

**May, Kathy**

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**From:** Amy Hughes <ahughes@ctdhe.org>  
**Sent:** Friday, September 16, 2011 9:25 AM  
**To:** May, Kathy  
**Subject:** RE: obtain approval to teach distance education courses in the state of Connecticut

Ms. May,

In follow-up to the original letter you were sent regarding our regulations, the information below is the only guidance I am able to provide.

Section 10a-34-24 of the Connecticut Regulations for Licensure and Accreditation of Institutions and Programs of Higher Learning states requirements for out of state institutions:

**Section 10a-34-24. Programs Offered by Out-of-State Institutions.**

(a) Eligibility. Any institution with a physical presence in the state shall be subject to the requirements of the Regulations of Connecticut State Agencies. To be eligible for licensure to operate a program in Connecticut, an institution chartered or incorporated in another state must be fully accredited by a nationally recognized regional accrediting association and legally authorized to operate as an institution of higher learning and confer degrees in its home state.

(b) Licensure requirements. The institution shall be required to demonstrate compliance with all applicable procedures and standards in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies as they apply to the program(s) to be offered in Connecticut. In addition, there shall be qualified on-site administrative staff responsible for the overall administrative operation of all educational activities, to include instruction, counseling, advising, library services and maintenance of academic records.

<http://www.ctdhe.org/Regs/default.htm> (emphasis added)

***Physical presence is not defined beyond what appears in this section.***

If your institution deems that your activities in the State of Connecticut constitute a physical presence in the state, then the institution should submit a full application for licensure. For institutions that do not have a physical presence in the state of Connecticut, the regulations do not apply.

Please note, that according to guidance released by the U.S. Dept. of Education on March 17, 2011 (GEN-11-05), a document verifying no authorization is required by a state is not necessary for institutions to comply with the regulations for state authorization (see #22), and the Office of Financial and Academic Affairs for Higher Education does not issue such letters.

Sincerely,  
Amy Hughes  
Office of Financial and Academic Affairs for Higher Education  
61 Woodland Street  
Hartford, CT 06105  
(860) 947-1822

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**From:** May, Kathy [mailto:KMay@tcsge.edu]  
**Sent:** Friday, September 16, 2011 8:55 AM  
**To:** Amy Hughes; Patricia Santoro  
**Subject:** FW: obtain approval to teach distance education courses in the state of Connecticut  
**Importance:** High

Dear Ms. Amy Hughes or Ms. Patricia Santoro

Thank you for your reply to my first email below. Your response was a letter from Ms. Santoro dated July 6, 2011. I do have one additional question.

Where may I locate your state's definition of physical presence? I have found that this definition varies from state to state and I have searched but have not found Connecticut's definition of physical presence as this will determine if authorization for Georgia's 25 public technical colleges to offer distance education to Connecticut's residents is required. I appreciate your help with locating how physical presence is defined by the state of Connecticut.

### **Section 10a-34-24. Programs Offered by Out-of-State Institutions.**

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(b) Licensure requirements. The institution shall be required to demonstrate compliance with all applicable procedures and standards in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies as they apply to the program(s) to be offered in Connecticut. In addition, there shall be qualified on-site administrative staff responsible for the overall administrative operation of all educational activities, to include instruction, counseling, advising, library services and maintenance of academic records.

*Kathy T. May*

**Coordinator of Academic Services  
Georgia Virtual Technical Connection  
1800 Century Place, NE  
Atlanta, GA 30345  
404.679.1633 (phone)  
404.679.1649 (fax)**

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**From:** May, Kathy  
**Sent:** Tuesday, June 28, 2011 4:18 PM  
**To:** ahughes@ctdhe.org  
**Subject:** obtain approval to teach distance education courses in the state of Connecticut

Dear Ms. Amy Hughes

I am sure you are aware that in October 2010, the U.S. Department of Education released regulations requiring out of state institutions offering distance education to students within another state to determine if authorization is needed by each state in which the institution is offering distance education.

In my role as Academic Affairs Coordinator (Georgia Virtual Technical Connection) for the Technical College System of Georgia, I am asking what the public 25 Technical Colleges within the State of Georgia need to do to obtain approval to teach distance education courses in the state of Connecticut?

As background, the Technical College System of Georgia (TCSG) consists of **25 public technical colleges** offering technical certificates of credit to two year degrees. Each technical college has a president and all technical college presidents' report to the TCSG Commissioner. The Commissioner reports to the Governor of Georgia and to the Technical College System of Georgia State Board. The State Board of the Technical College System of Georgia is responsible for establishing standards, regulations and policies for the operation of the Technical College System of Georgia. The 25 public technical colleges within the Technical College System of Georgia are supported by taxation from local and state funds from the state of Georgia.

All 25 technical colleges within the state of Georgia are accredited by accrediting agencies recognized by the United States Department of Education. The 25 public technical colleges in Georgia are accredited by either one or two or by both of the accrediting bodies listed below:

- 1) the regional accrediting body the **Commission on Colleges of the Southern Association of Colleges and Schools**
- 2) the national accrediting body the **Council on Occupational Education.**

Please provide me with direction as to the steps necessary to obtain the needed authorization from the state of Connecticut or directions on the process to be exempt from authorization as courses/programs are distance education delivery. Please include all associated costs.

I am very interested in the possibility of TCSG obtaining permission from your state on behalf of all of our 25 technical colleges as opposed to each technical college seeking individual approval.

Your help and guidance is most appreciated. I look forward to hearing from you soon.

Sincerely

Kathy T May  
Technical College System of Georgia

*Kathy T. May*

**Coordinator of Academic Services**  
**Georgia Virtual Technical College**  
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State of Connecticut  
Department of Higher Education

July 6, 2011

Ms. Kathy May  
Coordinator of Academic Services  
Technical College System of Georgia  
1800 Century Place, NE  
Atlanta, GA 30345

Dear Ms. May:

In response to your institution's inquiry about offering online programming to residents in the State of Connecticut, the Connecticut Department of Higher Education is providing you with sections 10a-34-23 and 10a-34-24 of the Connecticut Regulations for Licensure and Accreditation of Institutions and Programs of Higher Education. Further information may be found on the following website: <http://www.ctdhe.org/Regs/default.htm>.

**Section 10a-34-23. Off-Campus Instruction, Correspondence Courses, and Use of Electronic Media.**

All credit instruction offered by an accredited institution away from the institution's primary campus or by correspondence, or through the electronic media, or other means of distance education, shall meet the same standards required of instruction offered on campus, including but not limited to the following:

- (a) All credit instruction shall be consistent with the overall purposes and objectives of the offering institution.
- (b) Standards for admission shall be the same as the standards applicable to students enrolled on the primary campus.
- (c) There shall be qualified faculty or staff responsible for the coordination of off-campus instruction.
- (d) The quality of off-campus instruction, including faculty selection and course approval, shall be the responsibility of the same academic unit which administers the program on the primary campus.
- (e) All curricula shall be derived directly from approved programs. Each course shall be consistent in quality, content and standards with resident courses offered on the primary campus.
- (f) Instruction shall be delivered by qualified instructional staff pursuant to Section 10a-34-13 of the Regulations of Connecticut State Agencies.
- (g) All students shall have access to adequate facilities, equipment, library resources, academic advising and other necessary instructional support services, in accordance with the provisions of Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies. An institution providing instruction and programs by means of distance education may demonstrate compliance with the Board's approval standards through means equivalent to those used for resident instruction.

**Section 10a-34-24. Programs Offered by Out-of-State Institutions.**

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- (b) Licensure requirements. The institution shall be required to demonstrate compliance with all applicable procedures and standards in Sections 10a-34-9 through 10a-34-24, inclusive, of the Regulations of Connecticut State Agencies as they apply to the program(s) to be offered in Connecticut. In addition, there shall be qualified on-site administrative staff responsible for the overall administrative operation of all educational activities, to include instruction, counseling, advising, library services and maintenance of academic records.

In addition, according to guidance released by the U.S. Dept. of Education on March 17, 2011 (GEN-11-05), a document verifying no authorization is required by a state is not necessary for institutions to comply with the regulations for state authorization (see #22), and the Connecticut Department of Higher Education (CT DHE) does not issue such letters.

Also please note, on June 7, 2011 Governor Dannel Malloy signed into law Public Act 11-48, which reorganizes a large segment of higher education in the state, including the regulatory process. It is uncertain how transfer of regulatory powers to the a new Office of Fiscal and Academic Affairs for Higher Education with approval by the State Board of Education may affect the regulatory process or the interpretation of “physical presence” going forward.

If you have any questions, please contact the Department of Higher Education at (860) 947-1822.

Sincerely,



Patricia A. Santoro  
Director of Academic Affairs

## May, Kathy

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