

# Continuing Enrollments in Professional Licensure Programs after July 1

Part I: 10:00-10:30 a.m. CT

*What Leadership Needs to Know*

Part II: 10:45-11:45 a.m. CT

*Implementation Challenges and Considerations*

*April 30, 2024*

# Housekeeping Reminders

*April 30, 2024*



This presentation is  
being recorded.



Resources  
available on the  
MHEC website  
post-event.



Submit questions  
in the Q&A.



Please complete  
our survey.

# Introductions



**Nan Kalke, PhD**

- Specialized accreditation
- Program and curriculum content alignment to external standards
- Ensure program operations meet quality assurance standards
- Licensure research



**Kris Maul, JD**

- 15 years specializing in licensure
- Research, analysis and curriculum
- Compliance processes and systems
- Board communication and advocacy
- Student and graduate support



# Agenda

## **Part I 10:00-10:30am CST- What Leadership Needs to Know**

- **What is Required: Title IV regulations and SARA policy**

BREAK 10:30-10:45am CST

## **Part II 10:45-11:45am CST- Implementation Challenges and Considerations**

- Licensure programs
- Research and curriculum comparisons
- Compact and reciprocity agreements
- Student location policy
- Written attestation process
- Disclosures—Public and Individual Direct

Questions

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.



# What is Required



# Institution Responsibility

Federal Title IV Regulations ([34 CFR 668.43](#) and [34 CFR § 668.14](#)) and SARA Policy ([v. 21.1 § 5.2](#)) require:

- Understand
- Certify
- Communicate



# Understand

**Understand** how **licensure programs** (all modalities) meet educational requirements for licensure in each state and U.S. territory where **recruiting, advertising, and enrolling**.

- Licensure is umbrella term for something State-issued and required for employment in an occupation or profession.
- Licensure Program is one designed or advertised as preparing students for licensure.
- Requires researching each state/territory requirements and comparing program, including specific courses or supervised experiences.



## Program Participation Agreement (PPA) Certification

- Connected to the program's eligibility for participation in Title IV

**Starting July 1, 2024**, each institution must certify that any program that prepares students for licensure (or State certification) meets educational requirements

- Where the institution is located, AND
- Where students are located at time of initial enrollment in licensure program

Written Attestation Exception: or where students attest to plan to be licensed and employed after completing the program

**CANNOT ENROLL** students located in “does not meet” or not determined location, unless written attestation is completed.

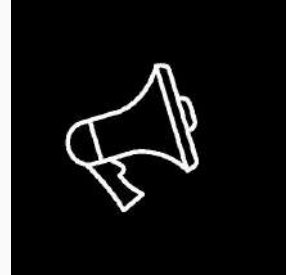




# Communicate

## Communicate licensure information to prospective and current students:

- *Public disclosures (website)*
  - “Meets” or “does not meet”
    - “Not determined” no longer required
  - Should be “meets” in U.S. states/territories where students are located OR advertising/recruiting for the licensure program.
- *Individual direct disclosures (email)*
  - Student location is key
  - Prior to Initial Enrollment if “not determined” or “does not meet”
    - Would also need written attestation
  - 14 calendar days from becoming aware of change to “does not meet”



# ED Electronic Announcement

Earlier this month, the [U.S. Department of Education \(ED\) released an Electronic Announcement](#) that provides an opportunity for some institutions to extend the compliance timeline past July 1 for the new PPA Certification requirement for licensure programs.

ED is providing a limited opportunity for institutions with circumstances that are unique, time-specific, and outside the control of the institution that prevents compliance with the new PPA Certification requirement by July 1 to document the circumstances that prevent compliance and use that information as a defense in an enforcement action between July 1 - January 1, 2025.

It is important to note that **ED has not delayed the effective date** of this new regulation.

This only impacts the new PPA Certification section, not the public or direct disclosures.



# Risks and Impacts

This is Title IV regulation, so any and all Title IV non-compliance measures possible. Ultimately, impact to Title IV eligibility for institution if not compliant.

Also:

- Misrepresentation and Borrow Defense to Repayment
- Accreditors, State Portal Entities (SARA), and state regulators also enforcing

## Challenges

- Licensing boards/agencies generally will not review or approve out-of-state programs.
- Up to each institution to understand if programs meet educational requirements in states where enrolling, recruiting, and advertising.
  - Work is time consuming, labor intensive and requires certain level of experience.



# Considerations

## Time

- Between 2-8+ hours per state/territory to research each license type.
  - Across 59 jurisdictions (50 states, D.C., and 8 territories) adds up to **118-472 hours of research for one license-type.**
- Average institution has at least 10 license related programs, **1180-4720 hours of research necessary.**
- Additional 2-4+ hours per state/territory for each license type, to compare coursework/field experiences (not needed for all licenses or in all states/territories)

## Expertise

- Research includes locating and interpreting statutes, regulations, rules and policy manuals.
- Locating reliable third-party sources of information to confirm findings is important.

## Cost

- Institutions\* have estimated **\$22,000 per license type for initial research and \$11,000 each year for updates**, utilizing staff/faculty to complete research.

\* **Realigning Professional Licensure within the 21st Century**, Jennifer S. Lewis, Anne M. Klingen, & Kenneth M. Heard, III, NASASPS 2022 Annual Conference, Slide 50, accessed at <https://nasasps.org/wp-content/uploads/NASASPS2022-HeardLewisKlingen-Realigning-Professional-Licensure.pdf>



# Who should do this work

- Compliance Director
- Provost Office
- Program Directors
- Faculty/Curriculum SMEs
- Enrollment/Admissions
- IT
- Financial Aid
- Possibly External Expert, like HELP



# Our Services and Support



- One-of-a-kind database of educational requirements for professional and occupational licensure
- Provides information needed to compare programs and make “meets” or “does not meet” determinations
- Includes over 70 license types
- Information for all 59 U.S. states and territories

## Additional Services

- Webinars and Work Sessions
- Consultation
- Detailed Curriculum Comparisons
- Custom Research Projects

*Costs vary, depending on number of factors including frequency, license type, timeframe, and number of institutions.*

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# Continuing Enrollments in Professional Licensure Programs after July 1

Part II: 10:45-11:45 a.m. CT

*Implementation Challenges and Considerations*

15:00

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- **Research and curriculum comparisons**
- **Compact and reciprocity agreements**
- **Student location policy**
- **Written attestation process**
- **Disclosures–Public and Individual Direct**

## **Questions**

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Which of these are licensure programs?

[Slido.com](#)  
**#2743 625**

[Present link](#)



# Licensure Programs Poll

Which of the following are licensure programs? (You can select more than one)

All of the above could be



Bachelor of Science in Nursing



Master of Art in Teaching - Elementary Education



Associate of Applied Science - Dental Hygiene



Certificate in Applied Behavior Analysis



Doctor of Philosophy in Psychology



Bachelor of Science in Engineering



# Licensure Programs Considerations

Licensure is umbrella term – certification, certificate, endorsement, authorization, registration, etc.  
Key: Is it state/territory issued and required for employment.

Title IV regulations do not specify which programs are licensure programs.  
Different institutions may come to different conclusions.

## Designed

- Professional/curricular standards, including programmatic accreditors
- Is licensing exam data reported
- Expectation that most graduates will seek licensure

## Advertised

- Program description in catalog and website
- References to license or licensing exam preparation or eligibility
- Claims about career opportunities that require a license



# Research and Curriculum Comparisons

**Question:** How will I know whether an in-depth comparison of the program curriculum to another state's educational requirements is necessary? Will this be a one-time comparison?

**Answer:** In order to determine if a program meets educational requirements for licensure, institutions need to research the educational requirements in other states/territories. Some license types require a detailed comparison of courses to state required content areas. This is generally clear from statute, regulation and/or board application materials if needed. Can be true, even if specialized program accreditation is required or accepted. Regular research and review of comparisons will be necessary to ensure the program continues to "meet" the educational requirements in every state/territory that determination has been made.



# Research and Curriculum Comparisons Considerations

This work takes time and people power!

- Locate, review and understand educational requirements
- Compare coursework and practicum/internship/student teaching hours

Specialized accreditation - important but may not “meet” requirements

- Accreditation meets all educational requirements
  - Example: Athletic Training (CAATE)
- Accreditation plus demonstration of specific courses
  - Examples: Social Work (CSWE+) and Counseling (CACREP+)

Cadence of review and updating determinations not dictated

Documentation is important—how would you defend determination?



# Licensure Compact and Interstate Reciprocity Agreements

**Question:** Can we rely on an interstate licensure compact or reciprocity agreement to make a "meets" determination for another participating state/territory?

**Answer:** Likely yes, U.S. Department of Education included in commentary that institutions may be able to rely on licensure compacts or reciprocity agreements when determining a program meets educational requirements. Their example included teacher licensure, specifically when a teacher preparation program graduate can utilize a license from the state where the program is completed to meet the other state's educational requirements for a provisional license. This graduate may still need to complete a course or two specific to that state's history or culture, but they will be able to find employment as a teacher using the provisional license. While this recognition of licensure compacts and reciprocity makes sense, it is not clear how broadly ED is willing to extend these provisions. A careful reading of the compact or reciprocity agreement language will be important.



# Licensure Compact and Interstate Reciprocity Agreements Considerations

This is new with July 1, 2024 changes—proceed with caution!

- Who is covered? Recent program graduates or experienced professionals?
- What does compact/agreement allow your graduate to do?
- Will they be issued a license by receiving state or does it only cover practicing across state borders?
- What additional requirements (if any) will graduates of your program need to satisfy to utilize this pathway to licensure in another state?





# Where is this student located?

Slido.com

**#4189 360**

Present link



# Student Location Policy Poll

**Where is this prospective law student located? Student lives in Iowa City while enrolled at University of Iowa, graduating with B.S. in May 2024. Permanent address is Overland Park, KS. They apply to J.D. program at University of Missouri - Kansas City.**

It depends on the institution's Student Location Policy



61%

Kansas



25%

Iowa



9%

Missouri



4%



# Student Location Policy Considerations

Every institution must have student location policy used for PPA Certification and disclosures.

- Policy should be reviewed and updated on regular bases (like any other policy)
- Applied consistently at institution
- Policy made available to Department of Education if requested

How will your student location policy treat:

- Applicants/prospective students who will be relocating to campus for face-to-face program
- Graduate vs. undergraduate
- Students commuting across state borders
- International students
- Military-affiliated students



# Written Attestation

**Question:** Can we use an automated form as part of the application that has the student identify which state they intend to seek licensure/employment in to satisfy the attestation requirement?

**Answer:** Possibly, but your attestation process will need to include more than just an automated form.

U.S. Department of Education has stated they will looking at how the institution conveyed information to the student about licensure eligibility, along with documentation (can be electronic) from the student that includes affirmation of the information provided by institution, that the student understands the information, and that they intend to seek licensure/employment in one names “meets” state/territory.



# Written Attestation Considerations

U.S. Department of Education 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.*

# Is a direct disclosure required?

Slido.com  
**#1174 620**

Present link



# Disclosure Poll

**Is a direct disclosure required? PS lives in Guam. Apply to M.S. in Applied Behavior Analysis program in MN. They plan to live with family in WI while enrolled. Institution has not made licensure determination about program as MN does not issue license.**

It depends on institution's Student Location Policy



72%

It depends on if this is a distance education program



11%

No



10%

Yes, for Wisconsin



6%

Yes, for Guam



1%



# Disclosures Considerations

## Public Disclosures

Starting July 1, list of states/territories where determined “meets” and “does not meet”. May choose to still disclose “not determined”, but no longer required.

Department of Education staff indicated:

- Should only be advertising programs and recruiting students in “meets” states/territories.
- Programs can include states/territories that do not issue or require a license in “meets” if also include information that no license issued or required.

## Direct Disclosures

Unchanged from July 1, 2020 version. Must send to prospective students prior to initial enrollment in licensure program if located in “does not meet” or “not determined”.





# Questions



# Our Services and Support



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## Additional Services

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## MHEC

A [written Q&A](#) from a presentation by Kris Maul, JD, on January 31, 2024, convened by the Midwestern Higher Education Compact (MHEC), can be reviewed on the [MHEC website](#). *Winter is Here but Summer is Coming: Preparing for July 1, 2024 Licensure Compliance.*

[Directory of state/territory licensing boards and agencies](#)

## HELP Blog

Information on Federal Department of Education and State Authorization Reciprocity Agreements (SARA) policies related to professional licensure compliance, researching state and territory educational requirements, and other related issues are written about and published on the [HELP website blog](#).

## WCET-State Authorization Network Resource Page

The State Authorization Network (SAN), has several resources specific to professional licensure, including a beginner's checklist and an implementation handbook. See the SAN professional licensure [resource page](#).

## Thompson Coborn and WCET-SAN Webinar

A [webinar](#), ED's Evolving State Authorization and Professional Licensure Requirements on April 4, 2024.



# Current Federal Regulations - Public Disclosures

[34 CFR 668.43\(a\)\(5\)\(v\)](#) - Institutional Information (public notifications for programs leading to professional licensure or certification for all modalities)

(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;



# Current Federal Regulations - Individual Disclosures

[34 CFR 668.43\(c\)](#) - Institutional Information (individualized notifications for programs leading to professional licensure or certification for all modalities)

(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.



# New ED Regulation (effective 7/1/24) : PPA Certification

## 34 CFR § 668.14(b)

*(32) In each State in which: the institution is located; students enrolled by the institution in distance education or correspondence courses are located, as determined at the time of initial enrollment in accordance with 34 CFR 600.9(c)(2); or for the purposes of paragraphs (b)(32)(i) and (ii) of this section, each student who enrolls in a program on or after July 1, 2024, and attests that they intend to seek employment, the institution must determine that each program eligible for title IV, HEA program funds—*

*(ii) Satisfies the applicable educational requirements for professional licensure or certification requirements in the State so that a student who enrolls in the program, and seeks employment in that State after completing the program, qualifies to take any licensure or certification exam that is needed for the student to practice or find employment in an occupation that the program prepares students to enter;*



# New ED Regulation (effective 7/1/24): Public Disclosures

## [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, 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;



# New ED Regulation (effective 7/1/24): Individual Direct Disclosures

## 34 CFR § 668.43(c)

(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 institution in accordance with § 668.14(b)(32).

(2) If the institution makes a determination under paragraph (a)(5)(v) 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.





[www.HigherEdLicensurePros.com](http://www.HigherEdLicensurePros.com)

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