

What's New in 2019 Regulations?

1) Tie Aid Eligibility to Proof of Authorization. For institutions serving students via distance or correspondence education in another state, its ability to disburse federal student aid is tied to that state's approval provided either a) directly by a state or b) through a reciprocity agreement. (Actually began with 2016 regulations.)

(c)(1)(i) If an institution that meets the requirements under paragraph (a)(1) or (b) of this section offers postsecondary education through distance education or correspondence courses to students located in a State in which the institution is not physically located or in which the institution is otherwise subject to that State's jurisdiction as determined by that State, except as provided in paragraph (c)(1)(ii) of this section, **the institution must meet any of that State's requirements** for it to be legally offering postsecondary distance education or correspondence courses in that State. The institution must, upon request, document the State's approval to the Secretary; **or**

(ii) If an institution that meets the requirements under paragraph (a)(1) or (b) of this section offers postsecondary education through distance education or correspondence courses **in a State that participates in a State authorization reciprocity agreement, and the institution is covered by such agreement, the institution is considered to meet State requirements** for it to be legally offering postsecondary distance education or correspondence courses in that State, subject to any limitations in that agreement and to any additional requirements of that State. The institution must, upon request, document its coverage under such an agreement to the Secretary.

2) Determine Student's State by Location Not Residence. The 2016 regulations used student "residence" to for the purposes of serving state jurisdiction. Since this conflicted with state laws, the change to "location" was made.

(A) For purposes of this section, an institution must make a determination, in accordance with the institution's policies or procedures, regarding **the State in which a student is located**, which must be applied consistently to all students.

(B) The institution must, upon request, provide the Secretary with written documentation of its determination of a student's location, including the basis for such determination; and

3) Determine Student Location Upon "Initial Enrollment" and "Formal Receipt" that the Student Moved. In trying to be helpful, the federal regulation limits the number of times that an institution needs to determine each student's location. Unfortunately, this is not in concert with many state and SARA requirements, as they commonly expect institutions to track students more frequently.

(C) 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.

A Challenge for You

The Problem

Your president has appointed you to a task force that is assigned to address regulation 600.9(c) and how you will address it for your institution. Remember that there is no perfect plan, but you need to apply any policy “consistently to all students.” Your plan should be “defensible” as a way to address the intent of the regulation should the question be raised in a federal financial aid review.

Your initial step is to identify issues, problems, and questions...as well as possible solutions.

The Roles

1. Recorder (<https://tinyurl.com/y2pqfrzk>)
2. Distance ed director
3. Registrar
4. Financial aid director
5. Compliance officer / legal
6. Admissions / enrollment management
7. Provost / academic affairs
8. Student
9. Information Technology

Your Mission (Should You Choose to Accept It...)

You and your colleagues will create a list that addresses...

- What are the issues / problems / questions you will face in implementing this regulation?
- What are possible solutions?