

## Implementation Exercises - Disclosures

### 1. New Federal Regulations to supply Public and Direct Disclosures

**The Motivation:** The new 2019 Federal Regulation 34 CFR 668.43(a)(5)(v) requires public disclosures indicating whether programs leading to professional licensure, regardless of modality: meet educational prerequisites; does not meet educational prerequisites; or the institution has not made a determination whether the program meets prerequisites in each state. Direct disclosures per new 2019 Federal Regulation 34 CFR 668.43 (c), are required to students if the program does not meet educational prerequisites or if no determination is made where the student is located prior to enrollment.

**The Context to Your Institution:** Your institution provides many programs leading to professional licensure. Several of the programs are online and are offered to students located in states other than where your institution is located. Your institution has not provided professional licensure disclosures to students in the past. Your Department chairs think that it would be very time consuming to provide direct disclosures to students and believe a website posting indicating that the institution has not made a determination of prerequisites outside the home state and call it a day.

**The Charge:** Your president has appointed you to spearhead a policy on this issue for your institution.

**The Questions:** What do you do to move this policy forward? Who needs to hear and understand this information? How will you address people about the issue? Who should be involved in developing a plan of action? How will a plan be implemented? Who do you need to provide continuous interaction?

## 2. Coordinating SARA Disclosure compliance and Federal Regulation Disclosure Compliance

**The Motivation:** The SARA Manual and the SARA initial and renewal applications indicate that the institution that is operating under SARA policy (for distance education) must meet the fourteen criteria that the application requires. Federal regulations also apply to your institution, of course. These dual authorities agree in some areas but impose differing requirements in others. Furthermore, these requirements (to say nothing of state requirements) are not static and could change again.

**The Context to Your Institution:** Your institution is attempting to understand and implement a policy to follow the Federal regulations, but key administrators are questioning why the SARA requirements are different and shouldn't Federal compliance be sufficient? The president recalls that the institution's participation in SARA provides a substitute for individual state by state authorization for distance education activities which is separate from Federal compliance. She has previously worked as a US Attorney and is a leading expert on ethics in higher education. In short, she wants the university to be proactive on these issues and, if possible, influence them.

**The Charge:** Your president has appointed you to create a policy that: a) facilitates compliance with Federal regulations and SARA requirements and b) positions the university to be proactive, rather than reactive, in the face of an ever-changing regulatory landscape.

**The Questions:** What clarifying questions would you ask? Who would you want on your team? What do you do to move this policy forward? What bridges would you need to build on campus, and how would you do that? What would you need to become an expert?

### **3. Policy change due to elimination of the Federal regulation 668.50 (disclosures for distance education)**

**Motivation:** New 2019 State Authorization Federal Regulations removed a 2016 State Authorization Federal Regulation, 34 CFR 668.50, requiring specific public and direct disclosures for institutions providing programs solely online exempting experiential learning. The reason for the removal was that many of these disclosures for distance education were already located in the U.S. Code of Federal Regulations, but for all modalities.

**The Context for Your Institution:** Some staff at your institution appear to be unaware that they are responsible for providing disclosures listed in Federal regulations as they related to out-of-state information. These staff members at your institution believed it was a distance education responsibility, not realizing these regulations pertain to distance education as well as face to face programs (ie. 34 CFR 668.43) Your institution has not been providing disclosures about approvals by state agency or through SARA, out-of-state complaint information, out-of-state refund policies etc.

**The Charge:** The provost has appointed you to inform, develop, and create a plan to provide disclosures as required by Federal regulations for all modalities.

**The Questions:** What do you do to move this policy forward? Who needs to hear and understand this information? How will you address people about the issue? Who should be involved in developing a plan of action? How will a plan be implemented? Who do you need to provide continuous interaction?