

Requirements Comparison for Out-of-State Activity Compliance – Fall 2019

Issues	2016 Federal Regulations	Other Existing Federal Regulations	SARA Requirements	New 2019 Federal Regulations
Definitions. <i>State authorization reciprocity agreement</i>	34 CFR 600.2			34 CFR 600.2
Institution offering distance education must meet State’s requirements as determined by the state: *upon request document the approval.	34 CFR 600.9(c)(1)(i) State where the student resides	32 CFR 68.6 (c)(6)(ii) To provide tuition assistance to active duty military students		34 CFR 600.9(c)(1)(i) State where the student is located
Acceptable alternative to meeting state requirements is participation in a State authorization reciprocity agreement *upon request document the approval.	34 CFR 600.9(c)(1)(ii)		SARA Manual Section 3 - Institutions eligible to be authorized in SARA states for activities designated in the SARA Manual.	34 CFR 600.9(c)(1)(ii)
Institution document complaint process for out-of-state student in state they reside or if through a State authorization reciprocity agreement, the process designated.	34 CFR 600.9(c)(2)		SARA Manual Section 4 -Process for resolving complaints	
Determining location of the student.				34 CFR 600.9(c)(1)(A-C) A.Consistent policies and procedures. B.Upon request provide documentation of process. C.A time of initial enrollment or upon formal receipt of information from the student.



Public Disclosures	2016 Federal Regulations	Other Existing Federal Regulations	SARA Requirements	New 2019 Federal Regulations
Authorization status in student's state (state authorization or reciprocity)	34 CFR 668.50(b)(1) For Distance Education programs	34 CFR 668.43(a)(6) All modalities names of associations, agencies, governmental bodies that accredit or approve or license and institution and its programs 34 CFR 668.72 (n) All modalities authorized by the appropriate State educational agency		See other existing Federal regs
Complaint process where institution's main campus is located.	34 CFR 668.50(b)(2) For Distance Education – a description of process for state authorities and contact information in the state of the main campus. Or if participating a State authorization reciprocity agreement, the process and contact information for receiving the complaints.	34 CFR 668.43(b) Institutional Information All modalities - contact information for filing complaints with accreditor/state approval/licensing entities or other relevant agencies. 34 CFR 668.72 (o) "Any matters required to be disclosed to prospective students under §§668.42 and 668.43 of this part."	SARA Manual Section 4 -Process for resolving complaints	See other existing Federal regs
Complaint process in the State where the student resides.	34 CFR 668.50(b)(3) For Distance Education – description of process and contact information in each State in which enrolled student resides.		SARA Manual Section 4 -Process for resolving complaints	
Adverse Actions	34 CFR 668.50(b)(4) For Distance Education - Initiated by State entities in the previous 5 years.			34 CFR 668.43(a) (20) * All modalities Final judgments that would result in adverse action, revocation of state auth., ability to participate in Title IV



Public Disclosures	2016 Federal Regulations	Other Existing Federal Regulations	SARA Requirements	New 2019 Federal Regulations
Adverse Actions	34 CFR 668.50(b)(5) For Distance Education - Initiated by an accrediting agency in the previous 5 years.			34 CFR 668.43(a) (19) * All modalities When accreditor requires a teach out plan and why plan required.
Refund Policies	34 CFR 668.50(b)(6) For Distance Education – any refund policy the institution must comply by a State in which the enrolled student resides for return of unearned tuition and fees.	34 CFR 668.43(a)(2) All modalities – any refund policy the institution must comply for the return of unearned tuition and fees or other refundable portions of the costs paid to the institution.		See other existing Federal regs.
Professional licensure	34 CFR 668.50(b)(7) For Distance Education i.Educational prerequisites in State where enrolled students reside and any state for which the institution has made a determination. ii.Determination if program meets educational prerequisites. iii.If the institution has not made a determination, a statement to that effect.	34 668.72(c)(2) Misrepresentation – cannot misrepresent affirmatively or through silence: whether successful completion qualifies a student to apply to or take an examination to receive a local, State or Federal license or nongovernmental certification that is precondition for employment to meet conditions that institution knows or SHOULD reasonably know is needed to secure employment in a recognized occupation for which the program is represented to prepare students.	See Direct Disclosures: SARA Manual 5.2 *Note Public Disclosures not enough for SARA compliance.	34 CFR 668.43(a)(5)(v) All modalities – Institutions must list: States for which the institution meets educational requirements; OR States for which the institution DOES NOT meet educational requirements; OR States for which the institution has not made a determination of whether the program meets educational requirements. For licensure or certification.



Direct Disclosures	2016 Federal Regulations	Other Existing Federal Regulations	SARA Requirements	New 2019 Federal Regulations
Professional Licensure	<p>34 CFR 668.50(c) For Distance Education Direct disclosure directly to the student (i)Prior to prospective student's enrollment any determination that the program does not meet licensure or certification in the state where the student resides</p> <p>(ii)(B)If the institution ceases to meet educational prerequisites where the student resides, the institution must notify the student within 14 calendar days.</p> <p>34 CFR 668.50(c)(2) Institution who issues a professional licensure direct disclosure must demonstrate that they received an acknowledgement from the student that the disclosure was received.</p>		SARA Manual 5.2 and SARA Initial & Renewal application item #10 - if subject to SARA policies: Notification in writing to students whether a course or program customarily leading to professional licensure meets state licensing or post-licensing requirements. (to enrolled, applicants, and potential students who have contacted the institution).	<p>34 CFR 668.43(c) All modalities- Prior to enrollment direct disclosure if the program does not meet OR the institution has not made a determination whether the program meets education requirements.</p> <p>If the student is enrolled in a program and a institution makes a determination that the program does not meet educational requirements in the state where the student is located, the institution has 14 calendar days to notify the student.</p> <p>Upon request, the institution must document for the Dept the basis of the institution's determination of the programs.</p> <p>Location of the student follows the same processes as indicated in 34 CFR 600.9(c).</p>
Adverse Actions	<p>34 CFR 668.50(c)(ii)(A) For Distance Education Any adverse action initiated by the State or Accreditor related to distance education programs notification to the student within 30 days of the institution becoming aware.</p>			

This chart should not be considered to be or used as legal advice. It is merely an interpretation for purpose of discussion. Legal questions should be directed to legal counsel.



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