



David Myton &lt;dmyton@lssu.edu&gt;

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**RE: State Authorization Requestion - NJ**

1 message

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**Taylor, Eric** <Eric.Taylor@njhe.state.nj.us>  
To: "provost@lssu.edu" <provost@lssu.edu>

Tue, Feb 18, 2014 at 5:31 PM

Dear Mr. Walworth,

I am responding to your inquiry regarding licensure requirements for distance education in New Jersey.

When an out-of-State institution offers New Jersey residents no other programs except for distance education programs with no physical presence in the State, then licensure is not required. "Physical Presence" is defined in the higher education licensure rules of the New Jersey Administrative Code ('N.J.A.C.') to mean "that an entity offers credit-bearing courses from or conducts some portion of the learning experience at a location established in New Jersey by the entity, whether established directly or under the auspices of another entity or an institution." N.J.A.C. 9A:1-1.2.

If a distance learning program requires a clinical or internship component for a certain degree, such a component will not meet the above-referenced definition of "Physical Presence" so long as the following two criteria are met:

- 1) The student-supervisor relationship is conducted on a one-to-one basis (e.g. no group review sessions or other gatherings); and
- 2) The supervisor is not a permanent employee of the institution.

For your convenience, I have attached a copy of New Jersey's licensure rules to this email. These rules can also be found on our website at: [http://www.state.nj.us/highereducation/More\\_HE\\_Resources/Licensure.htm](http://www.state.nj.us/highereducation/More_HE_Resources/Licensure.htm). Kindly bring any additional questions, comments, or concerns to my attention via email or telephone.

Very truly yours,

Eric Taylor, Esq.

Director, Office of Licensure

Office of the Secretary of Higher Education

(609) 984-3738

[eric.taylor@njhe.state.nj.us](mailto:eric.taylor@njhe.state.nj.us)

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**From:** Provost Email [<mailto:provost@lssu.edu>]

**Sent:** Tuesday, February 18, 2014 3:54 PM

**To:** Johnson, Carol

**Subject:** State Authorization Requestion - NJ

Rochelle Hendricks, Secretary of Higher Education

*Executive Assistant, Carol Johnson*

State of New Jersey Higher Education

Carol,

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/](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](mailto:provost@lssu.edu).

Thank you.

Morrie Walworth

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**LicensureRulesEffectiveJuly\_28\_2008.pdf**

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