



Q&A from [Expanding Professional Licensure Responsibilities: What the Department of Education's Proposed Changes Mean to your Institution](#)

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Question 1.

Do we know (or can guess) if the initial enrollment refers to enrollment into the institution as a whole or specifically into the licensure program? Is this something that the institution can decide?

Answered Live 1.

I am not aware of anything in the proposed regulation that makes that clear if it's initial enrollment to the institution or to the program. Thinking about the intent though and what department seems to be pointing at, it would make sense to me (again, this is just me thinking what makes sense), that it's for the licensure program itself. So, for the PPA certification requirement as well as for the disclosures, it's all related back to a program that prepares the student for licensure or certification. So because it's connected to the program, I would imagine that it would be leaning that way. But again it's not clear. So it could fall the other direction and I am hoping that the department at a minimum provides some clarifying direction when they release these final regulations or provide some kind of guidance document after the fact.

Question 2.

Does the Department consider the kind of financial cost to institutions?

Answered Live 2 (by Leah).

I can confidently say no, I don't think those outside of higher ed completely understand the logistical issue of knowing professional licensure requirements in every state - that the cost is significant and I think that's one question that will hang around.

Question 3.

Questions around Teaching Licensure for students taking the program in Missouri but live across the border in Kansas?

Answered Live 3.

I would say, teaching licensure tends to raise more questions or be a little more complicated than some other license types. But even with all that, it still is possible for institutions to make these determinations if their program meets or doesn't meet in other states or territories. For the scenario where there is a border situation, it's going to come down to where your institution is located and where that student is located, right? So, this is left up to institutions to create your own location policy that is being applied consistently across your students. I would imagine that a lot of institutions would have good location policies set up in that scenario so that your students who are located in Kansas (where they reside and where there are other factors pointing to location) and the institution is in Missouri, you would need to know whether your program fulfills those educational prerequisites in Kansas. And as long as you could say, yes, we do, then you would certify it through the PPA that you satisfy those educational prerequisites and those students would be eligible for Title IV.

Question 4.

There are a couple of questions about whether you can enroll (or a student enrolls anyway) after you have informed them that the licensure requirements do not meet the student's needs where they live. What happens if a student enrolls anyway?

Answered Live 4.

Great question. So under the proposed regulations from the department again, this PPA certification requirement, it's really on the institution to certify that your program satisfies those education prerequisites where the student is located. So at the time of initial enrollment (that's important, I should keep saying that too), so if that student is located in a state where you've determined you do not meet the requirements, I see a heightened responsibility on the institution to prevent that enrollment from happening. And if you don't prevent it and someone enrolls anyway, I think ultimately, that student would not be eligible for Title IV and if an institution does provide access to Title IV, that could be a violation. I'm not going to pretend to know all the parameters around violating Title IV and what could happen but I imagine it would not be good for the institution or definitely not for the student if that happened.

Question 5.

Several questions about how states will be monitoring or be able to monitor all 50 of the states and territories required? For institutions. One question asks if they can use the association for state and provincial psychology boards as the authoritative reference, but also generally, what resource or is there a resource for states and institutions to be able to find this information?

Answered Live 5.

I will say that, as far as I know, there is not a comprehensive resource for any profession that's going to give an institution all of the details they need to know to make that determination, with maybe the exception of ours and I hate to be self-serving, but we did create our online database, The Bookmark, for that particular purpose. But there are some really helpful resources, like the National Council of State Boards of Nursing and the Association of Social Work Boards. There are various organizations or associations for pretty much every profession that have some amount of information about educational requirements for licensure available through their website. Some of them you have to pay a small fee or be a member to access. But again, typically those do not have all of the detail an institution needs to make the "meets" or "does not meet" determination. So if you're trying to figure out your actual plan for your institution - How are we gonna do this work? - I would say our recommendation is to have more than one person, if you can, because it's a tremendous amount of work. So, you have your team in place, where you're actually digging into the state's law. Licensure is different state by state - it's governed at the state level - and so you would want to look at that particular license type's statutes and regulations - look at the licensing board information. Sometimes they make their application materials publicly available, which can shed light on what those education requirements are. And then utilize those third party sources like, the National Council for State Boards of Nursing, or others, to help supplement and check what you found yourself in the law and regulation and on the board's website. And then it's compiling all of that information into what that full picture of the education requirements. In some instances it will need a very detailed comparison to your courses. And that's where your faculty or other subject matter experts really need to be involved, so that you're sure that - yes, we have a 60 semester credit program that is a master's degree in mental health counseling, but we have to demonstrate we have, you know, X number of credits in each of these different content areas. So lining those up is also a tremendous amount of work at times and so it's important to have a team in place, if you can. I know that's not always possible, but, definitely the most useful if you can.

Question 6.

We have a number of questions about changes that happen with educational requirements, licensure requirements, students moving from A to B during their education, all of those changes. One question was, will they have to specify the date in which the program's match with a state/territories requirements were verified? But also, just how institutions and states can keep up with the changes.

Related question: What would happen to a student who, at the time of admission to the program, resided in a state for which the program would meet the licensing requirements...but a year into the program, the state's requirements changed. How should the institution handle that student's continued enrollment in the program?

Answered Live 6.

Yeah, those questions are spot on, right? This stuff can and does change with some frequency depending on which license type we're talking about or which states and territories. My first thought is just

remember for this new proposed PPA certification requirement, a key date will be when your institution is signing the PPA. So if that's going to be happening at some point in the next couple of years, you definitely will need to have a research plan in place so that you're able to make those "meets" or "does not meet" determinations before the PPA gets signed. But even beyond that, this is something that institutions, in my opinion, won't be able to just sit on for six years. So if your PPA cycle is six years, I don't think it's going to be responsible or prudent to make a determination about "meets" or "does not meet" and then just wait six years until your next PPA. So it will need to be something that's kept up with on a more regular basis. Some ideas on how to keep up with that. So, you know, there are various kinds of software products that can be purchased that help monitor legislative changes or regulatory changes. There are ways to do that for free, but it involves going out to each state or territory legislature's website and signing up for particular alerts around particular key terms or topics. You can sometimes do the same thing for the regulation itself if you go to that licensing boards website, you could sign up for an alert for that particular license type. Again, that would be pretty labor intensive to piece together all of those alert services. Beyond that, it's setting up that cycle for a regular review. So let's say it's an annual review and you would have that plan in place. You know, a research timeline and then build in time for your subject matter experts to do the curriculum comparisons. When you sketch that out across your entire university or college for all your licensure programs, that's going to take probably a full year to get through everything and to get everyone through the process. So, this work could quickly become something that is happening on a continual basis as you're working your way through each of the licensure programs at your institution.

Question 7.

There are several questions that might be more opinion based. What drove these changes? Why are these changes being suggested by the DOE and do you think they might postpone these again and discuss them again in the upcoming and negotiated rulemaking.

Answered Live 7.

So first part of that question. There was some commentary that came out with the proposed regulations when they were released last month that the department indicated that there are students or graduates who have enrolled in licensure related programs and then were not eligible to earn that license after graduating because the program did not fulfill the education requirements. It was very antidotal. It was very high level. I don't recall hearing any specifics through negotiated rulemaking, you know, during those sessions. I think that the concern is likely being raised by some of the consumer advocate groups who really, you know, they honestly are hearing from individual students or graduates about their experiences and then framing it in this broader concern or effort that the department has really keyed in on, and has now included in this proposed regulation package. So where it's coming from, protecting students, you know, that's kind of the short answer. Will this be delayed? It's possible that it will be. I mean, thinking back to, again, this is a very big package of proposed regulations that came out, including gainful employment, state authorization, and a lot of other things. There were over 4,000 or close to 4,000 comments on it. The department is going to have a lot to consider with all of those comments and

it's possible that they may decide to push some of these issues back into a negotiated rulemaking. There's definitely precedent for that. We've seen different issues go through the process and get close to final and then the department announces that they are going to do another round of negotiated rulemaking. So, possible if that could happen for these licensure related proposals.

Question 8.

A question on whether, when you say “programs,” are you speaking of all two- and four-year program students? This person has a team of healthcare programs that are accredited by specialized bodies, where students must pass nationally recognized registries in order to gain employment. Upon passing the former student is able to work across the country. So will this be impacted by the proposed PPA?

Answered Live 8.

I think there are a couple of parts to that question. First, in general, this does apply to any Title IV eligible program at your institution, regardless of degree level or if it's a certificate or something that's not a full degree - If it's Title IV eligible, it would be covered. And, by the way, it is covered today under the current public disclosure and direct disclosure requirements related to licensure. So that's the first piece - Yes, it applies to any level, any type of degree or certificate or program related to licensure that's Title IV eligible. To answer the second part - I don't think I know enough about that exact scenario, but I will say, because it sounds like this is related to the question here, this applies to state- or territory-issued licenses which are also maybe called certification or certificate or endorsements. There are a lot of terms here which makes this all that much more confusing. I've been saying licensure - that is how the Department of Education frames it - but it's really about that state- or territory-issued legal authority to engage in that profession or occupation in that state or territory. So it sounds like this question is related to a private issued certification. They mentioned national certification, which is what leads me to believe that. This regulation does not include those private entity-issued certifications or certificates. As an example, there's a certification to be a dietitian that's issued by an organization that is full and governs dietitians. So that kind of professional certification does not fall under this regulation. This is only about those state- or territory-issued and required licenses, certificates, and certifications, whatever it's called.

Question 9.

How do we as regulators prepare?

Answered Live 9.

Great question, because I do think regulators are going to potentially be inundated with emails and phone calls, and requests for - how do we confirm that our program needs education requirements? Even if you're working for a state office of higher education, I think you probably will maybe be fielding some of these questions and calls as well. In hopes of trying to connect with the state boards or agencies that actually do the licensing. I think the best way for an office of higher education to help prepare is just make sure that your institutions know about this and that they know about the current disclosure requirements. So, if institutions aren't fully there yet with the public disclosures and those direct

individual disclosures that are required today, it's going to make it that much more overwhelming to try to comply with this proposed new PPA certification requirement. So helping everyone get up to speed as quickly as possible and be in compliance, making those determinations if their program "meets" or "does not meet" for the other states and territories, in particular where their students are located now, that's all going to help ease some of the burden that will come with a new PPA certification requirement if it comes to be.

Question 10.

What happens if an institution makes an attempt, or several, to contact a licensing agency, but they receive no response? Do they just not offer their programs in that particular state?

Related question: What if a US Territory is non responsive?

Related question: Do you think there will be additional guidance as to what institutions who are trying to meet a state's requirements but have not heard back from the agency, are to handle current and future enrollments?

Answered Live 10.

I think the answer to this question is ultimately going to be an institution by institution decision and before an institution makes that decision, one big unknown is what if any evidence will the Department of Education be expecting institutions to have at the ready around making these determinations. So just a couple of my thoughts on this. Let's say that the Department of Education does expect institutions to have this kind of approval letter or some sort of email that affirms that yes your program satisfies our educational prerequisites. Which again (side note) that's going to be very, very challenging to get, maybe impossible in some places at least as of today. But let's just say that is the department's expectations. If an institution is making a real effort to get that documentation - that approval whatever it is - and it's simply not possible to get because of that state or territory's processes, but they've done their own internal comparison and believe that the educational prerequisites are met, an institution may decide that they can offer the program because they have done due diligence. They've reached out to the licensing board multiple times, they are not able to get something in writing from them, but all signs point to yes, it works, our curriculum matches up - maybe they've had some graduates get licensed in that state in the past. An institution may decide that they're able to do it. There's nothing in the proposed regulation that says you must have this approval email or this official document from a licensing board. So unless the department it's very clear that that absolutely is required, I think many institutions would be comfortable continuing to enroll people if those other factors fall into place. But again, this will be an institution by institution decision. And you know, something that you'll have to work through with your legal counsel and others to decide where the line is going to be for your institution. Some may say we're not comfortable unless we can get that written confirmation from the board, and then you would choose not to enroll students from that particular state or territory. I say that a little forlorn because it's really sad to me that again, the ultimate impact on this is going to most likely be

limiting students' choice of which programs and institutions they can enroll in, and it could be for very, unnecessary reasons, if they actually could meet the requirements or they don't even want to get licensed in that state anyway - they are planning to move or they don't want to get licensed there.

Question 11.

What about programs that require multiple degrees for you to be licensed? For example, in engineering or in architecture where the bachelor's degree isn't actually enough to meet the licensure requirements? Do you have to guarantee each level or is it the terminal degree that leads to licensure the one that you need to focus on?

Answered Live 11.

Yeah, this is a great question. And again, something that is not clear or covered in the current regulations for disclosure or the proposed regulations that the departments put forth. What I tend to fall back on and encourage institutions to really think about is what is your program designed or advertised for? So that notion in that language is in the current regulation and it is similar in the proposed regulation of defining what a licensure program is: What is it designed to advertise for? And I know that this can get pretty complicated with those tiers or levels of degrees that are required. I gave the example for accounting earlier, which is similar to that for CPAs - you typically go through a bachelor's program in accounting but that in of itself is not enough to meet the licensing requirements, you need credits beyond that either through a master's program or some other type of certificate or some other thing. So, again, think about how you are advertising it? What's the program designed for? Once you're clear on that, then it should become pretty clear on if you can say you "meet" or "do not meet" in a state or territory. We've worked with some institutions on the accounting example I just gave fairly recently. Our guidance was as long as you're clear in your disclosure that you "do not meet" at the bachelor's level, you could put a note that you do not meet because every state requires 150 semester credits and your program is 120 semester credits. I think you would be giving your prospective students the right kind of information for those disclosures. So you're clear that your 120 credit bachelor's program in accounting does not meet the requirements, but in combination with your masters program or in combination with other credits, you could fulfill the requirement. That would be the scenario if you're really advertising that bachelor's program to lead to the CPA. You may want to decide that you don't advertise the program that way anymore, so it's not designed for licensure because it's not 150 credits, and if you're not advertising it as leading to the CPA, then maybe that program is not on your licensure list anymore. Again, it's going to depend on how your institution thinks about your program, runs your program, and advertises your program, but those are some possibilities. I realize I am not answering the big question of what's going to happen under this proposed new PPA certification - requirements for a program like that. It's not clear. I don't know. I think institutions could probably come down on both sides of that, again depending on how they end up framing that program - Is it a licensure program? Is that engineering program at the undergraduate level really designed for licensure and engineering? Is that accounting program really designed for that? There are different ways to think about it.

Question 12.

I know the helpful timeline slides provided had a lot of information. I think people are wanting clarification on whether you think July 1, 2024, will be the date where they have to have everything ready to go? Would there be some extra time given if the effective date of the regulation is July one? Does that really mean everything has got to be ready to go on July one?

Related question: When do we expect these proposed changes to be voted upon or enforced?

Related question: If these proposed changes were moved forward, what is the timing for them to go into effect and then institutions to meet the changes? Thank you for any clarification you can provide on the timing of the process.

Related question: If this ruling passes, I understand it will be enacted in 2024. But do we have the dates for when this should be passed and dates it will be enforced?

Related question: My apologies if I missed this earlier. Have the new rules been finalized? If so, when do they start?

Answered Live 12.

Would there be some sort of extra time given if the effective date of the regulation is July one, does that really mean everything's going to have to be ready to go on July one? You know, I don't know, but I will say this - with the existing regulations around public disclosure and direct disclosure, there was no grandfather or extra time frame given, so when that regulation was effective July one of 2020, everything was effective July 1 2020. There was no additional time given. Maybe the department would do that this time. We don't see that in the proposed regulations now. There is nothing in the proposed language that says - Here's what's required and institutions have, you know, two extra years or three extra years to comply. That language isn't there now. So I would be surprised, but it's certainly possible, especially if they receive some written comments about what the impact of this is going to be and the amount of work required, they may be willing to slide in some additional time for institutions to get ready.

Question 13.

The national state boards of nursing is working on a SARA like reciprocity for nursing licenses. Do you know of any other organizations working on streamlining state licensing board requirements for licensure programs?

Answered Live 13.

I do know there's an effort underway for teachers as well - a new compact - and we see compacts that

are either currently under development or that have recently been developed that states are adopting. A compact for counselors is another one that's relatively new and was officially adopted and enacted just within the past year. All of these efforts around compacts are definitely great for our licensed professionals, for our graduates. I think one challenge is that because a profession has a licensing compact where they're facilitating a more easy transfer of license, if you will, from one state to another - or the authority or ability to work in another state or territory, doesn't really help us with this problem. And the reason why I say that is the department's regulation is focused on - Does your program meet those educational prerequisites for a license in that state. And typically these sorts of compact or reciprocity agreements are for people who already hold a license and want to move to another state or territory or work in another state or territory. So because it's about a licensed person and not a graduate applying for that first license, typically, these compacts aren't really factored in or helpful in making these determinations if your program "meets" or "does not meet" educational prerequisites for that initial license.

Question 14.

We have a couple of questions about the consequences or penalties for not complying, or if a school or an institution was wrong about the students eligibility for licensure.

Answered Live 14.

I won't pretend to be an expert on the Title IV program or penalties around that or really anything financially, that's not my background or expertise. But I will say it is clear this proposed PPA certification requirement would be along the lines of anything else that's contained in the PPA today. All of those particular terms and conditions and things that institutions need to ensure they're doing or not doing to continue participating in Title IV. So I would imagine that penalties would look similar to other violations that an institution might have today around not fulfilling those obligations or terms under the PPA certification. The ultimate penalty is an institution would no longer be allowed to participate in Title IV. There are obviously many steps along the way of what would happen before then in terms of probation or different kinds of remediation steps that an institution would need to go through.

I think you asked me a second part of that question that I lost if you did. Well, let's see if I can find it. I think it was, it was just mostly do we know if there are penalties.

Look, whoever asked those questions, if we did not answer it fully, please. Add that to the QA. As a reminder, as we're getting to the end of this. Any questions that were not answered during this will be answered later and posted with the post webinar materials and we also will provide documents for the resources that Kris has mentioned that will be helpful for doing some of this work.

I know, Kris, a lot of this is still hypothetical. We don't know a lot and the department has not clarified a lot. So there's not a whole lot in terms of the specifics that we can answer at this point. Is that correct? Yeah, again, my goal for today was to make you all aware of what the department's proposed language is, some of those potential impacts, and maybe help you start thinking about things you

could be doing today to prepare if this does come to fruition in its current form, or to help you shore up your existing compliance processes around the current public disclosure and direct disclosure requirements.

I think you've covered the basics of most of the questions that are left. If there are very specific questions, we will answer those post webinars.

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Question 15

Why is it assumed that a student wants to ultimately find employment in the state in which they are living at the time of enrollment?

Answer 15

This is one of several assumptions made by the Department of Education about students enrolling in licensure-related programs that can be problematic. There are many reasons why a student may not plan to find employment in the state in which they are living at the time of enrollment after completing the program, or may not plan to pursue licensure anywhere after graduating. Several comments on the proposed regulations pointed this out and suggested ED create an exception that would allow prospective students to still enroll in the program even if located in a “does not meet” state/territory.

Question 16

You've mentioned 59 states/territories, but I've only ever heard of 56. What are the extra three??

Answer 16

The 59 states/territories come from the definition of “State” provided in [34 CFR part 600.2](#). The definitions section of 34 CFR part 668 utilizes the definitions in 34 CFR part 600 for certain terms, including “State”.

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

Current licensure disclosure requirements also use this definition.

Question 17

We don't always know if a student coming from a particular state intends to be licensed or not. So we would have to decline admission to a potential student based upon their state does not make any sense.

What if a student starts a program living in state A and later decides they wish to obtain licensure in state B?

Answer 17

The proposed PPA Certification requirement is tied to two important factors: 1. Does the program prepare students to enter an occupation that requires licensure or certification? 2. The proposed students location, at the time of enrollment, as determined by the institution's location policy.

ED is not proposing to link PPA Certification standards or disclosure requirements to the intention of students. In other words, it is assumed that any student enrolling in a Title IV program related to licensure or certification will be eligible for licensure in the state/territory the student was located in at time of enrollment.

While there was some discussion about this requirement relating to an individual student's initial enrollment into the licensure/certification program, 34 CFR 600.9(c)(2) includes a requirement for institutions to make a location determination "upon formal receipt of information from the student, in accordance with the institution's procedures, that the student's location has changed to another State."

Question 18

With the continuous focus over the past 5-7 years on public licensure disclosures and the heightening of scrutiny on institutions by the ED, are there significant numbers of cases (actual complaints and/ or litigation) where students from a public institution are informed that their degree fails to provide ed requirements for licensure?

Answer 18

Most public (and private) institutions are utilizing the "not determined"/"no determination made" option in public and direct individual disclosures to comply with current regulations. Under ED's proposed regulations, this will no longer be an option. Institutions will need to disclose if the program "meets" or "does not meet" educational requirements for licensure. Further, institutions will only be able to certify the program on the PPA if it "satisfies the applicable educational prerequisites for professional licensure or certification requirements" in the state/territory where "the institution is located or in which students enrolled by the institution are located". In other words, under ED's current proposal, institutions will only be able to enroll students from locations where the program meets educational requirements for licensure.

Question 19

How do these rules apply to in-person programs and the person lives in another state?

Answer 19

These proposed regulations, similar to the current regulations, apply equally to in-person or distance

education programs. Under the proposal, institutions will only be able to certify the program on the PPA if it “satisfies the applicable educational prerequisites for professional licensure or certification requirements” in the state/territory where “the institution is located or in which students enrolled by the institution are located”. In other words, under ED’s current proposal, institutions will only be able to enroll students from locations where the program meets educational requirements for licensure.

Each institution needs to have a location policy in place that is applied consistently to students. Institutions should consider how the location policy will be applied to in-person and distance students. Whether the student enrolling in-person for a program is impacted will depend on the particular location policy the university has. For example, the institution may base location on a permanent address. In that scenario, the student could not enroll in a Title IV eligible program if the student’s permanent address is in a state where the program does not meet educational requirements.

Question 20

If an institution reviews programs annually as to whether its programs meet various state licensing requirements, is that institution liable if the state's requirements change between review cycles and a student graduates during the year the requirements changed?

Answer 20

The Department of Education’s proposed language in 34 CFR § 668.14(b) does not specify a time period required for review of each state/territory licensure requirements or how programs compare to those requirements. Note that this requirement is part of the Program Participation Agreement (PPA) certification which varies by institution, but could be as long as 7 years. The proposed PPA certification language requires institutions to determine that each program eligible for title IV, HEA program funds satisfies the applicable educational prerequisites for professional licensure or certification in each State in which the institution is located or in which students enrolled by the institution are located, as determined at the time of initial enrollment in accordance with 34 CFR 600.9(c)(2).

While there was some discussion about this requirement relating to an individual student’s initial enrollment into the licensure/certification program, 34 CFR 600.9(c)(2) includes a requirement for institutions to make a location determination “ upon formal receipt of information from the student, in accordance with the institution's procedures, that the student's location has changed to another State.”

Question 21

Will USDOE consider added costs for institutions to comply with new regs?

Answer 21

ED provided a very low additional cost to institutions in the release of current regulations. Through negotiated rulemaking and the release of these proposed regulations, ED has not seemed to factor in the

additional time, resources, and people power it will take to comply with the proposed changes.

Question 22

Also, if our institution is not granting licensure but showing pathways to licensure as granted by our state-should be concerned. This seems to just be impacting institutions that are giving licenses though their accreditation. Is this accurate?

Answer 22

This applies equally to all institutions participating in the Title IV HEA program. If an institution is advertising programs as part of a pathway to licensure, the current and proposed licensure regulations apply.

Institutions cannot grant or give a license/certification. Institutions can verify that graduates meet specific educational requirements and have completed certain requirements as part of the program (courses, experience, sometimes exams), but only the governmental entity that has legal authority to license or certify in the state/territory has the ability to issue a license/certificate.

Question 23

Do you think there will be a site/easy checklist for all the states/territories and the expectations or will this be the institution's responsibility to investigate EVERY state for EVERY program?

Answer 23

Institutions will be responsible for investigating EVERY state for EVERY program. Resources provided by some professional associations, organizations of state/territory licensing boards, and others will make researching and compiling the educational requirements somewhat easier. [Higher Education Licensure Pros LLC](#) has created a resource specifically to aid institutions in this work. [The Bookmark](#) is an online database of educational requirements for licensure in all 59 U.S. states/territories for over 60 different license types.

Question 24

Is there a timeline on this next vote?

Answer 24

The next step in the rule-making process is for the Department of Education to review all of the written comments submitted. After reviewing and considering the comments, ED would need to release the final version of regulations by November 1, 2023 in order for the regulations to be effective July 1, 2024. It is possible that ED will delay releasing the final version of these regulations, as they have many competing priorities for rule-making. It is also possible that ED may decide to initiate another round of negotiated

rule-making on this issue area.

Question 25

Also - what do we think DROVE these changes? Did some predicate this?

Answer 25

ED mentioned in their supporting comments with the release of the proposed regulations that their focus is to protect students from enrolling in a program that will not meet licensure requirements. They indicated that some institutions have enrolled students in a program that did not meet licensure requirements, and those students were not able to earn a license. Specific examples of what types of programs, which professions/occupations, or states/territories where this has happened were not provided.

Question 26

When did you say we might have to have this implemented by?

Answer 26

The earliest possible effective date of this regulation is July 1, 2024. It is possible that ED could release the final version of these regulations with a longer implementation timeline, meaning that it is possible this would not be effective until sometime after July 1, 2024.

Question 27

Does the DoE have any resources that they will provide to institutions to help with this effort?

Answer 27

ED has not indicated that any specific resources will be provided to aid institutions in implementing the proposed regulations. ED does not currently provide any resources to comply with current disclosure regulations.

Question 28

Guidance in the past has been that our list of licensure-related programs only include programs that are designed or advertised to lead to licensure in our state. So if licensure is not required in our state, we haven't not included that program on our list to do the research. Is this incorrect? For example, a license is not required for carpenters in our state. People can work in that trade in our state without a license (or a degree). So we did not do any research on this program. Do we need to research if a license is required in the other 58 states/territories and if so, determine if our program meets the ed requirements in that state?

Answer 28

Current and proposed individual direct licensure disclosure requirements are related to the location of the student, based on the institution's location policy. Further, the proposed PPA certification requirement is connected to the location of the student.

The current and proposed regulations are not clear on how to handle these situations. As a result, institutions have taken different approaches to assessing their programs that do not lead to a license or certification in their state, but do (or potentially do) in others.

Some take the approach that because they design their programs only for licensure/certification in their state, it is not a licensure program. We typically see institutions taking this approach be very careful with their marketing/advertising language so that they are not "advertised" as meeting requirements. For example, limiting the list of career outcomes and specifically disclaiming that the program is not designed for licensure.

Most institutions we work with do evaluate if any of their programs relate to a professional/occupational license or certification that is required in any state or territory. This approach gives more weight to the current requirement for public disclosures for all states/territories.

We have completed audits for institutions where we review all programs offered to determine if any states/territories require a license/certification for employment. We have not yet done a comprehensive audit for a community or technical college, and I can see how evaluating all 196(ish) of your programs seems daunting!

Question 29

For example - if we are offering a program in a state right now, but have not received a specific approval from that agency. What will happen when the student enrolls - or wants to enroll - for the next year of the program?

Answer 29

It isn't clear what, if any, documentation of approval by a licensure board or agency will be required. Unfortunately, very few licensure boards/agencies currently offer any sort of program review or approval process for out-of-state institutions. In other words, it will be virtually impossible to secure an approval of a program from most licensure boards/agencies. If ED indicates in the final release of regulations that an approval or some specific documentation from boards/agencies are required, most institutions will be faced with limiting enrollments of students utilizing Title IV funds to a very small number of states.

Question 30

Also, when will we have access to this PPT?

Answer 30

Presentation is available to download and view on the [Convening page](#) for “Expanding Professional Licensure Responsibilities: What the Department of Education’s Proposed Changes Mean to Your Institution”.

Question 31

What is the requirement for determining meets or does not meet for professions with multiple licensing levels? For example, wastewater management has multiple levels of licensure.

Answer 31

The current and proposed ED regulations are focused on a graduate’s ability to seek employment in the field after completing the program. Institutions should focus on that first level license that is required for employment. In the spirit of student protection, if there are specific educational requirements for the license levels beyond the first that differ from the first, institutions should also compare their programs to these levels and disclose any deficiencies.

Question 32

You described the "potential collaborations" for licensing boards. It's a good idea, because this proposal seems like it could dramatically increase the demands placed on them. Are you aware of any efforts that licensing boards are taking (or plan on taking) to streamline the process of determining if programs meet their requirements?

Answer 32

We are not aware of any specific initiatives by licensing boards at this point. Some associations of state licensing boards have worked since the current regulations became effective on July 1, 2020 to create additional resources, including compiling licensure requirements across states/territories. Examples are [Association of Social Work Boards \(ASWB\)](#) and [National Council of State Boards of Nursing \(NCSBN\)](#).

Question 33

Would institutions be able to purchase access to the database without a HELP membership?

Answer 33

Institutions and organizations can access [The Bookmark](#) by becoming a member. [The Bookmark](#) provides information about educational requirements for licensure across all 50 U.S. states and territories for 60 different license types (and counting). Multiple levels of membership are available, starting at \$6,000 per year.

Question 34

Copying from the chat: "Can you confirm if it is just licensure for a state license or is it a requirement for

an industry licensure or certification as well."

Answer 34

Current and proposed ED regulations are related to State-issued licenses. These can be called many different things (certification, endorsement, registration, etc.) besides a license, and if it is a State-issued and required credential to work in an occupation or profession disclosures are required.

Question 35

We have students who are located in a state and intend to move during their educational journey. Preventing them from enrolling would do more harm to them than good. If we document this, would the ED still view it as a violation of the PPA?

Answer 35

Under the current proposed regulation, there is not an option for institutions to enroll students who will be utilizing Title IV funds who are located in a state/territory where the program does not meet educational requirements. Several comments were submitted to ED to advocate for a written disclaimer and acknowledge process that could be utilized in this scenario. This was also briefly discussed during negotiated rule-making in 2022, however, ED did not include this option in their proposed regulations released in May 2023.

Question 36

What is your product again? Where can we access it?

Answer 36

[The Bookmark](#) is [Higher Education Licensure Pros'](#) online database of educational requirements for licensure. Information is included for all 59 U.S. states/territories that are required under ED regulation for almost 60 license types, with more license types added over time. Institutions can use the information to compare to their own programs in order to determine if they meet or do not meet educational requirements for licensure.

Question 37

RE: Data on National Council of State Boards of Nursing (NCSBN) and other professional sites is that information can be outdated. Our legal counsel suggests that we should use primary sources, i.e., legislation.

Answer 37

The primary legal authority (statute, regulation, and/or rule) is always the best source of information about educational requirements for licensure. Reliable third-party sources, such as NCSBN can be useful to compare findings and determine the Board's interpretation of the legal authority. Most associations of state licensing boards indicate the last updated date of information and indicate that information may be

out-of-date.

Question 38

What if a state does not require licensure for a particular program/career? Should we say it meets or does not meet? Neither seem quite accurate.

Answer 38

Neither option is accurate. Many institutions have been indicating “does not meet” with an additional statement that no license is required/available in the state/territory. Other institutions have created a separate category for these states/territories and listed as no license available/required. This may become even more tricky under the proposed public disclosure regulation, which will eliminate the “not determined” category for states/territories, and require institutions to indicate if the program “meets” or “does not meet” educational requirements for all 59 U.S. states and territories.

Question 39

If a student lives in a state that changes from "meets" to "does not meet" licensure requirements, is an institution required to terminate that student's enrollment in the program?

Answer 39

ED’s proposed regulation does not make clear what happens when an enrolled student changes locations to a “does not meet” state/territory. During negotiated rule-making in 2022, there was commentary that institutions would need to determine a student’s location only at the time of initial enrollment. However, the provision in proposed regulation that relates to student location is linked to [34 CFR 600.9\(c\)\(2\)](#) that includes the following language “An institution must make a determination regarding the State in which a student is located at the time of the student's initial enrollment in an educational program and, if applicable, upon formal receipt of information from the student, in accordance with the institution's procedures, that the student's location has changed to another State.” It is unclear how ED will interpret or enforce this requirement.

Question 40

If a state has reciprocity with another state (e.g. Illinois and Michigan), can institutions assume their programs meet requirements for that state?

Answer 40

Reciprocity is a very useful mechanism for facilitating licensure across jurisdictions. Unfortunately, ED’s regulations do not factor in reciprocity pathways to licensure, including interstate compacts. Institutions must compare their programs for all 59 U.S. states/territories to determine if the program meets educational requirements. For some license types, boards/agencies will accept another state’s approved

program or a program that holds specific specialized accreditation as fulfilling educational requirements. This may be known as a “reciprocity” pathway. However, it is not safe to assume that any state/territory with reciprocity would accept the program as meeting all educational requirements.

Question 41

What about programs that are regulated in one state but not another? What are the institutions' responsibility in these situations?

Answer 41

Under proposed and current ED regulations, institutions must understand and communicate if their programs meet educational requirements for licensure in all 59 U.S. states/territories. Current and proposed individual direct licensure disclosure requirements are related to the location of the student, based on the institution's location policy. Further, the proposed PPA certification requirement is connected to the location of the student.

We are not aware of a comprehensive list of all licenses/certifications required for employment in all states/territories. Some starting points:

- [Career One Stop](#) provides a list of occupations, some of which require a license.
- [O*Net](#) provides some information about licensure.
- The [Department of Education](#) provides links to various associations of professions and occupations.
- [Midwestern Higher Education Compact](#) and [State Authorization Network](#) each provide a directory of licensing boards/agencies.

Question 42

If we have reviewed all the requirements and listed those states that our program does not meet requirements, are we meeting our burden if the students chose to enroll anyway? Furthermore, if we list we do not know that program x meets the requirement in state/territory y- are we meeting our burden?

Answer 42

Under current regulation, institutions are required to publicly disclose if a program meets or does not meet educational requirements for licensure (or if no determination has been made). Additionally, individual direct disclosures must be provided to prospective students located in a “does not meet” or “no determination made” state/territory prior to enrollment. There is no limitation on enrolling students located in a “does not meet” state/territory under current regulation.

Under ED's proposed regulations, institutions would no longer be able to initially enroll students utilizing Title IV funds located in a “does not meet” state/territory into a program that does not meet educational requirements.

Question 43

How likely is ED going to review comments and actually update these revised regulations?

Answer 43

ED is legally obligated to review and consider all comments submitted during the public comment period. However, ED is not obligated to make any changes after reviewing and considering comments.

Question 44

We offer a program of study that is Title IV eligible for an Insurance Certificate. It is my understanding from the program department that Insurance does not have an education component but once licensed a student has to have some CEU to renew the license is that program subject to the licensure requirements?

Answer 44

Under current ED regulation, any program, no matter the level or mode of delivery, that is designed or advertised as leading to a professional or occupational license (also known as certification, endorsement, registration, etc.) that is required for employment by a state/territory must provide public and individual direct disclosures. Proposed ED regulations would also require institutions to determine that the program satisfies all educational prerequisites for licensure. If the Insurance Certificate is designed or advertised for graduates to qualify for the license, disclosures should be provided.

Question 45

We are talking about "states" with the public disclosures (meet/not meet)---do the territories still fall into this? That seems to be the most difficult area for disclosure, at least on my end.

Answer 45

Yes, the following definition of "State" applies to the current and proposed regulations.

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

Question 46

How do these rules apply to in-person programs? We have NO distance education programs, so while I have worked to meet these licensure requirements, I am still confused about this question.

Answer 46

These regulations apply to all programs at a Title IV (federal student loan) participating institution, no matter how they are delivered or where they are taught. All programs must include public disclosures of “meets” or “does not meet” under proposed regulations. Under current regulations, institutions can list “not determined” for states/territories where they have not yet compared their programs. Individual direct disclosures must be provided to all prospective students located in a “does not meet” or “not determined” state/territory prior to enrollment in the program.

Question 47

Would online graduate programs in education that are not offering licensure be impacted by this?

Answer 47

Only programs that are designed or advertised as leading to a professional or occupational license (also called certification, endorsement, registration, etc.) fall under these regulations.

Question 48

We currently advertise that our 1 graduate licensure program meets Ohio standards only so we assume they plan to teach in Ohio. Under this policy, though, it sounds like we have to let them know if our standards meet all other state standards for licensure, correct?

Answer 48

Current and proposed ED regulations require all Title IV (federal student loan) participating institutions to publicly disclose if the program “meets” or “does not meet” educational requirements for licensure in 59 U.S. states and territories. Current regulations allow institutions to indicate “not determined” or “no determination made”. Individual direct disclosures must be sent to prospective students located in a “does not meet” or “not determined” state prior to enrollment (understood as a financial commitment).

Question 49

Is there a resource webpage by any company that lists ALL links related to this regulation/project in one spot? Having links to regulations, DOE timelines, disclosure examples, state pages, DOE piece, PPA, Title IV, HELP, The Bookmark, articles, possible terms (license, endorsement) and resources Kris shared during Q&A, etc.

Answer 49

While there isn't one sole source of information for all things licensure, resources related to licensure are available through MHEC and other organizations.

[Expanding Professional Licensure Responsibilities: What the Department of Education's Proposed Changes Mean to your Institution](#) (6/28/2023)

- Recording
- Slide deck

- Written Q&A
- Updated Licensure Board/Agency Directory

Professional Licensure: Moving Beyond Minimal Compliance (2/28/2023)

- Recording
- Slide deck
- Written Q&A
- Licensure Board/Agency Directory
- Guide to Licensure Disclosure Implementation

WCET-SAN Resources

- [Updates regarding the 2021-2022 U.S. Department of Education Rulemaking](#)
- Special Interest Team for licensure has created [several checklists and whitepapers](#)
- [Links to national associations of state boards and individual state agencies/consolidated boards.](#)
(For SAN members)
- WCETMix has additional resources, including templates (For SAN members)