JULY 1, 2011 FEDERAL REGULATIONS
STATE AUTHORIZATION AND STUDENT COMPLAINT PROCESS
34 CFR §§ 600.4(a)(3); 600.5(a)(4); 600.6(a)(3); 600.9 and 668.43(b)

CLARIFICATION REGARDING THE FEDERAL REGULATIONS ON STATE AUTHORIZATION/LICENSING AND STUDENT COMPLAINT PROCESS IN ARIZONA

LICENSING IN ARIZONA:

The Arizona State Board for Private Postsecondary Education ("State Board") is responsible for the licensing and regulation of private postsecondary educational institutions operating in the State of Arizona. The Arizona State Board does **NOT** license or regulate public universities or community colleges. The laws governing the State Board and its licensees are at A.R.S. § 32-3001 et seq. The laws were last revised in 2005.

"Operate" is defined in A.R.S. § 32-3001(5) and "means to establish, keep, maintain or utilize a physical facility, location or mailing address in this state where, from which or through which students are procured for private vocational or private degree programs, private vocational or private degree programs are offered or private vocational credentials or private degrees are offered or granted and includes contracting for the performance of any of these acts."

A private postsecondary educational institution must have a physical presence in the State of Arizona to fall within the jurisdiction of the State Board. A private postsecondary educational institution is determined to be physically located in Arizona and licensure is required if the institution:

1. maintains a telephone number with an Arizona area code.
2. maintains an address with an Arizona zip code.
3. maintains an internet URL which originates in Arizona or utilizes an ISP which is based in Arizona.

At this time, the State Board does not consider the following activities as having a physical presence requiring licensure:

1. Delivering on-line instruction to an Arizona resident.
2. An out-of-state institution offering externships or clinical in Arizona only.
3. An out-of-state institution with an Arizona online instructor or other employee that does not engage in direct activities with students.
4. Conduct recruiting/soliciting activity through the internet or through national media outlets that do not directly target Arizona residents.

To receive verification that licensure is not required: An institution requesting verification that licensure is not required in the State of Arizona must submit the "Letter of Intent" (or similar correspondence providing the same information) and send it to keith.blanchard@azppse.gov. The "Letter of Intent" may be found on the website under forms. Ensure the name and contact information for the individual to whom any return information should be directed is provided.

Upon review, the institution will receive notification that licensure is not required. If licensure is determined to be required, the appropriate application will be forwarded.

STUDENT COMPLAINTS:

The Arizona State Board for Private Postsecondary Education does NOT have jurisdiction to provide a complaint procedure/process for institutions not licensed by the Board.

However, if an Arizona resident is enrolled in an out-of-state distance education program and has a complaint, the student is advised to first contact the institution directly. If the student needs further assistance, the Arizona resident may contact the following agencies for assistance:

A Complaint regarding potential consumer fraud, including deceptive advertising:
Arizona Attorney General
Consumer Information and Complaints
1275 West Washington Street
Phoenix, AZ 85007
Phoenix phone number: 602-542-5763 Tucson phone number: 520-628-6504
Outside Phoenix Metro Area: 800-352-8431 Fax number: 602-542-4579
To file a Complaint online: www.azag.gov/consumer/complaintform.html

A Complaint regarding the educational program, administrative and institutional policies and procedures:
Arizona State Board for Private Postsecondary Education
Attn: Keith Blanchard
1400 W. Washington Street, Room 260
Phoenix, AZ 85007
602-542-5709, option 5