Call for Comments – April 2020

PROPOSED CHANGES

Policy on State/Government Authorization

Key to Changes: Add

An institution is expected to have authorization to award the credentials and provide the education it offers in all of the jurisdictions in which it operates (Std. 4, EE 2). The authorization to operate can vary in different jurisdictions. Some jurisdictions will allow operation without registration due to "religious exemption" while others will expect formal registration and/or approval. As such, an institution must seek approval from the governing agency to operate in each specific jurisdiction where authorization is required before offering programs or credit courses. These expectations are not contingent upon federal regulations concerning state authorization (http://WCET.wiche.edu/focus-areas/policy-and-regulation/state-authorization/history) and, as such, are not influenced by federal law alone or limited to U.S. states or U.S. territories. They also reflect the ethical obligation of an institution of biblical higher education to satisfy legal requirements where applicable.

Each state or country defines operation or presence differently. Authorization may be required when a student lives in a state and is taking either face-to-face or electronically mediated courses (e.g., online or broadcast). Authorization may also be required if the institution advertises in local media; participates in college fairs; employs faculty, facilitators, mentors, marketers, or recruiters living in the jurisdiction; or engages in field-based learning in the jurisdiction. Consequently, the following procedures should be followed to ensure that appropriate authorization is secured.

1. For distance (online), hybrid, or face-to-face courses offered to students living in U.S. states/territories or Canadian provinces other than that of the main campus, the institution must secure written documentation that demonstrates that it has authorization or exemption from registration to offer credit classes or credentials in each U.S. state or territory or Canadian province in which it enrolls students in such courses.
   a. If an institution believes that a statutory rule provides for a "religious" or "other" exemption to operate, it is the responsibility of the institution to provide evidence from that statute or regulatory agency verifying that the
exemption does indeed extend to the institution and all programs offered by the institution in the jurisdiction.

b. Due to the changing nature of state or provincial regulations, the institution should be able to verify that its permission/authorization is current.
c. If an institution does not qualify for a religious exemption, it must demonstrate in writing that it is legally permitted to operate in each state, territory, or province in which it holds credit classes and/or offers credentials.

2. For institutions that maintain a physical campus (i.e., an extension site, an additional location, or a branch campus) outside of the United States or Canada, documenting authorization to operate and deliver programs offered by the institution in that jurisdiction is required. If authorization to operate and deliver programs offered by the institution in that jurisdiction is not available for institutions engaged in religious education, written documentation that the institution holds standing and significant support from the local community, a religious community within the region, or another respected entity in the region is required. If the institution is a Title IV recipient, the institution must still fulfill all Title IV requirements. The institution is required to furnish the COA with contact information for the government or quality assurance entity that authorizes offerings at a given non-U.S. location. The COA will inform this entity of any accreditation decisions relating to the in-country program.

3. An institution which is an active member of the State Authorization Reciprocity Agreement (SARA) will be considered to satisfy state authorization in states currently participating in the reciprocity agreement. It is important to note, however, that institutions are not automatically extended coverage by SARA; consequently, an institution must retain evidence that it has been authorized by SARA. See http://nc-sara.org.

4. The State Higher Education Executive Officers (SHEEO) organization provides a list of regulations required by agencies in each U.S. state which may be helpful to institutions pursuing authorization. It is important to note that some states may have more than one agency from which to seek approval/authorization. See www.sheeo.org.

Adopted: February 2018, Revised: February 2020