

DE Authorization: The Can-Do Approach

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We spent the month of June seeking approval or exemption in all 50 states. While we still have some loose ends to tie up, we believe that our approach was very successful, will save time over the long run, and does not limit us from strategically growing our online programs. Surprisingly, it was not expensive.

Why You Should Seek Approval or Exemption from Every State

Unless you are offering absolutely no fully online courses, and never plan on doing so, then your institution should seek approval or exemption from every state. Otherwise, your institutional registrar or admissions office will have an extremely messy job in identifying and turning away students from selected states. And, you may have some version of a tacky notation on your website or other materials that says that you don't offer programs to students from certain states. . Finally, we believe that this process will get easier for many states in our region, and our understanding of the process by virtue of having been through it will place us in a stronger position for meeting our online learning goals. Although it took us about a month of near-solid work by three time individuals, we believe it would have consumed much more time in the long run to take a piecemeal approach.

So What's the First Step?

One person on campus MUST be in charge of the effort. At UWG, this was the Associate Dean of Extended Degree Programs (me). I set up the original Google doc to keep track of absolutely everything (highly recommended), read the rules for each state, made phone calls to the states when I needed clarification, and composed the emails and letters. You can use my Google Doc as a starting point, and this will already make your job a lot easier (I took notes on the phone calls and posted scanned copies of our letters and responses). I had the assistance of two other individuals for about two full dedicated weeks, plus some additional time over the next weeks. When I reached a full application as requested by some states, I passed these along to those two individuals. The full applications took, on average, one to three days to complete. For some of these applications, we had to gather information from others regarding enrollment, course programs, and faculty credentials (yes, this part was tedious).

Now, Set Up This Very Important Webpage

Some states will ask for information regarding institutional authorization, accreditation and consumer complaints. Often, they ask for a website where this information is located. Although ours was developed in a hurry (we plan to improve it), we managed to get a site up that has just about all of the information. (<http://www.westga.edu/2913.php>) This may require a little collaboration between student services and distance learning, but it's really helpful to do this at the very beginning of the process.

Getting Started on the Exemption/Approval Process

We began by identifying the easiest states, and sent letters and/or emails to them seeking exemption. These states were Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Mississippi, Utah, Wisconsin, and DC. Some of these responses came in immediately, and we got a big psychological boost from coloring several states on our progress map in the first couple of days. Next, we handled those with short forms or that needed specific details provided in our letter, usually having to do with physical presence. Finally, we worked on those that were more complex.

Physical Presence is a Key Component

There are a lot of states in which you can get exemption if you don't have physical presence. In any state in which you have very few or no students, exemption is the best and most cost-effective approach. The problem is that physical presence is defined so differently from state to state. In some states, it is what we would expect – the physical presence of a campus or office in that state (we love those states). But, this is not always the case:

- In some, **an instructor living in that state** and teaching online is physical presence. With the exception of border states (see below), we are going to avoid hiring faculty to teach online who live in these states. These states where we are avoiding having instructors are Kansas, Oklahoma, Iowa, Illinois, Kentucky, West Virginia, Pennsylvania, Rhode Island, and Maryland.
- In some states, **direct marketing** is a trigger. This is really important for your admissions offices as well as your marketing team. You can do all of the national marketing that you wish, but once you advertise in any way that directly targets these students (local advertising – newspapers, billboards) or attend recruitment fairs in that state, then you will have to seek full approval. In our experience, we want to avoid this. It's important to note that this applies to your face-to-face programs – not just online ones! These states are Washington, Oregon, Idaho, Utah, Nevada, Kansas, Indiana, Kentucky, West Virginia, Pennsylvania, and **South Carolina**.
- Another physical presence trigger is having **staff or agents in that state**. This does not apply to most of us. Agents are usually call centers for enrollment, and there are a growing number of companies that offer these services. If you are partnered with such a company that has agents in the following states, then you'll no longer qualify for exemption. This is an important consideration when thinking about such partnerships. These states are Texas, Nevada, Tennessee, South Carolina, North Carolina, West Georgia, Kentucky, Maryland, and Maine.
- **Proctored exams** are truly problematic in only two states, assuming that your students are setting up and paying for their own proctoring services (you don't have your own testing site). These states are Oregon and Ohio. This term, we presently have an Ohio student who has to take two proctored tests. This student has to drive to a nearby state to take the exams. Fortunately, Ohio and Oregon are small states geographically.
- The last trigger is the **practicum experience**, and this one is the trickiest for us. In several states, you have to seek full approval, rather than exemption, if students complete supervised practicums in that state. Practicum experiences are not simple course projects where a student does an informal observation, but are supervised experiences which make up the entirety of

that course. We've decided to approach this regionally, for the time being. Thus, we will not offer online programs that require practicum experiences outside of the southeast. This will limit certain education and nursing programs. This is an area that we will revisit over time.

The Border States

With UWG just a few miles from Alabama, we have no choice but to seek full approval there. There are too many students who commute each day from Alabama, yet may occasionally take an online course – but are not in online programs. This is a state in which we want to offer our practicum-based programs because it is so nearby. We also have faculty who commute from Alabama. Alabama is one of the more difficult states, requiring three separate approvals. We recently learned that Alabama was not going to be part of any SREB/SREC exemption, so we are now working on this one.

We are taking a similar approach to Tennessee, but believe that it will become part of the SREB partnership exemption in the near future. Thus, we are presently “on hold” with Tennessee. For details, refer to my Google spreadsheet (<http://tinyurl.com/deapprovals>). The point is that you really have to take a full approval approach, as needed, in the states that are within a couple of hours of your institution, in my opinion.

More on the Regional Approach

Something that we know through distance learning research is that most of our growth in online students is going to come from students in our region of the country. Students who are in California tend to seek online programs nearby, or at institutions that they have at least heard of. So, while we do have enrollments from many states, we are going to focus our practicum programs regionally for now. There are two caveats to all of this. If your institution is nationally known (UWG and GaTech), then you may need a broader approach. OR – if your institution is offering a very unique, niche program online, then you are more likely to have a national market (but I would avoid practicums in these programs if possible).

How to Identify Numbers of Students

At UWG, we worked with our Banner folks to create a job to identify online students and their state of residence. This is not a pretty or a perfect process. We looked at the present term, and the two preceding terms, and counted every student who had taken a fully online course. Now, what is most important is this – *a student whose residence is Michigan but lives in Carrollton to attend college does NOT count as a Michigan student*. Several states will want to know how many online students you have in their state – and this information is also helpful to you in decision-making.

So, It's Not So Bad, But It Is Never-Ending

If you work on this hard for about a month, you'll be nearly done. But there will be some states in which you don't hear anything at all, and you'll need to follow up. There will also be some states in which the rules change a few months later, and you'll have to keep an eye on this. Finally, your exemptions or approvals from several states will expire after a year or two, and you'll have to do renewals.

How Much Does This Cost?

This was surprising. Because we avoided the physical presence triggers and sought exemption from most states, the costs were minimal. Thus far, we have spent a total of \$450 on application fees in three states: Wyoming, Alaska, and Oregon. We anticipate additional fees from Alabama.