



Q&A from Licensure Level-Set: Why Institutional Leaders Should Prioritize this Work

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Q: Do these regulations apply only to for-credit programs?

A: These apply to any program that your students are utilizing Title IV funds for. It does not matter what type of program, if it is something they are accessing Title IV funds to enroll in, then yes, it does apply.

Q: Please share with us an example of a student location policy?

A: Two examples were provided in the presentation and you all will have access to the slide deck afterwards, so you can see the examples in writing. We saw one example where the institution is connecting student location to the permanent address of the student. Practically, that could mean they have those students located all over the country even if most of them are coming to campus for the program, because they are using the permanent address of the student. Another institution is using the temporary mailing address, where that student is going to be “laying their head at night,” where they are going to be located when they are taking classes. So, in that instance, if it is a traditional kind of undergraduate program, most are going to be located on the campus or somewhere nearby. Both are valid policies and both are acceptable under current Title IV federal regulation.

Crafting a student location policy for licensure disclosures is a complicated undertaking. There are many factors that an institution should consider including, but not limited to, students commuting across state lines, number of fully online/distance students, mobility of graduates, and student information system capabilities and limitations. In addition to Title IV regulation, [SARA Policy 5.12](#) should be reviewed to inform a SARA participating institution's student location policy for licensure disclosures.

Keep in mind the spirit of licensure disclosures is to provide students with helpful information that will support their career plans. The student location policy is used to determine which direct disclosures a prospective student/student receives. To best support the student, institutions may want to consider including a link to public disclosure information in all direct disclosures, with a note to encourage students to review licensure information for any state/territory where they may want to work.

Q: How do you know when the state changes its requirements?

A: There are some state board websites where you can sign up to get alerts when there are any changes but there are not many of those. In most cases, you have to go back and look. I think we had another question further along asking whether the checking back does not take just as much time. Yes, it really does and there is expertise in that as well. You have to look at the posted date of when the license requirement changed – so it even takes more time in some ways – to look to see when that section has been updated. Sometimes on the Board website, they will have specific information about updates coming, or when updates have been enacted. There are tools available for purchase where you can access state statutes and regulations through proprietary software or through their website and there are ways you can put different alerts and flags to make it a little easier. But then, of course, it does cost money because you have to have a subscription to that service and keep that up in order to get those alerts.

Q: For programs where licensure is optional and we don't use any marketing language about preparing students for specific licensure, does that mean disclosures are optional? I was thinking of Engineering, where our students can work in their discipline without being a Professional Engineer, for example.

A: If there is no state/territory required license or credential to work in that occupation or profession in any state/territory, then the disclosure is not required. Note, that even if a small number of states/territories require a license, then it should be included as a licensure program and disclosures provided. Often institutions need to engage in research to have a clear understanding if a program should be included on their list of licensure programs. For example, there are many newer or less-established licenses that only a fraction of states have adopted (Behavior Analyst and Music Therapist are two examples). Students and graduates will always benefit from having information about licensure, even if the disclosures are not required under federal regulation.

Q: Is there a comprehensive list of all licenses in the U.S. states and territories as a starting point?

A: HELP is hoping to offer that as a resource soon through MHEC and, while it is probably not 100% comprehensive, it is more comprehensive than anything already out there. There are associations that have lists for the licensure-types they have under their umbrella, and the Department of Education has a list, but none of them are comprehensive.

Q: The Department of Education regulations about disclosures is for all programs we have regardless of modality that allows us to state “don’t know” for many states which is good because we don’t have students coming to us from all those states and territories for our nursing or educator prep programs. The SARA requirement goes further, requiring that we make an effort to find out for all areas. Is that SARA rule for online programs only, or for all programs we offer that lead to state licensure?

A: That is a great question. I will say I have had some communication with folks at SARA around their thoughts and my understanding is that SARA policy applies to SARA, if that makes sense, so if it’s a program that you truly do not utilize SARA for (remember that its not just for online programs, it also covers if you are doing clinical or field experiences over state lines, that could be under SARA as well), but if it is truly not a SARA program in any fashion, then SARA policy would not apply – that is my understanding – but I do encourage you to confirm that directly with Emily and your other SARA state portal entity. Those are important folks to check in with.

I did want to note for the first part of the question or comment, it is true that under the final Title IV regulation, schools can indicate “not determined,” so you can indicate your program “meets” the educational requirement, it “does not meet,” or have “not determined.” I have heard that the folks involved in crafting that language – the people involved in that negotiated rulemaking years ago – their understanding was that “not determined” would not be a forever thing. The intent was that “not determined” helped institutions comply on July 1, 2020, when this was first going into effect, giving institutions time to engage in this labor-intensive research work that is required in order to understand if programs “meet” or “do not meet.” So I would caution folks not to feel like you can rely forever on “not determined.” I think it is important that you start creating a plan for how you are going to decide if your programs meet or do not meet. That will become even more critically important if the Department of Education moves forward with their proposed language requiring institutions to ensure their programs meet educational requirements for licensure in order to offer the program under Title IV.

Q: I most often get push back on campus for needing to verify “authorization” or “approval” requirements set by Boards that are not covered by SARA and are not directly related to

disclosures about curriculum and licensure. I am thinking about faculty state licensure requirements, clinical placement approval processes, board applications, etc., that would have to be met before we can offer the program in that state. I found lots of resources talking about disclosures that I can share but I have struggled to find items that speak directly to the need to sometimes get board approval. Do you have any recommendations for addressing this part of the approval process with skeptical stakeholders?

A: I will say we have not found anything that's comprehensive across professions that outlines requirements for when a program would need to seek some sort of approval of authorization from a state licensing board, in order to essentially have your students doing clinical work there or having your program offered online in that state, whatever the case may be. I will say that it is profession-specific, so for nursing the National Council of State Boards of Nursing (NCSBN) has some really good information on their website on what those particulars are, so the states that do require some sort of faculty licensing for didactic courses to be taught in their state or authorization to offer clinical experiences in their state, etc. I do not think they have anything that will convince your nursing program on why it is important, or how to get on-board, or anything like that. But if you are looking for some more details, at least for nursing, there are some great resources. It is part of a three-part process when you are talking about authorization and the third bucket is, do you need some sort of approval or authorization from a licensing board in a state – that is a critical piece to be in compliance. So even if you have met the other two but you are still mushy in the third, that can raise big problems for your students in your institution. So I think we need to create something, if it's not out there already. It is really important because your faculty can get in hot water if they are not licensed in the state and they need to be, or their students can, if they are doing clinicals in the state and they are not supposed to be because they do not have the proper authorization from the licensing entity.

Q: Can public disclosures be made in the University Catalog? Or do they have to be on a specific webpage on your website?

A: Yes, they can be included in the University Catalog, as long as that is readily available to prospective and enrolled students. Many institutions choose to include on their website with other required disclosure information. [34 CFR 668.43\(a\)\(5\)\(v\)](#) requires that a listing of all U.S. states and territories (59) is provided with your determination of “meets,” “does not meet,” or “not determined.”

Q: I've been under the impression that location determinations had to be based on where the student was physically taking the classes or program. However, some examples showed were on permanent address?

A: For licensure disclosure purposes, Title IV regulations allow institutions to determine their own student location policy. [SARA Policy 5.2](#) for licensure directly references Title IV regulation, and indicates that all institutions must follow Title IV regulation for licensure disclosures. [SARA Policy 5.12](#) links a student's location to where the student is physically located at the time the student is in contact with the educational provider. For licensure disclosures, individual direct disclosures (based on that prospective student's location as determined by the institution's location policy) must be provided prior to enrollment in the licensure program for any "not determined" or "does not meet" states/territories and within 14 calendar days of a change to "does not meet" for current students.

The right student location policy for each institution depends on a number of factors, unique to the institution. There are many factors that an institution should consider including, but not limited to, students commuting across state lines, number of fully online/distance students, mobility of graduates, and student information system capabilities and limitations. It's also important to keep in mind that each institution may define or categorize addresses differently. For some institutions, the permanent address may be the best option to ensure students are receiving meaningful licensure information.

The keys to creating a student location policy and direct disclosure process that complies with Title IV regulations and SARA policy is to:

- 1. Have a written, defensible policy for determining student location (and relocation).*
- 2. Have a process to regularly query (and update) student location (at least the state/territory, if not full address).*
- 3. Include a link to public disclosures in all direct disclosures and encourage prospective students/students to check that information for any states/territories that could be relevant to their future career plans.*

Q: What offices on campuses are usually responsible for doing this?

A: Typically the office that is responsible for state authorization, accreditation and/or other external approvals, are responsible for ensuring that public and direct licensure disclosures are made. That individual/team will need to work closely with the program director/faculty chair for

each licensure program to complete research and curriculum comparisons, IT/website staff for creating and updating disclosures, Legal to ensure policies and choices about disclosure conform with institution's approach to risk, and admission/enrollment leaders to ensure that direct disclosures are reaching prospective students prior to enrollment.

Q: Just to be clear, the student loan policy is required per federal regulations?

A: The disclosure requirements apply to any institution that participates in any student financial assistance program authorized by Title IV of the Higher Education Act of 1965, as amended. The disclosures are required under the section of regulations that outline various institutional information that must be provided to enrolled and prospective students. The specific sections of regulation related to public disclosures and direct disclosures are provided here:

[34 CFR 668.43\(a\)\(5\)\(v\)](#)

If an educational program is designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, or is advertised as meeting such requirements, information regarding whether completion of that program would be sufficient to meet licensure requirements in a State for that occupation, including -

(A) A list of all States for which the institution has determined that its curriculum meets the State educational requirements for licensure or certification;

(B) A list of all States for which the institution has determined that its curriculum does not meet the State educational requirements for licensure or certification; and

(C) A list of all States for which the institution has not made a determination that its curriculum meets the State educational requirements for licensure or certification

[34 CFR 668.43\(c\)](#)

(1) If the institution has made a determination under paragraph (a)(5)(v) of this section that the program's curriculum does not meet the State educational requirements for licensure or certification in the State in which a prospective student is located, or if the institution has not made a determination regarding whether the program's curriculum meets the State educational requirements for licensure or certification, the institution must provide notice to that effect to the student prior to the student's enrollment in the program.

(2) If the institution makes a determination under paragraph (a)(5)(v)(B) of this section that a program's curriculum does not meet the State educational requirements for licensure or certification in a State in which a student who is currently enrolled in such program is located, the institution must provide notice to that effect to the student within 14 calendar days of making such determination.

(3)

(i) Disclosures under paragraphs (c)(1) and (2) of this section must be made directly to the student in writing, which may include through email or other electronic communication.

(ii)

(A) For purposes of this paragraph (c), an institution must make a determination regarding the State in which a student is located in accordance with the institution's policies or procedures, which must be applied consistently to all students.

(B) The institution must, upon request, provide the Secretary with written documentation of its determination of a student's location under paragraph (c)(3)(ii)(A) of this section, including the basis for such determination.

(C) An institution must make a determination regarding the State in which a student is located at the time of the student's initial enrollment in an educational program and, if applicable, upon formal receipt of information from the student, in accordance with the institution's procedures under paragraph (c)(3)(ii)(A) of this section, that the student's location has changed to another State.

Q: Are programs that lead to national industry certifications covered programs?

A: No, unless a state/territory requires all professionals in that field to hold such industry certification. Sometimes state/territory licensure is directly connected to holding a national industry certification. Current federal regulations and SARA policy only address programs designed or advertised for a state-issued license, certificate, or credential. The language from the regulation [34 CFR 668.43\(a\)\(5\)\(v\)](#), which SARA policy points to, indicates in part "(i)f an educational program is designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, or is advertised as meeting such requirements, information regarding whether completion of that program would be sufficient to meet licensure requirements in a State for that occupation."

Q: We will never have students enrolled from some states. Is it safe to just say doesn't meet?

A: Probably not. The language used in current federal public licensure disclosure requirements includes "... for which the institution has determined that its curriculum does not meet the State educational requirements for licensure or certification." The presumption is that each institution is making a determination about their curriculum and including in a list of state/territories where it meets, does not meet, or not determined. Also note that [SARA policy](#) requires institutions to make "all reasonable efforts" to determine if a program meets licensure requirements. Simply listing "does not meet" without engaging in any research or comparison may not be a reasonable effort. Additionally, note that there are other federal regulations that could impact the licensure information you provide about your programs, including Misrepresentation ([34 CFR 668.72](#)). Listing states/territories as "does not meet" without engaging in any program comparison may be considered Misrepresentation.

Q: We do know our curriculum and should be informing the students we serve, but if we never get students from many regions, who does it help for us to do all this work? So we have to chase down information for states and territories we never get students from, but sure, keep criticizing us for the cost of higher ed being out of control.

A: We understand that engaging in this complex, time-consuming work takes significant people power and resources. At the end of the day, determining if programs meet educational requirements for licensure in all states/territories will help students and graduates. Having this information available prior to enrolling in a program will help prospective students select the best program for their career goals. Additionally, as our society continues to be more mobile, graduates will continue to seek employment in other regions of the country. They will have access to this information prior to graduating, helping to narrow down potential options for relocation. Finally, having more information about where programs meet licensure requirements can possibly create new marketing and enrollment opportunities for the institution.

Q: UW-Madison's approach for "where you lay your head each night" as their student's address/location, seems like a good strategy because they can assure more students are likely within their state boundaries and this might help with these determinations?

A: Determining the best student location policy for each institution is complicated. Under federal licensure disclosure requirements, each institution gets to determine their policy, which must be

applied consistently to all students and made available to the Department when requested. Location must be determined at the time of student's initial enrollment in an educational program and, if applicable, upon formal receipt of information from the student that their location has changed.

The right policy for each institution depends on a number of factors, unique to the institution. If an institution adopts a policy similar to UW-Madison's, how will it be applied to prospective students that do not yet have an address for the upcoming academic term? Would this policy provide the licensure information that your prospective students and students actually need? Or will many students be seeking licensure in another state after graduating? Finally, recall that public disclosures require a "meets," "does not meet," or "not determined" designation for all 59 U.S. state/territories. Location of prospective students and students is only a factor for the direct disclosures.

Q: How do you engage the subject matter experts and get their attention in making determinations? This is not something they want to spend time on.

A: We understand that program directors/faculty chairs and subject matter experts have a lot on their plates. It is critical that academic leaders understand the importance of this work, and create the time/space for curriculum subject matter experts to engage in these reviews. Underscoring that this is a federal and SARA requirement, and their expertise is necessary to create these required disclosures, may be persuasive for your subject matter experts. This work is just as important as any other external standards alignment—such as accreditation. Ultimately, the institution's ability to participate in the Title IV HEA program (student loans, etc) is on the line, and all institutions have to do this work.