

## CHAPTER 4840

### MINNESOTA OFFICE OF HIGHER EDUCATION

### HIGHER EDUCATION; NONPUBLIC

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#### 4840.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter the terms defined in this part have the meanings given them.

Subp. 2. **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 terms degree, associate, bachelor, baccalaureate, master, doctor, or education specialist.

Subp. 3. **School.** "School" means:

A. an individual, partnership, company, firm, society, trust, association, corporation, or any combination thereof operating or doing business in Minnesota, unless otherwise exempt pursuant to Minnesota Statutes, sections 136A.653 and 136A.657, which:

(1) is, owns, or operates a private, nonprofit postsecondary education institution;

(2) provides a postsecondary instructional program or course leading to a degree whether or not for profit;

(3) is, owns, or operates a private postsecondary educational institution which uses the term "academy," "college," "institute," or "university" in its name or advertising; or

(4) operates for profit and provides programs or courses which are intended to allow an individual to fulfill in part or totally the requirements necessary to maintain a license to practice an occupation; and

B. except in part 4840.0400, subpart 2, a public or private postsecondary educational institution located outside Minnesota which offers programs, courses, or educational activities to residents of Minnesota and which does not require the student to leave the state for the major portion of the program, course, or activities.

**Statutory Authority:** *MS s 136A.01; 136A.111; 136A.121; 136A.132; 136A.141; 136A.233; 136A.69; 136A.70*

**History:** *8 SR 196; 20 SR 2214*

#### 4840.0200 SCOPE.

This chapter governs a state program for registration of private and non-Minnesota public postsecondary institutions and approval of degrees granted and names used.

**Statutory Authority:** *MS s 136A.111; 136A.121; 136A.132; 136A.141; 136A.233; 136A.70*

**History:** *8 SR 196*

**4840.0300 WHO MUST REGISTER.**

All schools shall register annually with the Minnesota Office of Higher Education. The office shall maintain and publish a list of registered schools.

**Statutory Authority:** *MS s 136A.01; 136A.111; 136A.121; 136A.132; 136A.141; 136A.233; 136A.69; 136A.70*

**History:** *8 SR 196; L 1995 c 212 art 3 s 59; 20 SR 2214; L 2005 c 107 art 2 s 60*

**4840.0400 REQUIREMENTS FOR REGISTRATION.****Subpart 1. Registration fees and related costs.**

- A. Fees are not refundable.
- B. A \$1,100 fee shall accompany each initial registration application.
- C. A \$950 fee shall accompany each annual renewal registration application.
- D. Applications for renewal for any registration received after the deadline date specified in the renewal materials provided by the office are subject to a late fee equal to 20 percent of the annual registration renewal fee.
- E. A school shall reimburse the office for actual costs associated with a site evaluation visit outside Minnesota if the visit is necessary under subpart 3 and Minnesota Statutes, section 136A.64, subdivision 1.

**Subp. 2. Plan to preserve permanent records.** Each school shall maintain permanent records for all students enrolled at any time. Records include school transcripts, documents, and files containing student data relating to academic credits earned, courses completed, grades awarded, degrees awarded, and periods of attendance.

A. To preserve permanent records, a school shall submit and implement a plan which meets all of the following:

- (1) at least one copy of the records held in a secure depository;
- (2) an appropriate official designated to provide a student with official copies of records or official transcripts upon request;
- (3) a method, acceptable to the office, of complying with subitems (1) and (2) for at least 50 years from the day the school ceases to exist; and
- (4) if the school has no binding agreement for preserving and providing official copies of student records under this item, a continuous surety bond in an amount not to exceed \$20,000.

B. When a school decides to cease postsecondary education operations, it must inform the office of the following:

- (1) the planned date for termination of postsecondary education operations;
- (2) the planned date for the transfer of the student records;
- (3) confirmation of the name and address of the organization to receive and hold the student records; and
- (4) the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

**Subp. 3. Information.** Each school shall submit the following information accompanied by an affidavit attesting to its accuracy and truthfulness:

- A. articles of incorporation, constitution, bylaws, or other operating documents;
- B. a duly adopted statement of the school's mission and goals;
- C. evidence of current school or program licenses granted by departments or agencies of any state;
- D. a fiscal balance sheet on an accrual basis, or a certified audit of the immediate past fiscal year or, if the school is a public institution outside Minnesota, an income statement for the immediate past fiscal year;

- E. all current promotional and recruitment materials and advertisements;
- F. the current school catalog and, if not contained in the catalog:
  - (1) the members of the board of trustees or directors, if any;
  - (2) the current institutional officers;
  - (3) current full-time and part-time faculty with degrees held or applicable experience;
  - (4) a description of all school facilities;
  - (5) a description of all current course offerings;
  - (6) all requirements for satisfactory completion of courses, programs, and degrees;
  - (7) the school's policy about freedom or limitation of expression and inquiry;
  - (8) a current schedule of fees, charges for tuition, required supplies, student activities, housing, and all other standard charges;
  - (9) the school's policy about refunds and adjustments;
  - (10) the school's policy about granting credit for prior education, training, and experience; and
  - (11) the school's policies about student admission, evaluation, suspension, and dismissal.

Subp. 4. **Additional information.** If the office is unable to determine the nature and activities of a school on the basis of the information in subpart 3, the office shall notify the school of additional information needed.

Subp. 5. **Verification of information.** The office may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary.

Subp. 6. **Public information.** All information submitted to the office is public information except financial records and information. The office may disclose financial records or information to defend its decision to approve or disapprove granting of degrees or the use of a name or its decisions to revoke such approval at a hearing under Minnesota Statutes, chapter 14, or other legal proceedings.

Subp. 7. **Unauthorized representations.** No school or any of its officials or employees shall advertise or represent in any manner that a school is approved or accredited by the office or the state of Minnesota. A school may represent that it is registered with the office by using the following language: "(Name of school) is registered with the Minnesota Office of Higher Education. Registration means that the school has filed information with the Minnesota Office of Higher Education, including a plan to protect student records. Registration is not an endorsement of the institution. Credits earned at the institution may not transfer to all other institutions. The educational programs may not meet the needs of every student or employer."

**Statutory Authority:** *MS s 14.388; 136A.01; 136A.111; 136A.121; 136A.132; 136A.141; 136A.233; 136A.69; 136A.70*

**History:** *8 SR 196; 14 SR 1968; L 1995 c 212 art 3 s 59; 20 SR 2214; 28 SR 889; L 2005 c 107 art 2 s 60*

#### 4840.0500 APPROVAL OF NAMES AND DEGREES.

Subpart 1. **In general.** A school must be registered if it uses the term "academy," "institute," "college," or "university" in its name or if it grants a degree to a student in Minnesota, where the student has not left Minnesota for the major portion of the program or course leading to the degree. It also must substantially meet the criteria in subpart 2. In addition, it must meet the requirements in subparts 4 and 5, as applicable. The office shall maintain and publish a list of the schools approved to use regulated terms in their names and a list of schools approved to grant degrees with a list of the approved specified degrees.

Subp. 2. **Criteria for approval.** The information submitted for registration is used to determine whether the following criteria are substantially met:

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

B. The school has financial resources sufficient to meet the school's financial obligations including refunding tuition and other charges consistent with its stated policy if the institution is dissolved or if claims for refunds are made, to provide service to the students as purported, and to provide educational programs leading to degrees as purported.

C. The school operates in conformity with generally accepted budgeting and accounting procedures, such as the standards adopted by the National Association of College and University Business Officers, located at 1 Dupont Circle, Washington, D.C., 20036.

D. The school provides an educational program leading to the degree it purports to offer.

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

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

G. The school uses for promotion and student recruitment only publications and advertisements which are truthful and do not give any false, fraudulent, deceptive, inaccurate, or misleading impressions about the school, its personnel, programs, services, or occupational opportunities for its graduates.

H. The school's compensated recruiting agents who are operating in Minnesota identify themselves as agents of the school when talking to or corresponding with students and prospective students.

I. The school 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 credit for prior education, training, and experience and for courses offered by the school;

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

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

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

Subp. 3. [Repealed, 20 SR 2214]

Subp. 4. **Requirements for degree approval.** The following additional requirements must be met by a school for each degree it offers to a student, where the student does not leave Minnesota for the major portion of the program or course leading to the degree:

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

B. appropriate 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's mission and goals.

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Subp. 5. **Requirements for name approval.** A school may use the term "academy" or "institute" in its name without meeting any additional requirements. A school may use the term "college" in its name if it offers at least one program leading to an associate degree. A school may use the term "university" in its name if it offers at least one program leading to a baccalaureate, master's, or doctorate degree.

Subp. 6. **Names used before August 1, 1975.** A school, organized, operating, and using the term "academy," "institute," "college," or "university" in its name on or before August 1, 1975, may continue using such term whether or not it offers a program leading to a degree.

Subp. 7. **Conditional approval.** The office may grant conditional approval for a degree or use of a term in its name for a period of less than one year if doing so would be in the best interests of currently enrolled students or prospective students.

Subp. 8. [Repealed, 20 SR 2214]

**Statutory Authority:** *MS s 136A.01; 136A.111; 136A.16; 136A.234; 136A.69; 136A.70; 147.30*

**History:** *8 SR 196; 10 SR 2319; L 1995 c 212 art 3 s 59; 20 SR 2214*

## 4840.0600 DISAPPROVAL AND APPEAL.

If a school's degree or use of a term in its name is disapproved by the office, the school may request a hearing under Minnesota Statutes, chapter 14. The request must be in writing and made to the office within 30 days of the date the school is notified of the disapproval.

**Statutory Authority:** *MS s 136A.01; 136A.111; 136A.121; 136A.132; 136A.141; 136A.233; 136A.69; 136A.70*

**History:** *8 SR 196; L 1995 c 212 art 3 s 59; 20 SR 2214*

## 4840.0700 WITHDRAWAL OF APPROVAL.

Subpart 1. **Notice and hearing.** The office may refuse to renew, revoke, or suspend approval of a school's degree or use of a regulated term in its name by giving written notice and reasons to the school. The school may request a hearing under Minnesota Statutes, chapter 14. If a hearing is requested, no disapproval shall take effect until after the hearing.

Subp. 2. **Reasons for withdrawal.** Withdrawal of approval may be for one or more of the following reasons:

A. violating the provisions of this chapter or Minnesota Statutes, sections 136A.61 to 136A.71;

B. providing false, misleading, or incomplete information to the office;

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

D. refusing to allow reasonable inspection or to supply reasonable information after a written request by the office has been received.

**Statutory Authority:** *MS s 136A.01; 136A.111; 136A.121; 136A.132; 136A.141; 136A.233; 136A.69; 136A.70*

**History:** *8 SR 196; L 1995 c 212 art 3 s 59; 20 SR 2214*

## 4840.0800 [Repealed, 20 SR 2214]

## 4840.0900 SCHOOLS LICENSED BY AN AGENCY OR DEPARTMENT.

The office shall accept as final and not inquire into the substantive basis for a license granted to a school by any agency or department of the state or any other state.

**Statutory Authority:** *MS s 136A.01; 136A.111; 136A.121; 136A.132; 136A.141; 136A.233; 136A.69; 136A.70*

**History:** *8 SR 196; L 1995 c 212 art 3 s 59; 20 SR 2214*

**4840.1000** [Repealed, 20 SR 2214]

**4840.1100 VOLUNTARY COMPLIANCE.**

A school or educational program which is exempt under Minnesota Statutes, section 136A.653, is exempt from parts 4840.0100 to 4840.0900 but may voluntarily waive its exemption by registering. Upon registration the school or educational program is subject to all applicable requirements of parts 4840.0100 to 4840.0900 and Minnesota Statutes, sections 136A.61 to 136A.71.

**Statutory Authority:** *MS s 136A.01; 136A.111; 136A.121; 136A.132; 136A.141; 136A.233; 136A.69; 136A.70*

**History:** *8 SR 196; 20 SR 2214*