

## LIST OF AGENCIES BY PHYSICAL PRESENCE TRIGGER

October 2012 – sbm

The SHEEO staff have identified 70 state authorization agencies in the 50 US states plus the District of Columbia. We have received completed surveys from all but 12 of these agencies. The following results therefore correspond to the 58 agencies from which we received data.

The following 12 agencies have not responded to our survey as of September 2012:

STATE	AGENCIES THAT HAVE NOT RESPONDED TO SURVEY
Alabama	<b>Alabama Secretary of State</b>
Connecticut	<b>Connecticut Board of Regents for Higher Education</b>
Hawaii	<b>(no agency)</b>
Indiana	<b>Indiana Commission for Higher Education</b>
Indiana	<b>Indiana Department of Workforce Development</b>
Kentucky	<b>Kentucky State Board for Proprietary Education</b>
New Jersey	<b>New Jersey Secretary of Higher Education</b>
New Jersey	<b>New Jersey Department of Labor and Workforce Development, Center for Occupational Employment Information</b>
New York	<b>New York Office of College and University Evaluation</b>
North Carolina	<b>North Carolina Community College System, Office of Proprietary Schools</b>
Oklahoma	<b>Oklahoma Department of Career and Technology Education</b>
South Dakota	<b>South Dakota Secretary of State</b>

Of the 70 agencies surveyed in the 50 US States and the District of Columbia,  
58 responded to the survey.

Of the 58 state authorization agencies in the 50 US states and DC who provided completed surveys to SHEEO, the following are the states where, and the agencies by whom,

**YOU WILL NEED TO BE AUTHORIZED**

**if you are an institution that meets the associated criteria in the state in question.**

### 1. NO PHYSICAL PRESENCE TRIGGER REQUIRED – 17 Agencies

The following 17 agencies (of the 58 that responded to the survey) require all institutions in their purview (AIITP)<sup>1</sup> to be authorized by that agency, REGARDLESS OF MEETING A PHYSICAL PRESENCE STANDARD, before operating in the state:

STATE	AGENCY TRIGGER: NONE
Alabama	Alabama Commission for Higher Education
Alabama	Alabama Department of Postsecondary Education
Alabama	Alabama Office of the Secretary of State
Arkansas	Arkansas Higher Education Coordinating Board
Colorado	Colorado Department of Higher Education, Division of Private Occupational Schools
Kentucky	State Board for Proprietary Education
Minnesota	Minnesota Office of Higher Education
Missouri	Missouri Department of Higher Education
Montana	Montana University System, Montana Board of Regents
Nebraska	Nebraska Department of Education, Private Postsecondary Career Schools
Nevada	Nevada Commission on Postsecondary Education
Oklahoma	The Oklahoma Board of Private Schools
Pennsylvania	Pennsylvania Department of Education
Texas	Texas Workforce Commission
Utah	Utah Division of Consumer Protection
Wisconsin	Wisconsin Educational Approval Board
Wyoming	Wyoming Department of Education

<sup>1</sup> “All institutions in their purview” means any institution type that is overseen by that agency. For instance, some agencies oversee only for-profits, or only in-state institutions, or only non-degree institutions. For the rest of the document, this is referenced by the acronym “AIITP”.

**Of 70 agencies surveyed in the 50 US States and the District of Columbia, 58 responded to the survey; 17 of those 58 responding agencies indicated that they require institutions to be authorized to operate REGARDLESS OF MEETING A PHYSICAL PRESENCE STANDARD.**

**The remainder of the categories below list the remaining 41 agencies that USE PHYSICAL PRESENCE AS A TRIGGER for authorization requirements.**

**The agencies are GROUPED BY TRIGGER; triggers are listed in descending order of the NUMBER OF AGENCIES using that trigger.**

## **2. INSTRUCTIONAL ACTIVITIES – 41 Agencies**

**All 41 agencies** (*that responded to the survey AND use physical presence as a trigger*), listed below, require AIITP to be authorized by that agency if the institution CONDUCTS INSTRUCTIONAL ACTIVITIES IN THE STATE WHERE STUDENTS MEET FACE TO FACE.

- About 3/4 of these agencies also require authorization for AIITP who are ALLOWING STUDENTS TO CONDUCT INTERNSHIPS OR EXTERNSHIPS IN THE STATE.

STATE	AGENCY TRIGGER: INSTRUCTIONAL ACTIVITIES
Alaska	Alaska Commission on Postsecondary Education
Arizona	Arizona State Board for Private Postsecondary Education
Arkansas	Arkansas State Board of Private and Career Education
Colorado	Colorado Department of Higher Education, Division of Private Occupational Schools
Delaware	Delaware Department of Education
DC	Education Licensure Commission
Florida	Commission for Independent Education
Georgia	Nonpublic Postsecondary Education Commission
Idaho	Idaho State Board of Education
Illinois	Illinois Board of Higher Education
Indiana	Indiana Commission for Higher Education (including Board of Proprietary Education)
Iowa	Iowa College Student Aid Commission
Kansas	Kansas Board of Regents
Kentucky	Kentucky Council on Postsecondary Education
Louisiana	Board of Regents
Maine	Maine Department of Education, Office of Higher Education
Massachusetts	Massachusetts Department of Higher Education
Michigan	Michigan Department of Licensing and Regulatory Affairs
Minnesota	Minnesota Office of Higher Education
Mississippi	Commission on Proprietary School and College Registration
Missouri	Missouri Department of Higher Education
Nebraska	Nebraska's Coordinating Commission for Postsecondary Education

(2. INSTRUCTIONAL ACTIVITIES, continued from previous page)

STATE	AGENCY TRIGGER: INSTRUCTIONAL ACTIVITIES (cont'd)
Nevada	Nevada Commission on Postsecondary Education
New Hampshire	Department of Education, Division of Higher Education, Higher Education Commission
New Mexico	New Mexico Higher Education Department
New York	Bureau of Proprietary School Supervision
North Carolina	The University of North Carolina Board of Governors
North Dakota	The North Dakota Department of Career and Technical Education
Ohio	Ohio Board of Regents
Oklahoma	Oklahoma State Regents for Higher Education
Oregon	Office of Degree Authorization
Oregon	Private and Career Schools Office
Rhode Island	Rhode Island Board of Governors for Higher Education
South Carolina	South Carolina Commission on Higher Education
Tennessee	Tennessee Higher Education Commission
Texas	Texas Workforce Commission
Vermont	Vermont State Board of Education
Washington	Washington Student Achievement Council
Washington	Washington Workforce Training and Education Coordinating Board
West Virginia	West Virginia Council for Community and Technical College Education
West Virginia	West Virginia Higher Education Policy Commission

**3. PROPERTY IN THE STATE – 41 Agencies**

All 41 agencies (that responded to the survey AND use physical presence as a trigger), listed below, require AIITP to be authorized by that agency if the institution MAINTAINS A PHYSICAL LOCATION, FACILITY, OR INSTRUCTIONAL SITE IN THE STATE.

- About 3/4 of these agencies require authorization for AIITP even if their only property in the state is A COMPUTER SERVER OR OTHER EQUIPMENT.

STATE	AGENCY TRIGGER: PROPERTY IN THE STATE
Alaska	Alaska Commission on Postsecondary Education
Arizona	Arizona State Board for Private Postsecondary Education
Arkansas	Arkansas State Board of Private and Career Education
Colorado	Colorado Department of Higher Education, Academic Affairs
Colorado	Colorado Department of Higher Education, Division of Private Occupational Schools
DC	Education Licensure Commission
Delaware	Delaware Department of Education
Florida	Commission for Independent Education
Georgia	Nonpublic Postsecondary Education Commission
Idaho	Idaho State Board of Education

(3. PROPERTY IN THE STATE, continued from previous page)

STATE	AGENCY TRIGGER: PROPERTY IN THE STATE (cont'd)
Illinois	Illinois Board of Higher Education
Indiana	Indiana Commission for Higher Education (including Board of Proprietary Education)
Iowa	Iowa College Student Aid Commission
Kansas	Kansas Board of Regents
Kentucky	Kentucky Council on Postsecondary Education
Louisiana	Board of Regents
Maine	Maine Department of Education, Office of Higher Education
Massachusetts	Massachusetts Department of Higher Education
Michigan	Michigan Department of Licensing and Regulatory Affairs
Minnesota	Minnesota Office of Higher Education
Mississippi	Commission on Proprietary School and College Registration
Missouri	Missouri Department of Higher Education
Nebraska	Nebraska's Coordinating Commission for Postsecondary Education
Nevada	Nevada Commission on Postsecondary Education
New Hampshire	Department of Education, Division of Higher Education, Higher Education Commission
New Mexico	New Mexico Higher Education Department
North Carolina	The University of North Carolina Board of Governors
North Dakota	The North Dakota Department of Career and Technical Education
Ohio	Ohio Board of Regents
Oklahoma	Oklahoma State Regents for Higher Education
Oregon	Office of Degree Authorization
Oregon	Private and Career Schools Office
South Carolina	South Carolina Commission on Higher Education
Tennessee	Tennessee Higher Education Commission
Texas	Texas Workforce Commission
Vermont	Vermont State Board of Education
Virginia	State Council for Higher Education in Virginia
Washington	Washington Student Achievement Council
Washington	Washington Workforce Training and Education Coordinating Board
West Virginia	West Virginia Council for Community and Technical College Education
West Virginia	West Virginia Higher Education Policy Commission

**4. RECRUITING ACTIVITIES – 37 Agencies**

The following 37 agencies (of the 41 that responded to the survey AND use physical presence as a trigger), require AIITP to be authorized by that agency if the institution CONDUCTS ORGANIZED, CONSISTENT, ON THE GROUND RECRUITING OF STUDENTS IN THE STATE.

- About 2/3 of these agencies also require authorization for AIITP who are RECRUITING STUDENTS IN THE STATE ON AN OCCASIONAL BASIS.

STATE	AGENCY TRIGGER: RECRUITING ACTIVITIES
Alaska	Alaska Commission on Postsecondary Education
Arizona	Arizona State Board for Private Postsecondary Education
Arkansas	Arkansas State Board of Private and Career Education
Colorado	Colorado Department of Higher Education, Division of Private Occupational Schools
Delaware	Delaware Department of Education
DC	Education Licensure Commission
Georgia	Nonpublic Postsecondary Education Commission
Idaho	Idaho State Board of Education
Illinois	Illinois Board of Higher Education
Indiana	Indiana Commission for Higher Education (including Board of Proprietary Education)
Iowa	Iowa College Student Aid Commission
Kentucky	Kentucky Council on Postsecondary Education
Louisiana	Board of Regents
Maine	Maine Department of Education, Office of Higher Education
Massachusetts	Massachusetts Department of Higher Education
Michigan	Michigan Department of Licensing and Regulatory Affairs
Mississippi	Commission on Proprietary School and College Registration
Missouri	Missouri Department of Higher Education
Nebraska	Nebraska Department of Education, Private Postsecondary Career Schools
Nebraska	Nebraska's Coordinating Commission for Postsecondary Education
Nevada	Nevada Commission on Postsecondary Education
New Hampshire	Department of Education, Division of Higher Education, Higher Education Commission
New Mexico	New Mexico Higher Education Department
North Carolina	The University of North Carolina Board of Governors
North Dakota	The North Dakota Department of Career and Technical Education
Ohio	Ohio Board of Regents
Ohio	Ohio State Board of Career Colleges and Schools
Oklahoma	Oklahoma State Regents for Higher Education
Oregon	Office of Degree Authorization
Oregon	Private and Career Schools Office
South Carolina	South Carolina Commission on Higher Education
Tennessee	Tennessee Higher Education Commission
Vermont	Vermont State Board of Education
Virginia	State Council for Higher Education in Virginia
Washington	Washington Workforce Training and Education Coordinating Board
West Virginia	West Virginia Council for Community and Technical College Education
West Virginia	West Virginia Higher Education Policy Commission

## 5. THIRD PARTY AGREEMENTS/CONTRACTS – 26 Agencies

The following 26 agencies (of the 41 that responded to the survey AND use physical presence as a trigger) require AIITP to be authorized by that agency if the institution CONTRACTS WITH AN IN-STATE ENTITY TO PROVIDE SERVICES TO STUDENTS.

- About half of these agencies also require authorization for AIITP who REQUIRE STUDENTS TO TAKE A PROCTORED EXAM WITH AN ENTITY IN THE STATE.

STATE	AGENCY TRIGGER: THIRD PARTY AGREEMENTS/CONTRACTS
Alaska	Alaska Commission on Postsecondary Education
Colorado	Colorado Department of Higher Education, Division of Private Occupational Schools
DC	Education Licensure Commission
Delaware	Delaware Department of Education
Florida	Commission for Independent Education
Georgia	Nonpublic Postsecondary Education Commission
Illinois	Illinois Board of Higher Education
Indiana	Indiana Commission for Higher Education (including Board of Proprietary Education)
Iowa	Iowa College Student Aid Commission
Kansas	Kansas Board of Regents
Kentucky	Kentucky Council on Postsecondary Education
Louisiana	Board of Regents
Maine	Maine Department of Education, Office of Higher Education
Michigan	Michigan Department of Licensing and Regulatory Affairs
Minnesota	Minnesota Office of Higher Education
Mississippi	Commission on Proprietary School and College Registration
Missouri	Missouri Department of Higher Education
Nebraska	Nebraska's Coordinating Commission for Postsecondary Education
Nevada	Nevada Commission on Postsecondary Education
North Dakota	The North Dakota Department of Career and Technical Education
Oklahoma	Oklahoma State Regents for Higher Education
Oregon	Office of Degree Authorization
Rhode Island	Rhode Island Board of Governors for Higher Education
Texas	Texas Workforce Commission
West Virginia	West Virginia Council for Community and Technical College Education
West Virginia	West Virginia Higher Education Policy Commission

## 6. ADVERTISING – 24 Agencies

The following 24 agencies (of the 41 that responded to the survey AND use physical presence as a trigger) require AIITP to be authorized by that agency if the institution ADVERTISES IN LOCAL MEDIA SOURCES THAT ARE DIRECTED AT OR LARGELY VIEWED BY RESIDENTS IN THE STATE.

- Only four of these agencies - the **Arizona State Board for Private Postsecondary Education; the Colorado Department of Higher Education, Division of Private Occupational Schools; the DC Education Licensure Commission; and the Kansas Board of Regents** - also require authorization for AIITP who ADVERTISE IN NATIONAL MEDIA SOURCES THAT CAN BE ACCESSED BY RESIDENTS OF THE STATE.

STATE	AGENCY TRIGGER: ADVERTISING
Alaska	Alaska Commission on Postsecondary Education
Arizona	Arizona State Board for Private Postsecondary Education
Arkansas	Arkansas State Board of Private and Career Education
Colorado	Colorado Department of Higher Education, Division of Private Occupational Schools
DC	Education Licensure Commission
Delaware	Delaware Department of Education
Georgia	Nonpublic Postsecondary Education Commission
Idaho	Idaho State Board of Education
Indiana	Indiana Commission for Higher Education (including Board of Proprietary Education)
Kansas	Kansas Board of Regents
Kentucky	Kentucky Council on Postsecondary Education
Massachusetts	Massachusetts Department of Higher Education
Mississippi	Commission on Proprietary School and College Registration
Missouri	Missouri Department of Higher Education
Nebraska	Nebraska's Coordinating Commission for Postsecondary Education
Nevada	Nevada Commission on Postsecondary Education
New Hampshire	Department of Education, Division of Higher Education, Higher Education Commission
North Carolina	The University of North Carolina Board of Governors
Ohio	Ohio State Board of Career Colleges and Schools
Oregon	Private and Career Schools Office
Vermont	Vermont State Board of Education
Washington	Washington Workforce Training and Education Coordinating Board
West Virginia	West Virginia Council for Community and Technical College Education



## 7. EMPLOYING FACULTY IN THE STATE – 17 Agencies

The following 17 agencies (of the 41 that responded to the survey AND use physical presence as a trigger) require AIITP to be authorized by that agency if the institution EMPLOYS FACULTY LIVING IN THE STATE WHO TEACH STUDENTS LIVING IN THE STATE.

- Most of these agencies also require authorization for AIITP who are EMPLOYING MENTORS OR TUTORS IN THE STATE;
- about half also require authorization for AIITP who EMPLOY FACULTY LIVING IN THE STATE WHO TEACH ONLY STUDENTS LIVING OUTSIDE THE STATE.

STATE	AGENCY TRIGGER: EMPLOYING FACULTY IN THE STATE
Alaska	Alaska Commission on Postsecondary Education
Arkansas	Arkansas State Board of Private and Career Education
DC	Education Licensure Commission
Georgia	Nonpublic Postsecondary Education Commission
Iowa	Iowa College Student Aid Commission
Kansas	Kansas Board of Regents
Kentucky	Kentucky Council on Postsecondary Education
Maine	Maine Department of Education, Office of Higher Education
Mississippi	Commission on Proprietary School and College Registration
New Hampshire	Department of Education, Division of Higher Education, Higher Education Commission
North Dakota	The North Dakota Department of Career and Technical Education
Oklahoma	Oklahoma State Regents for Higher Education
Oregon	Office of Degree Authorization
Oregon	Private and Career Schools Office
Rhode Island	Rhode Island Board of Governors for Higher Education
South Carolina	South Carolina Commission on Higher Education
Texas	Texas Workforce Commission