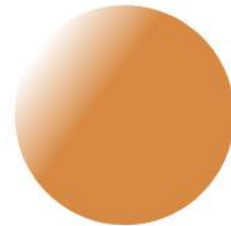


# Welcome to Today's WCET Webcast



November 15, 2023

The webcast will begin shortly.

There is no audio being broadcast at this time.

An archive of this webcast will be available on the WCET website next week.





Community

Equity

Policy

Practice

[wcet.wiche.edu](http://wcet.wiche.edu)



# “Waze” to Find the Detours and Fast Lanes to Understand New U.S. Department of Education Guidance and Regulations

November 15, 2023



# Welcome!

- Slides can be downloaded via the link in chat.
- Please use the **Question** box for questions and **Chat** for other information exchange.
- Follow the X feed: #WCETWebcast.
- Slides, recording, and shared resources will be emailed to attendees.



**Megan Raymond**

Senior Director, Membership & Programs  
WCET

[mraymond@wiche.edu](mailto:mraymond@wiche.edu)

[@meraymond](#)



# Today's Moderator

## **Jana Walser-Smith**

Director, Interstate Compliance and  
SAN Member Outreach

[jwalsersmith@wiche.edu](mailto:jwalsersmith@wiche.edu)



# Speakers



**CHERYL DOWD**

*Senior Director, State  
Authorization Network & WCET  
Policy Innovations*

[cdowd@wiche.edu](mailto:cdowd@wiche.edu)  
[@dowdcm](#)



**RUSS POULIN**

*Executive Director, WCET  
Vice President for Technology-  
Enhanced Education, WICHE*

[rpoulin@wiche.edu](mailto:rpoulin@wiche.edu)  
[@RussPoulin](#)



# USED New Final Regulations

**October 10, 2023, [Final Regulations for Financial Value Transparency & Gainful Employment](#).** These new regulations will become effective July 1, 2024.

**October 31, 2023, [Final Regulations for Financial Responsibility Standards of Administrative Capability; Certification Procedures; Ability to Benefit](#).** These new regulations will become effective July 1, 2024.



# Certification Procedures



The Federal Register announcement includes the contact information for the Department staff member for more information addressing this issue. For certification procedures: Vanessa Gomez. Telephone: (202) 987-0378. Email: [Vanessa.Gomez@ed.gov](mailto:Vanessa.Gomez@ed.gov).

- This issue is focused on the agreement between postsecondary institutions and the Department.
- The institution certifies compliance with specific obligations in order to participate in Title IV HEA Programs.
- The agreement is called a Program Participation Agreement (PPA).
- The Department's goal was to strengthen the student protections within the PPA.
- The sub-issues for which we followed were among the new requirements being added to the PPA.







**JANA WALSER-SMITH**

*Director, Interstate Compliance  
and SAN Member Outreach*

[jwalsersmith@wiche.edu](mailto:jwalsersmith@wiche.edu)



**CHERYL DOWD**

*Senior Director, State  
Authorization Network & WCET  
Policy Innovations*

[cdowd@wiche.edu](mailto:cdowd@wiche.edu)  
[@dowdcm](#)



**RUSS POULIN**

*Executive Director, WCET  
Vice President for Technology-  
Enhanced Education, WICHE*

[rpoulin@wiche.edu](mailto:rpoulin@wiche.edu)  
[@RussPoulin](#)



# Professional Licensure Programs - Four Things to Know!

1. Responsibilities for the institution have increased beyond providing notifications to students.
2. Now, the institution **must satisfy** the educational requirements **where the student is located** in order to offer the program.
3. New option to satisfy requirements **where the student attests** they intend to seek employment.
4. Notifications still required with some modifications.



# Related to Professional Licenses & Certification – PPA Certification

Language: 34 CFR 668.14(b)(32)(ii) (**emphasis added**)



(32) In **each State** in which: the **institution is located**; **students enrolled** by the institution **in distance education or correspondence courses** are **located**, as determined at the time of initial enrollment in accordance with 34 CFR 600.9(c)(2); **or** for the purposes of paragraphs (b)(32)(i) and (ii) of this section, each student who enrolls in a program on or after July 1, 2024, and **attests that they intend to seek employment**, the institution must determine that each program eligible for title IV, HEA program funds—

(ii) **Satisfies** the **applicable educational requirements** for professional licensure or certification requirements in the State so that a student who enrolls in the program, and seeks employment **in that State** after completing the program, **qualifies** to take any licensure or certification exam that is **needed for the student to practice or find employment in an occupation** that the program prepares students to enter; and



# Related to Professional Licenses & Certification – PPA Certification

## What is new in regulation since the proposed regulations?

**New in the regulation:**

- 1. Focus on distance education programs and correspondence courses.**
- 2. Expressly indicates students entering programs on or after July 1, 2024 (not retroactive implementation)**
- 3. New attestation option to satisfy requirements where the student is located.**
  - Obtain an attestation from the student that they intend to seek employment in another state.
  - An institution may certify through attestation IF that program satisfies educational requirements in that state.



# Related to Professional Licenses & Certification – PPA Certification

## What is new through the language of the preamble?

**Post-licensure state agreements and compacts are considered by ED as forms of licensure.**

- If the state where the student is located does not meet state educational requirements but that state and where the institution is located are members of a professional licensure agreement/reciprocity or licensing compact, the institution can use this pathway to show obtaining the initial license where the institution is located to then use the agreement or compact to obtain a license where the student is located.
- Caution that this option is to provide the ability for the student who obtains the license through reciprocity (and we add a compact) and would allow them to work in the State covered by the requirements of the new regulation.



# Related to Professional Licenses & Certification – Public Notifications

Language: 34 CFR 668.43(a)(5)(v) (**emphasis added**)

- (v) If an educational program is
- designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, or
  - is advertised as meeting such requirements,
  - a list of all States where the institution **has determined**,
  - **including as part of the institution's obligation under § 668.14(b)(32)**,
  - that the program **does and does not meet such requirements**; and



# Related to Professional Licenses & Certification – Direct Notifications

Language: 34 CFR 668.43((c) (**emphasis added**)

(c)(1) If the institution has made a determination under paragraph (a)(5)(v) of this section that the program's curriculum **does not meet** the State educational requirements for licensure or certification in the State in which a **prospective student is located**, or if the institution **has not made a determination** regarding whether the program's curriculum meets the State educational requirements for licensure or certification, the institution must **provide notice to that effect** to the student prior to the student's enrollment in the institution **in accordance with § 668.14(b)(32)**.

(2) If the institution makes a determination under paragraph (a)(5)(v) of this section that a program's curriculum **does not meet** the State educational requirements for licensure or certification in a State in which a student who is **currently enrolled** in such program is located, the institution must provide **notice to that effect** to the student within **14 calendar days of making such determination**.



# Related to Professional Licenses and Certification - What should institutions do?

- 1. Review and revise the institution process to determine the location** of the student at time of initial enrollment as has been required since July 1, 2020.
- 2. Research of state educational requirements for a license** as well as interactions with state licensing boards **must continue.**
- 3. Consider, implement, and document the option to seek an attestation** from students of their intention to pursue employment in a state that the institution must satisfy state educational requirements.

**DOCUMENT! DOCUMENT! DOCUMENT!**





# Related to Professional Licenses and Certification - What should institutions do?

**4. Research, analyze, and document to implement the Department's view that state licensing agreements/reciprocity and licensing compacts** may be considered as meeting state educational requirements if the states are members of these agreements or compacts.

**5. Continue** the institution's process to **implement public and direct notifications**.

**6. Finally, communication with senior administration and general counsel** may be necessary to make **business decisions about institution priorities** to serve certain states and certain professions.

**DOCUMENT! DOCUMENT! DOCUMENT!**



# Compliance with State Closure Laws... ...and the Impact on Reciprocity Four Things to Know!

1. Institutions must show that they **comply with all State laws related to closure**, including record retention, teach-out plans or agreements, and tuition recovery funds or surety bonds.
2. Is for **every state** in which you enroll Title IV students.
3. We believe this is **NOT above SARA requirements** in most or all cases.
4. This began as an effort to seriously limit reciprocity. Those efforts will continue.



# Compliance with State Closure Laws... ...and the Impact on Reciprocity

## A Brief History of this Regulation

- Early 2022 rulemaking...no mention of consideration of "closure" or "state authorization" rules.
- Negotiators propose a rule that would severely limit the benefits of state authorization reciprocity.
- No consensus reached.
- Department's proposed rules (May 2023):
  - Focused on "closure, recruitment, and misrepresentations."
  - Would affect institutions participating in reciprocity.



# Compliance with State Closure Laws... ...and the Impact on Reciprocity

## The Final Language

*(32) In each State in which: the institution is located; students enrolled by the institution in distance education or correspondence courses are located, as determined at the time of initial enrollment in accordance with 34 CFR 600.9(c)(2); or for the purposes of paragraphs (b)(32)(i) and (ii) of this section, each student who enrolls in a program on or after July 1, 2024, and attests that they intend to seek employment, the institution must determine that each program eligible for title IV, HEA program funds...*

*(iii) Complies with all State laws related to closure, including record retention, teach-out plans or agreements, and tuition recovery funds or surety bonds...*



# Compliance with State Closure Laws... ...and the Impact on Reciprocity

## The Final Language...Analysis

- “We did not regulate the conditions, structure, or other elements of State reciprocity agreements or the organizations that operate them, nor did we set requirements that States must follow to oversee institutions enrolling students in a State where they have no physical presence.”
- Institution must show it complies with all State laws related to closure:
  - record retention,
  - teach-out plans or agreements, and
  - tuition recovery funds or surety bonds...



# Compliance with State Closure Laws... ...and the Impact on Reciprocity

## Common Questions and Answers

Q: Do SARA-participating institutions need to comply with the Department's new "closure" regulation?

A: YES, they must! But...

...we don't believe new regulation overrules reciprocity.

...much deference is given to state laws.

...not everyone agrees with our interpretation.



# Compliance with State Closure Laws... ...and the Impact on Reciprocity

## Common Questions and Answers

Q: What should institutions be doing?

A: Those outside reciprocity should make sure they meet closure requirements in each state in which it enrolls

Those participating in reciprocity should likewise be checking each state until clarity is found.

Institutions must weigh costs and benefits.



# Compliance with State Closure Laws... ...and the Impact on Reciprocity

## Common Questions and Answers

Q: Where do I get state-by-state closure requirements?

A: Coming soon!! The State Authorization Network site Quick Chart has added a new column to include applicable state closure laws as they are determined by the states...and is open to all:

<https://bit.ly/SANStateApprovalQuickChart>





# Compliance with State Closure Laws... ...and the Impact on Reciprocity

## Common Questions and Answers

Q: What's next for this rule?

A: We might see some states challenge SARA.  
We might see lawsuits.  
We might see more action in the upcoming negotiated rulemaking, which includes "state authorization."

It goes into effect July 1, 2024.





**JANA WALSER-SMITH**

*Director, Interstate Compliance  
and SAN Member Outreach*

[jwalsersmith@wiche.edu](mailto:jwalsersmith@wiche.edu)



**CHERYL DOWD**

*Senior Director, State  
Authorization Network & WCET  
Policy Innovations*

[cdowd@wiche.edu](mailto:cdowd@wiche.edu)  
[@dowdcm](#)



**RUSS POULIN**

*Executive Director, WCET  
Vice President for Technology-  
Enhanced Education, WICHE*

[rpoulin@wiche.edu](mailto:rpoulin@wiche.edu)  
[@RussPoulin](#)



# Questions from the Audience



# Additional Information and Resources



wcet

**Webcast**

The webcast recording and additional resources will be emailed to attendees.





# Resources For SAN Members

The webcast recording and additional resources will be available in the next week on the SAN website for SAN members: <https://wcetsan.wiche.edu/resources/waze-find-detours-and-fast-lanes-understand-new-us-department-education-guidance-and>



# Learn more and stay connected:

## **WCET**

Visit [wcet.wiche.edu](http://wcet.wiche.edu) to explore our Policy and Practice work, Events, Membership, and Sponsorship.

Subscribe to WCET member emails: [bit.ly/wcetsubscribe](http://bit.ly/wcetsubscribe).

## **SAN**

Visit [wcetsan.wiche.edu](http://wcetsan.wiche.edu) to learn more about interstate activity compliance and other emerging issues that SAN is following, with opportunities for training, engagement, and more.

# Upcoming WCET Events

Learn more and register:  
[wcet.wiche.edu/events](https://wcet.wiche.edu/events)

## Webcast:

- Accessibility Considerations in Open Education – November 16 | Noon MT



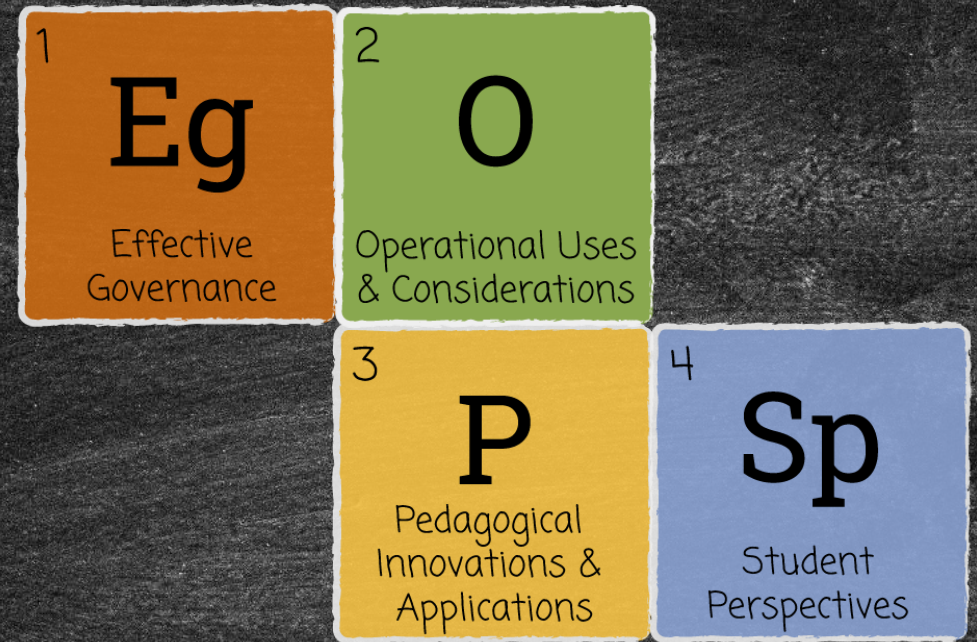
wcet

Webcast



# Elements of Practice + Policy of AI in Education

WCET Virtual Summit  
Exclusively for WCET Members  
February 22, 2024 | 10AM-1PM MT



Learn more and register: [wcet.wiche.edu/events/2024-virtual-summit](https://wcet.wiche.edu/events/2024-virtual-summit)





# Upcoming SAN Events

## **SAN Member Integration Course! (8-week Online Fundamentals Course)**

The State Authorization Network (SAN) is pleased to introduce the SAN member-only, Winter 2024 cohort of the [\*\*SAN-U Member Integration Course!\*\*](#)

Cost: \$100.00

Dates for Cohort #1: January 16, 2024-March 12, 2024

There will be a cohort beginning in April 2024 and another beginning in July 2024.

Each cohort will be limited to 50 participants.

## **SAN Advanced Topics Workshop (in-person) [\*\*Update and Impact of Federal Announcements Affecting Institutional Compliance\*\*](#)**

March 7-8, 2024 | Anaheim, CA  
In-person workshop with no virtual option.

Costs:

- SAN Member cost is \$500 until December 15, 2023, and \$650 thereafter.
- Non-SAN Member cost is \$1,000 until December 15, 2023 and \$1,300 thereafter.

Hotel: TownePlace Suites Anaheim Maingate/Angels Stadium (by Marriott) –

The workshop will be limited to 50 participants.

# Thank you, WCET Annual Sponsors

Learn more:

[wcet.wiche.edu/  
sponsorship/wcet-sponsors](http://wcet.wiche.edu/sponsorship/wcet-sponsors)

## Champion Sponsor



## Leader Sponsor



## Friend Sponsor



## Supporter Sponsor



# Thank you, Supporting Members

**Brigham Young University**

**The California State University**

**Colorado State University**

**Michigan State University**

**The University of Arizona**

**University of Florida**

*Supporting members make an additional investment and support WCET's mission to advance the effective use of technology for teaching and learning.*



Thank you for attending!

*[wcet.wiche.edu](http://wcet.wiche.edu)*

