



## **Q&A: Continuing Enrollments in Professional Licensure Programs after July 1**

The following questions were asked during the [4/30/2024 MHEC Convening](#) *Continuing Enrollment in Professional Licensure Programs after July 1* presented by Kris Maul, JD of [Higher Education Licensure Pros](#).

*This information is provided by Higher Education Licensure Pros LLC based on our experience working with licensure issues in higher education. The information provided does not, and is not intended to, constitute legal advice; instead, all information, content, and materials provided are for informational purposes only. Risks to the university/college and students should be considered and evaluated with legal counsel prior to creating policies and communicating licensure information to prospective students/students.*

With this being a recently released regulation, hopefully more information and guidance will be available from the U.S. Department of Education (ED) over time. As a result, we are providing our best analysis and interpretation based on what we know today, which could change as more information or guidance becomes available.

Questions about these ED regulations can be directed to ED staff member Vanessa Gomez:  
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### **Licensure Programs, Research and Program Comparisons**

**Q; Our professional schools can easily find the licensure requirements for the US states. However, US territory information is not easily available. Do you have contact information for the US territories? This will be helpful to assist us in contacting them directly to determine their educational requirements for licensure in that territory.**

A: The U.S. territories can be more challenging to research. Not all territories regulate all professions/occupations that states do. Some licensing boards/agencies do not have an active website, and the law can be challenging to locate online.

Here are some resources for the territories:

[American Samoa Administrative Code](#)

[Federated States of Micronesia Regulations](#)

[Guam Administrative Rules](#)

[Northern Mariana Islands Administrative Code](#)

[Puerto Rico Guide to Law Online](#)

[Republic of Marshall Islands Regulations](#)

[Republic of Palau Guide to Law Online](#)

[U.S. Virgin Islands Code](#)

**Q. If other states require licensure in a program but our program isn't advertised or set up to obtain licensure, do we research other states to see if our program meets their requirements for licensure just in case a student will return to a particular state?**

Institutions must decide which programs are licensure programs. ED has not provided a comprehensive list. The July 1, 2024 federal Title IV regulation ([CFR § 668.43\(a\)\(5\)\(v\)](#)) states that disclosures are required for an academic program “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.”

Institutions will need to create a list of all programs that are designed or advertised as leading to a license. Many licensed professions are commonly known, for example, nursing, teaching, social work, and accounting. Other professions or occupations are only licensed in a few states. Some examples of lesser known license types include music therapist, applied behavior analyst, and paralegal.

Keep in mind that ED has indicated institutions should only advertise licensure programs or recruit students from state/territories where the program meets educational requirements.

Resources to help identify the licenses related to academic programs:

- [Career One Stop](#) provides a list of occupations, some of which require a license.
- [O\\*Net](#) provides some information about licensure.
- The U.S. [Department of Education](#) provides links to various associations of professions and occupations.

- [Midwestern Higher Education Compact](#) and [State Authorization Network](#) each provide a directory of licensing boards/agencies

When reviewing websites and marketing materials – including anything through an Online Program Management (OPM) partner – to determine if programs are being advertised as leading to a career in a licensed profession, institutions may need to revise marketing claims. For example, a webpage for a human services bachelors degree program mentions social work as a possible job outcome. If the program does not hold Council on Social Work Education (CSWE) accreditation, it will not meet licensure requirements in almost all states/territories. The program is likely not designed for licensure. Rather than create “does not meet” disclosures for this program, it may make more sense to change the way it is being advertised–remove the reference to social work as a job outcome.

**Q. Are engineering programs considered as licensure programs? While these \*can\* lead to licensure as a professional engineer, it is not required to work in the discipline. In that case, does it depend on how we market the programs?**

Institutions must decide which programs are licensure programs. ED has not provided a comprehensive list. The July 1, 2024 federal Title IV regulation ([CFR § 668.43\(a\)\(5\)\(v\)](#)) states that disclosures are required for an academic program “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.”

Institutions will need to create a list of all programs that are designed or advertised as leading to a license. Many licensed professions are commonly known, for example, nursing, teaching, social work, and accounting. Other professions or occupations are only licensed in a few states. Some examples of lesser known license types include music therapist, applied behavior analyst, and paralegal.

Keep in mind that ED has indicated institutions should only advertise licensure programs or recruit students from state/territories where the program meets educational requirements.

Some institutions are considering engineering programs as designed for licensure, and other are not. Factors to consider include:

- If a license is required for employment in the profession/occupation.
- If a licensing exam is required to be completed while enrolled in the program and/or if licensing exam scores are reported as part of program data.
- If the program director/key faculty expect students to pursue a license after graduating.

**Q. We are unclear about some of these programs that fall in the gray areas and if they are to be listed as does not meet. What if there are modules or online competencies that must be completed prior to licensure. (examples- First Aid and CPR, content specific modules). What about GPA requirements to get licensures that are different than ours, or someone who cannot get a full licensure but can get a temporary or provisional license while they take any additional coursework? Thank you**

The regulations do not define what “educational requirements” are. In the commentary released with the final regulations, ED does acknowledge that there are many other requirements for licensure, including specific trainings or unique courses, such as a state constitution course, that do not have to be satisfied by a Title IV program in order to indicate “meets”.

**Q. What about an education or nursing program that supports advancement to a higher-level license?**

Institutions must decide which programs are licensure programs. ED has not provided a comprehensive list. The July 1, 2024 federal Title IV regulation ([34 CFR § 668.43\(a\)\(5\)\(v\)](#)) states that disclosures are required for an academic program “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.”

Institutions will need to create a list of all programs that are designed or advertised as leading to a license. Many licensed professions are commonly known, for example, nursing, teaching, social work, and accounting. Other professions or occupations are only licensed in a few states. Some examples of lesser known license types include music therapist, applied behavior analyst, and paralegal.

This includes higher-level licenses in any profession or occupation.

**Q. Do we have any obligations for students who initially enroll in a non-licensure program but who switches a year later to a licensure program?**

Yes. Institutions must be able to certify that the licensure program meets educational requirements where the institution is located and students are located at the time of initial enrollment *into the licensure program*.

Written attestation is required at the time of initial enrollment into any licensure program if the prospective student is located in a “does not meet” or undetermined state or territory. Location is determined by the institution’s student location policy. If a student changes to a licensure program, then a written attestation would be required if they are located in a “does not meet” or undetermined state or territory. Otherwise, enrollment in the licensure program is not possible.

Direct disclosure would also be required for this student if they are located in “does not meet” or undetermined state/territory.

Keep in mind that the student’s location is determined by the institution’s student location policy.

**Q. Will single courses like C.N.A. and EMT need to be listed on our school's licensure page. These courses may be required parts of a program but some students take them without pursuing a degree.**

Any “course” or program that is Title IV eligible falls under these regulations. If an institution offers something licensure-related and students can access Title IV funds, then PPA Certification and public/direct disclosure requirements apply.

**Q. If we advertise a bachelor's level program as leading to a certain profession (that requires licensure) but we specifically state that you first must earn a graduate degree, would that necessitate a meets/does not meet determination?**

If a program is advertised as preparing students for a profession that requires a license, that seems to indicate it is a licensure program.

For any licensure program, institutions must be able to certify that the program meets educational requirements for licensure where the institution is located and where students are located at the time of initial enrollment in the program. Institutions must also provide public disclosures listing all states/territories where the institution has determined that the program meets and does not meet educational requirements for licensure.

Any pre-licensure type of program, including bachelor’s level programs that prepare students for further study in the field, should be advertised as clearly that—a program that is designed to prepare students to ultimately enroll in a graduate-level licensure program. Institutions may

want to consider adding a disclaimer to the program description and/or websites advertising the program that makes it clear that graduates of the program do not qualify for a license without earning the graduate degree.

**Q. If we have an elective course that will meet the requirement of a state requirement, can we say that the program meets the requirement of that state, even though the course is elective and not required?**

The regulation does not provide any specifics on how to handle elective courses and ED has not provided specific guidance on this. We do know that these regulations apply to Title IV programs.

If the program requires students to complete one or more electives, and the institution has elective(s) available that satisfy specific state/territory coursework requirements, it would seem that the Title IV program does satisfy educational requirements. Individual students would need to choose the right elective(s) to meet the state/territory requirements, so institutions should make that information clear to students.

On the other hand, if the program does not include required electives, but rather the institution has courses that could be available to students through other programs or departments, it may be more of a stretch to indicate that the program “meets” educational requirements. However, in many instances the institution could incorporate these types of courses into the student’s Title IV program. It may be possible in these instances to make a “meets” determination, but extreme caution should be used. Most definitely this information would need to be made very clear to prospective students and students.

## **Student Location Policy and Initial Enrollment**

**Q: How is the time of "initial enrollment" defined?**

A: Institutions have some flexibility to define the exact point in time when initial enrollment occurs. Regulation and ED commentary do provide some guidelines.

Title IV regulations ([34 CFR § 668.2](#)) define “enrolled” as: *The status of a student who—(1) Has completed the registration requirements (except for the payment of tuition and fees) at the institution that he or she is attending.*

In addition, ED provided commentary with the release of the final July 1, 2020 licensure disclosure regulations that indicated direct disclosures should be provided prior to initial

enrollment which is "prior to an enrollment agreement or financial commitment".

Institutions should define initial enrollment as part of creating or updating a student location policy and should consider including the definition in the policy or other publicly available source of information.

**Q. Define Financial Commitment? Does that include acceptance fees and seat deposits?**

Title IV regulations ([34 CFR § 668.2](#)) define "enrolled" as: *The status of a student who—(1) Has completed the registration requirements (except for the payment of tuition and fees) at the institution that he or she is attending.*

In addition, ED provided commentary with the release of the final July 1, 2020 licensure disclosure regulations that indicated direct disclosures should be provided prior to initial enrollment which is "prior to an enrollment agreement or financial commitment".

**Q. Can we meet the requirements by only admitting state residents to our licensure programs and notifying students that we have only certified compliance in our state? We would check for any address changes each year.**

Institutions may choose to limit enrollments to only those prospective students located in the state where the institution is located, as determined by the institution's student location policy. Institutions following this approach would still need to provide public disclosures that indicate the programs meet educational requirements in the state where institution (and students) are located.

**Q. Just to be clear, we have to research every licensure program in our institution with every state to make sure they meet that state's education requirements by July 1st? We cannot admit students in the states that do not meet the education requirements UNLESS they complete the written attestation, and who is to review and approve the attestation?**

Starting July 1, 2024, under [34 CFR § 668.14\(b\)](#) each institution must certify through the Title IV Program Participation Agreement (PPA) that any program that prepares students for licensure meets educational requirements where the institution is located, and where "distance education" students are located (or where "distance education" students attest to plan to be employed after completing the program) at the time of initial enrollment in the licensure program. If a prospective student is located in a "does not meet" or undetermined state/territory, and does not complete the attestation process, they cannot be enrolled in the program.

Before an institution can certify, it must understand if and how programs meet educational requirements in other states/territories. See the prior section for more information.

ED is defining “distance education” for these purposes using [Dear Colleague Letter GEN-23-09](#); if the student enrolls in at least one course offered through distance education during their first term of enrollment, then they are a distance education student. This definition is important because institutions must certify that licensure programs meet educational requirements where “distance education” students are located at the time of initial enrollment in the program.

Institutions have some flexibility to define the exact point in time when initial enrollment occurs. Regulation and ED commentary do provide some guidelines.

Title IV regulations ([34 CFR § 668.2](#)) define “enrolled” as: *The status of a student who—(1) Has completed the registration requirements (except for the payment of tuition and fees) at the institution that he or she is attending.*

In addition, ED provided commentary with the release of the final July 1, 2020 licensure disclosure regulations that indicated direct disclosures should be provided prior to initial enrollment which is “prior to an enrollment agreement or financial commitment”.

Institutions should define initial enrollment as part of creating or updating a student location policy and should consider including the definition in the policy or other publicly available source of information.

[34 CFR 668.43\(c\)\(3\)\(ii\)](#) requires institutions to have a written policy and documented process for establishing location of prospective students and students that must be applied equally across all students/programs. Both policy and process should have regular, frequent review and updates as needed. This location policy will be used to determine prospective student/student location for purposes of Program Participation Agreement (PPA) certification and individual direct disclosures.

[ED indicated in their response to comments](#) with the July 1, 2020 regulations that “Institutions may, however, develop procedures for determining student location that are best suited to their organization and the student population they serve. For instance, institutions may make different determinations for different groups of students, such as undergraduate versus graduate students.”

Additionally, ED indicated in [commentary released with July 1, 2024 regulations](#) that “Institutions thus have flexibility to determine how to structure such a policy. This could allow them to make determinations around students who plan to move to a different State during the



enrollment process, for example. Institutions collect a substantial amount of information in a student's application and when students enroll, and we hope that the information collected there will assist them in their determinations."

With this and other comments, ED seems to be indicating that students who will be relocating to campus to enroll in a "face-to-face", campus based program may be considered located on campus at the time of initial enrollment, for purposes of PPA Certification and disclosures.

**Q. Can you clarify "time of initial enrollment" please? Is that something that's clearly and explicitly defined by ED, or is that like the student location policy, something that the institution creates, makes public, abides by consistently?**

Each institution should define at exactly what point students are considered enrolled in the licensure program, using the parameters set by ED.

Title IV regulations ([34 CFR § 668.2](#)) define "enrolled" as: *The status of a student who—(1) Has completed the registration requirements (except for the payment of tuition and fees) at the institution that he or she is attending.*

In addition, ED provided commentary with the release of the final July 1, 2020 licensure disclosure regulations that indicated direct disclosures should be provided prior to initial enrollment which is "prior to an enrollment agreement or financial commitment".

**Q. Could you provide any guidance on how a student's location may influence the experience of graduate versus undergraduate students?**

Institutions may choose to specify different student populations in the student location policy or related processes. These may include graduate vs. undergraduate, international students, military-affiliated students, commuter students. Some institutions have the majority of undergraduate students relocating to their campus for face-to-face programs, while graduate students commute to campus or enroll in distance education programs. Some institutions are creating policies and processes specifically for undergraduate students because enrollment into licensure programs does not occur until year 2 or 3 at the institution.

**Q. Do institutions apply the same location policy to prospective students or is this simply looking at where they are physically located at the moment they become a prospect?**

Institutions should have a student location policy that is used to determine where prospective students and students are located. The regulations require that institutions must be able to certify the licensure program meets the educational requirements for licensure where the prospective student/student is located at the time of initial enrollment into the licensure

program. Some institutions include the definition of prospective student/student in their policies. Some institutions use different information or address to determine location for prospective students versus enrolled students.

**Q. Following on a question you answered a minute ago – say we have a fully on-campus, non-commuter program, and our student location policy clarifies that we treat all prospective students in such programs as being located within our state. If we should advertise/recruit (however that’s defined) in another state, would we have to “meet” in that state, or does our student location policy override the need for that? (I.e., if we will consider this student to be located in our state, would we need to affirm anything but that we meet our own state requirements)?**

ED staff have indicated that the expectation is institutions will only advertise licensure programs or recruit for those programs in states/territories where the program meets educational requirements. This is not specified in the regulation itself. Based on emails received from ED staff, it doesn’t seem that the student location policy would impact the need for an institution to have made a “meets” determination in these states/territories. In other words, the advertising and recruiting is directed at the state/territory (rather than individual prospective students in that state/territory).

### **Written Attestation - Exception to Enrollment Limitations**

**Q: We are only required to offer a written attestation to students from do not meet or don't know states, not all students correct?**

A: Prospective students who are located in a “does not meet” or undetermined location can still enroll in a licensure program if they are provided with information about licensure and attest that they will seek licensure and employment in a designated “meets” state/territory after completing the program. The intent of this exception is to provide for specific situations where a student residing in one state/territory has concrete plans to move to another.

The specific state/territory, where the licensure program “meets” educational requirements, and the student intends to seek licensure and employment must be named in the attestation.

A checkbox form will not be sufficient, this must be a written statement. ED has indicated that this attestation process must educate and clearly inform prospective students of licensure limitations and possibilities. Hard copy or email is acceptable, and either must be produced to ED if requested.

Institutions should consider how to incorporate attestation into the enrollment or admission process in a meaningful way, including conversations about licensure limitations and possibilities with a staff member, faculty, or advisor.

**Q. Could schools use a "checkbox" disclosure within their online application to meet the requirement? The acknowledgement would be retained within our system.**

Prospective students who are located in a “does not meet” or undetermined location can still enroll in a licensure program if they are provided with information about licensure and attest that they will seek licensure and employment in a designated “meets” state/territory after completing the program. The intent of this exception is to provide for specific situations where a student residing in one state/territory has concrete plans to move to another.

That specific state/territory, where the licensure program “meets” educational requirements, must be named in the attestation. A checkbox will not be sufficient, this must be a written statement. ED has indicated that this attestation process must educate and clearly inform prospective students of licensure limitations and possibilities. Hard copy or email is acceptable, and either must be produced to ED if requested.

Institutions should consider how to incorporate attestation into the enrollment or admission process in a meaningful way, including conversations about licensure limitations and possibilities with a staff member, faculty, or advisor.

**Q: Can we get an attestation that recognizes they are in a do not meet, but will come to the does meet location for education?**

Prospective students who are located in a “does not meet” or undetermined location can still enroll in a licensure program if they are provided with information about licensure and attest that they will seek licensure and employment in a designated “meets” state/territory after completing the program. The intent of this exception is to provide for specific situations where a student residing in one state/territory has concrete plans to move to another.

That specific state/territory, where the licensure program “meets” educational requirements, must be named in the attestation. A checkbox will not be sufficient, this must be a written statement. ED has indicated that this attestation process must educate and clearly inform prospective students of licensure limitations and possibilities. Hard copy or email is acceptable, and either must be produced to ED if requested.

Institutions should consider how to incorporate attestation into the enrollment or admission process in a meaningful way, including conversations about licensure limitations and possibilities with a staff member, faculty, or advisor.

**Q. Would we ever need to update an attestation? Or would it only be the one time for admission?**

Written attestation is required at the time of initial enrollment into any licensure program if the prospective student is located in a “does not meet” or undetermined state or territory. Location is determined by the institution’s student location policy.

If a student changes locations to a “does not meet” or undetermined state or territory while enrolled, a direct disclosure must be provided within 14 calendar days. No written attestation is required though, because this is after the point of initial enrollment. The obligation for PPA Certification (and this written attestation exception) occurs at the time of initial enrollment in the licensure program.

If a student changes to another licensure program, then a new written attestation would be required if they are located in a “does not meet” or undetermined state or territory.

**Q. Would an attestation form where, after speaking to someone at the university regarding the enrollment restrictions, a student is directed to an online form where they select their program and desired "yes" state - would that suffice?**

Keep in mind that ED has not provided specific directions or templates for written attestation exception. Focus on:

Process

- Discussion the institution does not meet state educational requirements where that student is located.
- Interaction with the prospective student to learn of the student's intent to seek licensure/employment in state/territory other than current location at the time of initial enrollment.
- But if the institution does meet state educational requirements where the student intends to seek licensure/employment, offering the student the opportunity to attest where the student expressed intent.

Documentation

- Affirmation that the institution and student interaction (process) occurred.
- Affirmation that the student was informed that the program does not satisfy educational requirements where the student is located per the student location policy.
- Affirmation that the student intends to seek licensure/employment in a specific

- named “meets” state/territory.
- Affirmation that the institution has determined that the program does meet educational requirements in the state/territory that the student indicated that they intend to seek licensure/employment.

*Credit to Cheryl Dowd, Senior Director, State Authorization Network (SAN) & WCET Policy Innovations for these concepts.*

**Q. Can we use blanket attestation from students for all licensure programs?**

Prospective students who are located in a “does not meet” or undetermined location can still enroll in a licensure program if they are provided with information about licensure and attest that they will seek licensure and employment in a designated “meets” state/territory after completing the program. The intent of this exception is to provide for specific situations where a student residing in one state/territory has concrete plans to move to another.

That specific state/territory, where the licensure program “meets” educational requirements, must be named in the attestation. A checkbox will not be sufficient, this must be a written statement. ED has indicated that this attestation process must educate and clearly inform prospective students of licensure limitations and possibilities. Hard copy or email is acceptable, and either must be produced to ED if requested.

Institutions should consider how to incorporate attestation into the enrollment or admission process in a meaningful way, including conversations about licensure limitations and possibilities with a staff member, faculty, or advisor.

**Q. What if a student still wants to take an institution's courses while fully understanding that there are additional educational requirements that cannot be completed at the institution? For example a Driver Education endorsement in some states require additional courses like First Aid that are not available at our institution. We notified the student that they cannot get the endorsement with our courses only, but they still wanted to enroll in our courses.**

Additional training or continuing education type courses that are typically not included in a higher education program do not need to be part of a program in order to indicate that it meets educational requirements for licensure. CPR and first aid would generally fall into this additional training category—there is no expectation by a licensing board that a license applicant completed it as part of the degree or certificate program at the college or university. Other examples include mandated reporter training, and mental health/suicide risk awareness. Additionally, state-specific courses or content that would not be part of an out-of-state program are generally also not required to be part of the degree or certificate program by licensing

boards. Examples include state constitution or law course, and specific courses on state culture, minority groups, or history.

In other scenarios, if a licensure program does not meet educational requirements in the state/territory where the prospective student is located, they could still enroll if they complete a written attestation that indicates they intend to seek licensure and employment in a named “meets” state after completing the program. Unfortunately, the written attestation does not allow for a student to indicate that they don’t plan to seek a license.

**Q. Statement: "cannot enroll a student unless located in a meet state."**

**Can we get an attestation that recognizes they are in a do not meet, but will come to the does meet location for education?**

The attestation must indicate that the student plans to seek licensure and employment in a particular named “meets” state/territory after completing the program. That could be the state where the institution is located—but focus of disclosure needs to be on where they will seek licensure, not where they will be located while enrolled.

Keep in mind that ED has not provided specific directions or templates for written attestation exception. Focus on:

#### Process

- Discussion the institution does not meet state educational requirements where that student is located.
- Interaction with the prospective student to learn of the student's intent to seek licensure/employment in state/territory other than current location at the time of initial enrollment.
- But if the institution does meet state educational requirements where the student intends to seek licensure/employment, offering the student the opportunity to attest where the student expressed intent.

#### Documentation

- Affirmation that the institution and student interaction (process) occurred.
- Affirmation that the student was informed that the program does not satisfy educational requirements where the student is located per the student location policy.
- Affirmation that the student intends to seek licensure/employment in a specific named “meets” state/territory.
- Affirmation that the institution has determined that the program does meet

educational requirements in the state/territory that the student indicated that they intend to seek licensure/employment.

*Credit to Cheryl Dowd, Senior Director, State Authorization Network (SAN) & WCET Policy Innovations for these concepts.*

## **Public and Direct Disclosures**

**Q. To repeat, for the public disclosure website, we MAY continue to indicate licensure/certification has not been determined. Any additional comments about continuing to disclose when determinations haven't been made? Thanks.**

Yes, institutions may continue to disclose the states/territories where no determination has been made.

Currently [34 CFR 668.43\(a\)\(5\)\(v\)](#) requires public disclosures for any program designed or advertised as leading to a professional license (or certification) required for employment in a U.S. state or territory. Statement if program “meets”, “does not meet”, or “no determination made” for each licensure program for all U.S. states and territories (59).

Starting July 1, 2024, [34 CFR 668.43\(a\)\(5\)\(v\)](#) will require “a list of all States where the institution has determined, including as part of the institution’s obligation under § 668.14(b)(32), that the program does and does not meet such requirements.” In other words, the “no determination made” category is being removed from public disclosures. Institutions are not obligated to publicly disclose these states/territories after July 1.

Note that in some scenarios an institution may not have determined if a program meets educational requirements in a particular state or territory. If there are no current students in that location, no recruiting or advertising of the program in that location, and no plans to enroll prospective students from that location, “not determined” could still apply.

Current SARA policy ([SARA Policy Manual v. 22.1 § 5.2](#)) allows for institutions to indicate “no determination made” after making “all reasonable efforts” to determine if the program meets requirements. Because SARA policy reinforces the July 1, 2020 Title IV regulation, it is likely that policy will be revised in the future.

**Q. Instead of "meets or doesn't meet" can we indicate that a particular state or territory does not require a license for this (although others may)?**

Starting July 1, the regulations require institutions to publicly disclose a list of states/territories where they have determined that the licensure program “meets” and “does not meet” educational requirements. ED staff have recently indicated that institutions can include states/territories that do not issue or require a license in “meets” if also include information that no license issued or required.

If a program has been designed to prepare students for a license or an occupation/profession that requires a license, or is advertised as doing so, it is likely a licensure program. This may be true even if the state/territory where institution is located does not require a license, in particular if the institution is advertising the licensure program or recruiting students located in other states/territories that do require a license.

**Q. Still confused about "no determination". That is still allowed to list (disclose) on website? Allowed but not required? But must keep an eye on where students are applying from?**

Currently [34 CFR 668.43\(a\)\(5\)\(v\)](#) requires public disclosures for any program designed or advertised as leading to a professional license (or certification) required for employment in a U.S. state or territory. Statement if program “meets”, “does not meet”, or “no determination made” for each licensure program for all U.S. states and territories (59).

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Note that in some scenarios an institution may not have determined if a program meets educational requirements in a particular state or territory. If there are no current students in that location, no recruiting or advertising of the program in that location, and no plans to enroll prospective students from that location, “not determined” could still apply. Institutions may still include these states/territories in the public disclosures, but are no longer obligated to July 1.

Current SARA policy ([SARA Policy Manual v. 22.1 § 5.2](#)) allows for institutions to indicate “no determination made” after making “all reasonable efforts” to determine if the program meets requirements. Because SARA policy reinforces the July 1, 2020 Title IV regulation, it is likely that policy will be revised in the future.



**Q. I thought we were no longer able to say "no determination." Put another way, they are forcing our hand to say whether it does or does not. I assume if you do not know, you would say it does not.**

While publicly disclosing "no determination" states/territories is no longer required, institutions must know that the program "meets" educational requirements in order to enroll students, recruit for the licensure program, or advertise the licensure program in that location.

Starting July 1, 2024, [34 CFR 668.43\(a\)\(5\)\(v\)](#) will require "a list of all States where the institution has determined, including as part of the institution's obligation under § 668.14(b)(32), that the program does and does not meet such requirements." In other words, the "no determination made" category is being removed as a requirement from public disclosures. The Department included commentary with the final regulations that indicates they do not expect all institutions to make a meets/does not meet determination for all states and territories. ED staff have further clarified that the obligation to make a "meets" determination extends to those locations where students are being enrolled, recruitment is taking place, or advertising for the licensure program.

Note that in some scenarios an institution may not have determined if a program meets educational requirements in a particular state or territory. If there are no current students in that location, no recruiting or advertising of the program in that location, and no plans to enroll prospective students from that location, "not determined" could still apply. Institutions may still include these states/territories in the public disclosures, but are no longer obligated to July 1.

Current SARA policy ([SARA Policy Manual v. 22.1 § 5.2](#)) allows for institutions to indicate "no determination made" after making "all reasonable efforts" to determine if the program meets requirements. Because SARA policy reinforces the July 1, 2020 Title IV regulation, it is likely that policy will be revised in the future.

### **"Distance Education" Considerations**

**Q. If a student is in a licensure program and decides to pick up an online course (not change to a completely online program); how does that play into the new regs?**

Starting July 1, 2024, under [34 CFR § 668.14\(b\)](#) each institution must certify through the Title IV Program Participation Agreement (PPA) that any program that prepares students for licensure meets educational requirements where the institution is located, and where "distance education" students are located (or where "distance education" students attest to plan to be

employed after completing the program) at the time of initial enrollment in the licensure program. If a prospective student is located in a “does not meet” or undetermined state/territory, and does not complete the attestation process, they cannot be enrolled in the program.

ED is defining “distance education” for these purposes using [Dear Colleague Letter GEN-23-09](#); if the student enrolls in at least one course offered through distance education during their first term of enrollment, then they are a distance education student. This definition is important because institutions must certify that licensure programs meet educational requirements where “distance education” students are located at the time of initial enrollment in the program.

Institutions should establish a student location policy and written attestation process that takes into consideration students’ ability to take online courses. Institutions may want to add specific information for prospective students who will be relocating to enroll in a campus-based, face-to-face licensure program.

**Q. So ED has clearly said that if a student is enrolling in a F2F Licensure program you can consider their location is in your state UNLESS they are taking one or more distance ed classes in their first term of enrollment. BUT they have said at any time in their first term. So what do we do if they enroll in all F2F courses in a F2F program but during the add/drop period, they add a distance ed class. ED has said we have to consider them as a distance ed student for the rest of their time in the program, but are we supposed to disenroll them or get an attestation if they came from a state where we aren't supposed to enroll?**

This question highlights how important the student location policy and related processes are. Some consideration for this scenario.

Where is that student located at the time of initial enrollment into the licensure program per the institution’s student location policy?

If the prospective student for the face-to-face, on campus program is treated as located at the institution at the time of initial enrollment and/or first day of classes, then the “distance education” during the first term would occur while they are located on campus. Presumably the program meets educational requirements for the state where institution is located –and in this case where the student is also located.

If the prospective student is treated as located in the state/territory of out-of-state address provided on the application, then the institution must be able to certify that program meets educational requirements for licensure at time of initial enrollment in that other state/territory.

In this case, the institution would be required to secure a written attestation from any student located in a “does not meet” or undetermined state/territory prior to enrolling in the face-to-face, on campus program.

In short, it would seem that a student enrolled in a face-to-face, on campus program (living in same state/territory as institution) would either have already completed the written attestation at time of enrollment or would not be required to complete the attestation because they are located in a “meets” state (where institution is located). Note that if there is commuting across a state border, that may change the outcome.

### **Advertising and Recruiting**

**Q: So if we are not actively going to say Texas and recruiting or advertising for nursing, but have a student who enrolls in our Michigan based nursing program do we have to worry about the curriculum compliance issue? Because they may have seen an add or something on facebook or youtube or elsewhere?**

A: Starting July 1, 2024, under [34 CFR § 668.14\(b\)](#) each institution must certify through the Title IV Program Participation Agreement (PPA) that any program that prepares students for licensure meets educational requirements where the institution is located, and where “distance education” students are located (or where “distance education” students attest to plan to be employed after completing the program) at the time of initial enrollment in the licensure program. If a prospective student is located in a “does not meet” or undetermined state/territory, and does not complete the attestation process, they cannot be enrolled in the program.

ED is defining “distance education” for these purposes using [Dear Colleague Letter GEN-23-09](#); if the student enrolls in at least one course offered through distance education during their first term of enrollment, then they are a distance education student. This definition is important because institutions must certify that licensure programs meet educational requirements where “distance education” students are located at the time of initial enrollment in the program.

ED has also indicated that institutions should only be advertising and recruiting students for licensure programs in states/territories where the programs meet educational requirements for licensure. This is not included in the regulation, but comes from ED staff communications. Parameters around recruiting and advertising limitations has not been provided, however, the concerns seem to be focused on specific recruiting activities or advertising for the licensure program, rather than the institution generally.

## **Accreditation**

**Q. For programs that require students to graduate from an accredited program in order to obtain licensure (ex. DPT, OTD, etc.), how do we enroll students into these programs if the institution is still undergoing the initial accreditation process? Typically only the 1st cohort is considered from an accredited program meaning the other 2-3 cohorts that are enrolled prior to the first cohort graduating are not considered that via the accrediting body/DOE.**

This is a challenge that it seems ED did not take into consideration. Higher Education Licensure Pros has asked ED staff to clarify if there is any way for institutions to certify that programs “meet” educational requirements in this scenario. If this isn’t possible, it will limit the ability of programs to seek specialized accreditation and new program development.

**Q. Accreditation- Interior Design is a prime example- Most states say that the education must meet the standards of CIDA. We are a CIDA accredited school. MOST states do not have a listing of the curriculum they want for Interior Design... In this case, when it says: “Education + Work Experience Requirements: Applicants shall possess a current certificate from NCIDQ showing that they have met NCIDQ’s education and experience requirements.” are in compliance and meeting the requirements of the curriculum?**

Accreditation of the program is often a factor in meeting educational requirements for licensure. Holding a specific private organization issued certification, such as the NCIDQ, can also be a requirement.

Each institution must be able to certify that the program meets educational requirements for licensure. Educational requirements are those requirements that must be completed as part of a degree or program. This can include, degree type, accreditation of the program, specific coursework, and in-program supervised experience (such as practicum, internship, student teaching, etc.). If qualifying for the state license includes first earning a private certification, then the program would need to meet the educational requirements for certification.

Educational requirements do not include requirements that can or must be completed outside of the degree or program. These include work experience, exams, specialized training (such as CPR or mandated reporter), background checks, specific GPA requirements, etc.

## **Enforcement**

**Q. When will enforcement begin? What will it look like? What if your online catalog with this information is only updated annually?**

Enforcement could begin any time on or after July 1, 2024. Because these requirements are in Title IV regulations, any enforcement action that is possible for any Title IV violation applies. These include; imposing fines on an institution for violations of Title IV requirements; debarring or suspending individuals; terminating, suspending, or limiting the participation of an institution in the Title IV programs; and requiring a party to pay for losses incurred by the Department on account of the acts or omissions of the institution. Information about Title IV enforcement is available through ED, including [Federal Student Aid](#).

There is no specific timeframe provided in these regulations for when institutions need to review state/territory educational requirements for licensure and update information in disclosures. Institutions should establish and document a reasonable, defensible process for reviewing educational requirements and updating disclosures.

Institutions should be prepared to demonstrate compliance with these requirements starting July 1.

## **International Students**

**Q. What about international students, are we also needing to determine if their home country will accept the education requirement. Or because their permanent address is in a different country, can they not be admitted to the licensure program?**

The PPA Certification, public and direct disclosure regulations require institutions to certify and disclose for educational requirements in the State where students are located per the institution's student location policy.

"State" is defined in [34 CFR § 600.2](#)

*State: A State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The latter three are also known as the Freely Associated States*

There is no obligation to determine if programs meet educational requirements in other countries. There is no limitation on enrolling students located in other countries into licensure programs.

**Q. If we are enrolling an international student from Canada for a licensure program do we need to worry about this or would it depend on our student location policy?**

The PPA Certification, public and direct disclosure regulations require institutions to certify and disclose for educational requirements in the State where students are located per the institution's student location policy.

"State" is defined in [34 CFR § 600.2](#)

*State: A State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The latter three are also known as the Freely Associated States*

There is no obligation to determine if programs meet educational requirements in other countries. There is no limitation on enrolling students located in other countries into licensure programs.

## **Other**

**Q. Can you review the steps institutions should be aware of in conducting out-of-state elective clinical rotations, board approvals, and the impact on federal financial aid?**

Starting July 1, [34 CFR § 668.16](#) requires institutions to provide students with geographically accessible clinical opportunities required for licensure.

*To begin and to continue to participate in any Title IV, HEA program, an institution shall demonstrate to the Secretary that the institution is capable of adequately administering that program under each of the standards established in this section. The Secretary considers an institution to have that administrative capability if the institution—*

*(r) Provides students, within 45 days of successful completion of other required coursework, geographically accessible clinical or externship opportunities related to and required for completion of the credential or licensure in a recognized occupation;*

In addition, institutions should be aware of all higher education authorization and licensing board/agency requirements for out-of-state institutions conducting clinical or other supervised experiences in the state/territory.

**Q. What is the education license compact organization called? It was hard to understand what was said.**

The [NASDTEC Interstate Agreement](#) facilitates the mobility of educators among the states and other jurisdictions that are members of NASDTEC and have signed the Agreement. Although there may be conditions applicable to individual jurisdictions, the Agreement makes it possible for an educator who completed an approved program and/or who holds a certificate or license in one jurisdiction to earn a certificate or license in another state or jurisdiction.

**Q. What about articulation agreements (to take Community College courses/degree and articulate them to a 4 year out-of-state university) with states that are not met?**

The 4 year out-of-state university would be responsible for PPA Certification/written attestation and disclosures at the time of initial enrollment to the licensure program. In these scenarios, institutions may want to provide information about licensure at the time of enrolling in to the Community College, so that students are not later surprised by enrollment limitation and/or written attestation requirements. Keep in mind that the goal of these regulations is to protect students from enrolling in a licensure program that will not help them meet career goals and employment after completion.

**Q. I am wondering how to handle Leaves of Absence. If we have students who currently reside in a "does not meet" state enrolled in a program and take a leave of absence, will they be able to return to the program after 7/1 ?**

Based on other related information from ED staff, it seems that if the student remains enrolled in the licensure program, then there would be no impact. ED has made clear that these requirements apply to any student initially enrolled in the licensure program on or after July 1.

If the student is disenrolled, and then enrolls again after 7/1, the new regulations likely apply. That means that if they are located in a "does not meet" state/territory, a written attestation would need to be secured in order to enroll. This student would also need to receive a direct disclosure prior to enrollment.

**Q. Is there a program enrollment baseline for these requirements to begin?**

No, these regulations apply to any Title IV eligible licensure program, no matter how few or many students are enrolled.

**Q. Leadership has suggested that the 500 rule exempts us from following this guidance because we have less than 500 students from any state. I think that we should still implement the program disclosures and attestations. Am I right?**

There is no exemption for institutions or programs with fewer than 500 (or any other) number of enrollments. These regulations apply to any Title IV eligible licensure program, no matter how few or many students are enrolled. All institutions must be able to certify that licensure programs meet educational requirements where the institution is located and where students are located at the time of initial enrollment (or written attestation exception to enrollment restriction), in addition to providing the public and direct disclosures.