



SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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Alaska Commission on Postsecondary Education

Vertical Tabs

1. Agency and Contact Information

1A1. Agency Name:

Alaska Commission on Postsecondary Education

1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):

The Alaska Commission on Postsecondary Education (ACPE) is an enterprise agency of the State of Alaska, within the Executive branch. ACPE's administrative functions are funded by the Alaska Student Loan Corporation, a public corporation which finances operations with the proceeds from tax-exempt bond sales and from income from related enterprise activities. ACPE is governed by a fourteen-member body established by law, representing higher education stakeholders and the general public.

ACPE has licensure and approval authority for all institutions of postsecondary education including collegiate and vocational-technical, for-profit/proprietary and not-for profit/ institutions.

The University of Alaska System (State University System) reports to a separate governing body, the University of Alaska Board of Regents.

1A3. Agency Contact - Please review and correct as necessary the contact information below:

Kierke A. Kussart

Program Coordinator for Institutional Authorization

Alaska Commission on Postsecondary Education

907-465-6741

Kierke.kussart@alaska.gov ^[1]

1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:

Kierke A. Kussart

Program Coordinator for Institutional Authorization
907-465-6741
EED.ACPE-IA@alaska.gov [2]

Alaska Commission on Postsecondary Education
PO Box 110505
Juneau, AK 99811-0505

Please note that EED.ACPE-IA@alaska.gov [2] is the email address that will always work even if there is staff turnover.

1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:

[Home Page:](#) [3]

[Authorization page:](#) [4]

[Statutes and Regulations page:](#) [5]

1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:

None.

2. Types of Educational Providers Authorized

2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:

Private, in-state, not-for-profit degree granting institutions

Private, in-state, for-profit degree granting institutions

Non-degree, not-for-profit institutions

Non-degree, for-profit institutions

Religious Institutions

2A2. Clarifying comments:

Public, in-state degree granting institutions; the only such institutions are within the University of Alaska System which report to a separate governing body, the University of Alaska Board of Regents

Public, out-of-state degree granting institutions; these institutions would qualify for exempt status

Private, in-state, not-for-profit degree granting institutions

Private, out-of-state, not-for-profit degree granting institutions; these institutions would qualify for exempt status

Private, in-state, for-profit degree granting institutions

Private, out-of-state, for-profit degree granting institutions; these institutions would qualify for exempt status

Public, in-state, non-degree granting institutions

Public, out-of-state, non-degree granting institutions; these institutions would qualify for exempt status

Non degree, not-for profit institutions

Non degree, for-profit institutions

Religious institutions; exempt status could be approved if offering non-degree religious training that is sponsored by and conducted solely for members of a bona fide religious organization

Tribally-controlled institutions; exempt status may be approved if the instruction is limited to learning Native culture and the institution meets related requirements

2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):

No

2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:

No

2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:

Both Institutions and Programs

2E1a. Education:

Yes

2E1b. Name and Contact information, Education:

Cynthia Curran

Education & Early Development TLS-Teaching/Learning Support

(907) 465-2857

cynthia.curran@alaska.gov [6]

2E2a. Nursing:

Yes

2E2b. Name and Contact Information:

Nancy Sanders

Commerce, Community & Economic Development

(907) 269-8161

nancy.sanders@alaska.gov [7]

2E3a. Social Work:

Yes

2E3b. Name and Contact Information:

Eleanor Vinson

Commerce, Community & Economic Development

(907) 465-2551

eleanor.vinson@alaska.gov [8]

2E4a. Counseling Psychology:

Yes

2E4b. Name and Contact Information:

Counseling: Eleanor Vinson

Commerce, Community & Economic Development

(907) 465-2551

eleanor.vinson@alaska.gov [8]

2E5a. Allied Health Professions and Related Programs:

Yes

2E5b. Name and Contact Information:

Nicole Ornelas-Garcia
Commerce, Community & Economic Development
(907) 269-8169
nicole.ornelas-garcia.alaska.gov

2E6a. Others (please list):

Yes

2E6b. Name and Contact Information:

Board of Barbers and Hairdressers
Cynthia Spencer
Commerce, Community & Economic Development
(907) 465-2547
cynthia.spencer@Alaska.gov [9]

3. Exemptions

3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:

Yes

3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:

General statutory exemptions include:

- 1) instruction provided at a level from preschool through grade 12, including preparation for general equivalency diploma examinations
- 2) a program operated by the United States;
- 3) a program that does not offer educational credentials and is provided only to prepare individuals to take graduate examinations; and
- 4) a program that does not offer educational credentials and is only avocational or recreational in nature.

Regulatory exemptions are:

- 1) a program sponsored by and conducted solely for the members of a bona fide trade, business, professional, labor, or fraternal organization that is maintained in good faith for purposes other than operating an educational institution;
- 2) a program that does not offer educational credentials and is provided without charging a fee, other than the actual cost of materials, to its students, or is continuing professional education offered solely as preparation for tests leading to certification in specific disciplines, but not purporting to provide occupational competencies;
- 3) a program or institution that is regulated by another agency or political subdivision of the state that sets and enforces at least equivalent standards for the quality of course contents, facilities, and operation, including retention and management of student records;
- 4) a short course of study that is no more than 80 hours and 10 days in duration, including all required class, laboratory, externship, and independent study hours;

- 5) a nationally or regionally accredited program offered within the state by an out-of-state institution that is authorized to operate by the state in which it is located;
- 6) a program that does not result in the awarding of a degree, and that is sponsored by and conducted solely for the membership of a bona fide religious organization;
- 7) a flight-training course that maintains current certification under 14 C.F.R. Part 141 or Part 142;
- 8) an on-line or distance delivered program that does not have a physical presence within the state.

http://acpe.alaska.gov/EDUCATOR-SCHOOL/Postsecondary_Institutions/Exemption [10]

3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:

Via notification and/or application (no fee) so ACPE can confirm statutory exemption.

Regulatory exemptions must be approved through the exempt application process. To become exempt an institution must submit an application, pay the appropriate fee, and provide documentation relative to qualifying status for exemption. The application fee for exemption is \$100. The institution must reapply biennially; however, there is no biennial renewal fee.

3B. Other Requirements - If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.):

Yes, if exempted under 20 AAC 17.015 (a) (1) or (6) the institution must include a conspicuous statement on marketing, admissions, and enrollment materials setting out verbatim 20 AAC 17.015 (a) (1) or (6), whichever is applicable, stating that the institution is exempt from authorization requirements under AS 14.48 and 20 AAC 17. An institution exempt from authorization requirements under (a) (8) must include a conspicuous statement on all advertising in Alaska media, or specifically targeting Alaska students, indicating that the program is exempt from authorization under AS 14.48 and 20 AAC 17 as online or distance delivered education and that it does not have a physical presence in the state.

3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:

Yes

3C2. If yes, are all religious institutions exempt (please describe):

No, only non-degree religious training that is sponsored by and conducted solely for members of a bona fide religious organization.

3C3. If yes, are religious institutions that award only religious degrees or certificates exempt (please describe):

No, not on the basis of religion but perhaps for another reason (see the 8 reasons above)

3C4. If yes, are certain religious institutions exempt that meet other criteria (please describe):

Yes, they could be exempt due to (5) or (8) on the exemption list.

4. Authorization of Distance Education

4A1. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence:

No

4A2. Clarifying Comments:

But, an exempt status is required. The Exemption Application is a 3-page form and requires a \$100 fee.

4B1. If not, does your agency determine whether an institution must be authorized based on a physical presence (“operating”) standard:

No

4B2. Clarifying comments:

Exemption may still be approved with a physical presence in the state.

5. Physical Presence Policy – Common “Triggers”

5A. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard:

We define physical presence, but it is not the standard by which we decide if a school should be authorized or exempted. Under 20 AAC 17.900(a)(12), Physical Presence means the presence of facility, faculty, or staff within the state. Faculty and staff do not include site supervisors or mentors for local internships or practica, or adjunct personnel.

<http://acpe.alaska.gov/Portals/0/Operations/ExecutiveOffice/ACPEREGS.pdf> [11]

INSTRUCTIONAL ACTIVITIES

5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:

Yes

5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:

No

5B2c. Does this apply only to distance education students or more generally:

More Generally

5B2d. Clarifying Comments:

All students.

5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:

No

5B3d. Clarifying Comments:

All students.

5B3c. Does this apply only to distance education students or more generally:

More Generally

PROPERTY IN THE STATE

5B6a. Housing ONLY computer servers or other equipment at a physical location in the state:

No

RECRUITING ACTIVITIES

5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:

Yes

5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):

Yes

5B8d. Clarifying Comments:

For an employee- no, for an agent- yes. Agents are viewed as individuals contracted and paid in relation to the number of student contacts or enrollments they document, etc. An agent must have a recognized status with the agency.

THIRD PARTY AGREEMENTS/CONTRACTS

5B9a. Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.):

No

5B10a. Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution:

No

5B11a. Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution:

No

ADVERTISING

5B12a. Advertising in local media sources that are largely viewed by residents of the state :

No

5B12b. Clarifying Comments:

However, our regulations do identify specific requirements in 20 AAC 17.070 Advertisement and solicitation.

5B13a. Advertising in national media sources that can be accessed by residents of the state:

No

EMPLOYMENT IN THE STATE

5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:

Yes

5B14c. What about adjunct faculty:

No

5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:

Yes

5B15c. What about adjunct faculty:

No

5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:

No

5B16b. Clarifying Comments:

Faculty and staff do not include site supervisors or mentors for local internships or practica.

OTHER

5C2. Clarifying Comments:

Any negative response if combined with any of the yes responses would then create a yes response to the question.

6. Application Process

6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:

Institutions applying for initial authorization must contact the Alaska Commission on Postsecondary Education (ACPE) and request an Initial Authorization Packet. Requests can be made by e-mail at EED.ACPE-IA@alaska.gov [2] or telephone (907) 465-6741.

The applicable regulations are 20 AAC 17

<http://acpe.alaska.gov/Portals/0/ExecutiveOffice/ACPEREGS.pdf> [12] beginning on page 97

and the applicable statutes are AS 14.48

<http://acpe.alaska.gov/Portals/0/ExecutiveOffice/ACPEStatute.pdf> [13] beginning on page 71

In Alaska in order to operate a postsecondary educational institution, advertise or deliver postsecondary education or recruit postsecondary students in Alaska, an institution or an agent must have a recognized status with the commission; authorized or exempt from authorization.

To become authorized, an institution must:

- i. Submit a detailed application.
- ii. Pay appropriate fees.
- iii. Provide required surety (bond or CD).
- iv. Meet minimum standards regarding quality of education, ethical business practices, and fiscal responsibility as described in law.
- v. Go through a successful on-site facility visit.
- vi. Receive final approval by the Commission.

To be exempt from authorization is a status conferred by applicable statute or regulation, and formally designated by the commission. For institutions that meet one of the 8 criteria listed previously

To become exempt from authorization an institution must:

- i. Submit an application
- ii. Pay appropriate fee-(\$100)
- iii. Document meeting criteria identified in law as qualifying exemption
- iv. Staff confers status

6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:

For Authorization between a minimum of three months to a maximum of one year. For exemption, ten business days or less.

6C. Duration - What is the authorization duration:

Initial Authorization one to two years; Renewal of Authorization may be up to five years. Exemption from Authorization two years.

6D. Maintenance - What does an institution need to do to maintain authorization:

An institution must notify the Commission of institutional changes and renew their authorization to operate by:

- i. Submitting an application
- ii. Pay appropriate fees
- iii. Document required surety (bond or CD)
- iv. Continue to meet standards regarding quality of education, ethical business practices, and fiscal responsibility as described in law
- v. On-Site facility visit may be required
- vi. Receive final approval by the Commission

An exempt institution needs to recertify biennially.

6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:

Student outcomes reporting at renewal as defined in 20 AAC 17.062 (a). Dependent on institution; between one and five years. It is public information.

6F. Loss of Status - Can an institution lose its authorized status? If so, how?:

Yes. 20 AAC 17.125; If the institution violates a provision of AS 14.48 or a regulation adopted by the commission, furnishes false, misleading, or incomplete information to the commission, or fails to furnish information requested by the commission; or violates a commitment made in an application for a request for authorization to operate an institution.

An institution may also lose its status by not timely submitting a renewal or recertification application.

6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:

No, unless applying as a single accredited institution with multiple sites.

6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:

Yes.

6H. Distinctive Features - What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment):

Submission of authorization-related application materials must be received a minimum of 90 days prior to quarterly Commission meetings.

6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:

Yes

6I2. If yes, please provide a brief description of the anticipated change:

Yes, we are in the process of redesigning the application for Initial Authorization and Renewal of Authorization and developing informational materials

6I3. If yes, when does the agency expect the change to be fully implemented:

Hopefully, this quarter (Summer 2013)

7. Fees Associated with Authorization

7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:

Yes; for authorization, \$2,500.00.

http://acpe.alaska.gov/EDUCATOR-SCHOOL/Postsecondary_Institutions/Applic... [14]

7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):

Program Amendment \$100; review status change for authorization including location, mission, educational programs, or delivery methods.

-Additional Site/Change of Site \$500; physical site visit

-Initial Agent Permit \$500; determine eligibility for permit

-Renewal of Agent Permit \$250; determine continuing eligibility for agent permit

-Institution and Agent Bonding Requirements 20 AAC 17.045-17.050

<http://acpe.alaska.gov/Portals/0/ExecutiveOffice/ACPEREGS.pdf> [12] page 103.

-Required Financial Statements; 20 AAC 17.060 (i)-(l)

7C. Renewal Costs - What are the costs, if any, to renew authorization:

\$500-\$2,500; 3% of the average of the total receipts in the most recent authorization period, (minimum \$500-not to exceed \$2,500); renewal one to five years.

7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:

\$100 fee; biennial recertification no fee.

8. Interstate Reciprocity

8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:

No. However, regulations allowing interstate reciprocal agreements have been promulgated and are under review. Currently, regulations allow an accredited institution authorized in its home state to be recognized in an exempt status.

8B. What is the process, if any, to obtain a reciprocal agreement with your state:

ACPE has applied for participation in the State Authorization Reciprocity Agreement (SARA) through WICHE. The Commission has authority to set out regulations to establish a process and standards by which reciprocal agreements could be obtained.

8C. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements:

WICHE - SARA

8D. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate:

9. Consumer Protection and Student Complaints

9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::

Yes

9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:

AS 14.48.130 and 20 AAC 17.130-145

http://acpe.alaska.gov/EDUCATOR-SCHOOL/Postsecondary_Institutions/Consum... [15]

9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):

Yes

9A4. If available, please provide a web link to the complaint form:

[Complainant may request form by emailing](#) [16]

9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:

Kierke A. Kussart
Program Coordinator for Institutional Authorization
907-465-6741
EED.ACPE-IA@alaska.gov [2]
Alaska Commission on Postsecondary Education
PO Box 110505
Juneau, AK 99811-050

9C. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint:

N/A

10. Enforcement

10A. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action:

Letter of warning informing the institution of requirement of law to achieve required status along with request to document compliance. If non-responsive in documenting compliance, then issuance of cease and desist order.

10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:

Yes. A final administrative order issued by the commission is subject to judicial review under AS 44.62 (Administrative Procedure Act).

11. Legislative or Regulatory Changes

11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:

No

11B1. Federal Regulations - Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations:

No

11C2. If yes, please provide a brief description of the anticipated change:

New regulation (20 AAC 17.016) that speaks to state authorization reciprocity agreements.

11C3. If yes, when does the agency expect the change to be fully implemented:

July 2014

11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:

Yes

Source URL: http://sheeo.org/sheeo_surveys/user/16

Links

- [1] <mailto:Kierke.kussart@alaska.gov>
- [2] <mailto:EED.ACPE-IA@alaska.gov>
- [3] <http://acpe.alaska.gov/>
- [4] http://acpe.alaska.gov/ABOUT_US/Programs_Services/Institutional_Authorization
- [5] http://acpe.alaska.gov/ABOUT_US/About_ACPE_AS LC/Statutes_and_Regulations
- [6] <mailto:cynthia.curran@alaska.gov>
- [7] <mailto:nancy.sanders@alaska.gov>
- [8] <mailto:eleanor.vinson@alaska.gov>
- [9] <mailto:cynthia.spencer@Alaska.gov>
- [10] http://acpe.alaska.gov/EDUCATOR-SCHOOL/Postsecondary_Institutions/Exemption
- [11] <http://acpe.alaska.gov/Portals/0/Operations/ExecutiveOffice/ACPEREGS.pdf>
- [12] <http://acpe.alaska.gov/Portals/0/ExecutiveOffice/ACPEREGS.pdf>
- [13] <http://acpe.alaska.gov/Portals/0/ExecutiveOffice/ACPEStatute.pdf>
- [14] http://acpe.alaska.gov/EDUCATOR-SCHOOL/Postsecondary_Institutions/Application_Process
- [15] http://acpe.alaska.gov/EDUCATOR-SCHOOL/Postsecondary_Institutions/Consumer_Protection
- [16] <http://EED.ACPE-IA@alaska.gov>