

Compliance with Regulations Regarding State Licensure/Certification



Licensure/Certification Disclosures

The Department of Education (DOE) requires institutions offering programs leading to a licensure or certification to comply with several requirements. These regulations affect the Program Participation Agreement (PPA) which allows Minot State University (MiSU) to offer Title IV financial aid. Failure to comply with these regulations could jeopardize MiSU's ability to offer Title IV aid, result in potential fines and sanctions, and lead to negative media attention.

DOE regulations require MiSU to **satisfy** the educational requirements for professional licensure or certification in each state where the institution is located (North Dakota) and where students enrolled in distance education courses are located at the time of initial enrollment. MiSU must also provide individual notifications directly to students or applicants in programs designed to meet educational requirements for a specific professional license or certification, or is advertised as meeting such requirements. Public notifications must also be available on our website. Notifications must indicate whether the program meets the educational requirements for state licensure where the student is located. MiSU can no longer say 'we have not made a determination'. In states where a program does not meet the educational requirements, students cannot be admitted unless they plan to live in North Dakota or they complete an attestation that they intend to seek employment in another state where we satisfy the educational requirements.

State Authorization

As a participating institution in the National Council for State Authorization Reciprocity Agreements (NC-SARA), MiSU is authorized to offer online programs and limited learning placements in SARA's 49 member states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. We are also authorized to operate in California. If it is determined in the future that MiSU is no longer authorized in a state or territory, the process outlined below will be used to notify students.

Process for Determining Student Location

MiSU will use the student's home address¹ in Campus Connection to determine the student's location for the purpose of providing specific state authorization and/or state licensure/certification disclosure information. Students will be asked three times a year² to

¹ Per email from Karie Abrahamson on 12/20/22

² Per email from Crystal Hotchkiss on 7/8/21

confirm their address in Campus Connection.

Process for Disclosing Relevant State Authorization and Licensure Information

- 1) MiSU's website will provide state authorization and licensure disclosure information and will be updated annually.
[Program Disclosure and Licensure Requirements Website](#)
- 2) Specific disclosures regarding state authorizations and/or state licensures or certifications will be provided directly to individual students in the following circumstances:
 - a) when a student applies to MiSU and declares a major/program that is a licensure program;
 - b) when a current student changes their location (i.e., home address) and/or major/program in Campus Connection;
 - c) should MiSU determine it is no longer able to meet the licensure/certification requirements of the licensure program in the student's location (determination will occur annually with subsequent disclosure within 14 days in accordance with DOE rule).

Disclosure Process Workflow

Personnel from Enrollment, Marketing, and Outreach will work with department chairs and/or appropriate program coordinators to ensure the list of applicable programs is kept current and that information is reviewed annually to determine whether each program meets requirements for state authorizations, and, if applicable, educational requirements for licensure/certification. This information will be posted on MiSU's webpage for state authorizations and licensure/certification requirements and updated within Campus Connection.

Disclosures to individual students (see above for criteria) will proceed in the following manner:

- 1) When a student applies for admission or changes their major, communication will be generated through Campus Connection indicating if the student's declared major/program does not meet or has not determined if MiSU meets the state licensure/certification requirements where the student is located.
 - a) If the program does not meet the requirements, a hold will be placed on their application or major change.
 - i) The Online Program Coordinator will review their application to determine if the student will be living on the MiSU campus or in North Dakota. If the student's location cannot be determined based on the application, the coordinator will contact the student to determine where they plan to live in their first semester. If the student plans to live in North Dakota, the hold will be removed and the student notified.
 - ii) If the student plans to live in their home state, the coordinator will contact the student to determine if they plan to work in their current home state or another state after graduation. If they plan to work in a state where MiSU meets requirements, the student will be directed to complete an attestation and then their application or major change can be processed.

- b) If the program has not determined if MiSU meets requirements, the department will be notified and has 3-5 days to make a determination.
- 2) When a student changes their home address, communication will be generated through Campus Connection with a disclosure notice indicating if the student's declared major/program does not meet or has not determined if MiSU meets the state licensure/certification requirements where the student is located. Since federal regulations only require this determination be made at the time of initial enrollment, this is just a notification and does not affect the student's ability to continue in the program.
- 3) If it is determined that MiSU is no longer able to meet the licensure/certification requirements of the student's program/major in the student's location, the department is to contact the Online Program Coordinator and a notice will be sent to the student. This notification must be sent within 14 days.

Note

Programs cannot conduct targeted out-of-state advertising in states or territories where they do not meet the licensure/certification requirements.

Common Questions

Q. What if the student isn't receiving Title IV aid? Can we enroll them if they live in or plan to move to a "does not meet" state?

A. These requirements apply to the program, not to individual students. If the program is eligible for Title IV, then the institution must be able to certify that the program "meets" educational requirements in all states/territories where all students are located.

[\(MHEC Webinar Q&A\)](#)

Q. For distance education - is it only courses related to the licensure program or are we to also consider general education courses the student may be taking?

A. Vanessa Gomez, the ED staff contact for this issue has indicated that any course taken through distance education during the first term of enrollment in the licensure program counts – including general education courses.

[\(MHEC Webinar Q&A\)](#)

Q. For purposes of compliance with 34 CFR 668.14(b)(32), how do we determine whether a prospective student is enrolled in "distance education"? If a student who enrolls in a program leading to licensure or certification takes an online general education course at the time of initial enrollment in the program but takes the certification courses all in-person, would that student be considered a distance education student?

A. For any programs that offer any coursework via distance education, institutions should be aware that if there is any period of time during the first payment period when the student initially enrolls

in the program where the student will be living in another State via distance education for any portion of the program, the student would be considered a distance education student for purposes of this requirement. As such, the program would need to meet the licensure requirements of the State in which the student completed any coursework via distance education. For purposes of applying the requirements in 34 CFR 668.14(b)(32), we would consider the first payment period to be the first semester in which the student is enrolled in a licensure program and takes at least one class that is required for that program.

However, if the student will be located either on-campus or living in the same State as the institution while completing the required coursework, the program would only need to meet the licensure requirements in the State where the institution is located regardless of whether the student was enrolled in any online coursework. For example, if a student enrolls in a licensure program and takes at least one online class (including a general education class) that counts toward the student's Title IV eligibility during their first semester (payment period), and attends that online class while living in another State, the requirements in 34 CFR 668.14(b)(32) would apply and the student would be considered a distance education student. On the other hand, if a student takes no courses through distance education in that first payment period or is living on-campus or in the same State as the institution while completing the distance education coursework, they would not be considered enrolled in distance education for purposes of these requirements. ...

[\(U.S. Department of Education Certification Procedures - Questions and Answers\)](#)

Q. For teacher ed particularly, many of those reciprocity-type agreements are not necessarily dual reciprocity. Also, they often may still include additional coursework/tests a teacher would have to take in the new state. Would we be able to say that our program meets the requirements, through reciprocity but indicate that there are additional requirements?

A. The Teacher Education multi-state agreement managed by NASDTEC is different than the Interstate Teacher Mobility Compact. An institution must become knowledgeable on all components of these different types of agreements in order to use them. If there are additional jurisdictional requirements based upon the agreement, if the student can get a provisional license in order for time to complete the requirements, the Department has considered that acceptable. The bottom line is connecting the dots for the student to be employed in short order through the provisional license if there are additional jurisdictional requirements. A time period to gain experience in the state where they are first licensed would not be acceptable. SAN members have access to the list of currently existing compacts and those under development [National Associations for State Licensure Research](#) – far right column of the chart.

[\(SAN & WCET Webinar Q&A\)](#)

Out-of-State Activities and Reporting

States and territories in the United States have authority over any education offered to an individual located in their state. This includes online courses and learning placements. As a participating institution in the National Council for State Authorization Reciprocity Agreements (NC-SARA), MiSU is allowed to offer online courses and limited learning placements to other SARA states. SARA states and territories include all US states except for California, the District of Columbia, Puerto Rico, and the US Virgin Islands. For a full list of activities allowed, please review the [SARA Policy Manual](#).

Reporting exclusively distance education students

As a participating institution in NC-SARA, MiSU is required to annually report the number of exclusively distance education students by state or territory. Exclusively distance education students will be reported based on official fourth week enrollment reports. The Online Program Coordinator is responsible for reporting this data to NC-SARA.

Learning placements

There are several requirements that need to be considered before a student can be approved for a learning placement outside of North Dakota.

1. If the program is designed to meet educational requirements for a specific professional license or certification, the program must meet the requirements as found on the [Program Disclosure and Licensure Requirements website](#). If MiSU has not determined or does not meet the requirements, the learning placement cannot be approved.
2. Do the state agencies or boards responsible for professional requirements approve learning placements? If so, it is the responsibility of the department to receive approval prior to the start of the learning placement.
3. All out-of-state learning placements, whether leading to licensure or not, must be reported annually to the Online Program Coordinator. This report must include the number of students and placements and the CIP code associated with the learning placement. For details, please review the [NC-SARA Data Reporting Handbook for Institutions](#).
 - a. The Teacher Licensure Programs will report all learning placements completed for Bachelor of Science in Education programs.
 - b. Department chairs are responsible for managing the reporting process with program coordinators in their area to ensure that all learning placements completed outside of North Dakota are accurately reported.