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REGISTRATION OF PRIVATE INSTITUTIONS 4820.0200

CHAPTER 4820 HIGHER EDUCATION COORDINATING BOARD REGISTRATION OF PRIVATE INSTITUTIONS

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4820.0200 DEFINITIONS.

Subpart 1. **Scope.** The following terms, words, and phrases shall have the meanings hereinafter ascribed to them for the purpose of parts 4820.0200 to 4820.1900.

Subp. 2. **Act.** "Act" means Minnesota Statutes, sections 136A.61 to 136A.71.

Subp. 3. **Approval.** "Approval" means authorization from the board for a school to offer specified degrees or to use the terms "academy," "college," "institute," or "university" in its name or both of the foregoing pursuant to Minnesota Statutes, section 136A.65, and parts 4820.0800 and 4820.0900.

Subp. 4. **Board.** "Board" means the Minnesota Higher Education Coordinating Board.

Subp. 5. **Executive director.** "Executive director" means the executive director of the Minnesota Higher Education Coordinating Board.

Subp. 6. **Degree.** "Degree" means any award given by a school which signifies or is generally taken to signify completion of a program or course and which is designated by the term degree, associate, bachelor, baccalaureate, master, doctor, or education specialist.

Subp. 7. **Records.** "Records" means those school documents and files containing student data relating to academic credits, grades, degrees awarded, and periods of attendance. School transcripts or documents on which are recorded each student's data relating to academic credits earned, courses completed, grades awarded, degrees awarded, and periods of attendance qualify as "records."

Subp. 8. **Registration.** "Registration" means the process by which a school files an application pursuant to Minnesota Statutes, section 136A.63 and part 4820.0600, submits required information pursuant to Minnesota Statutes, section 136A.64 and part 4820.0700, and pays fees pursuant to Minnesota Statutes, section 136A.69 and part 4820.0400.

Subp. 9. **School.** "School" means any individual, partnership, company, firm, society, trust, association, corporation, or any combination thereof operating or doing business in Minnesota that is, owns, or operates a private, nonprofit postsecondary education institution; provides a postsecondary instructional program or course leading to a degree whether or not for profit; is, owns, or operates a private postsecondary education institution that uses the term "academy," "college," "institute," or "university" in its name or advertising; or operates for profit and provides programs or courses that are intended to allow an individual to fulfill in part or totally the requirements necessary to

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maintain a license to practice an occupation. "School" shall also mean any public postsecondary educational institution located outside Minnesota that offers programs or courses within Minnesota.

Subp. 10. **Schools located outside Minnesota that offer programs or courses within Minnesota.** "Schools located outside Minnesota that offer programs or courses within Minnesota" in Minnesota Statutes, section 136A.63 means schools located outside Minnesota that offer any program or educational activity that is available to residents of Minnesota and that does not require them to leave the state for the major portion of such.

Statutory Authority: *MS s 136A.70*

4820.0300 PURPOSE.

The purpose of parts 4820.0200 to 4820.1900 is to provide for the registration of private and non-Minnesota public postsecondary institutions and the approval of degrees to be granted and names to be used under Minnesota Statutes, sections 136A.61 to 136A.71.

Statutory Authority: *MS s 136A.70*

4820.0400 EXECUTIVE DIRECTOR.

The executive director is hereby delegated the authority and responsibility for issuance of public information, designing of application forms, reviewing applications, securing information, making recommendations, setting guidelines and approving uses pursuant to part 4820.0900, item E, the appointment of appropriate advisory committees, the establishment of visitation teams, and prescribing of procedures and setting of fees for this program. The executive director shall at least annually advise and report to the board the status of the program.

Statutory Authority: *MS s 136A.70*

4820.0500 ADVISORY COMMITTEE ON PRIVATE INSTITUTIONS.

The executive director shall appoint an advisory committee on private institutions of at least ten but no more than 20 members. The members of the advisory committee should be qualified to give respected judgments in those areas covered by the act and parts 4820.0200 to 4820.1900. The principal purposes of the advisory committee shall be to assist in maintaining an appropriate and responsible environment in which applications for registration and approval will be fairly and equitably reviewed; to review staff summaries of all applications within established guidelines and criteria; to review reports of site visitations; and to forward recommendations on all active applications to the board.

Statutory Authority: *MS s 136A.70*

4820.0600 ANNUAL REGISTRATION AND LISTING.

All schools located within Minnesota and those schools located outside of Minnesota that offer programs or courses within Minnesota shall annually register with the board. The board shall by annual resolution adopt and publish a list of those schools registered pursuant to Minnesota Statutes, section 136A.63. A school is registered when it has filed an application, submitted required information pursuant to Minnesota Statutes, section 136A.64 and part 4820.0700, and pays fees pursuant to Minnesota Statutes, section 136A.69 and part 4820.0400. A school need not be approved to be registered.

Statutory Authority: *MS s 136A.70*

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4820.0700 REGISTRATION PROCEDURE.

Subpart 1. **Board authority.** Pursuant to Minnesota Statutes, section 136A.64 schools subject to registration shall provide the board with such information as the board needs to determine the nature and activities of the school. The board shall have the authority to verify the accuracy of the information submitted to it by inspection, visitation, or any other means it deems necessary. Any and all information submitted to the board for the purpose of registration shall be public information except those financial records required pursuant to subpart 2, item E or a request under this rule for further financial information, which records the board shall not disclose except for the purposes of defending its decision to approve or not to approve the granting of degrees or the use of a name, or at hearings under Minnesota Statutes, chapter 15 or other legal proceedings.

Subp. 2. **Information and affidavit.** Each applicant for registration shall submit the following accompanied by an affidavit attesting to the accuracy and truthfulness of the same:

A. a copy of the school articles of incorporation, constitution, bylaws, or other operating documents;

B. a duly adopted statement of the school's mission and goals;

C. evidence of any school or program licenses granted by agencies of the state of Minnesota or any other state;

D. a copy of the current school catalog and, if not contained in the catalog, a list of members of the board of trustees or directors, if any; a list of current institutional officers; a list of current faculty, full-time and part-time, with degrees held or applicable experience; a list and description of all school facilities; a list and description of all current course offerings; a list of all requirements for satisfactory completion of courses, programs, and degrees; a statement of the school's policy pertaining to freedom or limitation of expression and inquiry; a current schedule of fees, charges for tuition, required supplies, student activities, housing, and all other standard charges; a statement of the school policy regarding refunds and adjustments; a statement of the school policy relating to granting of credit for prior education, training, and experience; and a statement of the school policies relating to student admission, evaluation, suspension, and dismissal;

E. a copy of the fiscal balance sheet on an accrual basis or of a certified audit of the immediate past fiscal year for the school or, if the school is a public institution outside Minnesota, an income statement for the immediate past fiscal year;

F. one copy of all promotional and recruitment materials and advertisements;

G. a plan for the preservation of student records pursuant to part 4820.1200.

Subp. 3. **Additional information.** If on the basis of the information submitted under subparts 1 and 2 the board is unable to determine the nature and activities of a school, the board will require any additional information needed to make such determination.

Statutory Authority: *MS s 136A.70*

4820.0800 APPROVAL TO GRANT DEGREES.

Subpart 1. **Standards.** Degrees granted by registered schools that meet the requirements of this part, parts 4820.0700 and 4820.1100, and the policies and standards of part 4820.1000 shall be approved by the board if said schools provide:

A. teaching personnel to provide the educational programs for each degree for which approval is sought;

B. educational programs leading to each degree for which approval is sought;

C. appropriate and accessible library, laboratory, and other physical facilities to support the educational program for each degree for which approval is sought; and

D. a rationale showing that degree programs are consistent with the school mission and goals.

Subp. 2. **Denial.** Degrees granted by registered schools that do not meet these requirements shall not be approved by the board unless granted conditional approval under part 4820.1400. No school located in Minnesota, even if otherwise registered pursuant to the act and parts 4820.0200 to 4820.1900, and no school located outside Minnesota that offers programs or courses within Minnesota, even if otherwise registered pursuant to the act, shall grant a degree to students in Minnesota where the student has not left Minnesota for the major portion of the program or course, unless such degree is approved by the board.

Subp. 3. **Schools and degrees.** After reviewing the recommendations of its staff and advisory committee, the board shall by resolution annually adopt and publish a list of schools approved to offer degrees, together with a list of the specified degrees so approved.

Statutory Authority: *MS s 136A.70*

4820.0900 PERMISSIBLE TITLES AND NAMES.

The board shall approve a school using the term "academy," "college," "institute," or "university" in its name provided the school meets the minimum requirements of parts 4820.0200 to 4820.1900. No school subject to registration under part 4820.0600 shall use the terms "academy," "college," "institute," or "university" in its name in maintaining, advertising, promoting, or conducting any program or educational activity in Minnesota without the approval of the board.

The board shall approve any school using these terms in its name if the school meets all the following requirements:

A. Any school using the term "academy" in its name must meet the policies and standards of part 4820.1000 and the minimum requirements of parts 4820.0200 to 4820.1900.

B. Any school using the term "institute" in its name must meet the policies and standards of part 4820.1000 and the minimum requirements of parts 4820.0200 to 4820.1900.

C. Any school using the term "college" in its name must meet the policies and standards of part 4820.1000, must meet the minimum requirements of parts 4820.0200 to 4820.1900, and must offer at least one program leading to an associate degree. If it so chooses, it may use the term "academy" or "institute" in its name.

D. Any school using the term "university" in its name must meet the policies and standards of part 4820.1000, must meet the minimum requirements of parts 4820.0200 to 4820.1900, and must offer at least one program leading to a baccalaureate, master's, or doctorate degree. If it so chooses, it may use the term "academy," "college," or "institute" in its name.

E. A school subject to registration that submits the information required for registration pursuant to part 4820.0700, meets the policies and standards of part 4820.1000, meets the standards for protecting students' records pursuant to part 4820.1100, and that was organized, operating, and using one of the terms "academy," "college," "institute," or "university" in its name on or before August 1, 1975, shall be granted approval to use such term in its name whether or not it offers a program leading to a degree.

Statutory Authority: *MS s 136A.70*

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4820.1000 STANDARDS FOR INCLUSION IN LIST OF REGISTERED SCHOOLS.

Subpart 1. **Publishing list.** After reviewing the recommendations of its staff and advisory committee, the board by resolution shall annually adopt and publish a list of registered schools pursuant to part 4820.0600, of schools approved to offer specified degrees pursuant to part 4820.0800, and of schools approved to use the names "college," "academy," "institute," and "university" in Minnesota pursuant to part 4820.0900.

Subp. 2. **Criteria.** The criteria that will be used to make those determinations with respect to approval specified in subpart 1 are those listed below:

A. has an organizational framework with administrative and teaching personnel to provide the educational programs it purports to offer;

B. has financial resources sufficient to meet the school's financial obligations, including refunding tuition and other charges consistent with its stated policy in the event of dissolution of the institution or in the event of claims for refund against the institution, to provide service to the students as purported, and to provide educational programs leading to degrees as purported;

C. operates in conformity with generally accepted budgeting and accounting procedures (one such set of standards is that adopted by the National Association of College and University Business Officers);

D. provides for an educational program leading to the degree it purports to offer;

E. provides appropriate and accessible library, laboratory, and other physical facilities to support the educational program offered;

F. has a policy on freedom or limitation of expression and inquiry for faculty and students that is published or available on request;

G. provides information to students and prospective students concerning:

(1) comprehensive and accurate policies relating to student admission, evaluation, suspension, and dismissal;

(2) clear and accurate policies relating to granting of credit for prior education, training and experience, and for courses offered by the school;

(3) current schedule of fees, charges for tuition, required supplies, student activities, housing, and all other standard charges;

(4) policy regarding refunds and adjustments for withdrawal or modification of enrollment status; and

(5) procedures and standards used for the selection of recipients as well as the terms of payment and repayment for any financial aid program;

H. uses for promotion and student recruitment only publications and advertisements that are truthful and do not give any false, fraudulent, deceptive, inaccurate, or misleading impression with respect to the school, its personnel, programs, services, or occupational opportunities for its graduates; and

I. has any compensated recruitment agents operating in Minnesota identify themselves as agents of the school when talking to or corresponding with students and prospective students.

Subp. 3. **Failure to meet criteria.** Failure to meet any one of these criteria will not necessarily prevent a school from being given approval. Rather, a judgment will be made on the basis of a pattern that in the whole supports a legitimate educational program, sufficient finances, and sound institutional policies and practices.

Statutory Authority: *MS s 136A.70*

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4820.1100 PERMANENT RECORDS.

Any school located or operating within Minnesota must maintain permanent records for all students enrolled therein at any time. Each school must provide a plan for the preservation of such records that meets the following criteria:

A. There shall be at least one copy of the records held in a secure depository.

B. An appropriate official shall be designated to provide copies of the record or transcript when requested to do so by the student.

C. Provision shall be made for the preservation of student records after the school shall cease to exist. Such provisions shall be consistent with items A and B.

D. In instances where the school does not have a binding agreement for the preservation of student records after the school shall cease to exist, the school shall demonstrate financial security for the preservation of student records after the school shall cease to exist in the form of continuous surety bond or trust arrangement.

Statutory Authority: *MS s 136A.70*

4820.1200 APPEAL HEARING.

If approval for degree or name is not granted by the board, the applying school shall have the opportunity for a hearing pursuant to Minnesota Statutes, chapter 14. If a school wishes a hearing, it has 30 days from the date of notification of the board's decision to present a written request for a hearing.

Statutory Authority: *MS s 136A.70*

4820.1300 REVOCATION, SUSPENSION, OR NONRENEWAL.

The board may, after notice and upon providing an opportunity for a hearing pursuant to Minnesota Statutes, chapter 14 if requested by the parties adversely affected, revoke, suspend, or refuse to renew any approval for any one or any combination of the following grounds:

A. violation of any provisions of the act or of parts 4820.0200 to 4820.1900;

B. furnishing to the executive director false, misleading, or incomplete information;

C. presenting to prospective students information relating to the school which is false, fraudulent, deceptive, inaccurate in a material respect, or misleading; or

D. refusal to allow reasonable inspection or supply reasonable information after written request therefor by the executive director.

Statutory Authority: *MS s 136A.70*

4820.1400 CONDITIONAL APPROVAL.

Notwithstanding anything in parts 4820.0200 to 4820.1900 to the contrary, the board may grant conditional approval of degrees and names for periods of less than one year if to do so would be in the best interests of currently enrolled students or prospective students of registered schools.

Statutory Authority: *MS s 136A.70*

4820.1500 FALSE ADVERTISING OR REPRESENTATIONS.

No school and none of its officials or employees shall advertise or represent in any manner that such school is approved or accredited by the board or state of Minnesota, except that any school that is duly registered with the board or any of its officials or employees may represent that the school is registered with the board with the following language: "..... is registered with the Minnesota

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Higher Education Coordinating Board.”

Statutory Authority: *MS s 136A.70*

4820.1600 FEES NONREFUNDABLE.

All fees collected by the board pursuant to the act and parts 4820.0200 to 4820.1900 are not refundable.

Statutory Authority: *MS s 136A.70*

4820.1700 SCHOOLS SUBJECT TO LICENSING.

Any school subject to the provisions of Minnesota Statutes 1974, chapter 141, or any school required to be licensed by any board authorized under Minnesota law to issue such licenses, must have a currently valid license from the commissioner of education of the state of Minnesota or from any other licensing board to which that school is subject, prior to any approval by the board under the act. The board will accept as final the determinations of the commissioner of education and of any other board as to whether a school is subject to the license requirements of Minnesota Statutes, chapter 141 or any other Minnesota licensing law and whether that school meets the requirements of Minnesota Statutes, chapter 141 and of any other Minnesota licensing law. The board will not conduct separate inquiries into the substantive basis for those determinations.

The requirement of this rule is in addition to and not a substitute for any other requirements or obligations of parts 4820.0200 to 4820.1900.

Statutory Authority: *MS s 136A.70*

4820.1800 RIGHTS, DUTIES, AND OBLIGATIONS NOT IMPAIRED.

Except as expressly stated to the contrary in parts 4820.0200 to 4820.1900, any action taken pursuant to Minnesota Statutes 1974, chapter 141 by the commissioner of education of the state of Minnesota in relation to any school, person, or other entity does not in any manner alter the rights, duties, and obligations of that school, person, or entity under parts 4820.0200 to 4820.1900 or under Minnesota Statutes, sections 136A.61 to 136A.71.

Statutory Authority: *MS s 136A.70*

4820.1900 REGISTRATION OF EXEMPT INSTITUTIONS.

Those schools and educational programs exempted from the act are exempted from these rules. Any school or educational program exempted from the act pursuant to Minnesota Statutes, section 136A.653 may voluntarily waive their exemption and submit to the act by informing the board of its intent and filing the information and registration fee pursuant to parts 4820.0600 and 4820.0700. Upon such filing and registration, any such school or educational program otherwise exempted from the act shall be subject to all applicable requirements of that act and these rules pursuant to Minnesota Statutes, section 136A.653, subdivision 4.

Statutory Authority: *MS s 136A.70*