

Beyond Disclosures: Proactive Professional Licensure Compliance in Higher Education

March 4, 2026

Disclaimer: The information provided within this document does not, and is not intended to, constitute legal advice; instead, all information, content, and materials provided are for informational purposes only. Risks to the university/college and students should be considered and evaluated with legal counsel prior to creating policies and communicating licensure information to prospective students(s).

The questions listed below are from the March 4, 2026, webcast hosted by WCET and Higher Education Licensure Pros. [View the recording](#) for more context about these questions.

1. Is it only for distance education or all professional licensure programs?

I thought the regulations covered all modalities, not only programs that include distance education courses.

So the enrollment restriction applies only to programs with at least one online course/section, but the disclosure rules apply regardless of modality?

Response from Cynthia: Here is the language of the law: an institution must make a determination regarding the State in which a student is located in accordance with the institution's policies or procedures, which must be applied consistently to all students.

Response from Cheryl that will tie into Kris' response below: Disclosure requirements found in Institutional Information (34 CFR 668.43) are regardless of modality unless specifically addressed. This is the reasoning behind professional licensure distance education disclosure regulations that were released as final in 2016 in 34 CFR 668.50 that were amended and moved to 668.43 by the regulation effective 2020. Additionally, for purposes of the PPA Certification, 34 CFR 668.14 (b)(32) institutions must satisfy state educational requirements for a license where the institution is located as well as the distance education piece that Kris explains below.

That's the student location piece. Does the enrollment restriction apply to programs if they have no online courses or sections? 100% face-to-face.

Response from Kris: Federal regulations do apply to all modalities, however 34 CFR § 668.14(b) which covers the enrollment restriction and written attestation requirement reads, "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)." "Distance education" is defined by the U.S. Department of Education to include any student who may take an online course/section during the first term of enrollment in the licensure program. An on-campus program with no options for online courses/sections during the first term of enrollment would not fit this definition. Additionally, if there are options for online course/sections with an on-campus program, many institutions will not include enrollment restrictions or the written attestation because the student location policy is drafted in a way that treats all students enrolling in on-campus programs as located on-campus. This is generally accomplished by defining the time of initial enrollment as the first day of class for the term. If students must be located on/near campus to attend the first day of class, they are considered as located on-campus at the time of initial enrollment.

2. Question for Kris "...Distance education student taking one or more course online during the first semester..." does it matter if the student is present in state while taking that one or more distance education course during the first semester of enrollment? This is a question I am asked often at my institution.

Response from Kris: This depends on the institution's student location policy and how "initial enrollment" is defined. Many student location policies are set up to connect initial enrollment to the start of the term. In that case, if the student will be located on/near campus (or in the same state) at the start of the term, they would be considered located in the state. Because programs must meet requirements where institution is located, these students would be in a "meets" location.

3. I may have missed this, but what are the Federal requirements for SARA and institutions that are offering distance learning?

Response from Cynthia: The SAN Network is a great starting point if you are new to federal regulations and SARA: <https://wcetsan.wiche.edu/state-authorization-101> and <https://wcetsan.wiche.edu/resources/getting-started> .

Response from Cheryl: SARA Participating institutions must comply with SARA Policy 5.2. That policy directs that SARA Participating institutions must satisfy federal requirements for disclosures regarding such professional licensure programs. For SARA purposes, these requirements will also apply to non-Title IV institutions and programs.

4. Does non Title IV include non-credit such as workforce development?

Response from Cynthia: Yes! Workforce development programs are beholden to these guidelines. Response from Kris: If they are covered under SARA. In other words, if they are being offered via distance or if clinical/field experiences are offered in other states.

5. Even if the student fills out the attestation and know they are in a 'does not meet' state, the college still CANNOT enroll the student, correct?

Response from Kris: If a written attestation is completed, the student CAN enroll in a Title IV eligible program (or non-Title IV program covered under SARA) if they are located in a “does not meet” state/territory. The written attestation must include a clear statement that they understand licensure is not possible where they are located but that they intend to seek licensure/employment in one named “meets” state (this could be the state where institution is located or another “meets” state).

6. I thought for on campus programs we had to make sure they met the requirements for licensure in the home state. We were not required to inform students if the on campus programs met licensure requirements in other states??

Response from Kris: Public disclosures must be made for any state/territory where a “meets” or “does not meet” determination is made. Individual direct disclosures must be sent to any prospective student located in an undetermined or “does not meet” state/territory at time of initial enrollment in program. For

many institutions, on-campus programs will only require a “meets” public disclosure for the state where institution is located. The institution's student location policy will dictate where students are located in on-campus programs at the time of initial enrollment. Often initial enrollment is defined as the first day of class for the term, and if students must be located on/near campus for classes, then they would be considered located on-campus for the time of initial enrollment.

7. Just to clarify, non credit / workforce development, needs to include disclosures if it leads to licensure, and included on the institution licensure webpage.

Response from Kris: Yes, if they are covered under SARA. In other words, if they are being offered via distance or if clinical/field experiences are offered in other states.

8. So SARA would require that a non Title IV program meet the licensure requirements in the state where the institution is located as well as where any students are located?

Response from Kris: If the program is operating in other states/territories via SARA (online/distance education or clinical/field experiences in other states/territories), to enroll students they must be located where the program “meets” (or have a written attestation exception completed prior to enrollment).

Thank you, understood. But does it also have to "meet" where the institution is located (even if we aren't enrolling any students there).

Response from Kris: Yes, the licensure program needs to meet the educational requirements where the institution is located.

9. Is it still possible to use the "has not made a determination" for public and individualized disclosures?

I thought part of the new regulations was that Not Made A Determination wasn't an option anymore, but I would love a clarification on this.

Response from Kris: Current federal regulations and SARA policy 5.2 require institutions to make a determination for any state/territory where students are located at the time of initial enrollment in the licensure program, where

the licensure program is being advertised, or where students are being recruited for the licensure program. Students must be located in a "meets" state/territory at the time of initial enrollment in the licensure program, or a written attestation must be secured. Every state/territory where a "meets" or "does not meet" determination has been made must be included in public disclosures. Institutions are no longer required to publicly disclose the locations where no determination has been made. There are instances where an institution may not make a determination about particular states/territories--if no students/applicants come from a state/territory and no recruiting or advertising is taking place. Individual direct disclosures are required for prospective students/applicants located in a "does not meet" or no determination made state/territory, prior to enrollment. These same prospective students/applicants will need to complete a written attestation in order to be enrolled. Additionally, if a current student relocates to a state/territory where no determination has been made, an individual direct disclosure would need to be provided within 14 calendar days.

10. What steps does your institution take to manage the attestation process? And we get many out-of-state students.

Response from Kris: Many institutions have created a report that runs at least weekly to identify prospective students/applicants located out-of-state. This report is manually checked by staff, who coordinate with enrollment/admissions to communicate with the prospective student/applicant that the program does not meet educational requirements where located and explain the written attestation option. If the written attestation option makes sense for the prospective student/applicant, they complete one and return to the institution. This is then saved by the institution in the student record in the CRM or in another centralized source. Other institutions have automated portions of this process, creating flags in the application process that prevent a student located in a "does not meet" or undetermined location from admission until a written attestation is received. Note that the U.S. Department of Education has indicated that a fully automated process for written attestation is not acceptable. There must be some interaction between the prospective student/applicant and the institution prior to the written attestation by the prospective student/applicant.

11. How are you handling research of the certification requirements in other states? Do you proactively research other states, or handle that when you have an applicant from a specific state? Do you have someone/a team/a consultant to figure out the requirements? (etc)

Response from Kris: In addition to needing to know that the licensure program "meets" educational requirements where a prospective student/applicant is located (or secure a written attestation prior to enrollment), the federal Title IV, Veterans Affairs, and Prison-Pell regulations, and SARA Policy 5.2 require institutions to make "meets" determinations for any state/territory where licensure programs are being advertised or students are being recruited. It is possible that some institutions will not make determinations about all states/territories, and could have processes in place to complete research and make a determination after a prospective student inquires. No student should be enrolled until a "meets" or "does not meet" determination is made for their location, and if "does not meet" written attestation and individual direct disclosure requirements are followed.

12. Just to verify, if we have a non-credit program administered through a 3rd party. If the license is a national, not a state license then we would be okay?

Response from an attendee: I believe the federal regulations do not apply to national licensure, only state licensure requirements.

Response from Kris: SARA Policy 5.2 extends the federal licensure program requirements to non-Title IV, including non-credit, offerings. Under the federal Title IV, Veterans Affairs, and Prison-Pell regulations, licensure programs are those that are designed or advertised to prepare students for a state/territory-issued credential (license, certification, registration, authorization, etc.) that is required for employment.

Response from Cheryl- it is important to understand the difference between a national exam and an actual national license. There are occupations/professions with a national exam but then have state-specific educational requirements to obtain the license.

13. What add-on did she purchase for Nursing?

Response from Kris: Higher Education Licensure Pros offers information about nursing board requirements for out-of-state programs. Contact HELP for more information: <https://www.higheredlicensurepros.com/contact>

14. Can we rely on the Bookmark to notify us if a state's rules change within 10 days? How do people keep track of all of this?

Response from Kris: Institutions have 14 calendar days (after becoming aware of a change to "does not meet") to provide an individual direct disclosure to current students. This could be the result of a change in state educational requirements for licensure, change to the program's curriculum, or a change in location for the student. The Bookmark, Higher Education Licensure Pros' one-of-a-kind research platform with educational requirements for licensure, is updated regularly based on state legislative and regulation changes. Additionally, HELP completes an annual review of all 59 states/territories for each license type. More information about The Bookmark is available on our website: <https://www.higheredlicensurepros.com/the-bookmark>

15. I thought that public institutions can offer online non-licensure in CA..

Response from Kris: Certain nonprofit and public institutions can offer online non-licensure programs in California without registering with the California Bureau for Private Postsecondary Education: https://www.bppe.ca.gov/schools/outofstate_reg.shtml

16. Can you remind us, within the narrative attestation, do the students have to indicate that they will study in a state where the institution does meet educational requirements (name an alternative state)?

Response from Kris: Yes, the written attestation must include a statement that the prospective student/applicant intends to seek licensure and employment in a "meets" jurisdiction. It could be the state/territory where the institution is located or any other "meets" state/territory.

17. Can either of you provide a link in the chat to an example of your attestation form? Just curious of what it looks like. We do not currently have one that I am aware of.

Response from Kris: HELP provides these examples:

https://drive.google.com/file/d/11kq5Zu_INr9ZHRjQ7LIAo2oWalvtazZO/view?usp=sharing

18. How do you approach internal institutional conversations when explaining that national boards and program accreditors (ABA, ABET) might not be sufficient to meet educational requirements in states?

Response from Kris: Because each jurisdiction gets to decide which professions/occupations are licensed and the specific requirements for licensure, it is important to research each state's requirements. Program accreditation or qualifying to sit for a national exam is not always enough to meet educational requirements. SAN has developed several resources that might be helpful when explaining educational requirements for licensure that go beyond programmatic accreditation and national exams.

<https://wcetsan.wiche.edu/resources/professional-licensure>. Higher Education Licensure Pros also has several blog posts on this topic:

<https://www.higheredlicensurepros.com/blog/bridging-the-gap-best-practices-for-compliance-staff-working-with-faculty-on-licensure> and

<https://www.higheredlicensurepros.com/blog/whos-really-tracking-professional-licensure-at-your-institution>