

May, Kathy

From: May, Kathy
Sent: Thursday, October 20, 2011 1:56 PM
To: 'dehuber@nd.gov'
Subject: FW: Out of state distance education regulations - North Dakota

Dear Ms. Debra Huber

May I complete the CTE Exemption Form linked to the memo as a system or should each of our 25 technical colleges complete the CTE Exemption form or because we are publicly funded/operated institution, we DO NOT NEED to complete the form? Please advise.

Your guidance and support is appreciated.

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)

From: May, Kathy
Sent: Monday, October 17, 2011 2:57 PM
To: 'Huber, Debra J.'
Subject: RE: Out of state distance education regulations - North Dakota

Dear Ms. Debra Huber

May I complete the CTE Exemption Form linked to the memo as a system or should each of our 25 technical colleges complete the CTE Exemption form or because we are publicly funded/operated institution, we DO NOT NEED to complete the form? Please advise.

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From: Huber, Debra J. [mailto:dehuber@nd.gov]
Sent: Monday, October 17, 2011 2:27 PM
To: May, Kathy
Subject: RE: Out of state distance education regulations - North Dakota

Dear Ms. May:

North Dakota exempts publicly funded/operated institutions from oversight. Please refer to the memo, here:
<http://www.nd.gov/cte/private-post-inst/>

From: May, Kathy [mailto:KMay@tcsge.edu]
Sent: Monday, October 17, 2011 12:14 PM
To: Huber, Debra J.
Subject: Out of state distance education regulations - North Dakota

Dear Ms. Debra Huber

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 North Dakota ?

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 North Dakota or directions on the process to be exempt from authorization as courses/programs are distance education delivery. Please include all associated costs.

I am in the process of verifying that none of the 25 public technical colleges within the Technical College System of Georgia have a physical presence in North Dakota. Please point me to the North Dakota Department of Career and Technical Education definition of "physical presence" (I have found this definition varies from state to state.). Does this definition of physical presence include if a student (one student – not a group of students) has an exam proctored in North Dakota and does this definition of physical presence include adjunct instructors residing in North Dakota teaching online courses?

While researching your website, I found the CTE Exemption Form. On the CTE Exemption form criteria below, I am certain all of our 25 technical colleges meet item number 3. As soon as I receive your definition of physical presence, I will be able to determine items 1 and 2. None of our technical colleges advertise in North Dakota to recruit students.

1. the institution does not have a physical presence in the state and the institution is not contracting with others to provide educational services from a physical location within the state,
2. the institution's only physical presence in the state consists of students enrolled in practicums, internships, clinicals or student teaching,
3. the institution is publicly controlled: established, operated and governed by a state, or
4. the institution's interest in the state is for advertising purposes only.

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. Do you think it will be possible for me to complete the CTE Exemption Form for the Technical College System of Georgia as a system? I have attached a listing of our colleges along with accreditation information for each college.

Please see the following links:

[§ 20-4-10. State Board of the Technical College System of Georgia established; members; officers](#)

[§ 20-4-14. Technical College System of Georgia established; powers and duties](#)

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

Kathy T. May

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