

## May, Kathy

---

**From:** Edes, Patricia <Patricia.Edes@doe.nh.gov>  
**Sent:** Friday, October 07, 2011 1:18 PM  
**To:** May, Kathy  
**Subject:** RE: Distance Education Regulations - New Hampshire  
**Attachments:** TO PUBLIC - Adopted Rules 10-29-10.doc

Kathy,

Please note for your files, that the N.H. Postsecondary Education Commission now falls under the N.H. Department of Education as the Division of Higher Education - Higher Education Commission.

Our physical presence definition exempts institutions with absolutely no physical presence in New Hampshire as follows: "If an educational institution/entity establishes any physical location or place of contact in N.H., e.g., a N.H. telephone exchange or P.O. Box mail drop, or if advising/mentoring or instruction in person is taking place inside the boundaries of the State, then that educational entity is subject to Commission jurisdiction."

If your institution only offers online education to New Hampshire residents, but does not otherwise satisfy the physical presence definition, there is no requirement for you to go through an authorization process with our Commission. Internships and/or practicums, however, are not exempt (see attached N.H. Code of Administrative Rules – Pos 1008).

I also encourage you to check with specific professional licensing boards in the State of New Hampshire as some have an educational requirement (typically understood as an academic residency) of students seeking New Hampshire licensure.

If you have any further questions, please contact me.

Have a great weekend! Patti

Patricia M. Edes  
Program Specialist II - Office of the Director  
NH Department of Education  
Division of Higher Education - Higher Education Commission  
101 Pleasant Street  
Concord, NH 03301-3860  
Telephone: (603) 271-0257  
Fax: (603) 271-1953  
E-Mail: [patricia.edes@doe.nh.gov](mailto:patricia.edes@doe.nh.gov)

Statement of Confidentiality: The contents of this message are confidential. Any unauthorized disclosure, reproduction, use or dissemination (either whole or in part) is prohibited. If you are not the intended recipient of this message, please notify the sender immediately and delete the message from your system.

---

**From:** May, Kathy [mailto:KMay@tcsg.edu]  
**Sent:** Monday, October 03, 2011 9:13 AM  
**To:** Edes, Patricia  
**Subject:** Distance Education Regulations - New Hampshire

Dear Ms. Patti Edes

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 New Hampshire?

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.**

Under New Hampshire Code of Administrative Rules, Chapter Pos 1001.01, the Commission has construed its jurisdiction not to extend to "An out-of-state institution with no physical presence in the state of New Hampshire" that is accredited by a regional or national agency recognized by the U.S. Department of Education and/or the Council for Higher Education.

Institutions excluded from commission jurisdiction shall be as follows:

- (1) Offers credit-bearing courses, programs and/or degrees exclusively by online computer delivery in which the server is located outside of this state, including online instructors residing in this state that do not physically meet with students;**
- (2) Sends recruiters to college fairs or advertises in this state;
- (3) Partners with an approved New Hampshire institution to provide credit to New Hampshire college and university students enrolled in study abroad experiences or other special study activities; or
- (4) Contracts with a New Hampshire entity that does not directly develop or deliver instruction.

I am very interested in the possibility of TCSG obtaining exemption from your state on behalf of all of our 25 technical colleges (under exemption 1 bolded below) as opposed to each technical college seeking individual exemption. A list of our Technical Colleges (Excel file) along with each's accrediting agency listed (pdf file) is attached. I am verifying with each technical college that they have no physical presence in the state of New Hampshire.

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

Sincerely

*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)  
<http://www.tcsg.edu>