Dear :

As part of its compliance obligations with new Department of Education regulations, The University of Tennessee seeks authorization to offer its distance education programs to students in Hawaii. The University of Tennessee institutions offering distance education include: The University of Tennessee, Knoxville; The University of Tennessee, Martin; the University of Tennessee, Chattanooga; and The University of Tennessee Health Science Center (with locations in Memphis, Knoxville, and Chattanooga).

The University’s efforts to obtain authorization for distance education programs in Hawaii are being coordinated through my office as Vice President for Academic Affairs and Student Success. You may be contacted directly by Ms. Edee Vaughan from my office.

Please advise Ms. Vaughan of any further steps required to obtain authorization to offer distance education to students in Hawaii. She can be reached via email at evaughan@tennessee.edu. We look forward to working with you as we all adjust to these new regulations. Please let us know how we may expedite or simplify the process on our end. Meanwhile, The University of Tennessee considers this letter to constitute a statement of intent to comply with the Department of Education’s authorization requirements.

Thank you, in advance, for your assistance on this important matter.

Sincerely,

Katherine N. High, EdD
Interim Vice President for Academic Affairs and Student Success

c: Dr. Roger Brown
   Dr. Jimmy Cheek
   Dr. Susan Martin
   Mr. Buddy Mitchell
   Ms. Catherine Mizell
   Dr. Jeralddg
   Dr. Philip Oldham
   Dr. Tom Rakes
   Dr. Cheryl Scheid
   Dr. Steve Schwab
Dear Hawaii Post-Secondary Education Commission,

My office represents a number of private for-profit postsecondary schools located outside of Hawaii that offer degree and non-degree programs on ground and similar programs online. The schools are also regionally accredited and Title IV eligible. Back in 2005, we conducted a survey of state statutes and regulations to determine the duties and obligations of our clients as they relate to state authorization. We are currently reevaluating the status of our previous work given the new changes both federally and on a state-by-state level. I imagine you have received a number of inquiries similar to mine…

We have reviewed the relevant Hawaii statutes and regulations but would like your office’s opinion/guidance/response to the following:

It appears that oversight is distributed between the Department of Commerce and Consumer Affairs, the State Post-Secondary Education Commission, and the Department of Education. Who oversees what when it comes to private post-secondary schools? Who oversees degree granting programs and who oversees non-degree granting programs?

In terms of schools operating in Hawaii with a presence in the state, are there any exemptions from oversight for institutions accredited by national or regional accreditors?

Does your office require and/or have criteria for the approval of pure online distance education programs offered by out-of-state institutions that maintain no physical presence in the state?

What constitutes “presence” for purposes of state authorization? Do things like maintaining a computer server in HI, students participating in internships/externships in HI, or online professors/teachers residing in HI make a difference?

Is there a state policy on distance learning?

Are there any registration or licensure requirements for out-of-state institutions seeking to advertise in the state?

Are there any registration or licensure requirements for agents of out-of-state institutions seeking to recruit prospective students from within the state? For example, if I have a client that is located outside of Hawaii that is seeking to send representatives into the state for a short-term multi-institutional college fair. The question is, whether the schools and/or their representatives who are temporarily in the state need to be registered or licensed by your office. The representatives would not be physically located in Hawaii except for a temporary (maybe 2 day) period. During the fair, they would perform the functions of admissions by distributing information about the university and its programs, registering prospects, mapping out classes, accepting applications and application fees, and enrolling students. Would it make a difference if the school were conducting a private open house in Hawaii as opposed to participating in a broader career fair with other schools?
Finally, how can a school go about getting your office’s written opinion on whether it is subject to state authorization in Hawaii? What would it need to submit and to whom?

I eagerly await your response to my queries. I thank you in advance for your time and assistance in this matter.

Regards,
Ashi Mehrotra, Esq.
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Dear Colleagues,

In compliance with regulations issued by the United States Department of Education on October 29, 2010, requiring institutions “offering postsecondary education through distance or correspondence education in a State in which it is not physically located” to meet any state requirement to offer distance or correspondence education in that state, I wish to notify you that the University of Tennessee, Knoxville, seeks to offer distance and/or correspondence programming in your state.

Would you be so kind as to direct me to the proper person so that the University of Tennessee, Knoxville, may begin the process to secure the appropriate approvals to meet your state’s regulations. Please respond all when responding.

Thank you,

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Sally J. McMillan
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