



Winter is Here but Summer is Coming: Preparing for July 1, 2024, Licensure

The following questions were asked during the 1/31/2024 MHEC Convening 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 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 can be directed to ED staff member Vanessa Gomez: Telephone: (202) 987-0378, Email: Vanessa.Gomez@ed.gov. Text in **red font** in this document is direct quote that Higher Education Licensure Pros received via email from Ms. Gomez.

Effective Date and General Applicability

Q. Is there a hard stop deadline to have all determination listed on our website?

- A. All institutions should have public disclosures that list “meet”, “does not meet”, or “not determined” for all 59 U.S. jurisdictions on their website today per the July 1, 2020 licensure disclosure regulations. Starting July 1, 2024, ED requires institutions to disclose publicly a list of all States where the institution has determined that the program does and does not meet educational requirements for licensure.

Q. Is there any real possibilities of this implementation being delayed? This seems like a lot of unintended consequences.

A. Unfortunately not.

Q. What if the student isn't receiving Title IV aid? Can we enroll them if the live in or plan to move to a "does not meet" state?

A. These requirements apply to the program, not to individual students. If the program is eligible for Title IV, then the institution must be able to certify that the program “meets” educational requirements in all states/territories where all students are located.

Q. If our online program is not Title IV eligible, are we required to follow these policies?

A. No. These regulations only apply to Title IV eligible programs.

Q. I was just listening to the webinar below, but I didn't catch if this was mentioned. Do you know if there is a dead hard date when all institutions are supposed to have the determined, not determined or undetermined categories completed on their website, or if the student disclosure letters still meet the requirements after July 1, 2024?

A. Starting on July 1, 2024, institutions must be able to certify that all programs related to licensure meet the educational requirements where the institution is located and where prospective students are located.

Public disclosures should currently be on each institution's website (under July 1, 2020 regulation) that list “meet”, “does not meet”, and “not determined” states/territories for each licensure related program.

Starting July 1, 2024, the public disclosures must include a list of “meets” and “does not meet” states/territories for each location that the institution has made a determination.

Q. stop all enrollments, or just those enrollments from the other state?

A. Starting on July 1, 2024 institutions can only enroll prospective students located in “meets” states/territories or if the prospective student located in a “does not meet” completes a written attestation that they will seek licensure and employment in a specific “meets” state/territory after completing the program. Enrollment would not need to be stopped completely unless the program does not meet any state/territory requirements—including the state where the campus is located.

Q. What all would IT need to do to help trigger information or notifications. I don't understand how to begin the conversation with IT because I don't know what all to tell them we need set up. Is there a resource for this?

A. We are not aware of a resource or primer on this.

If your institution utilizes a student information system that automates some or all of the admission process, record changes, or other functions, a trigger or hold can be placed on the student record for different scenarios. Some institutions use these features to flag different requirements for different sets of students.

For example, a limitation could be placed on enrolling in certain programs for students located in a “does not meet” state or territory—the system would look at the student location and program name and prevent enrollments until a written attestation was on file for that student. A less automated approach could flag prospective student records for the “does not meet” states/territories and a staff/faculty person would need to follow up with the prospective student to see if an attestation would be appropriate.

Q. Can you include the transcript of this webinar in your resources page?

A. You can find the transcript on MHEC’s website:

<https://www.mhec.org/resources/transcript-winter-herelicensure-compliance>

Research Process and Tips

Q. Finding information from the territories is proving difficult. Is there any advice for this?

A. Yes, it can be difficult to find information about a territory’s licensure process and what licenses they offer. Kris and I have found territory laws through a legal software application - we use Westlaw. Otherwise, we use internet search engines and have found information for most of the territories. If, after a thorough search, we cannot find information, we state that no territory-offered license was found.

Q. Any guidelines to find the requirements for the programs for states outside of the home state? For example, most states say for the requirement for Physician Assistance needs the ARC-PA standards? Is this acceptable for meets the requirements or do we need to go into further depth?

A. Institutions need to research each state’s and territory’s requirements for licensure (at least where they will be enrolling students from). Unfortunately, there are no shortcuts to this time-consuming work. After research is completed, the institution’s specific program needs to be compared to each state/territory requirements. In some instances a specialized accreditation of the program or holding of a private certification will be required or accepted as meeting educational requirements. It is not universal that every state/territory will accept a license applicant’s education if they can qualify for a national licensing exam.

Distance Education

Q. For distance education - is it only courses related to the licensure program or are we to also consider general education courses the student may be taking?

A. Vanessa Gomez, the ED staff contact for this issue has indicated that any course taken through distance education during the first term of enrollment in the licensure program counts – including general education courses.

Q. Does it matter in the "distance education" designation for a student if the course they are taking online is not a program course, but a general education course such as English?

- A. Vanessa Gomez, the ED staff contact for this issue has indicated that any course taken through distance education during the first term of enrollment in the licensure program counts – including general education courses.

Q. So if the student is on campus in Michigan where the college is located for all classes, but unable to take an English class due to time conflict, they are now considered an OL student... even if they NEVER take another OL class- for example Nursing... and where do we find the educational requirements since most governments say meets the requirements of the board of

- A. Vanessa Gomez, the ED staff contact for this issue has indicated that any student taking any course through distance education during the first term of enrollment in the licensure program counts as "distance education" – including general education courses.

Many licensing boards will point institutions to their statutes and regulations for the educational requirements for licensure. These can typically be found through a link on the board's website or the state's legislature website. For nursing programs, sometimes a state/territory will accept another state's approved registered nurse preparation program as meeting all educational requirements for licensure. This would be included in the state's statutes or regulations.

Q. What if a student is concurrently enrolled in f2f and online courses?

- A. Vanessa Gomez, the ED staff contact for this issue has indicated that any student taking any course through distance education during the first term of enrollment in the licensure program counts as "distance education" – including general education courses.

Q. even if the student is in Missouri and attending classes F2F at the campus there, if they are also taking one online class, they are distance ed and the institution has to ensure alignment with KY requirements?

- A. Vanessa Gomez, the ED staff contact for this issue has indicated that any student taking any course through distance education during the first term of enrollment in the licensure program counts as "distance education" – including general education courses. If a prospective student will be taking one or more online classes during the first term of enrollment, institutions need to be able to certify that the licensure program meets educational requirements in the state/territory where the prospective student is located at the time of initial enrollment into the licensure program.

Q. So, scenario: We are in Michigan. Our Accounting program doesn't accept students in Louisiana. A student from Louisiana attends the program on our campus, but they take a general education class online. It sounds like we would be in violation. Or we can't accept Accounting majors at all from states we don't accept because they may take an online class in the first semester.

- A. Vanessa Gomez, the ED staff contact for this issue has indicated that any student taking any course through distance education during the first term of enrollment in the licensure program counts as “distance education” – including general education courses. If a prospective student will be taking one or more online classes during the first term of enrollment, institutions need to be able to certify that the licensure program meets educational requirements in the state/territory where the prospective student is located at the time of initial enrollment into the licensure program.
- This Louisiana prospective student could still be enrolled if they complete a written attestation that indicates they will seek licensure and employment in a specific “meets” state or territory after completing the program.

Q. I understand the new rule that even if they are residing on campus enrolled in a licensure program and take one or more online course in the first semester/term then we need to count them as DE student. What if they wait and take an online course in thier 2nd semester/term, does this rule count them as DE students?

- A. The second term and beyond is not a factor. Vanessa Gomez, the ED staff contact for this issue has indicated that any student taking any course through distance education during the first term of enrollment in the licensure program counts as “distance education” – including general education courses. If a prospective student will be taking one or more online classes during the first term of enrollment, institutions need to be able to certify that the licensure program meets educational requirements in the state/territory where the prospective student is located at the time of initial enrollment into the licensure program.

Q. Kris Maul, asked in the email of November 9, "Is the department intent to limit public and individual direct disclosures to only distance education students? Ms. Gomez replied, No, the disclosures are not limited to distance education students. To clarify, face-to-face students may be admitted from states where the institution may not meet licensure requirements? But, they may not take any online course? Or only no online course during initial enrollment.

- A. If a prospective student who is enrolling into a face-to-face, campus based licensure program will be taking one or more classes through distance education during the first term of enrollment in the licensure program, the institution must be able to certify that the program “meets” educational requirements where that prospective student is located or if the program “does not meet” requirements the prospective student can still enroll if they complete a written attestation that indicates they will seek licensure and employment in one specific “meets” state/territory after completing the program.

Q. The DE students- are these specific to the programs or across the entire campus. For example, our Perfusion program is a masters ON GROUND only program but we have a Masters of Business which is completely online... Does the business program affect the Nursing program. Also we have a M-Arc program that is online and does require a llisence does this affect the CVP program that is completely on ground

- A. Vanessa Gomez, the ED staff contact for this issue has indicated that any student taking any course through distance education during the first term of enrollment in the licensure program counts as “distance education” – including general education courses. If a prospective student will be taking one or more online classes during the first term of enrollment, institutions need to be able to certify that the licensure program meets educational requirements in the state/territory where the prospective student is located at the time of initial enrollment into the licensure program.
- Other programs should not be a factor—it is about the specific licensure program that the prospective student is enrolling in.

Q. I'm a bit confused. so we should wait until after they resgister for classes to see if they are taking a DE class to determine if direct disclosure are required? There's often a period of time between acceptance and class registration.

- A. ED staff have indicated that if a prospective student could take one or more classes through distance education during the first term of enrollment into the licensure program, they should be considered a distance education student for PPA certification and disclosure purposes. This means that the institution would need to be able to certify that educational requirements are met for that prospective student's location at the time of initial enrollment. You are right that there can be a gap of time between initial enrollment in the program and class registration. Practically, institutions will need to figure out the best way to implement these requirements for their specific programs, student populations, and other factors.

Q. To clarify, face-to-face students may be admitted from states where the institution may not meet licensure requirements? But, they may not take any online course? Or only no online course during initial enrollment.

- 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. This seems to mean that online or distance education courses in the second (and later) terms would not make these students a “distance education” student. If an institution's student location policy treats any prospective student who will take only face-to-face classes on campus during the first term of enrollment as located on campus, then a prospective student who has a physical address in a “does not meet” state at the time of initial enrollment could be enrolled.

Q. Determinig DE students - what definition fo DE is being used? Are Sync (Zoom) classes included? Or only asynchronous online classes?

- 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. However, this definition of “distance education” is not clear from the regulation or commentary by ED released with the regulation. Hopefully ED will clarify this further with written guidance prior to July.

Q. It sounds like there is an emphasis on the first term of enrollment in determining whether a student is considered to be in distance ed. What happens when a program offers a mix of online and in-person (face to face) courses, but students take only face-to-face courses in the first term?

- 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. However, this definition of “distance education” is not clear from the regulation or commentary by ED released with the regulation. Hopefully ED will clarify this further with written guidance prior to July.

Initial Enrollment

Q. Initial enrollment gives me heartburn. I can with 100% certainty determine that a student will be located in my state at the time that classes start. At time of "initial enrollment," they may be located in a state where our program doesn't meet the requirements but they will be moving to my state to take the classes. Can we enroll this student?

- A. If a prospective student will be moving to the state where the campus is located, ED has indicated that it is reasonable for a student location policy to consider this prospective student as located on the campus at the time of initial enrollment. In other words, if the prospective student is located in a “does not meet” state/territory but will relocate to your campus to enroll in a face-to-face, on-campus program (with no distance education/online classes during the first term), you can essentially use their location on the first day of class as the benchmark.

Q. Did ED give clarification on what is considered "initial enrollment"

- A. Enrollment is defined in the code (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 ED provided commentary in the 2019 final regulation release that indicates initial enrollment is "prior to an enrollment agreement or financial commitment". Further, according to ED staff contact Vanessa Gomez, “we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.”

Q. Is it that we cannot ENROLL a student from a location that does not meet, or is it that we cannot use Title IV aid for those students?

- A. Institutions cannot enroll prospective students located in “does not meet” locations because under the new PPA Certification requirement ([34 CFR § 668.14\(b\)\(32\)](#)) institutions must certify that the program meets educational requirements where the institution is located and where all distance education students are located.

Q. Initial enrollment - is this to the institution or to the specific program? If a student starts at the institution in a non-licensure program and then changes major how do we handle that? When they change majors to a licensure program is that the initial enrollment that we must then determine location?

- A. The key point in time is the enrollment into the licensure program. According to ED staff contact Vanessa Gomez, “we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.” Unfortunately, there may be students who fall into a situation where they cannot change to a licensure program because they are located in a “does not meet” state/territory for that program. Keep in mind that the student can utilize the written attestation process to enroll from a “does not meet” state/territory if they attest that they will seek licensure and employment in a “meets” state/territory after completing the program.

Q. Is it enrollment in the University or in the program/when they declare their major?

- A. The key point in time is the enrollment into the licensure program. According to ED staff contact Vanessa Gomez, “we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.” Unfortunately, there may be students who fall into a situation where they cannot change to a licensure program because they are located in a “does not meet” state/territory for that program. Keep in mind that the student can utilize the written attestation process to enroll from a “does not meet” state/territory if they attest that they will seek licensure and employment in a “meets” state/territory after completing the program.

Q. Does ‘initial enrollment’ refer to initial enrollment in the institution (i.e., as a freshman or new transfer student) or to ‘initial enrollment’ in a particular program?

- A. Initial enrollment into the licensure program. According to ED staff contact Vanessa Gomez, “we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.”

Q. Does time of initial enrollment in the program (for both PPA and disclosures) use the definition of enrolled in 34 CFR 668.2 where it is completion of registration requirements? I was under the impression that institutions have flexibility in how we choose to define time of initial enrollment (e.g. after registration, such as the first day of courses for a student)?

- A. While there is some flexibility, [34 CFR § 668.2](#) does apply to the new PPA certification and disclosure requirements.

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 ED provided some commentary with the release of final July 1, 2020 licensure disclosure regulations that indicated disclosures should be provided to prospective students "prior to an enrollment agreement or financial commitment" to the institution.

Q. 34 CFR 668.43(c)(1) says that we must notify a student prior to their enrollment in the institution whether the program meets or does not meet educational reqs in their state. Yet 34 CFR 660.9(c)(2)(iii) State Authorization states that we must determine a student's location at time of initial enrollment in an educational program. Has there been any discussion or guidance as to how to make a process based on the determination of 'prior to institutional enrollment' vs 'prior to program enrollment'?

- A. To our knowledge, ED has not provided any guidance or direction on how to interpret or implement these two regulations. Keep in mind that ED staff has indicated that [34 CFR § 668.43\(c\)\(1\)](#) (individual direct disclosures) and [34 CFR § 668.14\(b\)](#) (PPA certification) should be connected to the prospective student's initial enrollment in the licensure program (rather than institution).

Q. In your professional opinion, if a student has declared an "interest" in enrolling in a licensure program but will not be admitted until prerequisites are met, would you consider their initial enrollment at the institution to also be enrolled in the program?

- A. This approach would minimize risks to the student and institution. While the key point in time is the enrollment into the licensure program, ignoring the students who intend to eventually enroll in a licensure program could produce tough situations. According to ED staff contact Vanessa Gomez, "we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program." Keep in mind that under this structure, an institution may have students that are enrolled in pre-licensure programs from "does not meet" states/territories. These students would need to complete the written attestation process in order to later enroll in the licensure program. The institution may want to treat these pre-licensure students as if they are enrolling in the licensure program at the time of initial enrollment at the institution in order to avoid an enrollment issue later on.

Q. If a program requires students to meet certain requirements in a program before being considered enrolled in the actual licensure program. For instance, our nursing students are considered pre-nursing until they meet specific requirements. They are then moved into the official nursing program. Would the rules apply in that case?

- A. The key point in time is the enrollment into the licensure program. According to ED staff contact Vanessa Gomez, “we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.” Keep in mind that under this structure, an institution may have students that are enrolled in pre-nursing programs from “does not meet” states/territories. These students would need to complete the written attestation process in order to enroll in the Registered Nurse program. The institution may want to treat these pre-nursing students as if they are enrolling in the RN program at the time of initial enrollment into the pre-nursing program in order to avoid an enrollment issue later on.

Q. Is a student considered “in the licensure program” once they declare their major or once they have official notification they have been admitted into the program.

- A. Initial enrollment is not clearly defined by ED in the regulations or elsewhere. However, we do have some guidance 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 ED indicated that direct disclosures were required “prior to an enrollment agreement or financial commitment” from the 2019 regulations preamble. As a result, different institutions may have different points in time where they consider prospective students to be enrolled in the licensure program.

Student Location Policy

Q. When it comes to student location policy. Could an institution enact a policy stating that student location is defined as where the student is located on the first day of class?

- A. ED indicated in their commentary released with the final regulations that it would be reasonable for an institution to create a student location policy that considers a prospective student enrolling in a face-to-face, campus-based program as located on campus at the time of initial enrollment (even if they are not yet physically located on campus). Note that ED staff is stating that any student who will be taking one or more classes through distance education during the first term of enrollment in the licensure program should be treated as a distance education student. Institutions must be able to certify that the licensure program meets educational requirements where all distance education students are located.

Q. Are there any good examples of student location policies? Best practices?

- A. We are working with institutions to update and revise student location policies in light of the new regulations. We will make these examples available to members of [The Bookmark](#) in the future.
- Considerations include:
- When does initial enrollment occur at your institution?

- How about financial commitment by the student?
- Is the policy applied consistently across all students?
 - Considerations for graduate vs. undergraduate, undeclared majors, prospective students
- Does the policy address location changes for current students?
- How are prospective students who will enroll in face-to-face, campus based programs treated?

Q. If student in the BS Nursing example is F2F program in DC university but attests to their “location” as MD during our university’s location flag (that we send every term). Wouldn’t we just say they’re “in state” - i.e., in DC and no direct disclosure would be necessary? Or would we have to include that in our location policy that we’d use course modality as a component of location?

- A. ED indicated in their commentary released with the final regulations that it is reasonable for an institution’s student location policy to treat a prospective student for a face-to-face, campus-based program as located on campus at the time of initial enrollment (even if not yet physically located on campus). Institutions will want to be clear about how they are treating these prospective students in their student location policy.

Q. It seems reasonable (I know, not a good idea to assume with the USDOE) that if I can guarantee that a student's location will change to my state because the program is F2F, then our student location policy should not prohibit the students from taking an OL gen ed course if they choose. They will be located in my state. Can you comment on why a student from a "no" state must not be enrolled?

- A. The ED staff contact for this regulation, Vanessa Gomez, has indicated that any prospective student who will take one or more classes (any type of class) through distance education during the first term of enrollment in the licensure program should be considered a distance education student for these purposes. This means that institutions will need to be able to certify that the licensure program meets educational requirements for licensure in the state/territory where the prospective student is located at the time of initial enrollment. Each institution gets to set its own student location policy. Application of the policy may produce different results at different institutions. Keep in mind that ED is primarily concerned about students not being able to qualify for licensure and employment after completing a program. ED also expects institutions to know that their programs meet educational requirements for licensure in other states before advertising or recruiting students located in other states.

Q. By the time we know if a student enrolls in a distance ed course during the initial term of enrollment, it is too late. Can an institution leverage its student location policy/procedure to protect our primarily face-to-face/on-campus students since 600.9(c)(2) is referenced in the PPA 668.14(32)(ii)? We are primarily concerned about our on-campus programs that do allow students to take some courses online.

- A. Each institution must create a student location policy that is used to determine prospective student location at the time of initial enrollment in the licensure program. ED

indicated in the commentary released with the final regulations that it is reasonable for an institution to consider a prospective student for a face-to-face, on-campus program as located on campus at the time of initial enrollment (even if not physically located there yet). ED staff for this regulation change, Vanessa Gomez, has indicated that “for programs that offer any coursework via distance education, institutions should be aware that if a student takes at least one online class during their first semester, they will be considered a distance education student.” Institutions must be able to certify that the licensure program meets educational requirements where the institution is located and where all distance education students are located.

Institutions may need to consider limiting enrollment in distance education/online courses for students in the first term of the licensure programs.

Q. Do you have examples of location institutional policies? To include your specific considerations such as how F2F, on-campus prospective students will be handled that you referenced.

- A. We are working with institutions to update and revise student location policies in light of the new regulations. We will make these examples available to members of [The Bookmark](#) in the future.

Considerations include:

- When does initial enrollment occur at your institution?
- How about financial commitment by the student?
- Is the policy applied consistently across all students?
 - Considerations for graduate vs. undergraduate, undeclared majors, prospective students
- Does the policy address location changes for current students?
- How are prospective students who will enroll in face-to-face, campus based programs treated?

Q. Where do institutions house their location policy and who owns it? Examples are fine.

- A. Each institution must have an official policy that determines student location for these purposes. These policies can be included in several different sections –examples include admission requirements, institution compliance, financial aid eligibility, student responsibility.

Q. I am not sure that my institution has a student location policy. Would that policy fall under another type of policy name?

- A. Possibly. It may be titled the licensure disclosure policy or Title IV disclosure policy. Also note that some institutions may have had a student location policy in place for state authorization purposes.

Q. If an institution's student location policy indicates that students enrolled in a program that requires some or all on-campus classes in the initial semester are considered on-campus students, does that mean that direct disclosure is not required even if a student is enrolled in some online classes in that initial semester?

- A. Based on information provided by ED staff, this doesn't seem to be the case. If a prospective student will take no online or distance education classes during the first term of enrollment, and the institution's student location policy treats them as located on-campus at the time of enrollment, direct disclosures would not be required (this presumes that the program "meets" requirements in the state/territory where campus is located). 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. However, this definition of "distance education" is not clear from the regulation or commentary by ED released with the regulation. Hopefully ED will clarify this further with written guidance prior to July.

Changes to Location or Program

Q. If a state/territory changes requirements and we no longer meet requirements, it states we must change their program to meet new licensure requirements. Does that mean we would need to change requirements for that catalog year and previous catalog years? Or would it just be the new catalog year going forward? If it would be going forward would we need to update the students currently in the program to the new catalog year to be in compliance for the new requirements?

- A. In order to enroll new students into a program after it becomes a "does not meet" state/territory location, the program would need to be adjusted to meet the state/territory new requirements. Current students enrolled when this change occurs could remain in the "does not meet" version of the program and remain Title IV eligible. The current students would need to receive an individual direct disclosure that notifies of the change to "does not meet".
- Previous catalog years would not necessarily need to be adjusted to meet the new requirements—however, current students in the program may want to be enrolled in the new version in order to meet the state/territory licensure requirements. Institutions could have two versions of a program running at the same time. Or may choose to transition all students to the new "meets" version of the program.

Q. How do we handle students that change programs? The student lives in another state and in a program that does not require licensure. The next year they change programs to a program that that requires licensure and we do not meet that state?

- A. The key point in time is the enrollment into the licensure program. According to ED staff contact Vanessa Gomez, "we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program." Unfortunately, there may be students who fall into a situation where they cannot change to a licensure program because they are located in a "does not meet" state/territory for that program. Keep in mind that the student can utilize the

written attestation process to enroll from a “does not meet” state/territory if they attest that they will seek licensure and employment in a “meets” state/territory after completing the program.

Q. If a student is taking an online MBA program that plans taking CPA exam that his program requires but this person is from Florida and plan to move, what are the impact of the new regulation, and best approach?

- A. ED staff has indicated that the key point in time for PPA certification purposes is initial enrollment into the licensure program. If this prospective distance education student is located in Florida, your institution must be able to certify that your MBA program “meets” the educational requirements for licensure in Florida. Institutions do not have an obligation under current or new regulations to ask prospective students where they may move to during or after completing the program. If your program does not meet Florida’s requirements, you could still enroll the prospective student if they complete a written attestation that identifies one specific “meets” state or territory where they intend to seek licensure and employment after completing the licensure program. In this scenario, you would need to send an individual direct disclosure to the prospective student that indicates the program “does not meet” Florida’s requirements. If/when the student relocates to a “does not meet” state/territory while still enrolled in the program, you would need to send an individual direct disclosure that indicates the program “does not meet” educational requirements for licensure. They can remain in the program and access Title IV.

Written Attestation

Q. For the attestation, how are we able to authenticate that such communication was sent for the student’s email if they don’t have a student email? If they are a prospective student or just applying they won’t have a student email yet.

- A. If your institution is not able to “reasonably authenticate” that a communication was sent from the prospective student’s email address, a hard copy attestation would need to be utilized.

Q. Do attestations have to be hard copy or can they be sent via email?

- A. According to ED staff contact, Vanessa Gomez, “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. If a student lives in a location where we have determined we do not meet the licensure requirements, can the student attest that they are not planning on seeking licensure for

that field at all, or can the attestation only be used for students who plan to seek licensure in an approved "meets" location?

- A. ED staff have indicated that one specific state/territory where the program "meets" educational requirements must be included in the written attestation. The prospective student must attest that they plan to seek licensure and employment in that specific "meets" state/territory after completing the program.

Q. Why would an institution need to stop enrolling students from a state for which the education is not met if the student is willing to sign the disclosure form?

- A. No. If a prospective student located in a "does not meet" state or territory completes a written attestation that indicates they will seek licensure and employment in one specific "meets" state or territory after completing the program, the institution can still enroll. According to ED staff contact, Vanessa Gomez, "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. If a student is willing to sign an attestation that they are aware it does not meet their state requirements, could they enroll even from a "does not meet" state?

- A. No. The written attestation must include a statement from the prospective student that they intend to seek licensure and employment in one specific "meets" state/territory after completing the program.

Q. Do you have a sample of an attestation letter that institutions could use as a starting point?

- A. Not at this time. We are working with institutions to develop samples. We will make these examples available to members of [The Bookmark](#) in the future. It will need to include a statement that clearly identifies one specific "meets" state or territory where the prospective student intends to seek licensure and employment after completing the program. The written attestation can be hardcopy or email if the school can reasonably authenticate that the email 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. Why would an institutions need to stop enrollments from a state for which education requirements are not met if the student is willing to sign the direct disclosure?

- A. If prospective students located in "does not meet" states/territories complete a written attestation that identifies one specific "meets" state/territory where they intend to seek licensure and employment after completing the program, the prospective student can be enrolled.

Note that the written attestation is different from the individual direct disclosure. A direct disclosure would still need to be provided to these prospective students that indicates the program “does not meet” educational requirements for licensure in the state/territory where they are located.

Q. Do you have examples of what attestations might look like?

- A. Not at this time. We are working with institutions to develop samples. It will need to include a statement that clearly identifies one specific “meets” state or territory where the prospective student intends to seek licensure and employment after completing the program. The written attestation can be hardcopy or email if the school can reasonably authenticate that the email 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. As a community college, we don’t have a large influx of students located outside of our home state. Could we make a policy that we are not going to admit students into programs noted as "Does Not Meet" for their state and ultimately not have an attestation process? Or are we required to have an attestation process regardless?

- A. If you will not admit any prospective students from a “does not meet” location, a written attestation process is not required. Keep in mind that the key point of time is initial enrollment into a licensure program. If a student changes programs after enrolling in the institution, and has relocated to a “does not meet” location, it could create a scenario where that student would have to leave the institution.

Q. For the written attestation, can we provide a template or does the applicant need to write it on their own?

- A. There are not specifics provided in the regulation or ED commentary released with the regulations. Vanessa Gomez, ED staff for this regulation change, 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.**” A template addressing this points that is provided to each prospective student would seem to fulfill the requirements.

Q. If a student is located in a state that does not meet requirements and we are transparent about that and they sign an attestation agreement and really want to go to your school, are we taking away their right to attend the school of their choice or what am I missing?

- A. Institutions can only enroll prospective students located in a “does not meet” state or territory if the prospective student completes a written attestation that indicates they will seek licensure and employment in one specific “meets” state/territory after completing the program. You are correct that this may limit student’s choice of programs.

Q. Would it be appropriate to error on the side of caution and when a student applies to a licensure program - have them all fill out an attestation form?

- A. The regulations do not limit an institution’s ability to require more from prospective students or create a more robust admission processes related to licensure. Using this approach, an institution could provide very relevant information about licensure to all prospective students for the location where they intend to work.
- One risk of this approach is that by asking every prospective student to attest to where they intend to seek licensure and employment there may be a conflict with a student location policy that treats all face-to-face, campus based prospective students as located on campus for the purposes of PPA certification and direct disclosures. In other words, if your institution has face-to-face, campus based licensure programs (no online or distance courses during the first term of enrollment), this approach may be expanding enrollment limitations if these students attest that they plan to seek licensure in a “does not meet” state/territory.

Q. Why would an institution need to stop enrollments from a state for which education requirements are not met if the student is willing to sign the direct disclosure?

- A. The institution would not need to limit enrollment if the prospective student completes a written attestation that indicates they will seek a license and employment in a specific “meets” state/territory after completing the program.

Program Specific

Q. Many of the programs leading to licensure (e.g. Psychology, Addictions, CPA, etc.) require the MS, but also hundreds of hours of experience. Is ED now saying that the program does not qualify for TIV because of the work/clinical experience? If this is the case, then none of these programs will be TIV eligible then. What am I missing?

- A. No, any post-graduation supervised experience or work experience that can/must be completed outside of a Title IV program is not part of the “educational requirements” for licensure. Note that any in-program supervised experience hours, such as a practicum or internship, would need to be satisfied by the program in order to indicate “meets”.

Q. What are our obligations for programs that lead to optional licensure, such as engineering or geology?

- A. The key consideration is what the program is designed and advertised for. If the program has been designed to meet licensure requirements or if it is advertised as preparing students for a license, then this would be a licensure program. Note of caution, based on our experience, engineer and geologist licensure is required in some states for practice. In other words, these are not optional licenses in some states. If you will be enrolling prospective students from these states, these are licensure programs.

Q. For the PPA certification responsibility - does this mean MBA Accounting programs would not meet licensure requirements in any States? To obtain licensure/certification, you need work experience in addition to education requirements

- A. Not necessarily. Any post-graduation supervised experience or work experience that can/must be completed outside of a Title IV program is not part of the “educational requirements” for licensure. Note that any in-program supervised experience hours, such as a practicum or internship, would need to be satisfied by the program in order to indicate “meets”.

Q. How should we plan to handle programs that are designed/advertised to prepare students for professional licensure, but rely on a student's previous course work to meet some of the requirements for licensure?

- A. Institutions must be able to certify that their program satisfies all educational requirements for licensure where the institution is located and where students are located. If the previous coursework is typically completed in a pre-licensure or other program that must be completed for admission to the licensure program, this would seem to fall outside of the scope of these regulations. If the previous coursework is something that other similar licensure programs include, you may need to revise the program to include these courses in order to indicate “meets” and continue enrolling students after July 1.

Q. How would this apply to engineering programs where licensure isn't necessarily required for employment as an engineer?

- A. The key consideration is what the program is designed and advertised for. If the program has been designed to meet licensure requirements or if it is advertised as preparing students for a license, then this would be a licensure program. Although there may be other employment opportunities for graduates who choose not to pursue a license, this is generally true for all licensure related programs. For example, someone who completes a Juris Doctor program may not pursue a law license, but can find employment in the legal field.

Note of caution, based on our experience, engineer licensure is required in some states for practice. In other words, these are not optional licenses in some states. If you will be enrolling prospective students from these states, these are licensure programs.

Q. Do you have a list of programs that require licensure? To assist SPE's on how to make sure institutions are reviewing all programs appropriately. Especially when review this piece for the NC-SARA application.

- A. We are not aware of a single comprehensive list of all professional and occupational licenses issued in the U.S. Here are some resources that may help:
<https://www.mhec.org/convening/expanding-professional-licensure-responsibilities-what-department-educations-proposed> (see the Licensure Board/Agency Directory)
<https://www.csg.org/work/occupational-licensure/>
<https://www.onetonline.org/>

Q. For some of our licensured programs, we have pre-admission "track" programs that essentially prepare a student for acceptance into the licensured programs if they don't quite meet the special admission requirements. Those track programs do not result in a credential by themselves, so would they fit under any of this?

- A. The key point in time is the enrollment into the licensure program. According to ED staff contact Vanessa Gomez, “we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.” Keep in mind that under this structure, an institution may have students that are enrolled in pre-licensure programs from “does not meet” states/territories. These students would need to complete the written attestation process in order to enroll in the licensure program. If they cannot complete the attestation, the institution cannot enroll them into the licensure program. The institution may want to treat these pre-licensure students as if they are enrolling in the licensure program at the time of initial enrollment into the pre-licensure program in order to avoid an enrollment issue later on.

Q. How do you determine a program is a licensure program? We have a religious program that provides ordination. Would this be considered a licensure program since it leads to being licensed by the state to perform marriage?

- A. A licensure program is one that is designed or advertised to prepare for a state or territory issued credential that is required for employment in that profession/occupation. While a license to perform marriage ceremonies may be required in some states/territories, Title IV programs are not typically specifically designed or advertised for this type of license. Because licensure does not exist for clergy, these types of programs are typically not licensure programs.

Q. So if a student is in a exploratory studies program, then several semesters later changes their major to a licensure program, that is the point we need to be concerned about the distance enrollment in that first semester in the program? Their first semester doesn't mean anything if they are not in their licensure program?

- A. Correct. According to ED staff contact Vanessa Gomez, “we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.”

Q. For some programs, to obtain licensure, you need to take additional state specific courses. Example, nursing in PA. You must take a 3 hr child abuse course. Under the new regulations, since this requirement can only be taken from the state, can we still mark this state as 'meets state requirements', assuming we meet all other requirements. Or can we not, since this would be blocking licensure immediately upon graduation.

- A. These regulations are related to the educational requirements for licensure that must be included in the Title IV program. Additional training or continuing education type courses - such as child abuse reporting - are not part of Title IV programs, in particular those programs completed in another state. In our experience, an institution could indicate “meets” in these scenarios.

Q. With regards to an institution's teacher education program requirements meeting various states' requirements: often one state-specific course may be missing, but the rest of the program meets state requirements. Would this type of program be considered meeting or not meeting that other state's requirements?

- A. This scenario may 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. So does this ONLY apply to Bachelors degrees? Perfusionist, Physician AsAssistants Masters

- A. No, this applies to any level or type of program where students access Title IV federal financial aid, degree or non-degree.

Q. If there was a 3+1 or 4+1 or other advertised accelerated accounting program that led to 150 credits being completed, would that then fall into a licensure program?

- A. This depends on how the institution classifies this program. If it is considered one program for Title IV purposes, then yes, it should be considered a licensure program because it is designed (and likely advertised) as leading to a Certified Public Accountant license.

Q. Concerning students who are already licensed, but who are enrolling in online programs that lead to additional endorseable areas that can be added to a license; does this new rule apply to them?

- A. If the program is designed or advertised to lead to a state/territory issued credential that is required to be employed in the profession/occupation, then it is a licensure program and subject to these regulations. Most P-12 educator endorsement programs will meet this criteria. As an example, someone who is licensed or certified as an elementary education teacher wants to add early childhood. While this prospective student is already licensed as a teacher, they are not authorized to teach at the early childhood level until they complete the early childhood program.

Q. How do we determine an education program meets requirements if the state has a state specific course that we wouldn't teach at our school? We might meet all of the other requirements except this state specific course, so are we supposed to say "does not meet"? Or "Meets" but disclose they have to take this course

- A. This scenario may 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](#).

Advertising

Q. Silly question, but want to clarify—when talking about advertising/marketing in “does not meet” states, this is specific to marketing/advertising SPECIFIC to that academic program and does NOT apply to general University marketing/advertising in said state?

- A. While advertising isn't referenced in the regulations or ED's commentary with the final regulations, Vanessa Gomez, the ED staff for this regulation change has indicated that “if (a) determination is not made or if the institution has determined the program does not meet such requirements, it should not be advertising the program to students located in that State or enrolling them into the program. If an educational program is not designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, it should not be saying it does on websites, social media, or other advertising mediums. 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 only in certain States, it would be best practice to clearly distinguish those States when advertising in several States.” The concern seems to be specific to those specific licensure programs.

Q. In does not meet states, we can still advertise and enroll students if they go through the attestation process right?

- A. While advertising isn't referenced in the regulations or ED's commentary with the final regulations, Vanessa Gomez, the ED staff for this regulation change has indicated that “if (a) determination is not made or if the institution has determined the program does not meet such requirements, it should not be advertising the program to students located in that State or enrolling them into the program. If an educational program is not designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, it should not be saying it does on websites, social media, or other advertising mediums. 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 only in certain States, it would be best practice to clearly distinguish those States when advertising in several States.”

Prospective students located in a “does not meet” or “not determined” state or territory can still be enrolled if they complete a written attestation that identifies one specific “meets” state/territory where they will seek licensure and employment after completing the program.

Q. If you do make the determination that it "Does Not Meet" and state it in your advertising/messaging, can you still advertise/enroll in that state?

- A. While advertising isn't referenced in the regulations or ED's commentary with the final regulations, Vanessa Gomez, the ED staff for this regulation change has indicated that "if (a) determination is not made or if the institution has determined the program does not meet such requirements, it should not be advertising the program to students located in that State or enrolling them into the program. If an educational program is not designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, it should not be saying it does on websites, social media, or other advertising mediums. 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 only in certain States, it would be best practice to clearly distinguish those States when advertising in several States."

Prospective students located in a "does not meet" or "not determined" state or territory can only be enrolled if they complete a written attestation that identifies one specific "meets" state/territory where they will seek licensure and employment after completing the program.

Q. Schools should not be advertising or enrolling students from States where they don't know if they meet licensure/certification requirements. How will this impact social media advertising for distance education? For instance facebook and instagram are advertising across the US.

- A. While advertising isn't referenced in the regulations or ED's commentary with the final regulations, Vanessa Gomez, the ED staff for this regulation change has indicated that "if (a) determination is not made or if the institution has determined the program does not meet such requirements, it should not be advertising the program to students located in that State or enrolling them into the program. If an educational program is not designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, it should not be saying it does on websites, social media, or other advertising mediums. 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 only in certain States, it would be best practice to clearly distinguish those States when advertising in several States."

Prospective students located in a "does not meet" or "not determined" state or territory can only be enrolled if they complete a written attestation that identifies one specific "meets" state/territory where they will seek licensure and employment after completing the program.

Q. If an institution advertises the University in general with links to a list of all its programs and one or more programs are licensure programs and the advertisement occurs in several states including a "does not meet" state, is the institutions out of compliance?

- A. The regulations and commentary released with final regulations do not specify advertising restrictions. Vanessa Gomez, the ED staff for this regulation change, has indicated “if the institution has determined the program does not meet such requirements, it should not be advertising the program to students located in that State or enrolling them into the program. If an educational program is not designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, it should not be saying it does on websites, social media, or other advertising mediums. 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 only in certain States, it would be best practice to clearly distinguish those States when advertising in several States.”

Public Disclosures

Q. Rather than listing all states/territories, can an institution list only the states where they know they meet the licensure requirements and only accept students from those states into those specific programs?

- A. Under [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”.
- If the program is not being advertised outside of the “meets” states/territories, and the institution has not determined the status for the other states/territories, this approach seems to align with requirements.

Q. We are contemplating using a "does not meet" for all states except our home state for SOME licensure/cert programs that have few to zero out of state students. The administrative burden in examining the states and territories seems to outweigh the ROI from the small number of students in these programs who may seek to enroll.

Thoughts?

- A. Under new [34 CFR § 668.43\(a\)\(5\)\(v\)](#) (public disclosures)
- 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*
- A couple of my thoughts. This language seems to imply that the institution is making an affirmative determination that the program “does not meet” requirements. Further, current Misrepresentation regulations ([34 CFR 668.72](#) and [34 CFR 668.71](#)) may be a factor to consider. Although if the institution will not be enrolling any prospective students from these “does not meet” locations, there seems to be minimal risk to the institution.

Keep in mind that ED is concerned about students being able to qualify for licensure and employment after completing the program. If you will not be advertising or recruiting prospective students from these “does not meet” locations, it would seem to align with ED’s expectations.

Direct Disclosures

Q. The new regulations pertain to initial enrollment. Are there any remnants of existing regulations that would require us to provide individual direct disclosures throughout the course of the student’s time with the institution? Or can we shift our individual disclosure processes to focus on initial enrollment only?

- A. Individual direct disclosures are still required for current students. They are required for students when the program becomes “does not meet” in the state/territory where the student is currently located or if the student moves to a “does not meet” location. These still must be sent within 14 days of making such a determination. Note these students would not lose access to Title IV funds and can continue being enrolled in the program.

Q. We have been sending disclosures to internship/field placement students if they’re newly physically located (temporarily) in a state where we don’t meet requirements. Still do these individual direct disclosures?

- A. If your student location policy considers these students to be located in a “does not meet” state or territory, then the direct disclosure should be sent within 14 calendar days of the student relocating to the “does not meet” state/territory. Some student location policies may be drafted in such a way that a temporary move for a student does not trigger relocation.

Q. Did you state that if an out of state student is admitted to a face-to-face program we still have to send the disclosure even though they would be considered a resident of the state where we meet the regulation? Also did you say that they would need to fill out the attestation?

- A. If any prospective student (face-to-face or distance education) is located in a “does not meet” or “not determined” state or territory (per your institution’s student location policy), then they must receive an individual direct disclosure prior to initial enrollment into the licensure program. In order to enroll, these prospective students will need to complete a written attestation that indicates they plan to seek licensure and employment in one specific “meets” state/territory after completing the program.
- An institution’s student location policy may be drafted in such a way that a face-to-face prospective student may be considered to be located on the campus at the time of initial enrollment. In this instance, the licensure program presumably “meets” educational requirements where the campus is located—therefore an individual direct disclosure and written attestation would not be needed.

Q. 34 CFR 668.43(a)(5)(v) says that we must notify a student prior to their enrollment in the institution. What if a student has not declared a major are we denying admission?

Initial enrollment into the licensure program. According to ED staff contact Vanessa Gomez, “we understand that the first semester enrolled in the institution may differ from the first semester enrolled in a licensure program. For the requirements in 34 CFR 668.14(b)(32), we would consider the first semester to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.”

Q. if they are distance education student and they do live in a does meet state, then are direct disclosures not required?

- A. Any prospective student (distance education or not) who is located in a “meets” state is eligible to enroll in the licensure program. These students do not need a direct disclosure (those are only required for “does not meet” or “not determine” states/territories) and they also do not need a written attestation (required when prospective student is located in “does not meet” or “not determined” location and can identify one specific “meets” state/territory where they intend to seek licensure and employment after completing the program)

Q. In your flow chart example, you mention "Not determined" Hasn't this been taken off the list of categories?

- A. ED did not remove the “not determined” language from the individual direct disclosure requirements. The new language reads:
[34 CFR § 668.43\(c\)](#)(1) *If the institution has made a determination under paragraph (a)(5)(v) of this section that the program's curriculum does not meet the State educational requirements for licensure or certification in the State in which a prospective student is located, or if the institution has not made a determination regarding whether the program's curriculum meets the State educational requirements for licensure or certification, the institution must provide notice to that effect to the student prior to the student's enrollment in the institution in accordance with § 668.14(b)(32).*

Q. If a student moves to a does not meet state, do we still need to send them a direct disclosure that their state does not meet requirements but they are allowed to stay in the program?

- A. Yes, within 14 calendar days of becoming aware of the location change.

Q. Is the "within 14 days" from the point of the state's change or from the point we notice the change?

- A. 14 calendar days from the date the institution is aware of the change to “does not meet”. In other words, this could be more than 14 calendar days after the student changes location or after a state/territory changes their requirements for licensure.