

# Changes to Federal Regulations Affecting State Authorization and Accreditation

Presented by Dr. Kyle Foster at the February 13, 2020 Council on Instruction Meeting

## Overview

- New rules related to state authorization and accreditation were released by the USDE on November 1, 2019.
- These new rules update the most recent regulations that went into effect in 2016.
- The effective date of the regulations is July 1, 2020 but institutions have the option to implement early if they so desire.

## State Authorization

- The new regulations strengthen the assumption that the State Authorization Reciprocity Agreement (SARA) protects institutions offering distance education in other states. However, it also says that states cannot be stopped from enforcing their own general purpose laws outside of state authorization and distance education by virtue of participating in the agreement. Questions still remain about what this may mean for states and institutions, but I feel confident that SARA is sufficiently codified to protect participating institutions.
- The regulations specify that institutions must make the determination about the location of the student at the time of their enrollment in a program, not at their initial application to the institution. Note that the word is “location” and not “residence” due to the complicated and varied process among states of determining residence. In other words, institutions must have a method of determining students’ locations at the time they enroll in academic programs and this method should be documented at the institution. This determination is valid until the institution gets formal receipt of information from the student regarding a change of location.
- This change is a big one: Previously, the 2016 regulations only required institutions to disclose professional licensure requirements to students doing programs via distance education. The new regulations expand that requirement to all students in programs that require professional licensure or certification, **regardless of modality**. For all programs leading to professional licensure or certification, an institution must make readily available to all current and prospective students:
  - A list of all States for which the institution’s curriculum meets State educational requirements for professional licensure or certification,
  - A list of all States for which the institution’s curriculum does not meet State educational requirements for professional licensure or certification, and

- A list of all states for which the institution has not made a determination of whether the curriculum meets educational requirements.
  - If the program falls into either of the latter two categories for a state in which the student is located, the institution must make that disclosure directly to the student by letter or email. This must occur prior to the student's enrollment in the program.
  - For students already enrolled in the program, if it's determined that the program does not meet the licensure or certification requirements in the state where the student is located, direct notification must be made within 14 days of the date when that determination was made. This is most likely to happen if a program loses recognition in a state.

## Accreditation

- New regulations promulgated by the department have officially ended the federal recognition of a distinction between regional and national accrediting agencies. The only distinction in federal regulations will now be between institutional accreditors and programmatic accreditors.
  - This means that institutions may no longer refuse to accept transfer of credit from any federally-recognized institutional accreditor based on the grounds of being a "national accrediting agency" as opposed to a "regional accrediting agency." The implication of this is that when you receive transfer credit from any accredited institution, it must be given the same weight and institutions must show a compelling reason to refuse to accept transfer credit from what was formerly known as a "national accreditor."
- This regulation also allows regional accreditors to accredit institutions outside their own geographic regions, if they so desire. State Regents' policy specifies that State System institutions are accredited by HLC and, as far as I am aware, no regional accreditor has plans to begin accrediting institutions beyond their traditional geographic regions, although they now have the freedom to do so and this may change.