



David Myton <dmyton@lssu.edu>

Lake Superior State University - re: licensure requirements [State Authorization Request - KY] [Incident: 140219-000002]

1 message

CPE Custhelp <cpe@custhelp.com>
Reply-To: CPE Custhelp <cpe@mailnj.custhelp.com>
To: provost@lssu.edu
Cc: sarah.levy@ky.gov, dmyton@lssu.edu

Mon, Feb 24, 2014 at 4:22 PM

Recently you requested personal assistance from our on-line support center. Below is a summary of your request and our response.

If this issue is not resolved to your satisfaction, you may reopen it within the next 14 days.

Thank you for allowing us to be of service to you.

[To access your question from our support site, click here.](#)

Subject

Lake Superior State University - re: licensure requirements [State Authorization Request - KY]

Discussion Thread

Response Via Email (Jevonda Keith)

02/24/2014 04:22 PM

Provost Walworth,

Thank you for your letter dated February 20, 2014, which we received via email from Dr. David Myton today, February 24, 2014. Dr. Myton is copied on this message for reference.

Based upon your certification that Lake Superior State University is not engaging in any of the "operating or soliciting" activities listed in the licensing regulation 13 KAR 1:020 Section 1(9)(a)-(e), licensure is not required at this time.

We hope this helps. If we may be of further assistance, please continue to submit inquiries and information through this RightNow account.

Thank you,
Jevonda Keith

Senior Licensing Administrator
Postsecondary Licensing
Council on Postsecondary Education
1024 Capital Center Drive, Suite 320
Frankfort, KY 40601

Tel: [502-573-1555](tel:502-573-1555) x268
Fax: [502-573-1535](tel:502-573-1535)

Jevonda.Keith@ky.gov
www.cpe.ky.gov

-----Original Message-----with attachment "LSSU certifications to KY - Levy.pdf"

From: David Myton [mailto:dmyton@lssu.edu]
Sent: Monday, February 24, 2014 1:01 PM
To: Levy, Sarah (CPE)
Subject: Re: Lake Superior State University - re: licensure requirements [State Authorization Request - KY] [Incident: 140219-000002]

Dr. Levy, thank you for your quick response. I have attached a letter from our provost with the needed certifications -dmm

Response Via Email (Sarah Levy)

02/20/2014 11:46 AM

David,

Thank you for your email. Yes, you are correct. So, if the university will not be engaging in 13 KAR 1:020 Section 1(9)(a)-(e), then please just certify that back to us using that phrasing.

We hope this helps.

Best,

Sarah Levy, J.D.
Director of Postsecondary Licensing
Council on Postsecondary Education
1024 Capital Center Drive, Suite 320
Frankfort, KY 40601

Tel: [502.573.1555](tel:502.573.1555), ext. 350
Fax: [502.573.1535](tel:502.573.1535)

sarah.levy@ky.gov
<http://cpe.ky.gov>

From: David Myton <dmyton@lssu.edu>
Date: February 20, 2014 at 11:36:21 AM EST
To: "Keith, Jevonda (CPE)" <Jevonda.Keith@ky.gov>
Subject: Re: Lake Superior State University - re: licensure requirements [State Authorization Request - KY]

Hi Jevonda, just a question that I'm not clear on before we prepare documentation for Dr. Levy.

Your letter states:

"Licensure is required for an out-of-state institution to operate or solicit in KY and offer online courses and programs to KY students. "Operating or soliciting" is defined in the licensing regulation 13 KAR 1:020 Section 1 (9):"

Does the "and" imply that offering online courses and programs requires licensure only if the criteria for "operating or soliciting" are met? Our intention at this point would be to restrict our activities to not trigger the "operating or soliciting" rules.

Thanks, Dave

Response Via Email (Sarah Levy)

02/20/2014 11:12 AM

Provost Walworth,

A quick additional note, we received notice from the other licensing agency in Kentucky called the Commission on Proprietary Education that you had sent an email to them as well.

For clarification, our agency called the Council on Postsecondary Education is the correct agency for you.

Thank you,

Sarah Lew, J.D.
Director of Postsecondary Licensing
Council on Postsecondary Education
1024 Capital Center Drive, Suite 320
Frankfort, KY 40601

Tel: [502.573.1555](tel:502.573.1555), ext. 350

Fax: [502.573.1535](tel:502.573.1535)

sarah.levy@ky.gov

<http://cpe.ky.gov>

From: McElmurray, Michelle (Education Cabinet) On Behalf Of EDU KY Commission on Proprietary Education
Sent: Thursday, February 20, 2014 9:17 AM
To: Lew, Sarah (CPE)
Subject: FW: State Authorization Request - KY

FYI

From: Provost Email [mailto:provost@lssu.edu]
Sent: Tuesday, February 18, 2014 4:05 PM
To: EDU KY Commission on Proprietary Education
Subject: State Authorization Request - KY

Steve Wilborn
Interim Executive Director
Kentucky Commission - Post Secondary Education

Steve,

Lake Superior State University (LSSU) located in Sault Sainte Marie, Michigan, is seeking to be in compliance with the U.S. Department of Education regulations (34 CFR Parts 600, 602, 603 et. al.) pertaining to Program Integrity issues in October, 2010. These regulations are associated with the Higher Education Opportunity Act of 2008. As part of these regulations, it is required that institutions offering online programs to students who reside in other states seek approval from the state where the student resides if required by that particular state.

Lake Superior State University is a public university accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools. Our accreditation status is published by the HLC on their website: http://ncahlc.org/component/com_directory/Action,ShowBasic/Itemid,/instid,1337/
LSSU offers a limited number of online programs. When present, internship experiences are optional, not required in these programs. There exists the possibility that residents from your state could enroll in one of these online programs. Given the above-referenced regulations concerning postsecondary institutions that participate in federal financial student aid, LSSU is concerned with compliance in all 50 states.

Should a resident of your state enroll in one of our online courses and/or programs, we seek your direction on

what LSSU must do to be in compliance with the regulations specific to your state. LSSU has no physical presence in your state (employees, agents, electronic equipment, real property), and it is an accredited, public institution. Is there a specific approval and/or notification process for institutions in our similar situation? If there is no approval or notification requirement, will you indicate such by reply so that we will have the appropriate documentation in place?

Thank you very much for your guidance on this matter. If you have any questions or need additional information, please feel free to contact me at [906-635-2211](tel:906-635-2211) or via email to provost@lssu.edu.

Thank you.

Morrie Walworth

--

Provost & VPAA
LAKE SUPERIOR STATE UNIVERSITY
Sault Ste. Marie, MI 49783
provost@lssu.edu
(906)635-2211/(906)635-6671 (FAX)

Response Via Email (Jevonda Keith)

02/19/2014 09:46 AM

Provost Walworth,

My name is Jevonda Keith and I am the Senior Licensing Administrator working under the direction of Ms. Sarah Levy, Director of Postsecondary Licensing at the Council on Postsecondary Education.

This message comes to you from our electronic tracking system - RightNow - in which we are setting up accounts for institutions in order to track all correspondence. All messages from the system will appear to come from "CPE Custhelp." You may need to adjust your SPAM filter so that all messages from "CPE Custhelp" are delivered to your inbox in the future.

Thank you for your email dated February 18, 2014. Please find the information below in response.

GENERAL INFORMATION ABOUT LICENSURE:

The application for initial licensure can be found online:

http://apps.cpe.ky.gov/licensure/FORM_OSCO_Application_for_Licensure_as_an_OutOfState_Institution.doc

Please note:

1) Applications are to be submitted in electronic format (CD, FTP site, SharePoint, etc.) rather than on paper to Ms. Levy, whose contact information is provided below.

2) Here is the faculty information spreadsheet to use: http://apps.cpe.ky.gov/licensure/FORM_FAC_Faculty_Information_Form_F.xls

Also, here are links to:

- our licensing regulation <http://www.lrc.ky.gov/kar/013/001/020.htm>, effective December 6, 2013.
- our fee schedule <http://apps.cpe.ky.gov/licensure/feeschedule.pdf>.

Licensure is required for an out-of-state institution to operate or solicit in KY and offer online courses and programs to KY students. "Operating or soliciting" is defined in the licensing regulation 13 KAR 1:020 Section 1 (9):

(9) "Operating or soliciting" means having a physical presence within Kentucky and includes:

(a) An instructional or administrative site within Kentucky whether owned, leased, rented, or provided without

charge;

(b) Instruction whether theory or clinical, originating from or delivered within Kentucky utilizing teachers, trainers, counselors, advisors, sponsors, or mentors;

(c) An agent, recruiter, in-state liaison personnel, institution, or business located in Kentucky that advises, promotes, or solicits for enrollment, credit, or award of an educational or occupational credential;

(d) An articulation agreement with a Kentucky licensed college or state-supported institution; or

(e) Advertising, promotional material, or public solicitation in any form that targets Kentucky residents through distribution or advertising in the state.

In addition, please be advised of the following:

1) Educator preparation programs require the approval of another state agency called the Kentucky Education Professional Standards Board (EPSB), before CPE would license the program. Educator preparation programs offered by your institution would not be accredited in Kentucky by the Education Professional Standards Board. For more information please visit the Education Professional Standards Board's Web site at:

www.epsb.ky.gov/certification/outofstate.asp .

2) A faculty member in Kentucky who is teaching in the institution's online program(s) available to Kentucky students would trigger the requirement for licensure per 13 KAR 1:020 Section 1(9)(b).

3) Students completing an internship, practicum, clinical, or field experience in Kentucky as a requirement of your program(s) is a trigger for licensure per 13 KAR 1:020 Section 1 (9)(b).

WHAT WE NEED FROM YOU:

1. If the institution will not be engaging in any of the "operating or soliciting" activities above (a-e), then please certify that in a letter to Ms. Levy's attention for CPE's review to determine if licensure is required or not. Letters may be scanned and submitted electronically;

OR

2. If the institution does seek to operate or solicit in Kentucky and offer its online course(s) / program(s) to KY students, then please contact Ms. Levy in order to go over some common questions about the application for licensure, before you submit the application.

Ms. Levy's contact information:

Sarah Levy, J.D.
Director of Postsecondary Licensing
Council on Postsecondary Education
1024 Capital Center Drive, Suite 320
Frankfort, KY 40601

Tel: [502.573.1555](tel:502.573.1555), ext. 350

Fax: [502.573.1535](tel:502.573.1535)

We hope this helps. If we may be of further assistance, please submit inquiries and information through this newly created RightNow account. I will send your login credentials in a separate message, which will immediately follow this one.

Thank you,
Jevonda Keith

Senior Licensing Administrator
Postsecondary Licensing

Council on Postsecondary Education
1024 Capital Center Drive, Suite 320
Frankfort, KY 40601

Tel: [502-573-1555](tel:502-573-1555) x268
Fax: 502-573-1535

Jevonda.Keith@ky.gov
www.cpe.ky.gov

-----Original Message-----

From: Provost Email [mailto:provost@lssu.edu]
Sent: Tuesday, February 18, 2014 4:37 PM
To: Levy, Sarah (CPE)
Subject: State Authorization Request - KY

Sarah Levy, J.D.
Senior Associate, Academic Affairs
Kentucky Council on Postsecondary Education

Sarah,

Lake Superior State University (LSSU) located in Sault Sainte Marie, Michigan, is seeking to be in compliance with the U.S. Department of Education regulations (34 CFR Parts 600, 602, 603 et. al.) pertaining to Program Integrity issues in October, 2010. These regulations are associated with the Higher Education Opportunity Act of 2008. As part of these regulations, it is required that institutions offering online programs to students who reside in other states seek approval from the state where the student resides if required by that particular state.

Lake Superior State University is a public university accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools. Our accreditation status is published by the HLC on their website: http://ncahlc.org/component/com_directory/Action,ShowBasic/Itemid,/instid,1337/
LSSU offers a limited number of online programs. When present, internship experiences are optional, not required in these programs. There exists the possibility that residents from your state could enroll in one of these online programs. Given the above-referenced regulations concerning postsecondary institutions that participate in federal financial student aid, LSSU is concerned with compliance in all 50 states.

Should a resident of your state enroll in one of our online courses and/or programs, we seek your direction on what LSSU must do to be in compliance with the regulations specific to your state. LSSU has no physical presence in your state (employees, agents, electronic equipment, real property), and it is an accredited, public institution. Is there a specific approval and/or notification process for institutions in our similar situation? If there is no approval or notification requirement, will you indicate such by reply so that we will have the appropriate documentation in place?

Thank you very much for your guidance on this matter. If you have any questions or need additional information, please feel free to contact me at 906-635-2211 or via email to provost@lssu.edu.

Thank you.

Morrie Walworth

--
Provost & VPAA
LAKE SUPERIOR STATE UNIVERSITY
Sault Ste. Marie, MI 49783
provost@lssu.edu

(906)635-2211/(906)635-6671 (FAX)

Question Reference #140219-000002

Product Level 1: Licensure
Date Created: 02/19/2014 09:46 AM
Last Updated: 02/24/2014 04:22 PM
Status: Solved
First Name: Morrie
Last Name: Walworth
Phone Number:
Contact Type: Licensure Contact
Referral Source:

College/Organization

LSSU

[--001:012023:06640--]