

SAN & NC-SARA Series Part 1 – State and Federal Building Blocks for Out-of-State Activity Compliance

Melanie Booth: Hello everybody. I'm Melanie Booth, vice president for educational programs and communications with NC-SARA. It's my pleasure to welcome everybody today to part one of a two part series that State Authorization Network and NC-SARA are putting on, a webinar series, all about state authorization and about SARA.

This first part will be focused on state authorization and we have Cheryl Dowd and Kathryn Kerensky from the SAN network joining us today. And then on August 4th, there will be a second part of the webinar that will be focused on SARA. And what is State Authorization Reciprocity Agreements? You can sign up for that second webinar on the NC-SARA website. And I think at this point, I will welcome Cheryl and Kathryn and say, thank you very much for the partnership in this. We look forward to this two part webinar. And I will turn it over to you.

Cheryl Dowd: Thanks very much, Mel. Appreciate that.

Melanie Booth: You're welcome.

Cheryl Dowd: Nice introduction. Really do. We're happy to be here today. We're pleased to join longtime friends with the NC-SARA office to bring to you this two part webinar series. And as Mel indicated, part one today is applicable to all institutions, whether or not you participate in reciprocity because we're talking about the foundations of out-of-state activity compliance.

So I did see, and I'm pleased to see this, we have a handful of California institutions that have joined us today, and we all know that there are also a number of other institutions that choose not to participate in reciprocity. So this out-of-state activity compliance understanding is important for them as well. So, and as Mel indicated next week, the focus will be on reciprocity for state institutional approval of distance education related to activities through the SARA agreement.

So welcome. We're really pleased to be here today. And we will get started.

And so, Mel indicated that we're with the State Authorization Network. And so who's the State Authorization Network? We're an 11 year old national membership organization. That is a division of our parent organization, WCET. WCET is the WICHE Cooperative for Educational Technologies, also a membership organization.

So SAN operationalizes institutional compliance management of state and federal laws and regulations related to interstate activities and the adjacent issues. Our parent organization, WCET, focus on policy and advocacy related to the practice of quality digital learning, especially as it relates to its development and administration of those high quality digital learning programs for the member institutions. So at its core, SAN provides opportunities for its members

to train, network, and access resources through our website library to support compliance management.

And what you'll see on this slide deck, which will also be available along with the recording, is the website for SAN. And we will have contact information at the end for you to be able to contact us directly.

So today, we have a presentation for you. We would be very happy to take your questions. We'll hold those questions till the end. We wanted to leave a healthy bit of time at the end so that we can have some back and forth with those of you on today. So we hope that you will enter your questions into the Q and A box and we will address them shortly.

So again, I'm Cheryl Dowd, I'm the senior director for the State Authorization Network and WCET policy innovations. And I'm happy to be joined today with Kathryn Kerensky, she's the director for digital learning policy and compliance, also with the State Authorization Network.

So you'll see our agenda today. We talked about this being the building blocks. And what we start with is the state role in the oversight of higher education. And we'll talk about what are the possible route for state compliance for the various activities of the institution. Then we'll move forward to show how federal regulations are tied to that state compliance, and then we'll offer some possible compliance strategies, including resources for you to be able to review. And then we will take your questions.

So starting with the states, as we were saying. So, although the student is at the center of our concerns to ensure state consumer protection, at the center of compliance, management is the state oversight. Many of you have seen this slide before. If you've been following some of our work, we use this diagram to show the two states, to show in a simple way, to underscore that any activity of the institution that occurs in another state, could have some oversight by that state where the activity occurs. So it's important for the institution to understand their responsibility, that as soon as an activity goes across a state line, that they have to determine whether there is some oversight.

So why would we do this? Why we were talking just a minute ago about student consumer protections? Because of course that is at the center of our work, but there would be other state interests as well that are in consideration when the states determine if they have some responsibility that they'll place on the institution for providing that activity. And we'll talk about what those are in just a few minutes. But it is important to understand that's why we do it. The state has a consumer interest in the people who are located in their state, and they have other state interests as well. Could be in regard to employment. So we'll talk about that in just a few minutes. But the bottom line is this, that the states

have jurisdiction over which entities are offering degrees and activities within their borders.

So we're talking about what kinds of activities could they be? So the states vary widely. And so I think you all have come to learn that in the various aspects of out-of-state activity compliance, but we thought we'd give you some examples today of the variety of things that could be overseen by a state, and also to underscore the fact that each state could come at this oversight in a different way. We'll start with the one we're most familiar with, the state institutional approval. So what are we talking about there? That's that state authorization, sometimes it's called certification or registration. Different states may call it different things. But essentially, it's what the higher education agency generally has oversight of an entity that is providing education in the state. And so when we talk about state-to-state state authorization, or state-by-state compliance, we're talking about what is rooted from what the higher education agency of that state is providing oversight. Through the laws and regulations of that state.

Or the other type of way to achieve approval is through reciprocity, by participation in the State Authorization Reciprocity Agreements, specifically for distance education related activities subject to the reciprocity agreement.

And why do I make that distinction? That's because there could be activities of an institution that are education activities that are not subject to reciprocity. We will hear more about this likely next week, but I can share with you all, that from time to time we hear from institutions that will say, "SARA, won't let us do that." When in fact the circumstance is that it is an activity that is beyond the reciprocity agreement, and then would be subject to the state statutes and laws that are part of that state for state approval. So just keeping that in mind that the reciprocity agreement is a useful tool for those distance education related activities. On the other hand, the institutions would be seeking state-by-state approval.

And then we have state program approval. And this gets confusing sometimes. Because what we're talking about here is our programs that lead to a license or certification. And in those programs, the state licensing boards where the activity is occurring, may wish to have some sort of an approval process. So it would be determined upon the institution to come about what is the approval that is required to be able to offer this particular program. They may have institutional approval, but there may be an additional program approval for the types of programs that lead to a license or certification.

And then we also get into some of these areas where an institution is seen as doing business. So we talk about a state registration that could be with the secretary of state, revenue, treasury, where they're considered as doing business, either due to the activity, the specific type of activity that they're doing, including whether you have a staff member or faculty member that is

located in another state and working for the institution from this other state, that could be deemed doing business. States vary as to how they oversee that type of activity as well.

Another employment related issue is tax implications. So if you have staff or faculty located in another state, there may be some thoughts that you need to review what the department of taxation of that state would require. Could there be withholding of stating income tax for employees that are working from another state? There's also possibility of digital sales tax implications. We're starting to read more and more about that. That's an emerging area that SAN is also covering.

And then there's the workers' compensation insurance situation. So primarily that's about the employees. But we do know that in the state of Colorado, if there is a field placement in Colorado, the institution is to find workers' compensation insurance for that student, with the exception of the student teaching. Student teaching is an exception to that rule. And also we've learned that in New Hampshire, there is an internship registration requirement. So you may be saying, "Cheryl, where can I find out more about this?" Well, we will point to the SAN website, but we do have a list of employment related issues that institutions may wish to review that are available on the SAN website for further details.

So we've discussed what types of activities and entities and in a state may have some oversight for the activities that you've been providing as an institution in another state, but maybe there are a variety of ways to reach compliance in these other states. So let's talk a little bit about different routes to compliance.

So the first route to compliance is you're compliant in the state if the state does not regulate the activity. So I say that in a flippant way, but in all actuality, you are in compliance in that state if there's no oversight. But important points to know about that, means that you have done your homework in determining where the activities take place, so you're tracking the activities of the institution, tracking where the students are located. You're reviewing the varied state requirements to determine that perhaps that state does not have any requirements over the activity. And then you're assessing... After you've reviewed the requirements, assessing the applicability to your institution's activities.

And then the second route is that the state does regulate the activity and you have to determine a process to comply. So important points again, we know where the activities take place. We're seeing a common theme here, that we need to track the location of the activities, meaning the activity and or the student. And then reviewing the varied state requirements. So then assessing the applicability to the institution based on the requirements that you've reviewed. Then developing a compliance strategy. So, you're determining this,

you're working with your institution to develop a compliance strategy. And I'm not just talking about state institutional approval. This compliance strategy may be around the professional licensure piece, or around the out-of-state employment piece, whatever the circumstance is, the activity is, you're developing a compliant strategy. And we always suggest documenting that process for consistent implementation at the institution. And you're not reinventing the wheel as these issues again.

And then the last route that we're going to suggest is a possible route to compliance, is that the state does regulate the activity, and participates in an interstate agreement. So let's talk a little bit about what an interstate agreement is. So we're talking about voluntary state-led solutions. So it's at the state level, that they have made determinations that they wish to be members of a reciprocity or interstate agreements. States are the members. So we hear common terminology. So sometimes they're called compacts. Sometimes they're called reciprocal agreements. Sometimes they're interstate agreements, sometimes flat out reciprocity agreements, but we know that they have some core functions that have similarities. So we see here that they're a tool to manage the 50 state compliance.

And they're going to be unique in structure and purpose. So when you talk about a various types of reciprocal agreements, interstate agreements, they may not follow the exact same pattern or structure, so you can't anticipate that though one is built in one way, that is going to be the same way that another is built. And so you're saying, so what examples are we talking about here? Well, reciprocity agreements, interstate agreements, cetera, are found throughout higher ed and also through other types of activities of a state. But the ones that we're most familiar with, first of all, of course, the State Authorization Reciprocity Agreements, which provides us with reciprocity for distance education.

And then we have the nursing compact. So some of you may be familiar with that. Now we know that is not an institution-based reciprocity opportunity or compact opportunity. That is something that states our members and provides portability of a nursing license to other member states. So we're talking about something after receiving the first license. But it's important for an institution to be aware of these, because as we know with the nursing compact, I think they're up to 39 states are part of the licensure compact. And it's something that you can advise your students at your institution, that is a way to manage license portability after they've received the first license.

Then there's some other types of reciprocity or interstate agreements such as the non-resident income tax. So when I was talking before about employment law, so there could be opportunities between, especially border states, that they've worked out some an agreement where an employee is working in one state, but lives in another state. And I've seen that also on a more local level.

Just many of that I live in Ohio, even here in Ohio, working in Dayton, but living in the city of Centerville, I get credit for the local income tax that I was paying into Dayton when I was an employee in the city of Dayton. So there are different types of agreements that are worked out among government entities to be able to support the work.

And then finally, tuition reciprocity agreements. You may see those, especially again, border states. I know we've worked here... I've learned here in the state of Ohio, that there were certain counties in the state of Ohio that are part of a reciprocity agreement to allow students to be able to attend West Virginia University with in-state tuition. If that's not in place today, because somebody's on here that is following West Virginia's reciprocity, it was about five years ago. But I say this to say, that there are opportunities for reciprocity agreements for tuition amongst states as well, should the states choose to offer that type of opportunity and become members to that agreement.

So I laid all of this out in these steps to understand the foundational level of state compliance, because what we're going to do is we're going to build on that state compliance to understand what federal regulations require of the institution based on that state compliance. So at this time, I'd like to turn it over to Kathryn Kerensky, to take us into the federal regulations. Katherine.

Kathryn Kerensky: Thanks, Cheryl. I'm really happy to be here today to walk through the federal regulations, how they tie to compliance. So we talking about federal state authorization regulations, and the regulations regulation stayed back to 2020, but they didn't create state authorization, as Cheryl was mentioning, states have long had the authority to regulate institutions, offering education within the state's boundaries. So the regulations we'll talk about today are developed by the Department of Education to implement the aspects of the Higher Education Act. Which you see on the slide.

So the Higher Education Act, or the HEA, was originally enacted in 1965 to strengthen the educational resources of the college and universities of the United States. And to provide financial assistance to post-secondary students, as most of us are going to be well aware. So the HEA is the foundation for which federal regulations are developed to manage higher education.

Essentially, it provides the statutory framework and structure, and provides authority for the Department of Education to develop regulations that implemented. It was last reauthorized in 2008, and a timeline for passage of the reauthorization doesn't appear to be likely in the near future. But it is important to know of the Higher Education Act so the statutory framework in which we'll be talking about. And we'll go to the next slide and we'll start talking about the regulations that implement it.

And the regulations, like I said, they really go to implementing aspects of the HEA. So depending on statutes, they can only go into so much detail. So the HEA essentially delegates to the Department of Education, the responsibility to see that through, see the purpose of the HEA. And the department does that through a process called negotiator rule making, or Neg-Reg, as we often refer to it.

And the purpose of Neg-Reg is to bring together key stakeholders affected by the issues, along with representatives from the department to negotiate aspects of the proposal. So these committees meet to discuss the issues that are identified, and they ultimately vote on a regulatory package for those issues.

The department or the negotiators must reach consensus, in order for the language as approved to go forward. Otherwise, the department will get to write the regulatory language. After this process takes place, whether consensus or not, there'll be proposed regulations published at which point institutions have the ability to comment and as do other stakeholders and the general public. And then after the comments are received, the departments required to respond to all of them in the final regulations.

And key here in understanding regulations is when they become in effect. So the effective date of regulations is determined based on a calendar. So final rules that are published before November 1st, going to effect the following July 1st. Any regulations published after that time will not go into effect until the next year.

And I do want to mention, we have these 10 steps here, we outline them to see the flow of the process. But back in September of 2021, SAN and of UPCEA hosted a webinar on the federal rule making process, where the two presenters who had both been negotiators on several committees previously, they went into much more detail on these steps and they really offered their insights as a negotiator. So if you want to know more about this process please refer to the recording on the SAN website.

And if we go to the next slide, we'll be able to see that there are plenty of existing regulations that relate to digital learning generally. The ones you see on the left relate to how compliance with federal state authorization regulations is intended to tie compliance to state laws, and the ability to participate in Title IV HEA programs. The first three rules were actually part of a negotiated rule making that reach consensus back in 2019.

The other half year tap into the elements of consumer protection that Cheryl was mentioning at the start. So these really get to where students can register complaints with an accrediting body, a state education agency, details on misrepresentation, what that is, what the consequences of it are. And then

regulations relating to student identity verification, and the types of notices that must go to students in those cases.

On the next slide, we talk about what the consequences are. So you see these regulations, but what does compliance or non-compliance mean? So federal regulations, they tie compliance to the Title IV HEA program. So essentially what that means, is failure to comply could have the effect of fines or withholding of Title IV funds from institutions. From the state perspective, consequences for non-compliance could vary by the state, but they could also include fines, lawsuits, accreditation programs, barring licensure from regulated professions, and really importantly, potentially the disruption of student progress. And that's all of that on top of the fact that they could raise concern for bad publicity for the institution. So, really important to make note of these consequences, but also to know that state agencies do want to reach a solution that benefits students. So it's very important to keep that in mind as we work forward and look through these regulations.

I now want to talk a little bit more about the federal state authorization regulations. So, starting with 600.2, this section defines a State Authorization Reciprocity Agreement generally for purposes of the federal regulations. So this does not regulate the entity that we know as SARA, the full definition is at the citation you see on the slide. Generally it states that a State Authorization Reciprocity Agreement is an agreement between two or more states that allows institutions to provide educational activities in other states. And therefore the states that volunteered to be members or participate, they are to follow those reciprocity agreement processes for distance education authorization. And the regulation definition also knows that states may enforce their own general purpose laws that would apply to any business.

If we move forward to the next slide. 600.9(c), this relates to the routes to compliance in a way that Cheryl was mentioning. So under this regulation, in order for the institution to participate in Title IV HEA programs and disperse federal financial aid, an institution must demonstrate having approvals to offer distance education in each state where a student is located. Either by direct approval by the state, or through a State Authorization Reciprocity Agreement.

A few important things to note here is that institutions must document the state approvals or coverage under reciprocity agreement to the secretary of the Department of Education if requested. And also, important to note here is that state is defined as the state's and territories in the freely associated states. And you can review 600.2 for the definition of state, which has applicability here, and also to professional licensure, which will cover in a little bit.

So in addition to the requirements of meeting state institutional approval requirements in this regulation, an institution must develop a defensible policy and process for determining the location of the student, and that policy and

process must be consistently applied to all students. So for federal purposes, location should be determined both at the time of initial enrollment in a program, and upon formal receipt of information from the student that the student's location has changed. And this is based on the student following processes of the institution. And again, upon request, institutions must provide documentation of its determination of a student's location and the basis for that determination to the secretary.

So before moving on, I just do want to mention, you'll often hear, as mentioned, defensible plans, defensible processes, by that we mean policies and processes that are reasonable, well considered, and developed and implemented in good faith in an attempt to meet regulatory requirements. So, this would apply to this policy or a process for tracking student location. And furthermore, documentation of something like this really goes to many aspects of a state authorization compliance program, and will be useful evidence and just helpful in sharing knowledge with colleagues or in secession or transition planning at the institution. And we can cover this more later, but there are numerous resources on the SAN website that discuss ideas for determining student locations.

So going through the last bit of what we call the state authorization regulations is the next piece on institutional information. So these are the professional licensure requirements in the federal regulations. So as Cheryl was mentioning, professional licensure requirements, they exist at the state and federal level, but I'm going to be focusing on the current federal requirements relating to professional licensure disclosures. If you're aware of any news on department rulemaking that could potentially change things in the future, but we really just want to emphasize the importance of focusing on the current requirements as they are currently in enforce and will remain as such for the foreseeable future.

So with that noted, when we talk about what is required in these regulations, we want to break it down into bite size elements. So we've developed these four key elements to keep in mind in terms of what is required for professional licensure notifications.

And the first point is that regulations, they apply to all modalities. So this means that your face to face programs and online or distance education programs that meet the qualifications within this statute or within this regulation must have these types of notifications. And I'll get into it a little bit more, but we also note how important it is to understand the type of educational program that requires notifications. We'll also talk about what is actually required for a public or general notification, and then what is required in a direct or individualized notification and when that notification is necessary. So those are the key elements to keep in mind, to keep track of when you think of that. And next slides will go into those elements in a little more detail.

So first is, what type of educational programs will require notifications? So the regulation is helpful in this case, because it does specifically describe the elements of what type of program will require notifications. And it might be more difficult to see that in the paragraph form. So that's why you want to break it down into these categories with these bullet points to really show that. So you can think of it in terms of questions or a little checklist to determine that.

The first is, is the program designed to meet educational requirements for a specific professional license or certification? Is that license or certification required for employment in an occupation? So a program that meets this criteria will need to have these notifications and disclosures. Alternatively, is the program marketed or advertised to meet the educational requirements for a license or certification? If so, then that program will also need to have notifications.

You can review your programs and compare to the elements of the regulation. And like I was saying, asking these questions and answering them with stakeholder at your campus will help make a determination if a program requires notification. And what must be provided is information regarding whether completion of that program would be sufficient to meet licensure requirements in a state for that occupation. And in general, that's what's in what we call the public notifications. So on the next slide, you'll see, after determining that a program requires notifications, the regulations also indicate that institutions must consider each state for public notification. And again, that would mean states' territories in the freely associated areas as well.

So how that is outlined in the regulation is that institutions must, at minimum, categorize states into one of the three following lists, a list for which the institution has determined that the curriculum meets licensure requirements, a list where the institutions determined that it does not meet licensure requirements, or states where it has not made a determination whether the curriculum meets licensure requirements. The department also indicated support for institutions sharing more information as they can, and stated that they believe doing so could put institutions at a marketing advantage. So that's something to keep in mind, but you do want to be mindful of other regulations, and have any content that you put out in addition reviewed by the appropriate people to make sure it's accurate.

So now, you can use the information that you've gleaned to make your public notifications to also go forward and for your direct and individualized disclosures. So we break down the direct disclosure requirement by student type. So either perspective or enrolled or current student, as the processes are a little bit different.

So starting with the perspective student, the institution must provide notice prior to the time of enrollment. If the institution has determined that either the

curriculum does not meet state educational requirements where the student's located or is not made such a determination. And in the regulation announcement, the department provided additional guidance that time of enrollment, and that an individualized disclosure must be provided prior to the student making a financial commitment to the institution or signing an enrollment agreement. So going back to the policies and processes we talked about, you want to address what that looks like at your institution, in your processes, and then have that documented.

For currently enrolled students on the next slide, the institution must provide a written individualized disclosure within 14 calendar days to a student, if the institution makes the determination that the program's curriculum does not meet requirements for the state in which the student is located.

In a case like this, with these types of notifications to enroll students, if you're able, it would certainly be helpful to have student location data integrated in some student information system that might help with the workflow management. And it may help facilitate automation of some of these disclosures in just having that process documented so that someone else can pick it up and carry that on, and do the work if needed.

So on the next slide, please. There's a lot to consider when putting together the language in regulatory requirements and best practices in order to really put a plan in place to implement those requirements. So that's where SAN wants to come in and help. So in conjunction with providing the regulatory analysis, we really want to assist institutions to develop those strategies, to prepare their institution or organization for the development of implementation strategies that are reasonable, and customize to your specific institution to manage compliance.

When it comes to compliance, it's going to look different at every institution. So it's really important to take some general foundational steps, and then see what can work at your institution. So, we really encourage you to take the time to process the information, to reflect on how to best move forward with your individual compliance goals.

And to that end, we've put together some initial steps that we hope will help orient yourself to some ways to put these steps into practice and to begin conceptualizing your compliance team. You can go back to the last previous slide.

The first is to form your teams and designate leads. So identifying institutional partners that can help identify the scope and location of out-of-state activities. Some of these partners could include academic affairs, general counsel, academic departments, and you name it, potentially any department could very well be a good partner in this [inaudible 00:37:18]. A common strategy that

we've seen SAN members employ is the creation of a task force. It could be a helpful way of building allies and maintaining those relationships with regularly scheduled meetings, and just really create an efficient pathway for addressing compliance issues as they arise.

Assessing the institution's operational footprint. So knowing enrollment history for online learning or other courses, having some means of tracking out-of-state activities and knowing where those are, or where your institution wants to conduct activities. So it's really important to have a clear understanding of student body and where they participate in out-of-state activities.

Next, acclimating yourself to state-by-state rules that are pertinent to your institution specific footprint. So after you review data on student location and program activity out-of-state, and then you make those key decisions, the next step will be to identify the requirements in those states.

So we wanted to share two resources that you can find specifically to help review the state rules. First is the state institutional approval quick chart. It's a downloadable chart. Provides a start to institutional research by offering a snapshot of contacts for the state higher education agencies, and notes about the status of oversight of online courses. There's also the state authorization guide, which outlines for each state, the activities that require authorization, application process, et cetera, as submitted by the agencies to the guide.

Project management, essentially, so establishing communications, recording procedures, catalog documentation. So really essentially that's capturing your plans in some written format, refining it as needed, making sure you have a plan to monitor, make adjustments as needed. No compliance plan is perfect from the start. I think revisions should be expected. And it's always important just to identify those gaps and move forward as best as you can. And just making sure that the team that you identify, whether it's formal or informal team, just has the ability to update one another on significant changes.

And a critical piece is location, knowing the location of out-of-state activities and student location, it's vitally important for all aspects of compliance. As Cheryl was mentioning, there's the institutional approvals, but there's all kinds of the other agencies that may have oversight. So it's really critical to know location. And if you have any ideas, or if you're looking for ideas on how to track activities and location, you can review SANSational Awards award winning presentations. So those are awards that highlight outstanding efforts by SAN member institutions. And this could be a very valuable resource while you're trying to think through strategies to help you operationalize your plans going forward.

If you go to the next slide. So SAN has a few different types of pages where we curate resources specifically under a certain theme. So in this case, if you are

new to state authorization, or institutional approval, or compliance generally, we'd recommend that you visit the SAN website and check out the resources and links in the State Authorization 101 page.

As you can see on this slide, there are numerous resources such as charts, white papers, webcast, handbooks that are, are geared to those who are relatively new to compliance management for out-of-state activities, or for anyone looking for a refresher.

On the next slide, we also wanted to share, and advise you to check out some resources for implementation, tips, strategies, discussion relating to professional licensing. That's obviously a big part of many of our roles nowadays. So the links to the resources that you see on the slide will be the slide deck. I mentioned the SANSational Awards. It's a lot of good opportunities there to review practices by other institutions on a wide variety of areas, specifically student location, professional licensing.

SAN also has a special interest team that specializes in conducting research and various things and work on licensing, so you can see a page, we have a compilation of their work that can be found on the SAN website.

We also have just a professional licensure landing page. It's essentially a centralized page where resources relating to professional licensure board approvals and notifications, they've been housed together for easy access.

And then the last one here is WCET Frontiers, the blog that features timely regulatory and policy analysis. Those SAN members have been featured on frontiers discussing issues pertaining to professional licensure. You can also look to the blog for any breaking news or analysis as well.

If you go to the next slide, if you're interested in any the other topics that have come up, you can just generally search for resources by topic. So you can see on this slide that our resources are organized by these nine topic areas. And you can see the types of resources that we have are related to research regulation, summaries, talking points. So you can look for resources by resource type, or resources by topic.

And lastly, we just wanted to highlight a couple of additional events that will be taking place that might find helpful. SAN's really excited to be planning for our next advanced topics workshop in September. Will be virtual, and our topic is Succession Planning for Compliance Continuity. So this workshop will support your current efforts to address efficient collaboration, as well as the future efforts at your institutional organization that will... The goal of minimizing disruption to compliance management due to staffing changes or leave, times of absence, anything like that. Registration is available on the SAN website.

And lastly, we're really looking forward to the 34th annual WCET meeting in Denver, Colorado in October. We'll have a SAN coordinator meeting on October 18th, and look forward to seeing many of you in-person, hopefully.

So at this time we've gone through our content. We're really excited to take your questions. We'll see what questions are in the chat. Or in the Q and A box.

Mary Larson: Well, Cheryl and Kathryn, that really great. There is a question to help get us started. And that is, when a state has a private licensing board, not run through the state, do institutions need to still meet the requirements for the private licensing board to meet approval and disclosure requirements? And Cheryl, I think this goes back to the first part of the presentation.

Cheryl Dowd: I think you're right. Thank you, Mary. That really would depend be dependent upon what is required by your state. So perhaps the licensing board is not run through your state, but there are state statutes or regulations around the licensing of that profession, even if it's run through the private licensing board. So I would definitely want to review whatever requirements there are that are statutory or regulatory directed. And as far as disclosure requirements, again, you would want to review and go through the steps is Kathryn indicated, of what type of program requires a notification. So these were going to be tied into state law and regulation and also federal regulation. Kathryn, do you want to add anything to that?

Kathryn Kerensky: No, I think you mostly covered it. Although, I'd be curious to know what example that is in terms of understanding the processes, because obviously every state would be different. But it could certainly be also a possibility to note that it might not be officially run through the state, but it could be authorized by the state in some capacity to do that. So it really comes down to, is there a state license and are there requirements by the state to be licensed to practice that profession? So in that case, it may not necessarily matter how the agency is necessarily set up.

Mary Larson: Yep.

Cheryl Dowd: I hope that's helpful.

Kathryn Kerensky: Yeah. It's a very interesting question.

Mary Larson: Thanks. While other people are thinking about the questions that they want to ask you, I know the two of you get some very commonly asked questions that people might still be trying to figure out how to frame the question. Could I ask both of you to just throw answer some of the questions you get on a regular basis?

Cheryl Dowd: Sure.

Kathryn Kerensky: Yeah. I can ask Cheryl a question. I know, I think a common question that we get is relating to how all this applies to military students. So could you talk about, most institutions seek institutional approval for activities of military students that take place across state lines?

Cheryl Dowd: Yeah, We do get a lot of questions about military students. And there is a common misperception that military students somehow are in a bubble. And that because they are military, that it's not applicable to them. And that's really a state-by-state determination. There are some states that offer some waiver if a student is in the military or on a military base. And I also want to add, and they'll talk about this a little bit more in terms of the SARA policy, but if the student is located in a state that is a member of SARA, at a SARA institution, then they may do the other activities because that institutional approval would be covered for that student through reciprocity. So the bottom line is this, it's a state-by-state issue. And that reciprocity would be a part of that as well.

Kathryn, I know we also get a lot of questions about professional licensure on a regular basis. And also not only is this in regard to professional licensure, but also about just general state authorization issues. So how do you track student location or out-of-state activities? What would you recommend in terms of tracking?

Kathryn Kerensky: That's a good question. So, again, I did this work at an institution for seven years, and a common approach I had would just be surveying the types of practices that are already out there. There's certainly no need to reinvent the wheel. And I mentioned that there are numerous resources on the SAN website where you can find those examples of how to determine student locations. So there's not one correct way to do it, you just want to do that in such a way that aligns with the requirements. And like I said, it must be defensible, documented, and consistently applied.

For example, the federal regulation they allow for some flexibility at the institution, in the terms of the processes, it just needs to be consistently applied. I will say a common method that we've seen institutions employ, is to inquire as to a student's location at the time of enrollment each term. And these processes may vary depending on the systems and resources at an institution, but a good starting point would be to collaborate with stakeholders that use these systems, and may have knowledge of them, of the systems that already exist, that could be leveraged to assist in documenting location and setting up any other related processes. And so that's specific for student location. The same could be true with just general out-of-state activity. Management could be in the use of forms. And sophisticated systems are not always required in these cases either. There have been very inventive ways of using form, spreadsheets, word documents, all kinds of ways. So but in a lot of cases, these types of works really require a team to help really fully flesh out what will work at your institution. I hope that helps get that started.

Mary Larson: I think it did help a lot. And there's a few more questions that have come in. One of them is, do any of the websites have information about faculty who may want to move abroad and continue teaching? If not, do you know of a good source of information about this situation?

Cheryl Dowd: That's a very good question and it is tricky. So we do have resources on the SAN website that will provide members with access to contact information for various higher education agencies. But when we're talking about employment, we're also talking about other types of oversight. So there could be tax implications. There could be data privacy implications that also have to be addressed. We work with, we have trusted partners at the firm Hogan Lovells, and you'll find that on the SAN website, they've provided us with a number of papers. We've also linked to some of their general international oversight papers. And I think that they're a good resource when you're wanting to address out-of-state circumstances. Certainly if your institution, if your general counsel is a member of NACUA, that's the National Association of College and University Attorneys. I know that they are working on those aspects as well. They have a discussion board for the NACUA members, so the attorneys that are associated with your institutions, where they communicate with each other to share resources of this kind.

Mary Larson: Thank you. And another question is, is the location, the physical location of the student at the time they're taking the course of the program or location based on the mailing address?

Cheryl Dowd: Oh, that's such a good question. And there's been so much conversation around this. So the circumstances is this, we're talking about the location of the student at the time they're participating in the education. So we're not talking about the mailing address. So an institution may have several addresses within their system, but what we're talking about in terms of protecting the student, it's about where the student is located at that time of the activity. And that's when the protection is really needed, as opposed to the mailing address.

For example, you could have a military student who has a residence, a mailing address in one location, but is posted somewhere else while they're participating in the education and the institution's in yet another state. So we're really talking about the protection of the student, where they are located at the time of their education. So as I said, the institution is likely going to have multiple, and ask for multiple addresses so that they can be in compliance and provide this protection.

Mary Larson: Thank you. And I know actually, we're not going to get to all of the questions. And so Cheryl, could you talk a little bit about how people could reach out and reach you and Kathryn regarding some of these questions. There are some questions regarding SARA activities specifically, and I know those questions can go to info@nc-sara.org. And then also, would you mind addressing how those

on the call can get information not only about the recording, but the slides if they're not members of SAN?

Cheryl Dowd: Sure. Well thank you for this opportunity. And so I have moved ahead to this contact slide. So you'll see our website is listed at the top. Then we too have an info address that you'll see there, or you can email Katheryn or I directly. And you'll see our phone numbers and our email addresses there. And we're very happy to interact with you all with any of the questions that you may have.

And in terms of how this will be archived, we will archive this to the public. So those of you that are not members of SAN do not need to be concerned that this is going to be a login resource. So this webinar, because it's public, and we've been collaborating with our colleagues at NC-SARA, we want to make this publicly available. So you'll be able to go to the SAN website, and you'll see our resources area, and you'll be able to go to past webinars and events, and you'll be able to do a search and reach this information. And I would assume that it'll probably be ported also together with next week's resources on the NC-SARA website as well.

Melanie Booth: Yeah, thank you, Cheryl. We will post it there. So both recordings of webinars will be readily available either the SAN website or the NC-SARA website.

Cheryl Dowd: Great. So just before we turn it over, I just want to thank everyone for their attention today. And if they'd like to learn more about SAN, please feel free to reach out to us. Thank you, Katheryn, for doing this with me today. And thank you, NC-SARA staff for inviting us to collaborate on this webinar series.

Melanie Booth: Oh, Katheryn and Cheryl, thank you so much for sharing your expertise and your very clear information and a great introduction to all of this. I did post in the chat that you may register for part two, if you haven't already on the NC-SARA website, the SAN website also has that registration available. And it is August 4th, next week. And I'm also about to post some additional resources that might be helpful around SARA to look at in advance. NC-SARA now has two online courses available free to the public, as well as 10 SARA Quick Start Guides that help demystify SARA policy and the requirements for institutions that are interested in participating in SARA. These are on our learning station. So I've just posted that in chat.

A big thanks again to WCET-SAN for partnering on this. And we'll hope to see many of you next week at the introduction to SARA webinar. Thank you everybody.