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Marshall A. Hill, Ph.D., Executive Director

*Promoting high quality, ready access, and efficient use of resources
in Nebraska higher education.*

April 12, 2013

Matt Huckaby
Arkansas State University
P O Box 2520
State University, AR 72467

Dear Mr. Huckaby:

Current Nebraska state law specifies that no postsecondary institution shall operate in the state by establishing a physical presence until it has received authorization from the Coordinating Commission for Postsecondary Education (Neb. Rev. Stat. §85-2408).

Physical presence is defined as establishing an administrative office or mailing address in the state or offering a course for college credit or a degree program, including:

- establishing a location for synchronous or asynchronous instruction and
- requiring students to meet in one location for instructional purposes more than once during the course.

Physical presence does NOT include:

- a short course or seminar where instruction for the segment takes not more than twenty classroom hours
- course offerings on a military installation solely for military personnel or civilians employed on such installation
- an educational experience arranged for an individual student, such as a clinical placement, practicum, residency, or internship
- courses delivered online or through the U.S. mail which do not require the physical meeting of a student with instructional staff (Neb. Rev. Stat. §85-2403).

Clearly, institutions offering exclusively online courses or programs with no physical presence in Nebraska are not required to seek authorization. However, approval by a professional board may be required for certain program areas. Should an institution delivering instruction completely online decide to offer courses or programs physically in the state, the institution must apply to the Coordinating Commission for authorization.

The Nebraska Department of Education oversees private career schools, generally defined as any organization or business enterprise offering instruction for the purpose of training, preparing, or improving the person for an occupation. Your offerings may fall under their jurisdiction. You can obtain information for the Department's Private Postsecondary Career Schools and Veterans Education unit at (402)-471-4825 or <http://www.education.ne.gov/PPCS/>

Based on existing statutes and the information provided in your correspondence of April 2, 2013, Arkansas State University of State University, Arkansas is not required to seek authorization from the Coordinating Commission for Postsecondary Education to offer in Nebraska the courses or programs described in the referenced correspondence.

Sincerely,

Marshall A. Hill

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