



## **WCET Webcast: What are Institutions Doing (or NOT Doing) About State Authorization?**

### **Chat Log**

*Randy Byers - Dallas Baptist University*

12:04 PM

Has anyone considered whether a student who has attended an in-state class, and then takes only an online class while out of state, becomes subject to the state authorization rules? Put another way, can we consider a student's residence in state over a period longer than a semester -- maybe a calendar year or an academic year?

*Megan Raymond, WCET*

12:04 PM

Link to report and summary: <http://wcet.wiche.edu/advance/upcea-wcet-sa-survey>

*Robert (GVTC, GA)*

12:06 PM

Only for District of Columbia, not all of us, correct?

*Sharmila Conger*

12:07 PM

Might we have access to these slides post-webinar?

*Mike Rogers - Univ. System of Georgia to Robert (GVTC, GA)*

12:07 PM

Robert -for all of us

*Dan Barnett - Butte College*

12:14 PM

What does "serving" mean? The number of states students happen to be in? Or the number of states the school advertises in or actively recruits in? Or--?

Megan Raymond, WCET

12:15 PM

As you have questions, please enter them in the chatbox and we'll get to them in the final portion of the webcast.

*Dan Barnett - Butte College*

12:18 PM

Here's an imaginary Catch-22 situation: A school has a handful of students taking online courses in a dozen states; the school receives "out-of-state" fees. If the school applied to all 49 states (since students could pop up anywhere) the cost would be huge. So the school decides not to accept any other-state students, and loses the fees. What should this imaginary school do?

*Sherrie Konkus - Marygrove*

12:18 PM

Does "applying" include seeking exemptions or were respondents only referring to full authorization?

*Donna Stokes - eTROY Troy University*

12:18 PM

May I please have a copy of the slides? Thanks.

*Megan Raymond, WCET*

12:19 PM

I will send the slides along with the link to the archive next week. The survey report, including most of the slides is available here: <http://wcet.wiche.edu/advance/upcea-wcet-sa-survey>

*Kay Chapman-NIU*

12:21 PM

As public universities consider denying access to students from states with expensive or complex approval systems the question must be asked--can we legally discriminate/deny access to our courses based on address?

*Megan Raymond, WCET*

12:21 PM

@Dan- we'll get to your question, but just to clarify, not all states have fees. It's a cost-benefit decision about serving students in a state and the costs of doing so.

12:23 PM

Unless a school specifically announces restrictions on out-of-state enrollment (either accept students from certain states or no other states), isn't the school obligated to seek authorization from 49 states? If so, and if an imaginary school has a dozen students taking online courses in other states, how can the school justify the costs? And these costs are ongoing, right? Yearly license fees?

*Cynthia Amyot - University of Missouri-Kansas City*

12:24 PM

Cost of labor is where the dollars escalate.

*Robert (GVTC, GA)*

12:24 PM

Curious as to how states legally can tell their residents what institutions they can or cannot attend?

*Megan Raymond, WCET*

12:25 PM

@Dan, just saw your earlier question. Serving students=enrolled students, not recruiting.

*Cynthia Amyot - University of Missouri-Kansas City*

12:25 PM

*Heather Holliday - Nova Southeastern University*

12:26 PM

How can institutions be expected to keep up when students (especially adult students) move? How are private school's defining a student's state of residence (e.g., permanent address or mailing address)?

*Sharyl Thompson, Capella University*

12:26 PM

Please keep in mind - not all states require authorization just because an institution has students in their state.

*Julie Parker - Upper Iowa University*

12:26 PM

If schools are deciding not to pursue approval in certain states that require, and then do not accept students from those states, how are they handling the case when a student in an approved state moves to an excluded state prior to completing their degree?

*Bob Hails - PASSHE*

12:27 PM

Adding to the time and expense is any licensure requirements a state may have for programs such as Nursing.

*Heather Holliday - Nova Southeastern University*

12:27 PM

@ Bob...and Education

*Dawn Turton, Vanderbilt University*

12:27 PM

How are states defining distance education? Does this include internships, clinical rotations etc in addition to online courses?

*Megan Raymond, WCET*

12:28 PM

RE the legalities of turning away a student. If an institution is not authorized to operate in a state, i.e. serve a student, they cannot legally operate there. States look at it from a consumer protection perspective; they want to protect the students in their state who are taking a course in another state. Institutions are beginning to post on their websites that they cannot accept students from states x, x.

*Sharyl Thompson, Capella University*

12:28 PM

The requirement for state authorization is not triggered only by distance education or online. There are many different triggers.

*Megan Raymond, WCET*

12:29 PM

States define distance ed. differently. Each state has different regs and requirements. Some look at internships, some do not.

*Briscoe Library, UT Health Science Center San Antonio*

12:29 PM

Dawn, our understanding is that some states will regulate internships, externships, clinical rotations, student teaching, etc., so we are applying to all states and territories where we might want to conduct those activities.

*Dan Barnett - Butte College*

12:30 PM

Does anyone know of a California community college with a statement on its website that it won't serve students in xyz state(s)?

*Inez Farrell*

12:30 PM

What is the latest on the SREB effort to get that consortium of their 16 states exempt from having to apply?

*Ted Wendel-A. T. Still University*

12:31 PM

Alabama process is also very rigorous

*Dawn Turton, Vanderbilt University*

12:32 PM

Thanks for the responses.

*Ted Wendel-A. T. Still University*

12:33 PM

Dawn, I have received extremely varied responses to the question about clinical rotations. Each state has a different response.

*Sharyl Thompson, Capella University*

12:34 PM

Some states do require authorization for practica and internships; others do not.

*Bob Hails - PASSHE*

12:34 PM

A large part of our frustrations come from the answer to most questions being "It depends". State regs are all over the map.

*Regis Gilman, Western Carolina University*

12:36 PM

One of the key 'triggers' in some states is the institutional requirement that the clinical, practica, externship occur specifically in the respective state, and/or at a specific entity within the state. If the student drives the decision (independent study), or location selected, licensure/authorization is not required.

*Julie Parker - Upper Iowa University*

12:39 PM

Are there cases (states) where the fine for enrolling students from the state without the state's approval (if caught) is less than the cost to get approval? Might this not influence some school's decisions?

*Megan Raymond, WCET*

12:40 PM

Russ and Jim's Opinion Piece: <http://campustechnology.com/Articles/2011/08/24/Putting-a-Student-Face-on-the-State-Authorization-Regulation.aspx?Page=1>

*Ted Wendel-A. T. Still University*

12:40 PM

What is the capacity of state authorities to process applications from a large number of schools during at time when state budgets have cut staffs and work hours?

*Sharyl Thompson, Capella University*

12:40 PM

From my perspective, there is more at stake than just the cost of a fine. It is reputation among the regulators.

*Trina*

12:41 PM

How do military students factor into this discussion?

*Megan Raymond, WCET*

12:41 PM

Julia, that is something that each inst. needs to look at in terms of their risk aversion. We don't advocate disregarding state regs though!

*Bob Hails - PASSHE*

12:41 PM

It could be that a state refuses to license a nurse or teacher because the program didn't have state authorization.

*Megan Raymond, WCET*

12:42 PM

Very good point Bob.

*Bob Hails - PASSHE*

12:42 PM

Or a student isn't reimbursed for tuition.

*Debra Barger, California State Univ., Chico*

12:43 PM

If it's a DOE rule for compliance with state regs (or at least demonstrate a good faith effort), could federal financial aid funds be potentially in jeopardy?

*Vicki Berling*

12:44 PM

Are institutions rushing to get licensed now or is the feeling that we have time to conduct a cost-benefit analysis by state this year before getting licensed?

*Megan Raymond, WCET*

12:44 PM

@Ted, the regulators are certainly quite busy and some are overwhelmed, some state on their websites that a response may take several weeks to months. Our experience has been that the regulators are doing what they can to help institutions.

*Kristy, Kathy, Jennie, Tom -- LCSC*

12:44 PM

Debra -- of course, what other stick do they have re enforcement? --Tom H.

*Megan Raymond, WCET*

12:45 PM

@Vicki, each inst. is dealing with it differently (as Jim is saying now).

*Robert (GVTC, GA)*

12:46 PM

Regardless of federal regs, the state regs exist today.

*Megan Raymond, WCET*

12:46 PM

@Debra, the DOE rule was vacated so Title IV funding isn't at stake per se; however, the states have their own penalties and fines.

*Dave Odiorne - New York Chiropractic College*

12:47 PM

Let's not forget that accreditors require compliance with all applicable laws & regulations.

*Kristy, Kathy, Jennie, Tom -- LCSC*

12:47 PM

But if the regulation is restored or redone, it will be back -- Tom H.

*Julie Parker - Upper Iowa University*

12:48 PM

Good point, Dave!

*Robert (GVTC, GA)*

12:49 PM

If that is the case doesn't that mean that the Dear Colleague Letter extending the dates to 2014 would be dead?

*David Watson-Saint Joseph's College*

12:49 PM

The sleeping giant has been aroused (State Regs)

*Mike Rogers - Univ. System of Georgia*

12:50 PM

Within SREB yes except for one state

*Phil Moss*

12:51 PM

Yes, the SREB Electronic Campus is continuing with the effort and is working on it!

*Inez Farrell*

12:51 PM

That would include Arkansas

*Mike Rogers - Univ. System of Georgia*

12:51 PM

SREB has what they call a Free Trade Zone agreement

*Mike Sukowski Chicago State University*

12:51 PM

Do the regulations apply to courses, programs, or both?

*Mike Rogers - Univ. System of Georgia*

12:52 PM

Both

*Mollie McGill - WCET*

12:52 PM

Pat Book: Is there any evidence that states are moving toward increased fees as they relook at their policies?

*Inez Farrell*

12:52 PM

So as an SREB state can we bypass for now those in the consortium?

*Mike Rogers - Univ. System of Georgia*

12:53 PM

Inez - contact me at [mike.rogers@usg.edu](mailto:mike.rogers@usg.edu)

*Sharyl Thompson, Capella University*

12:53 PM

Some states authorize at the institutional level; some at the program level. And in some states there are more than one agency from which an institution needs approval.

*Crystal Stewart - Marshall University*

12:55 PM

What happens if the student moves while enrolled from one authorized state to another that we are not authorized in?

*Brian Ormand, NMSU*

12:55 PM

What if they have PO Box address in both (multiple) states.

*Bob Hails - PASSHE*

12:56 PM

Crystal, that's an "It depends" answer.

*Bob #2*

12:57 PM

Please repeat the sanctions for failing to register.

*Bob #2*

12:58 PM

What if the federal post/base is annexed as part of a municipality?

*Julie Parker - Upper Iowa University*

12:58 PM

Where can we find the "announcement" of the July 12 U.S. District Court decision?

*Mike Rogers - Univ. System of Georgia*

1:01 PM

We have posted many of the announcements at  
[http://www.usg.edu/academics/distance\\_education\\_regulations](http://www.usg.edu/academics/distance_education_regulations)

*Trina*

1:04 PM

Any suggestions for developing/maintaining relationships with state regulators/agencies - recognizing the increased amount of time and attention to this process?

*Alba*

1:05 PM

We are nationally accredited and licensed in our home state. Outside of our home state we offer only distance education and do not target any specific state for advertising, based on our research state approval is based on the definition of "presence". Based on our research we only meet the definition of "presence" in 7 states and are seeking approval in those states. Does that sound reasonable?

*Brian Ormand, NMSU*

1:06 PM

What are the chances that an "entity" will emerge that will work on becoming the accepted agent by all/most states that can offer schools legwork service to provide authorization for all or some of the states (50+, 45+, etc.) based on a consolidated fee (maybe agent negotiated lower fees as volume agent)?

*Shari Ayers*

1:06 PM

For those who believed they had exemptions based on religious affiliation and focus of the institution, were those institutions regionally and state accredited in their own states?

*Russ Poulin, WCET*

1:06 PM

Blog: <http://wcetblog.wordpress.com/>

*Julie Parker - Upper Iowa University*

1:07 PM

We're finding similar results. Though even if we determine thru research that we do not need a state's approval, we are then sending a letter to the board of the state notifying them of that conclusion & asking for confirmation.

*Vivian Schrader*

1:08 PM

Has there been any discussion on providing the student (consumer) with advice on who they can contact regarding restrictions on where they can obtain their education or problems with continuing their degree if they move to an unauthorized state?

*Ted Wendel-A. T. Still University*

1:08 PM

Many states require Surety bonds also

*Helen Hays-Thomas*

1:10 PM

If students do not receive financial aid and are self pay will the institution still be required to register with each state?

*Kelley Brandt-Boise State University*

1:10 PM

When will the SHEEO/NCHEMS be released for public view?

*Ellen*

1:10 PM

Would you recommend that institutions work with their College Attorney to make sure in compliance?

*Debra Wick-Norwich University*

1:10 PM

Is there a consolidated list of agencies for territories available from any organization with which you are familiar?

*Megan Raymond, WCET*

1:10 PM

WCET Blogs: <http://wcetblog.wordpress.com/>

1:10 PM

I was wondering that too, Debra.

*Megan Raymond, WCET*

1:10 PM

SHEEO/NCHEMS will be released this fall

*Jeff Linek-Georgia Highlands College*

1:12 PM

Is not this regulation in conflict with ADA? What if a disabled student from another state selects your college because you can accommodate their needs best? Would you be forced to pay the fees and get approval from the student's home state?

*Robin Peevey, PERCA*

1:12 PM

PERCAssist is also providing their years of experience working with state regulators across the country and providing the legwork service to higher education institutions.

*Danielle at Purchase College*

1:14 PM

Regarding state compliance, what generally are their deadlines?

*Mollie McGill - WCET*

1:14 PM

Pat Book: We have found, upon closer investigation that the Surety bond requirement did not apply to a public institution upon closer investigation.