

## Licensure Programs: Compliance with State Laws for Distance Education

### Background

The Department of Education (ED) includes a new provision for distance education programs leading to licensure, which requires that programs comply with all state licensure, certification, and consumer protection requirements for the states where a student enrolls or a state where a student “intends to move to” after graduation. This means that if an institution enrolls students from another state and that distance education program leads to licensure or certification, then the program must align with the licensure requirements in that state. Institutions must also update their websites and student informational materials to specify the states where their program can enroll students.

### What will be “in effect” as of July 1, 2024?

For all programs leading to licensure and certification, the program must meet all licensure, certification, and consumer protection requirements in each of the other states where the program is offered. This information must also be on program information websites and materials shared with students, especially those in distance education.

Programs that **do not align** with state requirements **must not enroll students from that state** and/or must receive confirmation from the student that they intend to seek employment in a state where the program does meet the requirements.

### What should our institution do to prepare?

Each institution will need to evaluate online programs leading to licensure and certification to ensure that each program specifies which states a graduate could obtain licensure or certification. Each institution must disclose to all prospective and enrolled students a list of all states where it has determined that the program does or does not meet the requirements for licensure or certification. This new requirement will be a heavy lift for each institution to evaluate state requirements and make the information available to all students.

Institutions may need to hire contractors or work with outside groups to evaluate state-by-state requirements on a consistent basis as state licensure requirements change regularly.

For institutions that do not have programs leading to licensure in any field, nothing needs to be done related to this regulation.

### Potential repercussions

If an institution finds that it does not meet the requirements in a given state then it may not enroll a student from that state UNLESS the student declares (with documentation) an intent to move to the institution’s state OR to a state in which the program is eligible.

## Q&A

Q1. Can we simply state that the program is intended to lead to licensure in just our home state?

A1. Yes, as long as that is clearly stated on all materials for both on-campus and distance programs, the program is ONLY for licensure or certification in a specific place. HOWEVER, in the comments on the final rule, ED stated an interest in learning which states programs are eligible and which are not. This may mean that ED intends for programs to list all eligible states regardless of the program's intent to educate students for a specific profession in a specific location.

Q2. What is sufficient for a student's documentation that they intend to move or seek employment in a state where the program is eligible if they currently reside in a state where they are not?

A1. An attestation by the student, at the time of enrollment, that they intend to move or seek employment in a state where the program is eligible and meets licensure or certification requirements.