http://www.state.nj.us/highereducation/More_HE_Resources/Licensure.shtml">http://www.state.nj.us/highereducation/More_HE_Resources/Licensure.shtml</a>	

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		<p>New Jersey by the entity, whether established directly or under the auspices of another entity or an institution." If a distance learning program requires a clinical or internship component for a certain degree, such a component will not meet the above-referenced definition of "Physical Presence" so long as the following two criteria are met:</p> <ol style="list-style-type: none"> <li>1) The student-supervisor relationship is conducted on a one-to-one basis (e.g. no group review sessions or other gatherings); and</li> <li>2) The supervisor is not a permanent employee of the institution.</li> </ol>		
<b>New Mexico</b>	No regulation for Public Institutions	Courses, programs or degrees must be offered from a geographical site within New Mexico or maintenance of administrative or corporate address within NM will trigger physical presence. Also hiring of NM faculty to teach will trigger the physical presence.	If physical presence is triggered, college must register with NM - <a href="http://www.hed.state.nm.us/institutions/registration.aspx">http://www.hed.state.nm.us/institutions/registration.aspx</a>	
<b>New York</b>	No regulation for Public Institutions unless physical presence	Operates physical instructional site within NY; advising, mentoring, exam admin conducted within NY; representative within NY acting on school's behalf; internships	Directions for receiving NY approval if presence in state: <a href="http://www.highered.nysed.gov/ocue/oosdistance.html">http://www.highered.nysed.gov/ocue/oosdistance.html</a>	
<b>North Carolina</b>	Purely online not regulated	Employees/agents within NC; use of electronic equipment within NC that is also owned by the institution sending information; real property or facilities located in NC owned by institution; agreement with third party to do any of the aforementioned.		MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)  <a href="#">NC Response</a> received (May 21, 2014)
<b>North Dakota</b>	All degree-granting post-secondary institutions offering on-site or distance education courses in North Dakota must	Brick and mortar	Colleges must complete an online form to request exemption. Form available at: <a href="http://ndus.edu/system/state-authorization/Default.asp?printable=1">http://ndus.edu/system/state-authorization/Default.asp?printable=1</a>	

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	seek authorization or exemption under HB1103 guidelines			
<b>Ohio</b>	Purely online not regulated	Brick and mortar; student teaching or clinical placement within OH; for-profit institutions that actively solicit students within OH	<p>Institutions that do not meet any of the conditions listed above may contact the agency for a letter indicating that its distance education programs are exempt from the authorization requirement.</p> <p>Contact Matt Exline, assistant director for program development and approval, at <a href="mailto:mexline@highered.ohio.gov">mexline@highered.ohio.gov</a> for all requests, excluding educator preparation programs.</p> <p><a href="#">Link to Ohio Department of Higher Education - Program approval process.</a></p>	MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)
<b>Oklahoma</b>	Purely online not regulated	Internships, clinicals, practica; administrators or faculty in state; leasing space for instruction or administrative purposes, phone number in OK, P.O. box in OK, servers located within OK		
<b>Oregon</b>	Online programs must be reviewed and approved by Office of Degree Authorization	Physical presence will require authorization, not merely approval, and is defined as "assistance," meaning any person helping the school or students by acting as educator or intermediary or provider of communication technology or by acting in any other way that helps the school offer or effectuate its services in Oregon, regardless of contract or compensation	Link to Office of Degree Authorization: <a href="http://www.oregonstudentaid.gov/oda.aspx">http://www.oregonstudentaid.gov/oda.aspx</a>	
<b>Pennsylvania</b>	No physical presence in PA, no authorization necessary	Triggers include: face to face instruction, brick and mortar, possibly recruitment and advertising		<p>MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)</p> <p><a href="#">PA response</a> received. Colleges must register for federal aid purposes.</p>
<b>Rhode Island</b>	No regulation for Public Institutions with purely online courses – unless physical presence has been triggered	Physical location within state or maintains/sends within the borders of RI employees or paid representatives who recruit, advise, offer	If the institution seeking to offer distance education lacks a physical presence in Rhode Island, it is subject to the laws governing institutions within its jurisdiction.	



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		courses or administer exams	If there is a physical presence in Rhode Island, there is an application process involving the Rhode Island Board of Governors for Higher Education and the Secretary of State.  <a href="http://www.ribghe.org/regulations.htm">http://www.ribghe.org/regulations.htm</a>	
<b>South Carolina</b>	No regulation for purely online programs unless physical presence.	Actual presence within state ; agents or recruiters within state; advertising and promotion targeting SC residents	Institution must submit letter of intent, application, review, recommendation from review to executive staff, recommendation from executive staff to a subcommittee of the Commission, recommendation from the subcommittee to the full Commission.  <a href="http://www.che.sc.gov/CHE_Docs/AcademicAffairs/License/Procedures_for_DegreeGranting_Institutions.pdf">http://www.che.sc.gov/CHE_Docs/AcademicAffairs/License/Procedures_for_DegreeGranting_Institutions.pdf</a>	
<b>South Dakota</b>	Need to received Certificate of Authorization to publicize availability of programs to SD residents or have a physical presence in SD		Application form available at: <a href="https://sdsos.gov/general-information/miscellaneous-forms/postsecondary-education-authorization.aspx">https://sdsos.gov/general-information/miscellaneous-forms/postsecondary-education-authorization.aspx</a>	
<b>Tennessee</b>	No regulation for purely online programs unless physical presence is triggered	"actual presence within state of Tennessee for the purpose of conducting activity related to a postsecondary educational institution; also includes an instructional site within the state, instruction originating from within TN, dissemination of an educational credential from a location within the state, agent or recruiter within the state, advertising or promotional material within the state targeting state residents	TN requirements and application form: <a href="http://tn.gov/thec/Divisions/LRA/PostsecondaryAuth/psa.html">http://tn.gov/thec/Divisions/LRA/PostsecondaryAuth/psa.html</a>	
<b>Texas</b>	Online distance education exempt as long as accredited by an agency recognized by TX, and no physical presence	Paid representative or person from school is in state; address, physical site, phone number, or fax number that originates from within TX	If physical presence triggered – a Certificate of Authorization must be acquired: <a href="http://www.thecb.state.tx.us/index.cfm?objectid=3F07A3D3-B85F-9158-C8B168AEF8AA5904">http://www.thecb.state.tx.us/index.cfm?objectid=3F07A3D3-B85F-9158-C8B168AEF8AA5904</a>	
<b>Utah</b>	Online distance education exempt from registration as long as accredited by an organization recognized by US Dept of Education;		Colleges must submit an application for exemption. <a href="http://consumerprotection.utah.gov/downloads/request-for-exemption-app.pdf">http://consumerprotection.utah.gov/downloads/request-for-exemption-app.pdf</a>	

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	Utah targets private institutions (proprietary)			
<b>Vermont</b>	No regulation for Public Institutions	Administrative office or required student gathering within VT	<p>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;</p> <p>must apply for and receive Certificate of Degree Granting Authority from State Board of Education before conferring degrees.</p> <p>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:</p> <p><a href="http://education.vermont.gov/new/pdofdoc/board/rules/2240.pdf">http://education.vermont.gov/new/pdofdoc/board/rules/2240.pdf</a></p>	
<b>Virginia</b>	No regulation for Public Institutions	Operation of a facility within VA, mechanism by which the instruction is initiated (server) is located within VA		<p>MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)</p> <p><a href="#">VA response</a> received - May 21, 2014</p>
<b>Washington</b>	Approval may be needed if physical presence is triggered.	Offering courses for academic credit from a Washington location; granting or offering to grant degrees in WA for credit obtained within or outside of the state; maintaining or advertising a WA location; field placement component, targeted advertising	<p>If physical presence is triggered. Description of Application Process:</p> <p><a href="http://www.wsac.wa.gov/degree-authorization">http://www.wsac.wa.gov/degree-authorization</a></p> <p>To expedite an initial decision regarding the need for authorization, institutions should complete the questionnaire found at:</p> <p><a href="http://www.wsac.wa.gov/degree-authorization">http://www.wsac.wa.gov/degree-authorization</a></p>	
<b>West Virginia</b>	No regulation for Public Institutions unless physical presence is triggered.	Recruiting, advertising in local media, servers, brick and mortar, face-to-face instruction, proctored exams, mentors or tutors within state		
<b>Wisconsin</b>	Regulates only private, postsecondary institutions			<p>MCCA sent a <a href="#">letter</a> on behalf of all community colleges (May 12, 2014)</p>

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				MCCA received <a href="#">response</a> May 20, 2014
<b>Wyoming</b>	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."		Verify accreditation, pay \$100 annual fee, and submit application for license to the Wyoming Dept of Education  <a href="http://edu.wyoming.gov/beyond-the-classroom/school-programs/private-school-licensing/">http://edu.wyoming.gov/beyond-the-classroom/school-programs/private-school-licensing/</a>	