

May, Kathy

From: May, Kathy
Sent: Thursday, October 13, 2011 8:51 AM
To: 'Small, Carolyn [ICSAC]'
Subject: RE: Technical College system of Georgia and authorization in Iowa
Attachments: Iowa Physical Presence.xls; CollegesAddresses.xls; StatusSept2011 (2).pdf

Dear Carolyn

Attached is a spreadsheet in which all of our colleges answered questions to determine if any of our 25 public technical colleges in Georgia have a physical presence in Iowa. All of our colleges offer purely online programs to the residents of Iowa and do not have a programmatic or operational physical presence in Iowa (please see attached spreadsheet). Please advise if you will be able to provide me with a written statement on behalf of all of the colleges that essentially states none are required to register at this time as mentioned in your email below.

I have also attached a spreadsheet listing all colleges and addresses (in case you need) as well as a pdf file listing accreditation for all our technical colleges within Georgia.

Thank you so much for your help and guidance.

Kathy T. May

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From: Small, Carolyn [ICSAC] [mailto:Carolyn.Small@iowa.gov]
Sent: Friday, September 30, 2011 2:03 PM
To: May, Kathy
Subject: FW: Technical College system of Georgia and authorization in Iowa

I failed to include the financial responsibility exemption application.

Carolyn

From: Small, Carolyn [ICSAC]
Sent: Thursday, September 29, 2011 3:59 PM
To: 'kmay@tcsge.edu'
Subject: Technical College system of Georgia and authorization in Iowa

Kay, I apologize for the delay in responding to your inquiry about authorization in Iowa for the 25 schools that make up the Technical College System of Georgia.

First, I should clarify that I cannot accept a registration application from all of the schools that comprise any state's college or university system. If any one of the 25 schools in the TCSG must register in Iowa in order to offer distance education programs here (since the paragraph below for a description of our policy in this regard), each must file a registration application separately and will be assessed the \$4000 registration fee (for a 4-year registration term) separately. If, however, after your completing your research concerning their activities, you can provide me with written assurances that none of the schools meet any of the conditions described in the paragraph immediately below, I may be able to provide

you with a written statement on behalf of all of the schools that essentially states none are required to register here at this time.

We established a policy to implement a provision of Iowa Code Section 261.B.3 that requires schools to register (i.e., seek authorization, per the U.S. Department of Education's terminology) to offer courses of instruction in Iowa, including through distance education. This policy requires schools offering distance education courses/programs in Iowa to register with us if some aspect of the school's online programs or its operations relative to those programs occurs at a physical location in Iowa. Programmatic: the school's otherwise distance education course/program has a component that must be fulfilled at a physical location in Iowa (for example, a clinical, practicum, internship, lab, externship). Operational: examples include having representatives in Iowa to promote the school's online programs, housing servers in Iowa that are used to facilitate online delivery methods, (most common) employing Iowa residents as instructors or adjunct faculty in the school's online programs (and who work from the school from their home or other Iowa location), or conducting other administrative activities from a location in Iowa.

Please provide information about the intended program offerings and operational activities in Iowa relative to those distance education programs so that I may determine whether you must register in Iowa. If so, I will provide a registration application and additional instructions at that time.

Here is some general information about registration in Iowa. The registration application evaluation process is a desk audit. Registration applicants must be referred to our board of Commissioners for action within 6 months of receipt of an application. The registration term is 4 years. A fee of \$4000 is assessed at the time a school is approved for registration in Iowa. The \$4000 fee applies to the 4-year registration term. There is no separate application fee. Exemptions from registration in Iowa Code apply almost exclusively to Iowa-based institutions, with the exception of a school that offers nondegree vocational training programs. There are no accreditation exemptions for out-of-state schools. We register out-of-state schools from all sectors; for-profit, non-profit, and public.

There is also a separate provision of Iowa's student consumer protection law (Iowa Code Section 714.18) that requires certain schools to file evidence of financial responsibility with us (i.e., obtain a corporate surety bond) if the school directly advertises in Iowa or offers a single course via distance education. Public institutions are exempt from this requirement. I've attached an application that you should use to request your exemption (file labeled "Postsecondary Registration 714..."), **and only for this purpose (not to apply for registration in Iowa), I will accept single application to claim an exemption from Iowa's financial responsibility requirements on behalf of all of the schools in the TCSG.** To claim the exemption, you will need to complete page 11, the top of page 12 (items #3 and #4), and sign on page 13. On the top of page #12, under item #3, you will want to check box #1 for "colleges or universities authorized by the laws of Iowa or any other state or foreign country to grant degrees." Then **please include as an attachment a copy of the specific language of your state's law that established/created (or otherwise acknowledges) the TCSG schools.** It is not necessary, despite the application instructions, to send it back in both paper and electronic format. Use whatever single format is most convenient for you, including as an electronic attachment to an e-mail.

Please understand that the exemption from the state's financial responsibility requirements does not also exempt any one of the TCSG schools from registration in Iowa to offer distance education programs if any one school meets any of the conditions I outlined in paragraph 3 of this communication. The provisions of law governing registration (i.e., authorization) and financial responsibility are completely independent of each other.

My current, correct mailing address and other contact information is below. I look forward to hearing from you. Please call if you have questions.

J. Carolyn Small
Postsecondary Registration Administrator
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603 E. 12th St. FL 5th
Des Moines, IA 50319
515 725 3413 (voice)
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