

Final Federal Regulations & State Authorization: Ready, Set, Go!
June 11, 2020
Questions and Answers

- 1. If a prospective/currently enrolled student indicates that their current physical location is not in the US (50 States/Territories), what does that mean for direct disclosures?**

The disclosures are for the fifty states and territories; ensure that the student notifies you if they move from outside the US to one of the fifty states and territories.

- 2. How is US Department of Education going to be checking to see if institutions are in compliance?**

Through program review.

- 3. Is it possible to identify the contact information for the agency in California from whom we should request authorization?**

Please look at the available information regarding California authorization in the NC-SARA state authorization Guide, located at: <https://nc-sara.org/guide/state-authorization-guide>

Please note: NC-SARA received several other questions about California approvals – please contact the agency with your specific questions.

- 4. If our program prepares students to sit for a licensure test rather than qualifying to receive a license upon program completion, does that fall under this requirement?**

Yes, check state by state as preparation for a licensure test is usually treated the same for a program leading directly to licensure.

- 5. My university has a Montessori Education MSE program based in Wisconsin, but it wants to offer a non-credit certificate in Utah at a location in Utah that will allow students to obtain the national credential for the Montessori Accreditation Council for Teacher Education. Some of the activities are online but a majority of them will be completed face-to-face in a location we are establishing in Utah. Does our SARA participation cover us for this or do we need to obtain approvals in Utah?**

It depends. While there may be other factors you would need to check with the Utah agency to determine if this activity triggers physical presence.

- 6. For professional licensure disclosures under the federal regulations, institutions only need to discuss whether their program meets the educational requirements and not disclose various states' testing requirements or work experience requirements, correct?**

Correct.

7. What is meant by "prospective" student?

Prospective student means an individual who has contacted an eligible institution requesting information concerning admission to that institution 34 CFR 668.41 (a)

8. Is there a penalty of some kind to an institution that has not made a determinization that its licensure program meets the requirements of other states, as long as it discloses as such?

No, there is no penalty for stating that the institution has not made a determination.

9. So if a program does meet requirements we do not have to disclose this - only does not and not determined?

That is correct.

10. Now that disclosures around licensure are for online and face-to-face students, given potential student mobility, wouldn't institutions be required to provide licensure notification for all 50 states?

Yes.

11. Does the general disclosures requirement apply to Professional Schools, such as Dentistry, Optometry and Medicine?

Yes.

12. Our institution has a counseling program but it is not available online. We are in Missouri. Is it adequate for us to simply address whether the program meets Missouri standards for licensure or must we address any prospective student's home state also?

The institution must ensure where the student is located when taking the program. Sometimes even campus-based programs can impact students in bordering states. For general disclosures an institution may indicate that the program does not meet requirements or does not know if the program meets requirements in all states but their home state.

13. Would ministerial licensure be considered professional licensure? We are a ministerial Bible college. If this doesn't apply to us would we need to make a disclosure?

It depends. If a state requires a license, you would need to disclose.

14. If a state has a licensure requirement that out of state applicants take an additional "state cultural" or "state history" course that is provided in the state, but the program meets all other educational licensure requirements, does this imply that the program does not lead to licensure?

Opinions vary on this. One thought is that you could say "yes" with an explanation that a specific state course must also be taken. Another view point is that any missing component would not meet the requirements. It will be

important for your institution to decide what will best benefit your students as you decide how to handle this issue and to do so consistently.

15. You mentioned these disclosure requirements are not limited to distance education programs. Could you please elaborate?

The new requirements apply to all modalities (face-to-face and distance).

16. If the state does not have any information about the educational requirements of a certain licensure/certificate - what do we need to write on the statement?

After all reasonable efforts, you should state that a determination has not yet been made.

17. Can we generalize information that we directly disclose? In other words, rather than sending state specific information to each student, send each student information about all states? All students (current and prospective) in a licensure program, I mean.

For general disclosures outlining all states and territories is acceptable; direct disclosures, however, must be specific to the state and the student.

18. The Professional Licensure directory on the NC-SARA web site is helpful. Will other programs/careers be added? Medical Lab Science (11 states have specific licensure).

NC-SARA does not have any plans to list all boards, as there are over 1,300. However, starting in 2021 staff will be reviewing data gathered on SARA institutions to determine if, in the future, other boards will be added to the directory. <https://ncsara.org/professional-licensure-directory>

19. Can institutions reference NC-SARA professional licensure directory and fulfill the disclosure requirements?

No. The directory is provided to help institutions have contact information to make it easier to contact the licensing board to determine whether your programs will meet requirements in other states.

The disclosures require an analysis of each state by your institution for each of your applicable programs.

20. Do institutions need to send direct disclosures to students who are located in the same state that the institutions is located?

Direct disclosures are only required if the institution has determined that the program does not meet requirements, or a determination has not yet been made.

21. I have tried over and over (since last summer) to reach out to WI agency for teacher education to see if our program meets state professional licensure requirements. Wisconsin will not get back to me. How do we note this on our site as not being able to confirm? We have had student get licensure in WI but do not have a formal verification from the professional agency.

You may indicate that a determination has not yet been made.

22. Are we required to provide direct disclosure to students in post-licensure programs (e.g., nursing) regarding state-by-state requirements?

Yes, if the program could lead to a new or second license.

23. For clarification, under NC-SARA can a institution simply state it doesn't know if a program leads to licensure as it appears the federal regulation will permit?

SARA requires that you first make all reasonable efforts to make a determination.

24. Please list the difference in general and direct disclosures.

General disclosures will be a "yes," "no," or "we do not know" whether your program curriculum will meet the requirements in each of the 50 states and will be listed on your website. Direct disclosures must be in writing (electronic is fine) directly to the student. Direct disclosures are required when you know your program will not lead to a license in a particular state and when you have not yet made the determination.

25. I was wondering about the requirement to make a good faith effort to determine whether the programs meet the requirements.

The idea behind "effort" is to ensure that institutions have reviewed regulations and reached out to state licensing boards to make the determination. It may not be possible to get a clear answer and that could be a reason for the "we do not know" response.

26. Does a school need to provide disclosure information for industry certifications?

- a. *Does a school need to provide disclosure information for industry certifications, such as a Microsoft MOUS?*
- b. *We have some programs that have skill-based certifications such as Microsoft Office, QuickBooks, WorkKeys, etc. that are built within some of the classes. Would these be included?*

Paul Thompson from Cooley LLP: "We do not believe the federal rule is intended to cover these types of training programs because they are not designed to meet educational requirements for "a specific professional license or certification *required for employment in an occupation*" that is subject to licensure requirements in a State. See 668.43(a)(5)(v). Rather, these types of programs are software-specific or skills-focused training programs designed to give the student experience with a specific software platform and prepare them for a related competency exam. That said, I agree it might be best for schools to consider some type of disclaimer to that effect; these are skills-based programs designed to prepare students for use of the product and/or to pass product-specific competency tests but **are not** designed to lead to licensure in any specific profession or occupation."