Re: State authorization request - New York

Dear Dr. Hebert,

This email is in response to your inquiry to the Office of College and University Evaluation regarding clarification about the need for McNeese State University to apply for approval to offer its online programs to New York State residents.

If an institution has a "Physical Presence" in New York, then it must apply to the New York State Education Department for permission to operate in New York State. The Physical Presence policy can be found at the following link: http://www.highered.nysed.gov/ocue/ded/policies.html.

In short, you DO NOT need to apply for approval from the NYS Education Department if your institution merely:

- Communicates electronically with students in New York State (e.g., by computer or broadcast) in ways that do NOT involve an instructional site or an organized group activity;
- Advertises in New York State media;
- Recruits students, e.g., at college fairs, job fairs, or trade shows;
- Conducts alumni activities within the State, such as alumni clubs.

You DO need to apply for approval if your institution does any of the following:

- Operates an instructional site (a physical location at which instruction is given by a faculty member to a group of students) in New York State.
- Sponsors organized activities within New York State that are related to the academic program (e.g., advising, mentoring, study groups, examination administration for groups of students).
- Has a representative, whether paid or not, acting on its behalf within New York State to arrange or conduct instructional or academic support activities.
- Places students in clinical internships related to certain licensed professions (e.g., nursing, mental health counseling, respiratory therapy, etc.), the practices of which are typically restricted to licensed persons or students enrolled in educational programs approved or registered by the Department.

In addition, please note the following:

- For information regarding clinical internships in areas that lead to professional licensure in New York State, please contact the Office of Professional Education and Program Review at: opprogs@mail.nysed.gov. You can find a list of the Professions at: http://www.op.nysed.gov/prof.
For information regarding out-of-state college teacher preparation programs and student teaching placements in New York State, please see:

For any further clarification, or to inquire about applying for Permission to Operate in New York State, please contact the Office of College and University Evaluation at: ocueinfo@mail.nysed.gov.

Sincerely,
Ellen Zunon
Associate in Higher Education
Office of College and University Evaluation
New York State Education Department

>>> Dr Dustin M Hebert <dhebert@mcneese.edu> 5/30/2013 3:15 PM >>>
Good afternoon--

McNeese State University is seeking authorization to offer online degree programs in New York. Please review the attached letter requesting this authorization and respond accordingly at your convenience.

Thank you,

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