

Title 6. Education

Chapter IV. Division of Higher Education, Department of Education

Subchapter A. Generally

Part 367. Institutional and Program Certification

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"I. Authority

The Arkansas Legislature granted authority to the Arkansas Higher Education Coordinating Board (AHECB) to provide for the orderly development of higher education and to protect Arkansas students from fraudulent or inferior programs. [Arkansas Code Annotated (ACA) §6-61-301, §6-61-302, §6-2-107, §6-61-135, and §6-61-136]"

"Adopted by AHECB-October 26, 2012

Clarifications: October 31, 2014; January 30, 2015

Arkansas Code Annotated §6-61-301, §6-61-302, §6-2-107, §6-61-135, and §6-61-136"

Subpart 1. Generally

6 CAR § 367-101. Purpose.

(a) The Arkansas Higher Education Coordinating Board is authorized to:

(1) Establish the criteria for certification of college-level courses and degree programs offered by nonpublic, not-for-profit, for-profit, and out-of-state institutions of higher education; and

(2) Provide oversight on matters related to the operation of the postsecondary educational institutions in Arkansas.

(b) A nonpublic, not-for-profit, for-profit, or out-of-state postsecondary educational institution offering courses/degree programs customarily offered in colleges and universities to Arkansans must obtain Arkansas Higher Education Coordinating Board

certification prior to offering those courses/degree programs.

(c)(1) Arkansas public colleges and universities are exempt from Arkansas Higher Education Coordinating Board institutional/program certification under this part.

(2) Arkansas private/independent colleges/universities may offer courses and degrees at the program level currently authorized by the State of Arkansas or the Arkansas Higher Education Coordinating Board and currently recognized by the agencies that accredit these institutions without further review by the Arkansas Higher Education Coordinating Board under this part.

(3) The Arkansas Higher Education Coordinating Board acknowledgment of state and institutional participation in the Southern Regional Education Board-State Authorization Reciprocity Agreement (SARA) is noted in 6 CAR § 367-106.

(d)(1) An institution without Arkansas Higher Education Coordinating Board certification offering a college-level course or degree program to students in Arkansas must cease and desist from operating in Arkansas until certified by the Arkansas Higher Education Coordinating Board.

(2) Any institution that fails to obtain required Arkansas Higher Education Coordinating Board certification will be reported to the Consumer Protection Division of the office of the Attorney General.

(3) An individual or institution that operates in Arkansas without Arkansas Higher Educational Coordinating Board certification as required under Arkansas Code § 6-61-301 shall be guilty of a Class B misdemeanor.

(e)(1) To assist the Arkansas Higher Education Coordinating Board with its certification responsibilities, Arkansas Code § 6-61-302 directs Arkansas Higher Education Coordinating Board to appoint an advisory committee known as the Institutional Certification Advisory Committee.

(2) Committee members include:

(A) Six (6) chief administrators or designee of two-year and four-year postsecondary institutions in Arkansas;

(B) A representative of the Division of Career and Technical Education;

and

(C) Two (2) residents of the State of Arkansas who are not officially affiliated with any postsecondary institution.

(3) Committee members serve for a specified time period.

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-102. Institutional/program certification period.

(a) Step 1.

(1) An institution must submit a letter of intent signed by the academic affairs officer of the institution.

(2) By the published timeline, the letter of intent must be submitted to the Division of Higher Education prior to submission of an application for certification.

(b) Certification period.

(1) There is a three-year initial certification period for courses/degree programs, and a three-year certification period for planning and development for the establishment of a new institution or a branch campus location in Arkansas.

(2) Course/degree program recertification is required at the conclusion of the initial certification period and when subsequent periods of certification expire, and will be granted for a three-year period.

(3) The certification period will expire on December 31 of year three.

(c)(1) The three-year certification period will not be extended for institutional planning and development for a new Arkansas college/university or for an existing institution to locate a branch campus in Arkansas.

(2) Therefore, a new institution or branch campus must be ready to apply for initial certification of courses/degree programs by the end of the institutional planning and development period.

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-103. Institutional/program certification process.

(a) **Step 2.**

(1) The institution must submit an application for certification that includes information about the institutional operations and the proposed course/degree program.

(2) Submit the application and documentation in a Word file with a web link to the institution's current catalog to: ICAC@adhe.edu.

(b)(1) An institution requesting the Arkansas Higher Education Coordinating Board certification must provide documentation that the institution is:

(A) Accredited by an accrediting agency recognized by the United States Department of Education or Council on Higher Education Accreditation;

(B) Authorized to operate as a postsecondary institution in its home state; and

(C) Has documentation of home state approval and program accreditation for professional licensure programs.

(2)(A) An institution applying for institutional or program certification for the first time must not advertise or operate in Arkansas until the Arkansas Higher Education Coordinating Board certification is granted.

(B)(i) The term "home state" is defined as the state or country where the college/university has its initial charter or authorization to operate as a state-support, nonprofit, or for-profit postsecondary institution.

(ii) A college/university could have state authorization and institutional accreditation to operate branch college/university campus locations and degree programs outside the home state.

(c) An out-of-state institution must submit an application for Arkansas Higher Education Coordinating Board certification of courses and degree programs such as professional practice programs that are not covered under the participation agreement for SARA or the recognized regional compacts.

(d) **Institutional accreditation.**

(1)(A) Institutions seeking Arkansas Higher Education Coordinating Board certification must hold accreditation from an accrediting agency recognized by the

United States Department of Education or Council on Higher Education Accreditation.

(B) Institutions that present accreditation from entities that are not recognized by the United States Department of Education or Council on Higher Education Accreditation will not be granted certification or an exemption from certification from the Arkansas Higher Education Coordinating Board.

(2)(A) Arkansas Code § 6-61-136 states that an individual shall not establish or operate an accrediting agency in Arkansas without recognition by the United States Department of Education.

(B) An individual claiming to operate an accrediting agency in Arkansas or an entity representing itself as an accrediting agency in Arkansas that is not recognized by the United States Department of Education or Council on Higher Education Accreditation will be reported to the Consumer Protection Division of the office of the Attorney General.

(3) In 2013, Arkansas Code § 6-61-136 was amended to allow unrecognized accrediting agencies to establish and operate in Arkansas for schools that do not receive federal funding and are operated solely to provide programs that prepare students for religious vocations.

(4) An institution that does not offer associate degrees or above must contact the State Board of Private Career Education (www.sbpce.org) about school licensure requirements for offering in-Arkansas only noncredit courses, diplomas, or certificates in vocational/occupational areas.

(5)(A) The State Board of Private Career Education is authorized to license private career schools to issue diplomas and certificates under Arkansas Code §§ 6-51-601 through 6-51-605.

(B) Arkansas public and private/independent colleges and universities are exempt from licensure by the State Board of Private Career Education.

Authority. Arkansas Code § 6-61-301.

Codification Notes. "SARA" means the State Authorization Reciprocity Agreement.

6 CAR § 367-104. Application review process.

(a)(1) Once the requesting institution has submitted an application to the Division of Higher Education, the application will be reviewed by the division.

(2) Should the division determine that the institution has not submitted the required application and documentation, the institution will be contacted and asked to submit the specified information within a defined time period.

(3) The division review of the application will be suspended until all requested institutional information is submitted to the division which could delay the review of the application.

(4) Failure to submit the appropriate completed forms and the related fees by the established deadlines may result in no further consideration of the application for certification by the division or withdrawal of Arkansas Higher Education Coordinating Board certification.

(b) Review team.

(1)(A) If necessary, the division will select an independent review team of faculty and administrators who are knowledgeable of similar courses/degree programs or level of institution included in the certification application.

(B) The team will read/review the application and may visit the institution or proposed institutional location as part of the review process.

(2)(A) If an on-site review is needed, the division will schedule a mutually convenient time for the on-site review of the courses/degree programs or the proposed institutional location by the division and the review team.

(B) Institutional representatives also could be required to meet with the review team at the division unless the division staff determines that the review can be conducted by a telephone conference call.

(3)(A) Division staff will conduct the application/campus reviews with the review team submitting a written team report to the division that will be shared with the institution and the Institutional Certification Advisory Committee.

(B) The institution must submit to the division a written response to the

review team report within a defined time period, no less than twenty (20) days.

(c) Course/degree review.

(1)(A) The course/degree content and minimum credit hours required must be appropriate for the field of study and degree level.

(B) The courses and degree plans must be approved in the institution's home state before board certification is granted.

(2)(A) All undergraduate degrees must include the:

(i) Home state required/approved general education core curriculum that is similar to the Arkansas minimum general education core curriculum; or

(ii) Arkansas minimum general education core curriculum.

(B) The institution must provide written documentation that the course/degree plan has been approved by the institution/trustees and/or the appropriate higher education/postsecondary and professional program agency in the home state.

(3)(A) The board has established assessment and course placement guidelines for student ability to benefit in associate and bachelor's degree programs.

(B) All institutions must provide a plan for assessment and course/degree placement for student success.

(C) For an entity applying for certification to establish or locate an institution in Arkansas, the board or comparable assessment and placement guidelines must be used for student enrollment.

(4) Professional certificates and degree programs for licensure/certification such as law, medicine, respiratory care, cosmetology, nursing, teacher education, psychology, and counseling must meet Arkansas state licensure/certification requirements to be granted board certification.

(5)(A) There must be a sufficient number of faculty with the appropriate academic credentials and experience.

(B) The institution must provide documentation of adequate financial resources and instructional resources related to student academic support and success and for distance technology delivery.

(d) Division of Higher Education executive staff recommendation.

(1) Based on the results of the review, the division may ask the institution and review team for more information regarding the course/degree program or new institution/branch campus application before making a recommendation:

- (A) For program/institutional certification to the board; or
- (B) To deny certification.

(2)(A) An institution may elect to appeal the division executive staff recommendation.

- (B) However, the decision of the board is final.

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-105. Notification and award.

(a) Notification and application submission timelines.

(1)(A) The Arkansas Higher Education Coordinating Board will consider applications for certification at its quarterly meetings.

(B) The letter of intent and applications are due on:

- (i) January 1;
- (ii) April 1;
- (iii) July 1; and
- (iv) October 1.

(C) A completed application, including all required documentation, must be submitted on or before the published deadlines.

(D) Late applications, applications requiring additional review, or other time constraints may cause board action to be delayed until the next review cycle.

(2)(A) Should a certified degree be modified with the changes exceeding eighteen (18) semester credit hours of the total credit hours of the degree program, a letter of notification with a description of the changes must be submitted to the Division of Higher Education for review prior to the change.

(B) Degree changes of eighteen (18) semester credit hours or less must

be submitted with a letter of notification by the application deadlines listed above.

(b) Awarding of academic credential/degree.

(1)(A) Institutions may not award an academic credential/degree to any student unless demonstrated mastery of knowledge and skills has been documented.

(B) A degree may not be granted to any student solely for experiential learning or work experience.

(C) The minimum criteria for college-level courses/degree programs, faculty/administrators, instructional resources, institutional accreditation, and state authorization/agency approvals required for board certification are outlined in the Appendix section of this part.

(D) These criteria must be met for initial and continued institutional and program certification by the board.

(2)(A) Arkansas Code § 6-61-135 defines false academic credential as a document that provides evidence or demonstrates completion of an academic or professional course of study at the postsecondary level that results in the awarding of a certificate, degree, or rank that is issued by an individual or institution that is not certified or exempt from certification under Arkansas Code § 6-61-301.

(B) A person who knowingly uses a false academic credential for the purpose of obtaining employment, a professional license, a job promotion, college admission, or a government position, or introduces oneself to others as having attained an academic title or a level of academic achievement may be convicted of a Class B misdemeanor and fined up to one thousand dollars (\$1,000).

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-106. Institutions exempt from Arkansas Higher Education Coordinating Board certification.

(a)(1) Nonpublic, not-for-profit colleges and universities currently incorporated and recognized by the Arkansas Higher Education Coordinating Board as Arkansas independent institutions of higher education, and operating under the applicable laws of

this state shall not be required to receive certification from the Arkansas Higher Education Coordinating Board unless the institution fails to maintain accreditation from an accrediting agency recognized by the United States Department of Education or Council on Higher Education Accreditation.

(2) These Arkansas colleges and universities also shall not be required to receive licensure from the State Board of Private Career Education.

(b)(1) Arkansas independent colleges and universities must contact the Division of Higher Education prior to any change in the institution's charter or level of degree program.

(2) The Arkansas Higher Education Coordinating Board will consider all requests for changes in the:

- (A) Name of the institution;
- (B) Institutional charter; or
- (C) Level of degree program offered.

(c)(1) A nonpublic, not-for-profit college or university recognized as an Arkansas independent institution of higher education that fails to maintain recognized institutional accreditation must notify the division of its plan to cease operations in an orderly manner.

(2) Before institutional operations can resume:

(A) An application for certification for reinstatement of authority to grant degrees must be submitted to the division; and

(B) The Arkansas Higher Education Coordinating Board must grant certification for institutional planning and development.

(d)(1) Institutions operated solely to provide programs of study in church-related training may be eligible for an exemption from certification.

(2) Programs offered by such institutions would specifically prepare students to assume leadership positions in the church and/or religious organization.

(3) Church-related training must be clearly labeled so that both the recipients of the training and persons evaluating the training are able to identify the nature and purpose of the program.

(c)(1) Because Arkansas Higher Education Coordinating Board certification is required for college-level courses and degrees, each degree title for church-related training must include a religious modifier.

(2) The religious modifier must be placed on the title line of the degree, on the transcript, and whenever the title of the degree appears in:

(A) Official school documents/catalogs; or

(B) Written/electronic publications.

(d)(1) Institutions offering college-level courses and degrees on military installations with a majority of student enrollments being active/retired military personnel or their dependents, institutions offering courses and degrees through the Southern Regional Education Board Electronic Campus or other recognized regional compacts, and institutions offering only nonacademic, credit and noncredit programs for the specific purpose of avocational training and professional development/preparation may be exempt from certification.

(2) The definition of nonacademic, avocational/professional preparation programs is included in the Appendix section of this part.

(e)(1) The Arkansas Higher Education Coordinating Board acknowledges that the division is authorized to participate in all educational program initiatives offered through the Southern Regional Education Board, including the collaborative program with the National Council for the State Authorization Reciprocity Agreement (SARA), and directs the division to meet all Arkansas Higher Education Coordinating Board, Southern Regional Education Board, and SARA requirements for the State of Arkansas to participate in the SARA.

(2) Therefore, the distance technology courses and degrees approved for institutions authorized for participation in SARA are exempt from certification by the Arkansas Higher Education Coordinating Board.

(f)(1) Arkansas public, independent, not-for-profit, and for-profit colleges and universities must meet all Arkansas Higher Education Coordinating Board, Southern Regional Education Board, and SARA requirements regarding program reciprocity to be approved by the Director of the Division of Higher Education or designee for

participation in SARA in collaboration with the Southern Regional Education Board.

(2) Courses and degrees approved for SARA will include distance technology programs only and will not include professional licensure/certification programs.

(3) Arkansas colleges and universities will not be assessed a state fee for participation in SARA.

(4) Institutional participation in SARA is optional.

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-107. Exemption from certification process.

(a)(1) Institutions seeking an exemption from certification must submit an application for exemption from certification and provide required documentation.

(2) An institution applying for exemption from certification for the first time must not advertise or operate in Arkansas until the letter of exemption from certification is issued.

(b)(1) Once the requesting institution has submitted an application to the Division of Higher Education, the application will be reviewed by the Division of Higher Education.

(2) Should the Division of Higher Education determine that the institution has not submitted the required application and documentation, the institution will be contacted and asked to submit the specified information within a defined time period.

(3) Division of Higher Education review of the application will be suspended until all requested institutional information is submitted to the Division of Higher Education which could delay the review of the application.

(4) Failure to submit the appropriate completed forms by the established timelines may result in no further consideration of the application for exemption from certification by the Division of Higher Education and the Arkansas Higher Education Coordinating Board.

(c)(1) If the institution meets exemption criteria, a letter of exemption from certification will be issued for three (3) years.

(2) Upon expiration of the exemption from certification, the institution must submit an application for renewal of the exemption.

(3) Institutions will not be assessed a fee for a letter of exemption from certification.

(d) Institutions that do not meet exemption criteria or offer both nonacademic programs such as church-related training and college-credit courses that lead to a degree that is customarily granted by colleges and universities must obtain institutional and course/degree program certification to continue operating in Arkansas.

(e)(1) The board may withdraw exemption status for proper cause.

(2) Such withdrawal will constitute a denial of exemption and require a:

(A) Subsequent application for certification; or

(B) Referral to the Consumer Protection Division of the office of the Attorney General for the discontinuation of institutional operations in Arkansas.

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-108. Fees.

(a)(1) The Division of Higher Education is entitled to recover administrative fees related to the certification process.

(2) These fees include an application processing fee and travel expenses for the review team.

(3) All fees are nonrefundable.

(b) The processing fee must be submitted with applications for certification of:

(1) Established institutions to offer college-level courses/degree programs; and

(2) A newly established college/university or branch campus location in Arkansas.

(c)(1) A fee will not be assessed for colleges/universities participating in the Southern Regional Education Board reciprocity programs and/or SARA.

(2) Distance technology courses/programs offered by colleges/universities through recognized regional education compacts such as the Southern Regional

Education Board and/or through a reciprocity agreement such as SARA will be exempt from Arkansas Higher Education Coordinating Board certification/authorization and fees.

(3) A fee will not be assessed for colleges/universities or entities offering only church-related training and/or nonacademic courses/programs.

(d)(1) Institutions applying for certification will be responsible for the travel expenses of the review team when a team is assigned to review the certification application.

(2) The review team may make an on-site visit to the institution or institutional representatives may be required to meet with the review team at the division unless the division staff determines that the review can be conducted by telephone conference call or remote/electronic technology.

Authority. Arkansas Code §§ 6-61-213, 6-61-301.

Codification Notes. "SARA" means the State Authorization Reciprocity Agreement.

6 CAR § 367-109. Bonds.

In an effort to protect Arkansas students from financial hardship and loss due to the unexpected closure of an institution certified by the Arkansas Higher Education Coordinating Board, nonpublic, not-for-profit, for-profit, and out-of-state postsecondary institutions certified to offer college-level courses/degree programs in Arkansas will be required to:

- (1) Maintain a surety bond during operations in Arkansas;
- (2) Maintain a minimum federal financial responsibility composite score of 1.5;

or

(3) Provide a letter from an official of the appropriate state government entity acknowledging state authority and funding of the institution.

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-110. Forms.

(a) For the convenience of institutional employees responsible for preparing and submitting information to the Division of Higher Education, new forms will be developed or existing forms will be modified as needed that must be used to provide information for certification activities.

(b) The forms can be found in the Appendix section of this part.

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-111. Implementation of this part under the Arkansas Administrative Procedure Act.

(a)(1) The Division of Higher Education staff will review any proposed amendments to this part with the Institutional Certification Advisory Committee and the institutions certified or exempt from certification under Arkansas Code § 6-61-301 prior to making a recommendation to the Arkansas Higher Education Coordinating Board.

(2) The board and the division will follow the provisions of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(b)(1) The Director of the Division of Higher Education or designee is authorized to develop and modify the committee application forms as needed, and to make administrative and technical changes and corrections/clarifications when necessary to this part.

(2) The division must notify the committee and institutions certified or exempt from certification by the board of any amendments or administrative and technical changes and corrections/clarifications to this part, and of the development and modification of committee application forms at least thirty (30) days prior to the effective date.

(3) The division must consider the committee and institutional comments on proposed amendments, administrative and technical changes and corrections/clarifications and the committee application forms during the thirty-day notification period.

Authority. Arkansas Code § 6-61-301.

6 CAR § 367-112. Questions about this part.

(a) This part has been developed and amended:

(1) To provide a clear, orderly process for the certification of established nonpublic, not-for-profit, for-profit, or out-of-state postsecondary institutions offering college-level courses/degree programs in Arkansas; and

(2) For the:

(A) Creation of new nonpublic institutions in Arkansas; or

(B) Establishment of a branch campus for an existing nonpublic, not-for-profit, for-profit, or out-of-state institution seeking a location in Arkansas.

(b) Submit questions related to the Arkansas Higher Education Coordinating Board certification/SARA process to:

The Institutional Certification and Advisory Committee
Arkansas Department of Higher Education
423 Main Street, Suite 400
Little Rock, AR 72201 (501) 371-2000
ICAC@adhe.edu

Authority. Arkansas Code § 6-61-301.

Codification Notes. "SARA" means the State Authorization Reciprocity Agreement.

6 CAR § 367-113. Institutional Certification Advisory Committee.

(a)(1) The Institutional Certification Advisory Committee will receive an annual report from the Director of the Division of Higher Education or designee on institutional/program certification that includes data on program enrollments and

graduation.

(2) The committee may meet as needed to discuss higher education:

- (A) Policies;
- (B) Legislative issues; and
- (C) Institutional and public concerns.

(3) Based on institutional or public comments on courses/degree programs, committee questions, and/or the Division of Higher Education findings, the division will determine if a committee meeting is necessary prior to the quarterly Arkansas Higher Education Coordinating Board meeting and interested parties will be notified.

(4) If requested by the division, a representative of the institution applying for course/degree program certification must attend the committee meeting, via telephone, at which the application will be considered to respond to questions.

(5) Following this meeting, the division will either:

- (A) Make a recommendation for certification to the Arkansas Higher Education Coordinating Board;
- (B) Ask for more information regarding the course/degree program application; or
- (C) Deny the application for certification.

(b)(1) The institution may elect to appeal the division executive staff recommendation to the Arkansas Higher Education Coordinating Board.

(2) However, the decision of the Arkansas Higher Education Coordinating Board is final.

(c) Student grievance procedure.

(1)(A) All institutions participating in Southern Regional Educational Board activities, SARA activities, and/or obtaining Arkansas Higher Education Coordinating Board certification or exemption from certification must publish, post, and adhere to a procedure for handling a student grievance.

(B) The institutions must furnish an e-mail address or toll-free telephone number for quick access in filing a student grievance.

(2) These institutions also must notify the division of all formal student

grievances upon filing and of the disposition of unresolved formal student grievances within twenty (20) days.

(3) The student grievance procedure with timeline is included in the Appendix section of this part.

(4)(A) Students may contact the division at ADHE_Info@adhe.edu for information on Arkansas colleges and universities or to report a grievance on any college/university offering programs to Arkansans.

(B) Prior to contacting the division about a grievance, the student must complete the formal student grievance/complaint process at the college/university.

Authority. Arkansas Code § 6-61-301.

Codification Notes. "SARA" means the State Authorization Reciprocity Agreement.

6 CAR § 367-114. Arkansas Higher Education Coordinating Board.

(a) The Arkansas Higher Education Coordinating Board meets four (4) times annually and will consider the Division of Higher Education executive staff recommendation for Institutional Certification Advisory Committee certification at each meeting.

(b) Board meeting attendance.

(1) A representative of the institution requesting initial certification is not required to travel to Arkansas to attend the board meeting unless requested by the Division of Higher Education or the board.

(2) The board will act on the Division of Higher Education executive staff's recommendation for institutional and program certification and make the final decision.

(c) Revocation of board certification/exemption from certification.

(1) The board shall, after giving a thirty-day notice in writing to the institutional trustees to show cause why such action should not be taken, revoke any certification or exemption from certification issued by the board whenever the board shall find, after proper investigation, that the institution is conferring degrees/diplomas

without requiring sufficient work or is in violation of any of the provisions of the laws of Arkansas or this part.

(2) Such withdrawal of certification or exemption from certification will be referred to the Consumer Protection Division of the office of the Attorney General for the discontinuation of institutional operations in Arkansas.

(d) **Appeal process.**

(1) Should the institution elect to appeal any decision of the Director of the Division of Higher Education or the board, a letter of appeal must be filed with the Division of Higher Education within thirty (30) days of the decision.

(2) The decision of the board is final.

Authority. Arkansas Code § 6-61-301.

Appendix C. Types of Reviews

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/18/6CARpt.367Appendix.pdf>