

Aaron Lacey:

And then, I know Shari and Jeannie are going to talk a lot more about how you can absorb that and implement it in the campus and how that plays into NC-SARA and some of these other considerations.

So, I'll just start from the top and let's see, Megan, if you want to take me to the next slide. So, I want to just ... Everyone I'm sure remembers. We had this 2016 state authorization rule, which had its own framework that required disclosures for professional licensure programs. And you shall see here on your slide the 2016 rule. We're not going to go into a lot of history because we already know about that, but I want to just set things up a little bit. 2016 rule had a combination of what we'll call make available and direct disclosures. And this is a dichotomy that the US Department of Education has used for a very long time when it comes to disclosures. When we talk about a "make available" disclosure, we're talking about a requirement that you make something available in your printed materials on your website or elsewhere, but not a requirement that you actually hand it to a student or directly email it to a student. So, make available requirement means you got to post it. You got to put it out there where people can find it.

A direct disclosure requirement, as it sounds, is a requirement that you actually put the disclosure into the hand of the student. Now, sometimes that can be done electronically, but it is a direct disclosure, one-to-one, from the institution to the student. And again, it's very common when the Department of Education is formulating disclosure requirements that they will put disclosures either in one bucket or the other.

So, when you talk about the 2016 framework around professional licensure programs and disclosures that were required, it's important to note that you had some make available disclosures and direct disclosures. All of these disclosures for professional licensure program pertains specifically to professional licensure programs that were offered via distance education.

So, those requirements became effective May 26, 2019. There were some litigation out there that delayed their initial implementation and they didn't actually hit until May of 2019, and remained in place until July 1 of this year. So, just recently. So, hopefully, those of you with distance education programs at least had some awareness of these disclosure requirements and we're making an effort to get the job done during that time frame.

If you were a party to a state authorization reciprocity agreement, like NC-SARA of course, you were still obligated to make these professional licensure disclosures. That's because the reciprocity that you enjoy by virtue of being a member of NC-SARA doesn't extend to laws outside of the state authorization framework. So, professional licensure requirements in each state are outside of that framework and that's why they would still apply. And Jeannie certainly can talk better to that than I can later on today.

So, the 2019 Rule. [inaudible 00:03:06] to where we are right now, right? This new rule that we're all trying to wrap our brains around. The 2019 Rule effective this year on July 1st got rid of most of those disclosure requirements for professional licensure and other programs that required in the old rule insofar as they pertain just to distance education. So, if you went back and looked at the 2016 Rule, you would see that all of those disclosure requirements were largely wrapped up in 668.50. That was a whole section that had been created in 2016 just around disclosures and other items pertaining to distance education. This new rule says, "You know what? We're dumping pretty much everything that was in 668.50, except a couple of things." One of those is these disclosures for professional licensure programs. So, all these other disclosures that were around distance education programs, they said, "We really think a lot of that's disclosed elsewhere. It's not really necessary. We're going to strip that out of the law. But the professional licensure disclosures we like. We think they're really valuable, so we're going to move forward with those and with some changes." So, Megan, if you'll take me to the next slide.

Why did the Department do this? This is from the Federal Register that accompanied the release of the 2019 Rule. They said, "Look, the department thinks that moving these disclosures, professional licensure disclosures from 668.50, which only applied to distance education programs." Which is what we were just talking about. "Into a section 668.43, which applies to all Title IV programs and all institutions of higher education. We're going to broaden the scope of these requirements and we think that's important because it allows students to make more informed enrollment decisions."

So, you can go to the next slide as well. What do we mean by that, when we went from 668.50 to 668.43? This is really important concept for the folks on the line to understand. So, the department has long had a consumer information framework in the regulations. So, 668.41, 668.42, 668.43. These are all the consumer information requirements and disclosure requirements you've been required to make. In some cases for 20-30 years. Some of these things you'll recognize off the top of your head. Like, your Clarity Act disclosures and your anti-copyright policy and your vaccination policy. All that kind of stuff was dumped in there and for whatever reason when the department went about thinking specifically about distance education and created the 2016 Rule, they said, "We're not going to put these disclosures in the general consumer information framework. We're going to treat them separately."

This administration came along and said, "You know what? We don't think they should be treated separately. At least when we're talking about these professional licensure disclosure requirement, we think they're important. We think they ought to be made for programs whether it's an online program or it's a ground program or a hybrid program. It doesn't matter. If it leads to some form of professional licensure, we think disclosures are in order. So we're going to take these professional licensure requirements out of this distance education section, which we're dumping, and we're going to move them over into the

general consumer information framework. And on a go forward basis institutions are going to need to make these specific disclosures around professional licensure programs just like they make all of these consumer information disclosures."

so, why is this so important? The first really important thing to highlight of course, and hopefully you all know this and I'll say it again even though we just said it, is these professional licensure disclosure requirements now have to be made for all programs whether they are online or on ground or some hybrid type concept, it doesn't matter. The only question is whether or not the program leads to some kind of professional licensure. We'll get to what we mean by that in a minute, but it doesn't matter if it's distance education, and that's a key concept and a really important change.

The other thing that's important to appreciate is because these professional licensure program disclosures have been moved into this general framework, it means some of the terms and concepts and requirements concerning how general consumer information for the department is supposed to be disseminated now apply because this framework already has some discussion around what should be in the notice. And when you make something available how is it appropriate to disseminate it and where exactly should it be placed in the institution's materials on its website, et cetera. All of that was already there and now that we've taken the professional licensure piece and put it into that framework, some of what's in that general framework now is going to apply.

I know this is a lot I'm throwing at you, so just try to let it wash over you. You'll get the slides. You can go back and look at them later.

So, if we go to the next slide, I just want to give you an impression. You don't have to go through all of these, but visually. This is all the stuff just in 668.43, which is institutional information that already has to be disclosed. So, you can see in the bottom right hand corner screen, at least it's the bottom right hand corner of my screen, there's a box that says "direct disclosures for licensure determinations." You can see it's got a little orange box around it. So, that's what was taken and moved into this overall framework. So, now it's part of this much bigger concept for consumer information.

On the next slide, you'll see here at the top I have a title and it says "Master consumer information disclosure." So every year, you as an institution are required to circulate a notice to all of your students and to let them know where they can find all of the consumer information that has to be disclosed under 668.43 and 668.42 and 668.41. So, it's part of the master consumer information framework. Now that these professional licensure disclosures are part of that framework, what that means is not only do you have to make the direct and the make available disclosures I'm going to talk about in a minute, but keep in mind when you circulate this master consumer information notice every year, the whereabouts of the professional licensure disclosures also has to be a part of

that because again those requirements have been integrated into this broader framework for consumer information disclosures that was already in place at the department.

Okay. So, we've talked about what the department is doing here. They're taking these requirements and they're moving them over to the main consumer information framework. And we've talked about how that means now when you're thinking about your annual disclosures for consumer information you need to make sure you're thinking about professional licensure, but let's get specific. Let's talk very specifically about what's required in the professional licensure context.

So, we'll go to the next slide. Again, the department has specified certain disclosures that are make available disclosures and certain disclosures that are direct disclosures. So, let's start with the make available disclosures. Under the new rule that's in effect now, covered licensure program, this is an important concept ... And in fact I would suggest and I suspect Shari will talk about this later, but one of the first steps here is to go through your programs and figure out what is a covered licensure program. So, for any program that you evaluate, if it meets the standard it will be subject to these disclosure requirements. A covered licensure program is one designed to meet education requirements for a specific professional license or certification that is required for employment in an occupation. That's an important distinction, right? So, you may have a program that leads to some form of certification in the sense that someone who graduates would now be qualified to sit for a national certification or something along those lines but that national certification really might just be a bonus or gravy. It may not be required in any state for someone to actually practice in that field. So, that's a big distinction.

What the department is saying here is if you have a program that is designed to lead someone, to satisfy the educational requirements for someone so that when they graduate they can sit for a licensure or certification that is required for employment in the occupation, then you've got a licensure program on your hands and you need to think about these disclosures.

The other thing that the department says, which is important as they say, there's an "or" here. And I want to highlight that. So, they say if you design it to meet these educational requirements or you advertise it as meeting such requirements. So, whether you intended it or you're marketing department got a hold of it and said, "Hey, we can advertise that this meets this requirement. Then the person will be able to get license to practice in this field." Either way, you're on the hook. So, this is an important definition you should pull out of the regs and one of the first things you should do is go through your programs and say, "For each one of our programs does it satisfy this definition?" And then, once you've got those programs in the right bucket, you can decide how you need to go about making your required disclosures.

So, what are the disclosure you have to make? Again, on the one hand we've got some make available disclosures. And in a sense the department has actually simplified this compared to what you saw under the old regulatory framework in the 2016 Rule. So, for each covered licensure program, you have to disclose information regarding whether completion of that program will be sufficient to meet the licensure requirements in the state for that occupation, and then, specifically ... And this is where the department has really gotten detailed. They want you to create three lists, which we've got on the next slide.

So, the first list is your positive licensure determinations. This you're going to list each state, which you've made an affirmative determination that your program's curriculum meets the set educational requirements for licensure certification. I just want to focus for a second too on this concept of educational requirements. It is possible that for people to be licensed there maybe other requirements. For example, experiential requirements, right? They may have to, after they graduate from your institution, go out and shadow someone for 500 hours or something like that. And the rule is very much focused on whether or not your program satisfies the educational requirements.

The second list is a list of negative licensure determinations. This is a list where you indicate any state for which you have made an affirmative determination that your curriculum would not satisfy the educational requirements for licensure certification. And then, the final list is your no licensure determination. And this is a list of all states for which you have not made any determination as to whether or not the program satisfies the educational requirements.

Let's talk about these lists for a minute. It's entirely possible that you could reach out to three or four states in your area. And remember, if you're on ground program, you're probably going to want to be mindful or you're going to want to be mindful if they are states near you. So, let's say you're in Memphis and you offer a program and you've got folks enrolling from Arkansas and Missouri and Tennessee and Mississippi or like. You may want to go ahead and reach out and make affirmative determinations, at least for those border states, right? But theoretically, for every other state, you might not make a determination. So, you may have four states in your positive licensure determination assuming those four states, you satisfy their requirements. You might have none on your negative licensure determination list. And you may have every other state in the union on your no determination list.

Now, "Aaron," you're asking right now, "Are you really saying we should have all 50 states accounted for in one of these three lists?" And my answer to you is, "Yeah, why not?" I mean, it is easy to say that you've not made a determination. And the way that the law is structured, it really doesn't allow for some idea that there would be a state out there that wouldn't fall onto a list. That doesn't mean you have to make a determination for every state, but it does mean if you want to take the conservative view ... and one we counsel to our clients ... you should probably have every state accounted for on one of these lists.

Now, what if you don't want to make a determination at all? Megan, if you'll take us to the next slide, we can talk about that for a minute. What about the no determinations option? The department spoke to this in the commentary that accompanied the rule. They said, the regulations do not require an institution to make an independent determination about whether the program it offers meets the licensure certification requirements.

In other words, you don't have an obligation to reach out and make a determination in theory in any state if you're willing to put on every state in the no determination list. The regulations provide that an institution may disclose that it has not made a determination as to whether a program's curriculum meets state's educational requirement, including that option offers sufficient flexibility so that an institution need not encourage any additional burden. Well, we can always debate with the department about how much burden they're placing on institutions, but what this does mean is that you have the opportunity to phase in knowledge with regard to these lists. What do I mean by that? What I mean is you can start by putting any state where you've not made a determination, even if you think you need to make one in the no determinations column because you haven't made a determination there yet. And you may have just one or two in the positive determination, one or two in the negative.

And then, over time, if you've got a lot of students in a particular state or you just feel like "We need to know more about certain states and we want to reach conclusions" you can move those states over out of the no determination bucket into one of the other buckets if you like. But department's approach here allows you even today as the regulations are affected to still put the vast majority of states if need be in the no determination bucket. It gives you some opportunity to come in a compliance ... or I would say you're in compliance, but allows you an opportunity to do the research and learn more about different states over time. You're not out of compliance if you've got a state in the no determination bucket provided you actually have not made any determination.

Now, couple other things to keep in mind. Also from the commentary that accompany the regulation. If an institution opts to not confirm whether their program meets the requirements. So, you talk with your folks internally and they say, "We're going to do four states, but we're just not even going to look at the remainder." I was going to say 46, and then, I thought, "Is that right?" I was starting to question my state math, but here's what the department says. There are 50. So, the department says, if you choose not to confirm in states because you enroll a small percentage of students in that state, for example, the institution will remain compliant by disclosing that it's not made a determination. Okay. So, then we covered that.

But Megan, if you go to the next slide, this is the point I want to highlight for folks. There is an expectation on the part of the department. They say, "While the department does not preclude an institution from advertising a program for

which it has not made a determination regarding its alignment with state licensure or certification requirements, the department expects that institutions will accurately and truthfully provide that information on the required disclosure." I'm going to read between the lines here and what I'm going to say is it is technically compliant to just say, "We've not made a determination in those 46 states." And you can decide internally you don't want to make a determination. "We're going to leave them on a no determination list." But if you are heavily advertising in one or more of those 46 states for which you've not made a determination, and you're bringing in lots of students in your program, I would be very careful. It may not be the department you run into. It may be a plaintiff's attorney.

But the department I think is saying between the lines here, "Look, you got to make informed decisions. And if you are not going to be telling students whether or not they can in fact after graduation practice in the field in their state, you need to be very sure that your disclosures are accurate. And that any advertising or marketing you're doing for that program does not suggest otherwise." So, it can be a little bit tricky business.

All right. Next slide. The direct disclosures. That's really the extent of the make available disclosures. I know for some folks, that maybe hard to really believe because what was required in the 2016 rule for your distance education program, you had all these disclosures you had to make. And you're saying, "Aaron, you're telling me now I just have to put three lists on my website and keep them updated and I can even put the vast majority of states theoretically in the no determination list?" Yes. That's correct. Now, you got to be mindful about where you're enrolling your students and how you're advertising and marketing programs. You got to make sure which programs are covered, et cetera, but the make available disclosures is fairly limited. That concept is really built around those three lists. So, let's talk about direct disclosures.

There are a couple of situations where you need to actually disclose something directly to the student. First of all, prior to enrollment an institution must directly notify prospective student if the institutions made a determination that the program does not meet state licensure requirements in the state. So, if you have someone, it's like they're in Oregon. And I want to make an enrollment in your program. And you've made an affirmative determination that you do not satisfy requirements in Oregon, you got to let the student know before they enroll. Or if the institution has not made a determination regarding whether the program meets state licensure requirements. So, both of these concepts will be captured in your list that's made available on your website. But what the department is saying is if someone wants to enroll in your program, again I'll use an Oregon student as an example, and you've either made a determination that you do not satisfy requirements in Oregon or you have not made a determination. Remember, we said, you can have 46 states where you've made no determination. What the department is saying is then you have to let students know before they enroll. That either it's negative or that it's a no go

because the fear is that the students may assume that your program does satisfy the requirements.

So, here's your first direct disclosure requirement. What this also means is you're going to have to know where students are located before they actually enroll and you're going to have a mechanism in place that allows you to deliver that notification in advance. The department expects, again a quote from the commentary, that the institution will provide this disclosure before a student signs an enrollment agreement, or in the event that you don't have enrollment agreements, before the student makes a financial commitment to the institution. That's a little squishy. Whatever that means at your institutions. That mean they've registered for classes. Does that mean they've actually signed sort of student conduct, countersigned an acceptance letter. You're going to have to decide what point you feel at your institution they now have a financial obligation to you. But prior to that point is when this disclosure has to take place.

All right. There's another set of direct disclosures on the next slide. So, this set was prior to enrollment within 14 calendar days an institution directly notifies a current student. So, you have to directly notify the student, again, if you've made a determination that the program's curriculum does not meet the state educational requirement for licensure or certification.

Okay, so in this case you've already enrolled someone, again from the state of Oregon, and maybe you had a no determination at that point. And you even made a direct disclosure to them. So, it's on your website, the make available disclosures. Oregon's in the no determination category. And then, prior to this person having a financial commitment to you enrolling, you made a direct disclosure to them. You say, "We made no determination in Oregon." And then, at some point a few weeks later, you've reached out to Oregon. They get back and they say, "Turns out, your program does not satisfy educational requirements." Now, you have to go back to that student who's enrolled within 14 days of you learning of that information and tell them, "We've now made a determination that your program will not enable you to sit for licensure in the state of Oregon." It's a fairly specific circumstance, but just keep in mind, this means not only do you need to be thinking about when your students enroll what you're disclosing to them prior to that point of enrollment, but you also have to have someone at your institution who's responsible for keeping watch when you get a new determination. And thinking to themselves, "Okay, we've learned new information from Oregon. Who do we have to notify and in which programs about this new information to make sure that we're satisfying this obligation?"

How do you make direct disclosures? Again, they have to be made directly to the student in writing, but that could be through email or other electronic communications. My caveat to this would be or add on would be sometimes the department has even gone so far as to say, "Oh, you can even text something or



you could just send an email. You don't have to require any sort of notice or receipt." As an attorney type who's risk averse, my concern is if you make written communications or disclosures and you cannot document that you did it, then when you get audited it's no good because you can tell them you did it, but if you can't show that you did it somehow, you're out of luck when it comes to the program review or the audit from US Department of Education. So, just keep in mind. Whatever mechanism you decide to use for the purpose of your make available disclosures or your direct disclosures, you need to be able if required by the department to demonstrate that you made those disclosures in an accurate and timely way back when they were required.

And I think is that the last slide? There maybe one more slide in my section. I can't remember. Oh. Last slide. Right. Determining location.

So, obviously you have to know where your students are located to be able to make some of the decisions that we just talked about on the prior slides. The department interestingly enough, and I think appropriately, was pretty flexible here. They say an institution has to make a determination regarding a state in which a student is located at the time of the student's initial enrollment. Really for the initial enrollment, right? Because you got to know before they enroll if you need to make a disclosure to them. And if applicable, upon informal notification that the student's location has changed to another state. I think you probably want to have a mechanism in place that obligates students to inform you if they have changed states, particularly in your professional licensure programs.

But here's the good news. Determinations regarding a student's location ... and this is location by the way and not residency. That was a major change of this rule that the department also dumped the residency concept, which I know WCET and others, SAN, all advocated for and was a good sensible decision by the departments. So, we are talking about location. And the department says your determination regarding a student's location must be made in accordance with your written policies. And that's it. It may have to be applied consistently, but you are given the flexibility to decide what is the process, the mechanism going to be for figuring out where students are located. You make that determination, and then, you just have to be ready to follow that policy. And again, administer consistently.

And last bullet: reemphasizing what I said before. And you have to be able to show the department if they come knocking that you did it correctly, consistent with your policy, and consistently over time.

So, that's the end of my section. I know that was a lot. And I'll pass the baton here, so you guys can get more information about how you can actually implement all those.

Cheryl Dowd: That was wonderful, Aaron. Thank you so much for going through that. I think one of the biggest takeaways that I get from hearing you is how important it is to go back and review the specific language of the regulation. Would you say that's true, Aaron, that reading the specific verbiage really helps identify what exactly the institution must do. And the other thing that I'm going to ask you really quickly, Aaron, when you say states. States means states and territories for the Federal code of regulations, am I correct?

Aaron Lacey: Yeah. I hid my video, but I'm still here. I would agree on both points. I'd always suggest that folks read the regulations. The slides here that we include where you see the citations at the bottom, we did that on purpose so you could see where in the federal regulations these requirements are occurring. And these slides for the most part are verbatim. Obviously, the quotes are verbatim from the commentary, but there's no substitution for going back and just reviewing this.

And the good news is, first of all, it's not a lot. When you're talking about what's required for the professional licensure programs, it's just a few paragraphs of regulation, but the other thing that is worthwhile is seeing where it is now appearing in that larger framework of required consumer information and maybe spending a little bit of time just thinking about that as well. And to the second question, states and territories.

Cheryl Dowd: Yes. Thank you very much, Aaron. See, he's great. He brings us through all of this. Really appreciate what he was able to share with us. And he identifies the regulations. And you will also see a resource page or resource slide at the end that has what Shari Miller is about to discuss about implementation. And also some other documents that you may want to review that break down the language and identify the specific verbiage of the language because it is really important to know that specific verbiage.

So, I'm going to turn it right on over to Shari Miller. Shari, welcome. Really appreciate that you can take what Aaron has shared and show us how we're going to break it down and apply it.

Shari Miller: Thanks Cheryl. And I always learn so much listening to Aaron, so thanks again, Aaron. I could listen to you repeatedly and I'd still pick up some new tidbit from time to time. Also, want to reemphasize the importance of reading the regulations, especially the preamble. There are just lots of golden nuggets in there that you can use when you're developing your policies and other documents, so basically what I'm going to cover is the practical aspect of this. And this is really getting down into the weeds for the compliance person, but our audience today is not necessarily composed of compliance people. So, bearing that in mind I'm going to try and keep it on a little bit higher level and just will continually stress the importance of trying to take time to look at the handbook that was created. There's a really nice simple flowchart included in it if you just want a quick overview. But it's a good resource for you to use.

Anyway, moving on from Aaron. He started out kind of the wide part of the funnel and now we're going down into the narrow part of the funnel. And so, we're just talking about the 2019 Federal regulations regarding professional licensure. And it's like, how do we develop a project strategy to deal with this because it's a big deal. So, I always want to stress that one size does not fit all. Even though I wrote this manual or handbook based on my experience both at an institution and as a consultant, it's flexible enough that you can tweak it to fit your institution. But the point is that each institution is so totally unique that you really need to do all of the work yourself for your institution. You can't necessarily rely on a colleague's information from another institution and try and apply it to yours.

Another important aspect, and Aaron alluded to that as far as the documentation. And documentation is a theme throughout the entire handbook in my presentation. We talk about policies and procedures. They must be defensible. And again, that's in case you are presented with an audit situation. So, what's involved? What should you have as far as elements of a defensible policy? Well, first of all, overall, is it something that you're going to be able to defend in a court? If a regulator takes you to task, can you defend your policy?

So, a few of the elements that you might want to consider. Number one, it has to be in writing. Goes back to the whole documentation issue. Clearly articulated objectives. Version history is critical, especially with so much information being posted electronically. So, approval process. Leadership has to have approved the policy. The policy needs to be communicated, so it needs to be distributed and promoted across the institution, and training provided to the stakeholders and new hires. Just doing this once is not going to take care of it for the institution. The practice must follow the policy and sometimes that's hard because our institutions are decentralized. They're complex, but you also need to have written documentation that supports that, yes, your procedure, your practices are actually following that policy. And again, documentation. I can't stress it enough. But you need to keep your documentation in one place, so if you're presented with an audit, that you can easily locate all of your supporting documentation.

The other question a lot of people have is, "Well, how often are we supposed to look at this and review it?" So, an annual review at a minimum, but if something changes at your institution, maybe passed more frequently. But you need to look do the policy and the procedures and your practices align. If not, you need to tweak one of them so that they do. Okay.

Okay, go back one please. Thank you. No, one more. Here we go. So, why is this important that we even do this compliance work on these Federal regulations? Well, first of all, it's the law. State compliance still required. So, whether that includes meeting requirements under SARA, under reciprocity or meeting the more general requirements that states require, such as worker's comp or some of the other types of requirements they have. The Federal compliance, those

don't necessarily the state requirements. So, you still need to be vigilant as to what other state requirements may be out there.

The other thing is Federal compliance with this regulation doesn't satisfy SARA requirements and Jeannie will talk about that. Or it doesn't necessarily. So, she'll go into more detail on that.

The next thing is the student is a more savvy consumer today and there are also consumer advocacy groups that are watching what institutions are doing and will challenge an institution. So, we just have to be very conscious that we want to make decisions that are good for the student as a consumer because it protects the student, and it also protects the institution. Plus, there is this whole concept of more obligation of the institution. Who knows this information best? Is it a freshman coming into your institution? Or is it your program who is actively involved on a national level with requirement? So, why should the burden be put on this freshman? The institution really is the one that has access. And [inaudible 00:34:09] says, well, what if this were your child? How much information would you like to be made available to your child when they're trying to make an enrollment decision?

And the last thing is that even in the Federal regs in the preamble, they talk about there is a marketing advantage in providing this information to the consumers. And so, if you're helping your prospective students make good enrollment decisions that may benefit them and your institution.

Next slide please. Okay. So, how do you support the compliance effort? So, how do you support the compliance team? This is really directed at those of you who are either responsible for oversight of the compliance activities or have been asked to help in some capacity with this project. So, first of all, I can't stress enough the importance of prioritizing this in words or actions. Please lead by example and select a strong leader for this project because it's a daunting task. You want somebody who's going to be able to really stand up for it.

The other thing is time is of the essence. Yes, July 1st was the deadline to be in compliance. So, you better be working quickly to make efforts to get there as soon as you can.

Now, when I worked in compliance at an institution and I know after conferring with a lot of my colleagues one of the greatest frustrations that we faced when trying to do this work for the institution is access to the subject matter experts and those in leadership. So, if there's anything you can do to provide access, that is so helpful because if we can't get the information because we can't access the person, it's very hard to come up with a very good compliance program. And the second frustration for compliance people is not having access to the resources that are needed. And generally, the number one resource is IT support. So, realize that that is going to be one of the issues that your institution

needs to make a commitment to the compliance team on. If necessary, enlist outside resources. There are a lot of them out there.

Also, it's helpful if you're willing to help and be familiar with the contents of the handbook or at least the flowchart so that you can speak in an educated manner with the compliance team when they have questions and they need your help.

Also, I can't stress enough that this is an ongoing responsibility for the institution. This is not a one-time deal. It's something that will be with us forever. Granted, the project of setting it up is basically a one-time operation, but as Aaron said, this is an ongoing responsibility.

Next slide please, Megan. So, what are we really dealing with here? Well, so generally, I'd like to cover how to start the project for compliance with these regs. Now, this presentation is not a nuts and bolts discussion for compliance teams because the handbook really goes into boring and gory detail about how you do each step. But main thing as Aaron had mentioned is this applies to a Title IV eligible programs of all modalities. And again, this is very, very important. There still seems to be confusion on the institutional level about face-to-face programs. Yes, face-to-face and distance education. And the other thing is, it's all educational programs that potentially lead to professional licensure. And again, summarizing that are either designed to meet educational requirements or are marketed as meeting educational requirements. Those are the really two key points.

So, the other thing that's important to recognize is the list of licensed professions varies by state. And so, you need to do this research for each state where you are thinking that you have students located and ultimately all 50 states, as Aaron did mention too. The other thing is the information must be full and accurate, and truthful, in order to avoid any type of misrepresentation charge.

Next slide please. So, who needs to be involved in this project? Well, the team composition is critical. It's very, very important because you need not just leaders, but you need workers. People who have access to others and who can assist specific responsibilities for the task. And I have a list there of critical partnerships. So, general council partnership is absolutely critical. You can't survive without that because they're the individual that is going to help with any risk management decision. It may help with drafting the disclosure language. Those types of things. So, that's a reason to have them.

Provost can provide access to academic and curriculum leaders such as deans and others who have curriculum information. Financial aid is a helpful group to partner with because they are already used to making all these consumer disclosures, as Aaron mentioned. So, they may love having somebody else to help them work on this. IT is critical and it just is. Institutional research is

another group who has possession of lots of reports and information that maybe useful.

And I have marketing down here, registrar, and accreditation team deans, blah blah blah. And so, anybody really that has knowledge of the program or willingness to help is important to pull in. Next slide please.

Okay. So, how do we proceed? And I know this is a lot of information but the fortunate thing is everything I'm talking about here is included in the handbook, which is attached at the end. So, I think the first thing is you want to take a quick snapshot of what information reports, any type of data like that is currently in existence at your institution. We don't want to have to create everything from scratch. There's a lot of really good information that's been needed for other reporting purposes. So, if you can take a look at that and see what's out there, but the thing is critical is you need to look at the underlying assumptions for the reporting. And to make sure that those assumptions are in alignment with what information you are needing as well. But possibly with some revision you can easily do that rather than having to create an entire new report.

The team composition as I said before is very, very critical. Some people are going to be ongoing members of the team, like the compliance people obviously. And others will be more ad hoc that will be needed for one particular aspect of the project. But knowledge of the program curriculum is a critical element. And so, you definitely want to have solid support in that area.

Again, as Aaron said, thank you Aaron, also being a lawyer, it's like documentation is key. You want to make sure that you have that documentation and support in case you do have to defend the institution in an audit.

And now looking at the point in the bottom is that a frequent communication is really helpful, both with those above and below in the hierarchy at the institution so that everybody knows as much as they can about what's going on. And also, the importance of this project.

Okay. Next slide please, Megan. Okay. So, Aaron alluded to this list. So, I have called it the program list. This is really the underlying basis for all of the work in creating your compliance project for the regs. And again, across all modalities. Don't forget those face-to-face courses and programs. So, the requirements for the inclusion on the list. So, again, is it designed or marketed to meet the educational requirements? Now, I think it's really helpful to cast a broad net because when you're looking at requirements.

For instance, take a program such as criminal justice. So, how does your institution market the criminal justice program? Does that make people think that, "Okay. If I take this I'm going to be able to sit for a post exam and become

a law enforcement officer?" or something like that. So, you need to look at those general programs as well, not just the ones that we think of as nursing and the healthcare and education. But you need to think of those programs and look really carefully at the marketing verbiage. So, that's why you really want to cast a broad net because you don't want to accidentally find out too late that there's a program that really does look like as being marketed as leading to professional licensure. And then, you haven't included it on your program list.

Again, keep documentation for support as to why you've put things on the program list because this information is going to be reviewed by lots of people at your institution. And there are a lot of moving parts. And so, the more documentation that you have to remind you as to why you've put it there, that's helpful.

And lastly, this is always a hard one because people are like, "Oh, well, how do I store this data? Do I have to have this really slick system?" And that will be really nice, but really, all good systems start with the thought in a spreadsheet. And paper and pencil is really all you need to get started. Ultimately, you will want to have much more robust IT support and setup for this because all the stakeholders need to have access to this information for things like a curriculum review time and people just will be needing to be able to look at it. But again, this program list is the key basis of your professional licensure compliance program. And so, it's very important that this is a solid document because it's the foundation.

Next slide please. Okay. Aaron talked about this. Student location. We just can't stress enough. You have to have a policy on student location. And so, the regs now require that you have to have defensible policy. They don't use that term. I'm using that term. But how your institution makes a determination. Fortunately, there is leeway provided in this so that you can make or create a policy that works with your existing institution. So, nobody's policy has to be identical to anybody's policy, but it just has to be something that's workable for you.

So, there are three subsections I think that are of particular interest in the regs that provide guidance here regarding student location. So, again, you have to make a determination. For the institution's policy, it has to be applied consistently to all groups of students. In the preamble, it talks about a group of students could be undergraduates. Another group of students could be graduate students. So, it doesn't lump all students into one bucket. So, that is also helpful from an administrative standpoint at an institution.

Also, you must provide written documentation, how the determination was made if requested, and then, also you need to talk about what happens when the student relocates. You need to have a policy about that. So, you can go to the next slide. Okay, so key points. You need to have policy for determining student location and a policy for being notified when the student has relocated.

And these policies must be consistently applied. The data needs to be accessible for compliance reporting. The practice must match the policy, and if not, make revisions so that they do. And I can't stress enough there are plenty of wonderful resources available through SAN on how to setup a process or policy on where your students are located. The point is this has been an issue we needed to for years. There is absolutely no excuse for not knowing where your students are located today. And you won't get a pass on that.

Okay. Next slide please. And I'll try and pick up the piece here. Okay. So, how does an institution prioritize state research? So, first of all, you're going to be look at the state licensing requirements to determine whether the individual student can be licensed in the state and then also if the educational program and the curriculum satisfies the state professional board's requirements. And so, take for example a social work student. So, the requirements for the student key license maybe be a Bachelor's in Social Work. It's not going to be sufficient. They need to have an MSW. So, that's one of the distinctions there that you need to look for.

But then also, does the particular state require that your educational curriculum be approved? And so, this is something that's a timing issue because you may need to get this approved and that maybe delay the student's ability to sit for an exam, for instance. Again, each institution's unique. You have to do your own work on this. You need a plan. You can't do this all at once. A good starting place is to look at national association websites. Some state websites are also helpful. State association websites for, say, physical therapists or something. But also, you must look at the state board, licensure board's requirements on their websites to see what information they provide there as far as requirements.

Next slide please. Okay. So, I'm just going to start to zoom through here. Look at the handbook for any information as far as the details, but you're going to want to create a matrix or crosswalk where you compare your state requirements to your program list. And you're going to want to look and see which programs lead to licensure, which is basically from your program list, and then, prepare for posting the information and the disclosures.

And next slide please. Aaron talked about the general disclosures. And again, so I don't need to go into a lot of detail here, but they are based on the program list that you've created. The easiest approach is number three, which is to say that you haven't made a determination and he discussed that in some nice detail. The one thing is where this information is posted is going to need to be frequently updated, so just keep that in mind when you're making your decision about where. There's been a lot of discussion about "What if we think our program meets the requirements, but?" Well, in my mind, and I think a lot of other people, a "yes but" is really a no. So, listed as a no, but then you can also list the efforts that your institution is taking to try and move it from a no bucket into a yes bucket.



Next slide please. So, on individualized or direct disclosures, again, Aaron talked about this. Let's see here. What do I need to talk about this? Yeah. It has to be in writing, we know that. You want to keep any supporting documentation as to how that information has been provided to the students or prospective students, so that you have documentation sufficient there. And the main thing to remember about these is it must be specific to the state and to the student.

Next slide please. Okay. So, this is the last thing I want to point out is, again, this is an ongoing project. It's important to involve the compliance professional on key decision making committees such as curriculum review policy committees, risk management committees, faculty senate. Any of those types of things where they may have access to information or even informally. Please alert the compliance team to key personnel and leadership changes. Recognize that there's going to be a need for updates on a frequent basis, especially as your program is getting up and running. And it's very helpful if you can be available and be flexible. I'm not going to deny that this is a very challenging and time consuming enterprise, but it's beneficial for the student and it's beneficial for the institution as well.

So, on that note, we just need to remember the time to act is now. So, thank you very much.

Cheryl Dowd: Wonderful, Shari. Thank you. Yes, and Shari was referring to a handbook that she prepared with the state authorization network, SAN. It's hosted on the SAN website, but the link to the handbook is provided in the resource slide that you will see in just a few slides from here. We have a number of resources. The first of which is this handbook, which is a step by step process, including a flowchart to move through what you can do for a practical application. So, I'm going to quickly turn this over to Jeannie Yockey Fine to tell us about section 5.2 revision to the SARA manual that goes along with these Federal regulations. Jeannie, thank you so much for being with us today.

Jeannie Yockey ...: Thanks Cheryl. And my slide has disappeared. There it is.

All right. We had a recent modification with our 5.2 section in the manual that came after our board voted in spring to align our regulations with the Federal language. And it's important to note that out of that came a requirement that when an institution has programs that lead to professional licensure that the requirements at the Federal level at 34 CFR 688.43 must be followed.

Additionally, there are two things that separate us a little bit from the Federal requirements in that for our participating institutions, is we'll also apply to non Title IV institutions. Additionally, our board voted to retain language that was already in our manual that institutions when they are unable after making all reasonable efforts to make a determination on whether their programs will meet requirements in another state, that they will provide that current contact

information for any applicable licensing boards directly to that student. Next slide.

So, what does that mean for SARA institutions? Again, it applies to both Title IV and non Title IV. Another change is that general disclosures, as Aaron talked about, are now required. That is something that we did not have in our policy prior to that. Everything were direct disclosures. So, now for SARA participating institutions, the direct disclosures are when institution knows that the program will not meet licensing requirements and when they do not know. What no longer applies is when you know it's a yes. You do not have to make that direct disclosure for that. So, that will align with the Federal requirements.

And again, the institution is required to provide that contact information [inaudible 00:55:11] is when they do not know.

Next slide. Another thing that we have now is the professional licensure directory and hopefully a lot of the institutions participating today have had a chance to look at that. It is posted on our website. And we provide contact information for five programs and they're the programs where we saw the most enrollments. We work with our state portal entities and our regional contacts to get this information. We have counseling, nursing, psychology, social work and teacher education. And again, this is contact information that will help you get your processes started to make it a little bit easier. And again, that is in our website. And because we're almost out of time, I will just add that we have a lot of FAQs posted on our website. If you have further questions related directly to SARA and how it's impacted by the federal regs, please contact us at info@NC-SARA.org. Thanks.

Cheryl Dowd:

Great. Thanks Jeannie. Really appreciate you sharing with us about the change to 5.2. can't stress enough what Aaron has said, what Shari has said, and what Jeannie has reiterated as well. It is really important to read the regulations yourself and SARA manual, aspects of SARA manual specific to this exception 5.2. the resource slide that you see here, the top thing is the handbook that we were talking about just a few minutes ago that Shari was going through a step by step process. You'll see several documents and videos that you can review. Specifically I'd like to point out the one about professional licensure compacts because I want to stress that it's post licensure and what we've been talking about today is pre licensure. So, I think it's really important to review the documents that we've shared here. We are going to go through these questions and provide answers to the remaining questions. And I'm talking very fast here because I'd like to turn it back over to Megan. And thanking her and to Kim, another staff member, colleague, for helping us put this on. And our incredible presenters, Aaron, Jeannie and Shari for doing such a bang up job with all of this nuanced information. You asked great questions and we will provide those answers. So, I'm going to turn it back over to Megan. Thanks Megan.

Megan Raymond: Great. Thank you so much Cheryl. And thank you Aaron, Shari and Jeannie for your information. Thank you to the participants for providing such great questions. We will provide written responses back to those questions and send a link to the presentation, the slides, and the Q&A with responses. But you can go to the WCET website and access the recording as early as tomorrow. So, we'll just hold off on sending you another email until you have all the resources compiled.

If this is your first WCET webcast, please visit our website. We have lots of resources on policy and access to more information about this data authorization network.

Save the date for upcoming WCET annual meeting. We will have a variety of sessions covering the key topics of inclusiveness in higher education as well as the value of higher education and what we want the future of higher education to look like. And our annual meeting is open to members as well as non.

Again, access to the link of the recording for this webinar as well as previous webinars can be accessed at WCET webcast webpage. And we just want to take a quick moment to thank our supporting members, as well as our sponsors that underwrite much of the programs and events here at WCET. So, without further ado, and I'm thankful that we are only a couple of minutes over because I know your time is invaluable, a final thank you. And we'll see you on the next WCET webinar. Thanks everybody.

Cheryl Dowd: I just want to thank you all. Thank you. Thank you. Thank you. I'm sorry that we ran-