

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

KATHLEEN SHANAHAN, *Chair*

ROBERTO MARTÍNEZ, *Vice Chair*

Members

SALLY BRADSHAW

GARY CHARTRAND

DR. AKSHAY DESAI

BARBARA S. FEINGOLD

JOHN R. PADGET

Gerard Robinson
Commissioner of Education



January 9, 2012

Ken Udas, Ph.D.
Chief Executive Officer
University of Massachusetts
333 South Street, Suite 400
Shrewsbury, MA 01545

Dear Dr. Udas:

We are in receipt of your correspondence dated March 16, 2011 requesting state approval to offer distance learning courses to students in Florida in order to comply with 34 C.F.R. § 600.9(c). This regulation provides for the following:

If an institution is offering postsecondary education through distance or correspondence education to students in a state in which it is not physically located or in which it is otherwise subject to state jurisdiction as determined by the state, the institution must meet any state requirements for it to be legally offering postsecondary distance or correspondence education in that state. An institution must be able to document to the Secretary the state approval upon request.

The guidance issued by the United States Department of Education with regard to this regulation provides that "if a state does not regulate such activities by out-of-state institutions, the institution is considered to be legally operating in that state."

The Florida Commission for Independent Education does not regulate postsecondary educational institutions that do not have a physical presence in Florida. Consequently, as long as your institution does not establish a physical presence in Florida and continues to offer only distance learning education, such as online and correspondence courses, you are not under the jurisdiction of the Commission.

I trust that this letter will be sufficient to serve as documentation necessary for compliance with the federal regulation found above.

Sincerely,

SAMUEL L. FERGUSON
Executive Director
Commission for Independent Education