

Hendryx, Jennifer L

From: Maeyaert, Cathie <Cathie.Maeyaert@THECB.state.tx.us>
Sent: Wednesday, April 16, 2014 9:46 AM
To: Hendryx, Jennifer L
Subject: RE: Texas - State Authorization Regulations

Follow Up Flag: Follow up
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Categories: State Authorization

Ms. Hendryx/Dr. Trajkovski:

Please see my answers to your specific questions. Also, I am including a memo that outlines when to apply for state authorization.

1. Your state's authorization requirements for an out-of-state institution delivering online programming to residents in your state, including any definitions of "physical presence";
Please see memo below.
2. Reference to the state laws and regulations governing authorization (copies or URL);
Texas Higher Education Coordinating Board Rule 7.14: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=1&ch=7&rl=14](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=19&pt=1&ch=7&rl=14)
3. Application and materials required to be submitted (copies or URL);
Please see memo below.
4. The timeline and calendar year requirements related to submission authorization;
Applications for a Certificate of Authorization are reviewed and approved in 4-6 weeks if the application is complete. Additional time is necessary if application is missing required documentation or information. If an application is premature, it cannot be processed.
5. The length of time before your agency will act on a completed application;
See above.
6. The process you follow for reviewing the application, including any site visits or external –review processes;
No site visits; only desk reviews.
7. The cost to apply and any ongoing costs to the institution;
There is currently no cost to apply for a Certificate of Authorization. Annual reports are necessary to maintain subsequent Certificates. There is currently no fee for the annual report.
8. Whether any exemptions (religious, military, contractual) are allowable. If so, what are the procedures and costs for requesting such an exemption;
No cost for requesting a religious exemption. See flowchart here:
<http://www.thecb.state.tx.us/apps/AAR/Chapter7/Chapter7Flowchart2014.cfm>
9. Whether any reciprocal arrangements are considered to meet state authorization requirements; and
Texas is part of the Southern Regional Education Board and a part of the SECRRRA agreement which provides reciprocity to institutions in SREB member states. Wisconsin is not a part of SREB. Texas has also not joined a regional State Authorization Reciprocity Agreement (SARA).
10. The period of time covered by the authorization, if granted.

Certificates of Authorization based on physical presence triggered by field-based experiences (clinical/internships/etc) are valid for one year, but can be renewed upon showing continued physical presence. Certificates of Authorization based on a Texas campus or teaching location are valid for the current grant of accreditation by a THECB-recognized accreditor.

Memo:

In order to comply with Texas Higher Education Coordinating Board (THECB) rules regarding distance education programs, your institution should consider two scenarios. These scenarios assume:

- If your institution has physical presence in Texas: Your institution is accredited by an accrediting agency recognized by THECB; or
- If your institution does not have physical presence in Texas: Your institution is accredited by an accrediting agency recognized by the US Department of Education.

I understand your institution is accredited by HLC, which is recognized by THECB/the US Department of Education.

Scenario 1: 100% online or distance education:

If all degree programs or courses leading to degrees offered to Texas students are 100% online or distance education, your institution will not come under the oversight of THECB if it is accredited by an accrediting agency recognized by the US Department of Education. You do not need to apply for authorization. You may visit a helpful flowchart on our website [HERE](#) and print out a statement of exemption based on distance education. This exemption is based on no physical presence in Texas.

Scenario 2: clinicals or internships within Texas:

If one of the degree programs or courses leading to degrees involves a clinical, internship or other field-based learning experience in Texas, the field-based learning experience in Texas will usually trigger physical presence for your institution. [There have been very specific circumstances where a field-based experience did not trigger physical presence. For example, the student was only using a Texas site to conduct research and/or the site personnel gave absolutely no feedback to the institution and had no role in determining the student's grade through evaluations, written reports, time tracking and so forth. Please contact me to discuss the field-based experience if you feel your institution may fall within this narrow exception to physical presence.]

It is usually the case that the field-based learning experience site provides some type of feedback and therefore is considered to be in an agency relationship with the institution for that particular course, triggering physical presence. If so, your institution will need authorization in order to have students complete their field-based learning experiences in Texas. Whether or not the supervisor is a volunteer or receives compensation from the university does not affect the physical presence trigger. Volunteers who receive no compensation may still be providing feedback that affects the student's progress through the course or contributes toward the student's final grade.

Please note: until your institution has students scheduled to participate in a field-based experience, your online programs would not trigger physical presence and THECB would have no basis for issuing a Certificate of Authorization. The application should be completed approximately one to two months prior to the start of the first field-based experience.

Since your institution is accredited by a THECB-recognized accreditor, your institution would need to complete an application for a Certificate of Authorization as soon as you know where your students will complete their field-based learning experiences. Part of the application includes a spreadsheet where you must provide the location, program, number of students involved, and dates of each field-based learning experience in Texas. If approved, your institution will receive approval to conduct clinicals, internships and other field-based learning experiences in Texas for those degrees program or courses leading to degrees which have the field-based learning experience component. The

information regarding the field-based learning experiences must be updated periodically to reflect current field-based learning experiences. Most institutions update on a semester basis, but at least annually.

The application also requires documentation from two other entities: 1) documentation of accreditation and approval for degree programs from your accreditor; and 2) approval to operate in Texas, exemption or exclusion from the Texas Workforce Commission.

The Certificate of Authorization application is found [HERE](#). Please contact me if you have questions about the application.

Cam

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From: Hendryx, Jennifer L [mailto:jlhendryx59@marianuniversity.edu]
Sent: Tuesday, April 08, 2014 1:24 PM
To: Maeyaert, Cathie
Cc: Trajkovski, Goran
Subject: Texas - State Authorization Regulations

Sent on behalf of Dr. Goran Trajkovski:

Dear Cathie Maeyaert,

Marian University in Fond du Lac, Wisconsin currently offers some coursework online and expects to offer a number of academic programs online in the coming year. We anticipate students who reside in your state to enroll in some of these programs.

Would you please verify for us whether Texas regulates online education from out-of-state, private not-for-profit institutions? If so, can you provide direction on what Marian University must do to comply with those regulations? We are specifically interested in determining;

1. Your state's authorization requirements for an out-of-state institution delivering online programming to residents in your state, including any definitions of "physical presence";
2. Reference to the state laws and regulations governing authorization (copies or URL);
3. Application and materials required to be submitted (copies or URL);
4. The timeline and calendar year requirements related to submission authorization;

5. The length of time before your agency will act on a completed application;
6. The process you follow for reviewing the application, including any site visits or external –review processes;
7. The cost to apply and any ongoing costs to the institution;
8. Whether any exemptions (religious, military, contractual) are allowable. If so, what are the procedures and costs for requesting such an exemption;
9. Whether any reciprocal arrangements are considered to meet state authorization requirements; and
10. The period of time covered by the authorization, if granted.

If Texas does not require private not-for-profit institutions in other states to go through an authorization process, we would kindly ask that a waiver be provided in writing for our records.

Please respond in writing or by email to me at the address in my signature below. Thank you for your guidance and direction, we greatly appreciate your assistance. It would help us tremendously to receive your response at your earliest convenience.

If you have any questions about this request, please feel welcome to contact me!

Sincerely,

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