



Are You Ready? New Licensure Regulations Significantly Impact Student Enrollment, Curriculum Development, and Staff/Faculty Workloads

The following questions were asked during the 12/5/2023 MHEC Convening presented by Kris Maul, JD of [Higher Education Licensure Pros](#).

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With this being a recently released regulation, hopefully more information and guidance will be available from the 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 Asked and Answered During the Webinar

Q: Education licenses aren't a single credential; they represent more than one kind of license and multiple endorsements for different areas of teaching or other activities. Our institution offers approximately 70 different education endorsements in over 200 curricular configurations. Are we liable to make as many as 12,000 (200 * 60 jurisdictions) determinations?

A. The first consideration is, is this a distance education program or are these students distance education students? If the answer is no, then you can consider all of your prospective students to be located wherever your campus is located. So that would reduce it down to one state and you will already

have program approvals for those teacher preparation programs. If you do have distance education students in these programs, then you would have to make a determination on whether you meet educational requirements wherever that prospective student is located. Disclosures are along the same lines. For public disclosure, you will want to have your state as “meets,” and then if you are aware of any other states where you “meet” or “do not meet,” you need to list those on your public disclosures as well.

Q. Do you have any recommendations on what we should do with any "undetermined" by July 1? We have so many we are unlikely to have them all by the deadline.

A. This is going to be one of those things where it comes down to an institution’s decision on how you want to handle them. Under the new regulations, effective July 1, 2024, the Department of Education is indicating for public disclosure a list of “meets” and a list of “does not meet.” So, you could just choose to not include the “not determined” anywhere on your list. I personally think you would probably be in compliance with the new requirement. Would that be very helpful to prospective students? Probably not. There is nothing in the regulation that says you cannot include additional information. An institution could choose to disclose additional points of information. So, you may want to keep that list of “not determined” still up. The key is, again, you can only be enrolling students from a “meets” location. If you are going to have a scenario where you have prospective students coming from those “not determined” states and territories, you have to make that determination before July 1, 2024, or you are going to have to stop enrolling students from those locations.

Q: If a border state is currently waiving any deficiencies for out of state prepared candidates and issuing full certificates, can we say our program meets their licensure requirements?

A. Not knowing the specifics, this one sounds similar to the example the Department of Education provided in the commentary for teacher licensing. In this scenario, it sounds like they are not even being issued any kind of deficiency or something they need to do, which means that, yes, they meet the requirements – it sounds like under reciprocity. Again, you would want to be sure that that is very well understood and documented in some fashion as you are making this determination.

Q; I work a community college that has minimal out of state students, we certainly are not looking to exclude students from other states. But is there anything that would stop us from saying "does not meet" for the states we used to classify as "undetermined". Essentially if we have programs that do not have out of state students and historically haven't, but they do use online/distance learning as the modality, would it be wrong to say it does not meet even if there is a possibility it does meet?

A. This will ultimately be a decision for the institution on how you want to handle this. In my mind it seems fairly low risk to say you do not meet something when in fact maybe you could. Versus the flip side, you do not want to say you “meet” it if you do not know. As I mentioned earlier, for those “does not meet” locations, if it is a face-to-face, on campus program, you could potentially leave them off your public disclosures altogether and that would seem to satisfy the new regulations starting July 1, 2024.

Q: Many of our programs do require students to be located here for on campus courses, but they may be able to take one distance class in their first term--while being physically located in our state anyway. Does that change anything, since they would be taking a class via distance but would still be physically located in our state when taking that class?

A. Typically distance education is about education across the state lines. All of you who work on SARA-related issues know that the focus is on those activities that are happening across state lines. I would say I am not sure. This is one point of clarification I want to try to get from Ms. Gomez and encourage you to also ask her. It seems to me that if they are going to be located within your state that they would probably be treated as if they are located on your campus, because they are still located in the same state – but I do not know if that is true given the information available in the preamble and what Ms. Gomez has provided to me at least. So I think that is an open question and I encourage you to ask it.

*Ms. Gomez is a Department of Education representative.

Q: Does the "first term" indicate first ever attendance date, or first term post-high school graduation?

A. Again, this could use some clarification from the Department of Education, but I think the idea behind this is the first term they are enrolled in the licensure preparation program, whatever that is. I know there could be scenarios where someone is enrolled at the institution already because they have been taking courses while they are in high school or they start out with an undeclared major or something like that. There are lots of scenarios where you could have someone who has already been in your institution for a term or longer, but once they are enrolling in that licensure-related program, it is almost like a new clock starts. So that first term in the licensure program – if they are going to be taking a distance education course, you should consider them to be a distance education student for these purposes.

Questions Not Addressed During Webinar

Preparing for July 1, 2024 Implementation

Q: As a best practice, which department/who should be spearheading this efforts? Is this the responsibility of the Financial Aid Office?

A: This will vary by institution. Typically we see the following roles/departments spearheading this licensure compliance work: state authorization coordinators, accreditation staff, online/distance education directors, associate provosts and deans. The most successful compliance efforts will have one point person with a cross-functional team that works across the entire institution.

Q: Just to set some expectations. How much time does it take to put together the database of program requirements that HELP has? Or rephrased, what kind of workload would acquiring your services alleviate from a school?

A: Based on our experience, it takes between 2-8+ hours per state/territory to research each license type. The range is so wide due to varying levels of complexity across different license types. For 59

jurisdictions (50 states, D.C., and 8 territories) that adds up to 118-472 hours of research for one license-type. If you have 10 license related programs, 1180-4720 hours of research necessary. [The Bookmark](#), Higher Education Licensure Pros' database of educational requirements for licensure, can replace this workload. Keep in mind an additional 2-4+ hours of work per state/territory for each license type, to compare coursework/field experiences (not needed for all licenses or in all states/territories).

Q: Have you submitted anymore questions to the Education Department?

We are submitting additional questions based on this Q&A and other questions we are receiving from the institutions Higher Education Licensure Pros works with. Anyone can submit questions to Vanessa Gomez, the ED contact for this new regulation. Her email address is vanessa.gomez@ed.gov

Q: Do we expect this new rule to be challenged?

While other recently released regulations are likely to be challenged (Gainful Employment, for example), I am not aware of any possible efforts to challenge this Certification Procedures section of the new regulations.

Q: Do you expect the first-term distance-education "rule" to change in the future to expand to distance education in ANY term? or does it sound like Dept of Ed will stick with the first term? (I know that is like trying to read the future!! Thanks for giving your thoughts)

A: This "rule" comes from the [May 2023 Dear Colleague letter](#) (DCL GEN-23-09), that indicates a student is enrolled in distance education if the student enrolls in at least one course offered through distance education. Vanessa Gomez, the ED contact for this issue, indicated [through email](#) that this applies for the first semester/term of enrollment for PPA certification and licensure disclosure purposes. Because this isn't in regulation, it is possible that ED will change their interpretation over time. I wish I had a crystal ball!

Regulation Applicability Broadly

Q: Do these requiremnts ONLY include the US 50 or does it also include its territories like Puerto Rico?

A: Territories are included in July 1, 2024 regulations, just as they are today for licensure disclosures. The required territories (as specified in the definition of State in [34 CFR 600.2](#)) are: 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.

Q: Could we get clarification on the 9 territories (District of Columbia, Puerto Rico, Guam, etc.???)

A: The required territories (as specified in the definition of State in [34 CFR 600.2](#)) are: 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.

Q: Is this for all programs or just distance education?

A: All programs. The current and July 1, 2024 requirements for PPA certification and disclosures apply to all programs. While there are practical differences for determining student location and direct disclosures, the ED contact for this issue, Vanessa Gomez, has made it clear that all of these requirements apply to all programs, regardless of modality.

Q: If a program is pre-licensure and not advertised as meeting licensure requirements and not designed to meet licensure requirements, and it offered in multiple states... does the determination still need to be made and public disclosure made?

No. These regulations only apply to licensure programs—those that are designed and/or advertised to lead to a professional license or employment/role that requires a license after completing the program.

Q: Is this new rule for ALL certification programs for example phlebotomy or Public Safety?

A: These requirements apply to state/territory required and issued licenses or certifications. For example, if the public safety program was designed or advertised to lead to a law enforcement/peace officer role, then you would need to apply this regulation. Law enforcement/peace officers are required to hold a state/territory issued license or certification to work in every state/territory. Programs that are designed or advertised as leading to a private organization issued certification do not fall under these regulations (unless a State requires that certification for a State-issued license/credential).

Q: What about situations where a student may change majors to a licensure program? Do institutions have to ensure they meet educational requirements in the student's state, and provide a disclosure similar to prospective students?

A: These requirements apply at the time of initial enrollment into the licensure program. Generally, this means that the PPA certification and direct disclosure requirements should apply at the point that the student changes majors. However, in this scenario a student currently enrolled in a non-licensure (or other licensure) program at the institution may be prevented from changing majors if they are located in a “does not meet” state/territory. The regulations and ED commentary released with regulations do not address this scenario. Vanessa Gomez, the ED contact for these regulations, may be able to provide direct answer. She can be reached at vanessa.gomez@ed.gov

ED Guidance

Q: Is the May 2023 Dear Colleague letter available to read online?

A. [May 2023 Dear Colleague letter](#)

Q: If we have already admitted students to licensure programs for Fall 2024 and their state does currently meet requirements or has not been determined, do we need to recind their admission?

A: Not if your institution considers the admitted student to be enrolled. The ED contact for this issue, Vanessa Gomez, clarified that if the student enrolls prior to July 1, 2024, the program would still be eligible to participate in Title IV. This requirement would cover new program entrants who enroll on or after July 1, 2024.

Q: Are the questions that Kris has asked to ED available for us to view with the responses from ed?

[Kris' email and ED response 11.9.2023](#)

[Kris' email and ED response 12.4.2023](#)

Also note that the ED contact for this issue, Vanessa Gomez, has indicated that a written Q&A document will be published at some point.

Compliance and Non-Compliance Consequences

Q: What happens if we don't notify students of a change within two weeks?

A: If an institution is audited and to produce direct disclosures for current students or if the disclosures were sent outside of the 14 calendar day window, the institution could face any number of penalties from ED, up to loss of ability to participate in the Title IV program.

Q: How often does an institution need to review the requirements of each of the 50 states? If you review the licensure requirements once a year, is that enough? It is nearly impossible to monitor the regulations of each state every day.

A: Keeping on top of proposed and final changes is nearly impossible, especially for institution staff that have many other responsibilities on their plates. ED regulations and guidance do not set a specific timeframe for review of state/territory educational requirements. Each institution should set a policy and process that is reasonable and defensible. Once a year aligns with other review cycles for similar ED disclosures and certifications.

Q: What do we do with those programs that we have yet to determine or are actually undeterminable?

A: An institution should not advertise and cannot enroll prospective students located in a "not determined" state or territory. If the institution has any current students enrolled from these locations, it would make sense to prioritize determining if the program "meets", otherwise the program would need to stop taking enrollments from these locations on July 1, 2024.

For public disclosures, if the institution does not advertise and will not be enrolling to those "not determined" states/territory, public disclosures no longer need to be provided starting on July 1, 2024. The new public disclosure requirement is: *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.

ED addresses those “undeterminable” situations in their commentary released with the final regulations:

The Department notes that institutions are the ones making the certification to the Department. If they cannot determine it based upon the State licensing board, they could also look at the experiences of their graduates and document confirmation that those graduates all met the educational requirements for licensure or certification... Moreover, sorting through licensing requirements can be a challenging and time-consuming task. We believe the burden of that task should be placed on the institution that will be making determinations again and again for students across multiple States instead of placing it onto the individual student. [See page 386 of unofficial regulations.](#)

Determining Distance Education Students

Q: What if a student is located in the home state and the program is on ground but only take one class on line due to scheduling in the first term- that makes the student distant education student

A: Yes, in this scenario the student would be considered a “distance education” student for these licensure purposes. Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term of enrollment in the licensure program should be considered a “distance education” student for PPA certification and disclosure purposes. There is no distinction between a general education course, elective course or other courses required for the program. Institutions are responsible for determining that the program meets educational requirements for licensure where distance education students are located. Recall that student location is determined by the institution's student location policy.

Q: So if the student doesnt enroll in a distance ed course in the first term they are not a distance ed student? what happened to “exclusively distance ed “ for reporting

A: This information presented is specifically for the new PPA certification and licensure disclosure requirements. Questions about other reporting requirements or distance education issues should be addressed to the appropriate ED contact (or other organization, such as NC-SARA).

Q: So this Certification only applies to distance ed students now? not ALL like it did last year? so if we don't have any students in a program that are taking an online class there is no need to certify for a specific degree program like nursing?

A: These regulations apply to all programs that are related to licensure. Institutions need to certify through the PPA certification process that the program meets educational requirements for licensure where the institution is located and where students are located. Prospective students who will be attending a face-to-face program on campus may be considered to be located in the State of institution at time of initial enrollment, under the institution's student location policy. Any student who will take one (or more) classes online during their first semester/term should be considered a “distance education” student.

Note that public and direct disclosure requirements also still apply to all programs, although will mostly be a factor for programs with distance education students.

Q: Is a student who is primarily on-campus, but takes an incidental online course, "enrolled in distance education" under these regulations?

A: Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term of enrollment in the licensure program should be considered a "distance education" student for PPA certification and disclosure purposes. There is no distinction between a general education course, elective course or other courses required for the program. Institutions are responsible for determining that the program meets educational requirements for licensure where distance education students are located. Recall that student location is determined by the institution's student location policy.

Q: Is this for any program or any DE program?

A: All programs. The current and July 1, 2024 requirements for PPA certification and disclosures apply to all programs. While there are practical differences for determining student location and direct disclosures, the ED contact for this issue, Vanessa Gomez, has made it clear that all of these requirements apply to all programs, regardless of modality.

Q: Is distance education asynchronous online or also hybrid and remote synchronous?

A: Under other ED definitions, distance education can be asynchronous or synchronous. Vanessa Gomez, ED contact for this issue, did not provide any distinction between asynchronous or synchronous online courses. Any student taking any online course (or distance education course) during their first semester/term of the licensure program would be considered a distance education student.

Q: Did you say enrollment was based on the specific licensure program or the institution generally? If a student is in a licensure program and opts to take an electively online, are they now a distance ed student?

A: Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term of enrollment in the licensure program should be considered a "distance education" student for PPA certification and disclosure purposes. There is no distinction between an elective course or other courses required for the program. In this scenario, if the student does not take any online courses during the first semester/term, but later does, they would not be considered a "distance education" student, because the key is time of initial enrollment into the licensure program.

Q: If the first semester coursework includes the option of online or face to face options, would we have to wait to determine initial enrollment when the student actually enrolls?

A: Under current and July 1, 2024 regulations, individual direct disclosures need to be sent to prospective students located in "does not meet" and "not determined" states/territories prior to enrollment (financial commitment). Each institution must set their own reasonable, defensible policy for determining student location. The most conservative approach would be to treat any prospective

student who may take one (or more) online courses during the first semester/term as a “distance education” student for PPA certification and licensure disclosure purposes. That would mean treating that prospective student as located in the state/territory they are currently in—rather than located on campus. The institution would need to be able to certify that the program “meets” educational requirements where the prospective student is located.

Q: For distance/online courses---if an on-campus student in a licensure program takes a general education course required for graduation online, would they still be considered "distance"?--specifically thinking of if the course is not explicitly required by the licensing body.

A: Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term should be considered a “distance education” student for PPA certification and disclosure purposes. There is no distinction between a gen ed course or other courses required for the program. In this scenario, the prospective student will likely need to be considered a distance education student and therefore located in their state/territory at time of initial enrollment (rather than state where campus is located).

Q: Does the online component include any course required to graduate (i.e. general education course), a course included in the actual major (i.e. nursing), or both?

A: Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term should be considered a “distance education” student for PPA certification and disclosure purposes. There is no distinction between a gen ed course or other courses required for the program. In this scenario, the prospective student will likely need to be considered a distance education student and therefore located in their state/territory at time of initial enrollment (rather than state where campus is located).

Q: What if a BSN student took a gen ed class online the first semester but the rest in person?

Vanessa Gomez, contact for this issue at ED, has indicated that the first semester/term is key for categorizing a student as “distance education” for these purposes. There does not seem to be a distinction between general education courses or other required courses for the program. Therefore, if a student will be completing any course online during the first semester/term of being enrolled in the licensure-related program, they should be treated as a “distance education” student for licensure PPA certification and disclosure purposes. In order to enroll the student, they would need to be located in a “meets” state/territory or complete the attestation process (that they will seek licensure/employment in a specific “meets” state/territory after graduation).

Q: What if a face-to-face on campus program has online courses that are taken in the institution's home state? Is that still considered a distance program?

A: Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term should be considered a “distance education” student for PPA certification and disclosure purposes. In this scenario, the prospective student would likely need to be considered a distance education student and therefore located in that state/territory (rather than state where campus is located).

Q: What about online gen ed courses that are not core to the licensure program?

A: Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term should be considered a “distance education” student for PPA certification and disclosure purposes. There is no distinction between a gen ed course or other courses required for the program. In this scenario, the prospective student will likely need to be considered a distance education student and therefore located in their state/territory at time of initial enrollment (rather than state where campus is located).

Q: Many of our programs do require students to be located here for on campus courses, but they may be able to take one distance class in their first term--while being physically located in our state anyway. Does that change anything, since they would be taking a class via distance but would still be physically located in our state when taking that class?

A: Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term should be considered a “distance education” student for PPA certification and disclosure purposes. In this scenario, the prospective student would likely need to be considered a distance education student and therefore located in that state/territory (rather than state where campus is located).

Q: For clarification, these rules would not apply to a student in a face to face or on-campus program unless they take one or more online courses during their first term? So an on campus student who takes an online course in their 4th semester does not fall under these rules?

A: These regulations apply to all prospective students and students for any type of program that is designed or advertised for licensure. Student location must be determined at the time of initial enrollment. A student enrolling in a face-to-face/on-campus program may be considered to be located in the state where the institution is located (even if that prospective student is not yet physically located in the state where the institution is located) for purposes of PPA licensure certification and disclosures. So an on-campus student who will take an online course in their 4th semester could be treated as located in the state where the campus is located.

Student Location

Q: So are you saying that if I live in AZ but come to IL for classes then I am located in IL?

A: Yes, this could be the case, depending on the institution’s specific student location policy. Each institution must set a location policy under current and July 1, 2024 regulations. Student location policy requirements are in [34 CFR 600.9\(c\)\(2\)\(i\)](#), with specifies that each institution must have a written student location policy that is applied consistently across the institution and made available to ED if requested. In the commentary released with the July 1, 2024 regulations, ED indicates that it is reasonable for institutions to consider prospective students who will relocate to campus for a face-to-face program to be considered located in State of institution at time of initial enrollment. See [pages 376 and 379 of unofficial regulations](#).

Q: What about students crossing state lines, as a daily commute?

A: This depends on the institution's student location policy. Under current and July 1, 2024 regulations, each institution must have a written student location policy that is applied consistently across the institution and made available to ED if requested. If the policy considers the daily commuter student to be located on-campus, per your location policy, then the PPA certification and disclosures would be related to the state where the campus is located. If the policy considers the daily commuter student to be located at permanent or temporary address, then that State would be their location. The institution would need to be able to certify that the program "meets" that other State's educational requirements for licensure. Keep in mind that the ED contact for this issue, Vanessa Gomez, has indicated that any student taking one (or more) course online during the first semester/term should be considered a distance education student.

Attestation

Q: When you say the state must be named in the attestation, what if the student doesn't know where they will go?

A: Unfortunately, the attestation will not be an option for prospective students in this situation. ED has made it clear that the attestation must be for a specific "meets" state. The prospective student must list one particular state where the program "meets" educational requirements.

Q: How can you enroll students from "does not meet" states even with the robust disclosures if in the PPA and the regulation you are not able to enroll/advertise students from those states?

A: ED has created an attestation process that allows institutions to enroll students from a "does not meet" state/territory, if the prospective student is provided with information about licensure and attests that they will seek licensure and employment in a designated "meets" state/territory. ED does not provide specifics on what this attestation must be in the regulation. Vanessa Gomez, ED contact for this issue, has indicated that the intent of this exception is to provide for specific situations where a student residing in one State has concrete plans to move to another. That State must be named in the attestation. A hardcopy written attestation from the student would fulfill this requirement, as well as an email where the school can reasonably authenticate that such a communication was sent from the student's email address. As with any documentation maintained in an electronic format, it would be necessary for the institution to be able to reproduce the contents of the email upon request from an auditor or Department compliance official.

Q: So we can still enroll them from a "does not meet" state with an attestation?

A: Yes, students who are located in a "does not meet" location at the time of initial enrollment can still enroll if they are provided with information about licensure and attest that they will seek licensure and employment in a designated "meets" state/territory. ED does not provide specifics on what this attestation must be in the regulation. Vanessa Gomez, ED contact for this issue, has indicated that the intent of this exception is to provide for specific situations where a student residing in one State has

concrete plans to move to another. That State must be named in the attestation. A hardcopy written attestation from the student would fulfill this requirement, as well as an email where the school can reasonably authenticate that such a communication was sent from the student's email address. As with any documentation maintained in an electronic format, it would be necessary for the institution to be able to reproduce the contents of the email upon request from an auditor or Department compliance official.

Public Disclosures

Q: No public disclosure or only one if F2F program?

A: If an institution offers a face-to-face, on-campus program with no distance education students (keep in mind that even one online course during first semester/term is considered distance education for these purposes), then public disclosure of "meets" for only the state where institution is located would be sufficient. This presumes that the student location policy of the institution treats any prospective student who will enroll in the program (relocate to the campus to take classes) as located in institution state.

July 1, 2024 public disclosure regulation requires "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" This seems to indicate that institutions are not required to know or disclose if their programs meet educational requirements in every state (only those states/territories where the campus is located or where students are located).

Further, Vanessa Gomez, the ED contact for these regulations, has noted that if an institution is not enrolling students from a given State, it is not obligated to determine anything regarding that State; it just cannot offer the program to anyone in that State. However, she indicated that before a school advertises their program in a particular state/territory, they should have made the determination that they meet the licensure/certification requirements for that state/territory. If such determination is not made, they should not be advertising to or enrolling students of that state/territory.

Q: Clarification for the public disclosures- must every state fall into either the "meets" or "does not meet" lists required? Or do we remove "have not determined" states from the public disclosures and only have the two required?

A: The July 1, 2024 regulation indicates "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". This seems to indicate that institutions are not required to know or disclose if their programs meet educational requirements in every state (only those states/territories where the campus is located or where students are located). Further, Vanessa Gomez, the ED contact for these regulations, has noted that if an institution is not enrolling students from a given State, it is not obligated to determine anything regarding that State; it just cannot offer the program to anyone in that State. However, she indicated that before a school advertises their program in a particular state/territory,

they should have made the determination that they meet the licensure/certification requirements for that state/territory. If such determination is not made, they should not be advertising to or enrolling students of that state/territory.

Q: To clarify, if students are not considered distance education for the program, but you market in the state they are located, do institutions need to provide a meet or do not meet disclosure?

A: While the regulations do not address this specifically, the Department of Education contact for this issue, Vanessa Gomez, has indicated that institutions should not be advertising programs in states unless they know that the program “meets” educational requirements in those states.

Direct Disclosures

Q: If a student is in a location that leads to licensure and the requirements change while the student is in the program, is the institution required to notify the student?

A: Yes. The current and new July 1, 2024 requirements for direct disclosures require the institution to notify a student if the state/territory they are located in becomes a “does not meet” state/territory for the program. This direct disclosure must be sent within 14 calendar days of the institution becoming aware the state/territory is “does not meet”.

Q: If an individual direct disclosure must be sent to a prospective student PRIOR to their enrollment, how would that work for a completely distance education institution who the student calls to enroll?

A: The definition for enrollment comes from [34 CFR § 668.2](#)

Enrolled: 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.

Also "prior to an enrollment agreement or financial commitment" is indicated in the 2019 licensure disclosure regulations preamble. Because the direct disclosures did not change with the July 1, 2024 updates, this understanding would still apply.

The direct disclosure needs to be sent to a prospective student prior to enrollment if that student is located in a “does not meet” or “not determined” state/territory. Keep in mind that each institution must set their own policy and processes for determining student location. Distance education students will likely be considered to be located in their state/territory of residence or where they will be completing courses.

Q: So if we are not supposed to enroll anyone in a program where it does not meet or has not been determined we won't need to send out notifications anymore?

A: Direct notifications will be required to prospective students located in a “does not meet” or “not determined” state/territory. You may have these prospective students, in particular distance education students (which includes any student taking one or more classes online during first semester/term), who

wish to enroll. In order to enroll, these prospective students would need to complete the written attestation process, clearly indicating that they will seek licensure/employment in a particular “meets” state after completing the program.

Q: I see in previous slides that "not determined" is no longer required but now on the example minnesota slide, it is still there in parentheses. Please clarify.

A: “Not determined” has been removed for the public disclosures. It is still part of direct disclosures under the July 1, 2024 regulations:

[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).

Q: We send direct disclosures at the first inquiry from a prospective student. Regarding F2F programs, we will not know until students register for courses that they chose an OL section for a general education course. Do we need to go through registrations for OL courses and send disclosures then?

A: Under current and July 1, 2024 regulations, individual direct disclosures need to be sent to prospective students located in “does not meet” and “not determined” states/territories prior to enrollment (financial commitment). Each institution must set their own reasonable, defensible policy for determining student location, which may include considerations such as this. The most conservative approach would be to treat any prospective student who may take one (or more) online courses during the first semester/term as a “distance education” student for PPA certification and licensure disclosure purposes. That would mean treating that prospective student as located in the state/territory they are currently in—rather than located on campus.

Q: Would it be acceptable in the above scenario for an institution to email the disclosure to the student while they are enrolling? Also, would it meet the requirement then if the student sent their attestation, naming the state or their plan for employment, via email during their enrollment process?

A: Emails are an acceptable form of communication for the direct disclosures required under the current and July 1, 2024 regulations. Note that the institution must be able to reasonably authenticate that such a communication was sent from the student’s email address. As with any documentation maintained in an electronic format, it would be necessary for the institution to be able to reproduce the contents of the email upon request from an auditor or Department compliance official.

Specific Programs/License Types

Q: If an education licensure requires a specific state history course does that then mean it is does not meet?

This scenario seems to fall under the example that ED provided in their commentary released with the regulations. If the graduate of your program would be eligible for some sort of provisional/temporary license to work as a teacher while they complete the specific state history course, you could indicate “meets”.

Comments: Many commenters pondered how the Department reconciled the limitation on institutions and students from meeting State educational prerequisites for Teacher Preparation Programs that often include only a course or two in the program addressing State specific history or culture even though, there is a pathway to licensure through State reciprocal agreements and the new Teacher Education Compact for license mobility. Discussion: The Department’s concern is that a student who completes a program be able to meet the educational requirements for licensure or certification in their State. We are persuaded by commenters that the way to meet this requirement can take a few forms. While the most straightforward would be to simply get licensed in the State they are living in, there are options for some occupations like teaching to obtain a license in their home State through reciprocity. In such situations the student obtains a license in a different State, but there is an agreement that allows them to use that license elsewhere. We believe that such situations would address the Department’s policy concern, provided that the student obtain a license that through reciprocity allows them to work in the State covered by the requirements in § 668.14(b)(32)(ii). This could include both a full license as well as a provisional one. Because these are all forms of licensure we do not think a regulatory change to capture this concept is necessary. From [page 398 of ED’s unofficial regulations release](#).

Q: How do we manage a situation where it's not a simple yes/no answer? Say, for example, that we know our EI Ed program meets all the requirements in a neighboring state except one state-specific item like that other state's constitution, which the student could do during their first year teaching under a provisional license? Do we have to say "does not meet" because it only gets them 90-some% to the requirements?

This scenario seems to fall under the example that ED provided in their commentary released with the regulations. If the graduate of your program would be eligible for some sort of provisional/temporary license to work as a teacher while they complete the specific state constitution course, you could indicate “meets”.

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Q: Does a provisional license count as a license?

A. Possibly. This may fall under the example that ED provided in their commentary released with the regulations.

Comments: Many commenters pondered how the Department reconciled the limitation on institutions and students from meeting State educational prerequisites for Teacher Preparation Programs that often include only a course or two in the program addressing State specific history or culture even though, there is a pathway to licensure through State reciprocal agreements and the new Teacher Education Compact for license mobility. Discussion: The Department's concern is that a student who completes a program be able to meet the educational requirements for licensure or certification in their State. We are persuaded by commenters that the way to meet this requirement can take a few forms. While the most straightforward would be to simply get licensed in the State they are living in, there are options for some occupations like teaching to obtain a license in their home State through reciprocity. In such situations the student obtains a license in a different State, but there is an agreement that allows them to use that license elsewhere. We believe that such situations would address the Department's policy concern, provided that the student obtain a license that through reciprocity allows them to work in the State covered by the requirements in § 668.14(b)(32)(ii). This could include both a full license as well as a provisional one. Because these are all forms of licensure we do not think a regulatory change to capture this concept is necessary. From [page 398 of ED's unofficial regulations release](#).

Q: So an ASE certification for auto mechanics is not issued by the state, but is required by the state in order to be a "licensed" mechanic who can open a repair shop. Would that count? People can work under a licensed mechanic without ASE certification in our state.

A: Not being familiar with auto mechanic licensure or ASE certification, we cannot provide a definite answer to this. Note that the "licensure" covered by these regulations is specific to state/territory issued professional or occupational license or certification for the individual. Business licenses or other requirements set by a state/territory government that impact the business (rather than an individual person) would not apply.

Q: Clarification: An automotive technician student takes an online math course because it is all she can get into. Because of that one course, we have to then determine automotive technician licensure/certification across the 59 US states and territories?

A: Vanessa Gomez, the ED contact for these regulations, indicated that any student taking one (or more) distance education class during their first term of enrollment in the licensure program should be

considered a “distance education” student for PPA certification and disclosure purposes. There is no distinction between a general education course, elective course or other courses required for the program. If the prospective student enrolling in a licensure program is a “distance education” student, then the institution must be able to certify (PPA certification) that the program meets educational requirements for the license in the state/territory where student is located. Alternatively, if the prospective student is located in a “does not meet” state/territory, they could still enroll if they complete attestation process, indicating they will be seeking licensure and employment in a specific “meets” State after graduation. An institution would only need to make determinations (and disclosures) for all 59 states/territories if they are enrolling students from all 59 or advertising to prospective students in all 59.

Q: Colleges that promote 4 + 1 for accounting students (masters packaged with undergrad) for CPA's would fall under these rules correct?

A: Yes, a combined graduate/undergraduate program that is designed and/or advertised as leading to a license would be subject to these requirements. This type of accounting program would need to be able to certify that it meets educational requirements for licensure where the institution is located and where students are located.

Q: If the program is a transfer program, but the end result is licensure, would the transfer program fall under these requirements? For example, we are a two year public community college. Students take their first year or two with us, then transfer their credits to a 4 year university. At the conclusion of their 4 year education, the student may be eligible to apply for licensure. So although the student's first year or two count toward the education requirement, the student cannot actually qualify for licensure until after transferring and completing additional credit hours at a university.

A: In this scenario, the transfer program would not be considered a licensure program, as long as your two year program is not designed or advertised as leading to a license (or State issued certification). The four year institution would be responsible for providing the PPA certification that the program “meets” educational requirements where the 4 year institution is located and where students are located. The four year university would also need to provide public and direct disclosures for their program.

Q: I think about a few occupations, for example accounting and engineering, some states do have work experience requirements. For example, if a program meets the accreditation/coursework requirements but it is unknown that the student meets the work experience requirements, would that be a does not meet?

A: A: The current and July 1, 2024 Title IV regulations are focused on educational requirements for licensure. Generally work experience is required and expected to be completed outside of the program. An example is the post-graduate supervised hours that a mental health counselor needs to complete to qualify for full licensure. As long as the state/territory educational requirements do not include in-program supervised experience, then a program can fulfill all educational requirements without including experience.

Q: Is an ordination program with or without a degree considered a licensure program?

A: To our knowledge, there are no state/territory government requirements for pastors to be certified or licensed. However, some denominations may consider ordination to be a type of certification or licensure. This would not be covered under these ED licensure regulations.

Clinical and Work Experiences

Q: What if they do a clinical rotation in a does meet state but outside of main campus?

For purposes of the new PPA certification requirement (institutions must certify that each program meets educational requirements for licensure where institution is located and where students are located), student location must be determined at the time of initial enrollment. ED contact, Vanessa Gomez, has further clarified that the first semester/term of enrollment is key factor. Assuming that a clinical rotation will not occur in the first semester/term, this would not apply.

As far as direct disclosures, none are required for students located in a “meets” state or territory.

Q: What about Medical students and other healthcare program students that have clinical rotations?

A: The PPA certification and licensure disclosure requirements apply to prospective students at the time of initial enrollment. Because clinical rotations are typically completed at the end of a program (and even after graduating from the program), these are not a factor for determining if educational requirements are met where the student is located at the time of initial enrollment.

Q: Can work experience requirements create a does not meet determination, even if the educational requirements are met via coursework and/or specialized accreditation?

A: The current and July 1, 2024 Title IV regulations are focused on educational requirements for licensure. Generally work experience is required and expected to be completed outside of the program. An example is the post-graduate supervised hours that a mental health counselor needs to complete to qualify for full licensure. As long as the state/territory educational requirements do not include in-program supervised experience, then a program can fulfill all educational requirements without including experience.

SARA Policy

Q: Can you talk about how the new federal licensure requirements interact with existing SARA policy related to licensure programs and disclosure requirements?

A: SARA policy 5.2 states:

SARA has no effect on state professional licensing requirements. Any institution approved to participate in SARA that offers courses or programs designed to lead to professional licensure or certification or advertised as leading to licensure must satisfy all federal requirements for disclosures regarding such

professional licensure programs under 34 §C.F.R. 668.43. For SARA purposes, these requirements will also apply to nonTitle IV institutions. For SARA purposes, institutions that are unable, after all reasonable efforts, to determine whether a program will meet state professional licensure requirements shall provide the student or applicant with current contact information for any applicable licensing boards, and advise the student or applicant to determine whether the program meets requirements for licensure in the state where the student is located.

SARA policy references the disclosure section of current regulations (34 §C.F.R. 668.43), which remains the same section number under July 1, 2024 regulations.