

Compliance Guide for Out-of-State Licensure and Disclosure



KENNESAW STATE
UNIVERSITY

Prepared by the Curriculum Support Office
on September 20, 2024

Acknowledgements

Ensuring compliance with the US Department of Education 34 CFR 668.14(b)(32)(i) & (ii) has been a community effort. A sincere thanks to the staff of Enrollment Services, Graduate College, Curriculum Support Office, Legal Affairs, and Academic Strategy who worked diligently together to ensure the interpretation of the policy and implementation processes complied with the policy expectations to the highest level.

Disclaimer

The information provided in this document is intended for the KSU campus community to ensure compliance with the US Department of Education 34 CFR 668.14(b)(32)(i). The information contained in this guide is subject to periodic updates and revisions to ensure the contents remain as accurate as possible. While every effort will be made to maintain accuracy and currency of the information provided, it is important to note the dynamic nature of the policies, procedures, and institutional practices may necessitate changes that are not immediately reflected in this guide. KSU assumes no liability for any errors, omissions, or inaccuracies in the information provided herein. If you find any parts of this document unclear, inaccurate, or missing please direct these questions or concerns to curriculum@kennesaw.edu,

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Section 1: Introduction

A. Purpose

This guidance document provides support to the units across campus responsible for maintaining the institution's compliance with Program Accreditation and State Licensure 34 CFR 668.14(b)(32). The document will provide operational definitions for key terms used within the guidance document and federal policy. It will also outline the process that will be followed to bring KSU into compliance followed by processes for sustain compliance. Each process outlines stakeholders involved in key steps of the process and a recommended turnaround time for the work involved.

B. Academic Programs Leading to Licensure

All programs in the Internal Listing of Academic Programs (ILOA) have been classified into one of four licensure statuses as listed in Table 1. This table provides examples for each licensure status category. Programs included in Category 1 require that appropriate communication is made with the students regarding the licensure status in the student's home state. This listing will be updated as new academic programs are launched. In addition, the listing will be verified regularly by all department chairs to ensure the current list is accurate and no new programs need to be included.

Table 1. Descript of Academic Program Licensure Statuses

Licensure Status	Short Name	Examples
1. The program is designed to meet the educational requirements to practice in a professionally licensed profession (initial licensure)	Required Licensure	Teaching, Nursing
2. The program is designed for professional development or other advancement in a professionally licensed job, is designed for certified practitioners in the field, but is not designed to and is not advertised as leading to additional required licensure or certification in that field for employment.	Continuing Professional Development	Teacher education in-field program leading to certification upgrades, Nurse Educator
3. The program is designed to prepare students for employment in a professionally certified field, but professional certification is an option, not a requirement for employment in the field	Licensure Optional to Work in Field	Certified Financial Planner, Certified Project Manager, Certified Health Education Specialist
4. The program prepares a student for a profession that does not offer professional certification or licensure	No Licensure Available	

C. University Stakeholders and Roles

Below is a list of stakeholders who are responsible for supporting the process to maintain compliance with the Program Accreditation and State Licensure 34 CFR 668.14(b)(32)

Unit	Key Responsibilities
Legal Affairs Nwakaego Nkumeh Walker Nnkumeh@kennesaw.edu	Provide legal guidance for the implementation of the federal policy; communicate updates of the federal policy to campus stakeholders
Academic Strategy Cole Stratton sstratt2@kennesaw.edu	Provides regular reporting of newly enrolled students from out-of-state and students who have changed their major that reside out-of-state.
Enrollment Services Individual TBD Specific contact TBD	Communicate with out-of-state undergraduate students using the appropriate template based on the licensure status in the student's home state; manage registration restriction for undergraduate online learners based on licensure investigation and student attestation results; upload student acknowledgement and attestation files to OnBase.
Graduate College Juliet Langman Jlangma2@kennesaw.edu	Communicate with out-of-state graduate students using the appropriate template based on the licensure status in the student's home state; manage registration restriction for graduate online learners based on licensure investigation and student attestation results; upload student acknowledgement and attestation files into OnBase.
Curriculum Support Office Michelle Head Mhead24@kennesaw.edu	Maintain the DoOoSL ; maintain the compliance guidebook; collaborate with faculty to determine out-of-state licensure status

Section 2: Guidance Definitions

Online student – A student who is enrolled in at least one online course during their first semester of enrollment.

Time of enrollment – This time is marked by the date the student has first registered for classes.

Student location – A student's location is determined by the physical address that is reported on the application.

Database of Out-of-State Licensure (DoOoSL) - This is an internal database that is maintained by the Curriculum Support Office which includes the results of faculty investigations to identify whether KSU programs meet the requirements for licensure in other states.

Section 4: Interpretations of the Legislation

In October 2023, the U.S. Department of Education (“Department of Education”) issued final regulations amending the certification procedures for institutions under *Title IV* of the *Higher Education Act of 1965*, as amended (“Title IV”). The amended certification procedures create a more rigorous process for certifying an institution’s eligibility to participate in Title IV. As a result, Title IV eligible schools (including KSU) must have a current program participation agreement (“PPA”) signed by an appropriate KSU representative and an authorized representative of the U.S. Secretary of Education. By signing the PPA, KSU agrees to comply with the laws, regulations, and policies governing Federal Student Aid programs and funds.

The agreement includes new requirements for programs to meet educational requirements for licensure or certification in all states where the program or institution has enrolled students through distance education courses.

- 1) Pursuant to [34 CFR § 668.14\(b\)\(32\)\(i\) and \(ii\)](#), beginning July 1, 2024¹ Direct any questions regarding the US Department of Education 34 CFR 668.14(b)(32)(i) & (ii) to Nwakaego Nkumeh Walkter at nnkumeh@kennesaw.edu or asklegal@kennesaw.edu.

Further guidance regarding this federal regulation from the University System of Georgia can be found in Appendix 1.

¹ These regulations apply to students who newly enroll in a program *on or after* July 1, 2024. The regulations are not applied retroactively to currently enrolled students. However, under 34 CFR 668.43(a)(5)(c)(2), if KSU determines that its program does not meet requirements for state licensure or certification, or if KSU has not yet determined whether its program meets state licensure or certification requirements, it must inform all currently enrolled students who are located in that state within 14 calendar days of making that determination. Once the student is informed, it will be up to them to decide whether they wish to finish the program.

Section 3: Compliance Processes

A. Initial Process for Compliance

The Initial Process for Compliance will be followed for students who are enrolling at KSU for Fall 2024. The process, outlined in Figure 1, will be utilized while the Database of Out-of-State Licenses is being developed. A timely response is necessary at each step to ensure KSU meets compliance on or as close to the July 1, 2024 effective date for this policy.

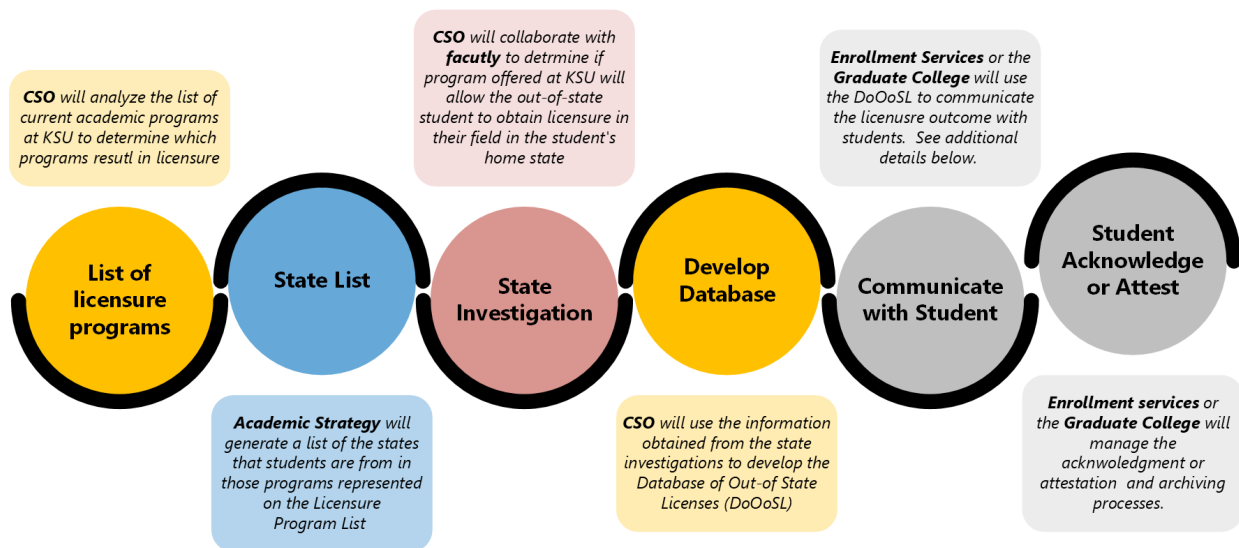


Figure 1. Initial process for compliance

B. Maintenance Processes

The overall process for maintaining the [DoOoS](#) and communicating with students is shown in Figure 2. A detailed description of the process follows.

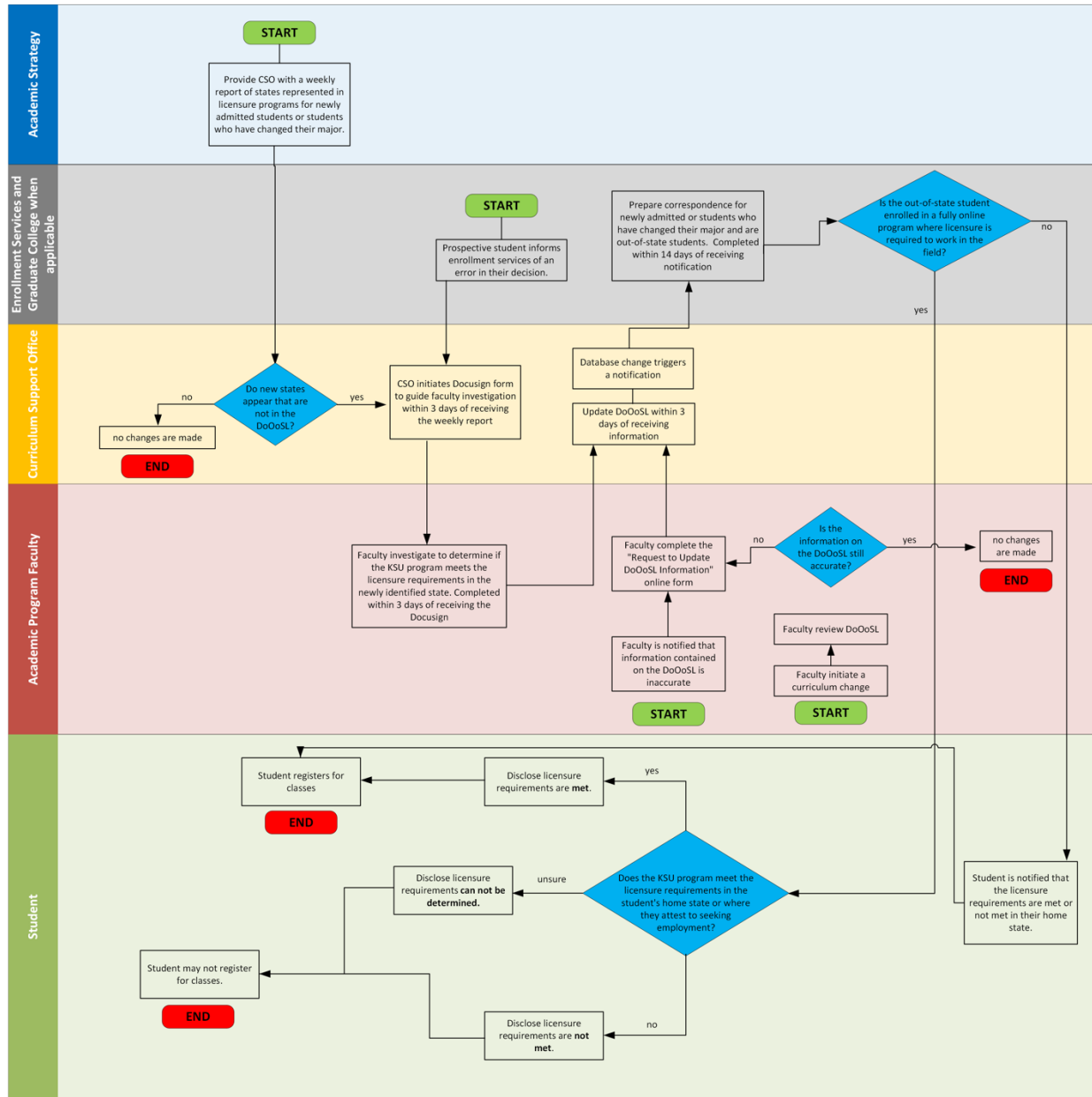


Figure 2. Overall process to maintain compliance

New State Investigations

Weekly, during enrollment periods, Academic Strategy will run a report of all states where students are enrolled for KSU programs that lead to licensure in the field of study. Within three days this list will be compared to the states already included in the [DoOoS](#). If a new state appears CSO will collaborate with faculty in the home department of that program to

determine if the out-of-state licensure requirements are met by the program at KSU. Faculty will be asked to complete the investigation within 3 days to ensure a timely response to students. The results of the investigation will be updated in the [DoOoSL](#) by CSO. The update will trigger a notification to Enrollment Services, and the Graduate College when applicable, to ensure that the students receive the appropriate communication within 14 days.

Faculty- Initiated Update

Faculty may learn of new out-of-state licensure requirements or recognize that information in the DoOoSL is not accurate. In this case, they should request that information be updated using the Request to Update the DoOoSL Information form at this [link](#). Once the form is submitted, the CSO will review the request within 3 business days and determine how the DoOoSL needs to be updated. Updates made to the [DoOoSL](#) will trigger notification to the Enrollment Services, and the Graduate College when applicable, to ensure that students receive the appropriate communication within 14 days.

Curriculum-Initiated Update

Curriculum changes to programs that lead to licensure will initiate a review of the information contained in the [DoOoSL](#) to determine if the information remains accurate. During the curriculum review process, department chairs will be prompted to identify if the [DoOoSL](#) is accurate or if changes are needed. If changes are needed, they will be directed to fill out the Request to Update the [DoOoSL](#) Information form at this [link](#). Once the form is submitted, the CSO will review the request within 3 business days and determine how the [DoOoSL](#) needs to be updated. Updates made to the [DoOoSL](#) will trigger notification to the Enrollment Services, and the Graduate College when applicable, to ensure that students receive the appropriate communication upon implementation of the program changes (i.e. at time of catalog start date)

C. Student Communication Process

Direct student communication will be handled by Enrollment Services or the Graduate College. Departments do not need to communicate directly with students. For questions regarding undergraduate programs please contact Enrollment Services (individual contact TBD) or for graduate programs please contact the Graduate College (gradcollegeforms@kennesaw.edu) The type of communication is determined by the type of student and their enrollment in online coursework at the time of enrollment. The table below summarizes the type of communication and timeframe in which the communication must be received relative to the student type. Students who change their majors, will be treated as if they are newly enrolled students and communication will be sent based on the table below. If a previously authorized program becomes unauthorized, all students in that program from that state will need to be notified within 14 days.

Student Type	Communication Type	Enrollment Hold	Timeframe
In-state and on-campus student enrolled in no online coursework at time of enrollment	No communication required.	None	N/A
In-state and on-campus student enrolled in at least one online course at time of enrollment	Student is notified that licensure requirements are met or not met	None	Within 14 days of enrollment or initial determination.
In-state and 100% online student (completing all courses online)	Student is notified that licensure requirements are met or not met	None	Within 14 days of enrollment or initial determination.
Out of state and on-campus student enrolled in no online coursework at time of enrollment	Student is notified that licensure requirements are met or not met	None	Within 14 days of enrollment or initial determination.
Out of state and on-campus student enrolled in at least one online course at time of enrollment	Student is notified that licensure requirements are met or not met. If not met, a student is provided an opportunity to attest.	Registration hold is place on students account until attestation is received.	Within 14 days of enrollment or initial determination.
Out of state and 100% online student (completing all courses online)	Student is notified that licensure requirements are met or not met. If not met, a student is provided an opportunity to attest.	Registration hold is place on students account until attestation is received.	Within 14 days of enrollment or initial determination.

D. Audit and Monitoring Process

The [DoOoSL](#) will be audited on a regular basis to ensure the contents are accurate. During this process, faculty will be asked to reauthorize their program status. The reauthorization date will be logged in the [DoOoSL](#) along with screenshots of the requirements on the state licensing website. If changes are made to the status a notification will be triggered to alert Enrollment Services for undergraduate and the Graduate College for graduate that a new correspondence with current students may need to be made. This notification will be sent out within 14 days of the notification.

Section 5: Useful Resources

[US DOE Certification Procedures Q&A](#)

[US DOE Professional Licensure Flowchart](#)

[NC SARA Professional Licensure Directory](#)

[USG State Licensure Resource Page](#)

Appendix 1: University System of Georgia Memorandum



UNIVERSITY SYSTEM OF GEORGIA
Legal Affairs

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MEMORANDUM

To: VPAAAs, Enrollment Management Officers, and General Counsels
From: USG Office of Legal Affairs
Date: June 28, 2024
Subject: Guidance for Programs Leading to Professional Licensure or Certification with Online Students

This memorandum serves as general guidance from the University System Office on compliance with the U.S. Department of Education's updated rules on Ability to Benefit, Administrative Capability, Certification Procedures, and Financial Responsibility, which become effective July 1 of this year. These rules alter requirements for institutions that have online students in programs that require state licensure or certification to work in the related career field. The new rules, as explained below, impose new responsibilities on institutions and limitations on which students they may enroll in these programs moving forward.

Previously, if an institution chose to offer programs to online students in career fields that require professional licensure or certification, that institution was required to provide a disclosure to each prospective student that the program either (1) met, (2) did not meet, or (3) had not been determined to meet the licensure requirements of the prospective out-of-state student's home state at the time of their enrollment. Institutions are required to make this disclosure publicly so that it is viewable by all students applying for admission to programs leading to professional licensure, regardless of whether the student is seeking enrollment in an on-campus program or an online program. While institutional membership in NC-SARA (National Council for State Authorization Reciprocity Agreements) provides a general reciprocity on state regulation, this reciprocity does not extend to professional licensure requirements.

Programs with Online Students that Lead to Licensure or Certification must Satisfy other States' Licensure or Certification Requirements

Under the old rule, notification was all that was required. Beginning on July 1, 2024, institutions will be limited in the out-of-state students who can enroll in covered programs. If the institution cannot determine that the program satisfies a state's licensure or certification requirements or if the institution determines the program does not satisfy these requirements, the institution cannot enroll students who live in that state in the program (subject to the possibility of attestation, addressed below) and cannot advertise the program there either. This requirement applies to all students (domestic or international) who live in a U.S. state or territory at the time of initial enrollment in an applicable program. *Please note this rule also requires programs with online students who live in Georgia to be up-to-date on any Georgia program accreditation and professional licensure or certification requirements.*

This rule does not apply retroactively, so these determinations are only necessary for prospective students who would be enrolled in applicable programs after July 1, 2024. Institutions must make the



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determination for any program in which a student would take any coursework online (whether in the program or in general education) during their first term of enrollment and while not located in Georgia. Institutions are required to make this determination only when a student initially enrolls in a program. (Note, however, that institutions are still required to follow the notice provisions of the rule).

Determining a Student's Location at Enrollment

For the new requirement, a student's location at the time of enrollment should be determined based on the physical address they list on their program application. Institutions are not required to re-disclose information about licensure and certification to students who move to another state while enrolled in a program. However, students who desire to switch to a different program and who will take any courses online during their first semester of enrollment in the new program must be provided information about licensure and certification in the same manner as if they were applying initially, and an institution cannot enroll such a student in the new program if the program does not meet the licensure or certification requirements of the state the student lives in at the time they apply to switch to a different program.

Alternative Method for Satisfying Licensure or Certification Requirement: Student Attestations

Institutions can also satisfy the new requirement by having prospective online students for a covered program fill out an attestation stating that they intend to become licensed or certified in a state other than the state they live in after completing the program. If the program meets the requirements for the student's intended state of licensure or certification, based on the state the student indicates in their attestation, that student may be admitted and enrolled. The student must list on their application the **one, specific** state where they intend to seek licensure and employment after completing the program. Students must submit this attestation to their institution in writing via mailed hardcopy or email from the student's email address. We also recommend that institutions use a standard form for this attestation because there are precise requirements for a valid attestation (an example is attached). Attestations must be kept as part of the student's file. Institutions are only required to accept an attestation when a student initially enrolls in a program; an institution is not responsible for updating attestation information if a student moves to another state while in the program.

Changes to Public Notification & How to Treat Currently Enrolled Out-of-State Students

The new rule also updates the existing requirement that institutions publicly display all state-by-state licensure determinations for current and prospective students in programs leading to licensure or certification, including programs with online students, alongside other mandatory disclosures such as cost of attendance and degree programs offered. Under the regulations adopted in 2020, schools offering these programs could indicate for each state whether (1) a program satisfies the licensure or certification requirements, (2) a program does not satisfy the requirements, or (3) a determination has not been made. Under the new rule, schools can no longer provide the third piece of information to indicate that a determination has not been made; the public disclosure must indicate whether the program does or does not meet the licensure or certification requirements for each state where an institution has made a determination.

Finally, while the new rule does not apply retroactively, institutions must still notify all currently enrolled students in covered programs of the states where the institution has determined that the program does not satisfy the licensure or certification requirements. The rule requires this notification to be sent to students within 14 calendar days of making that determination. We recommend that institutions set a deadline to review all programs and currently enrolled students and start the 14-day clock to run from that deadline.

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The final rule is available at <https://www.federalregister.gov/documents/2023/10/31/2023-22785/financial-responsibility-administrative-capability-certification-procedures-ability-to-benefit-atb> (The citation for the new enrollment/attestation requirement is 34 C.F.R. 668.14(32) and the citation for the revisions to the notification requirement is 34 C.F.R. 668.43). The Department has also issued FAQs available at <https://www2.ed.gov/policy/highered/reg/hearulemaking/2024/certification-q-and-a.html#ldr>. Please note that in certain instances the FAQs appear to need further clarification from the Department.

We anticipate that further guidance will be issued on this rule in the future. Thank you for all you do on behalf of student education and success in Georgia and for your attention to this guidance as we look forward to a new academic year. Should you have any questions about this guidance or wish to discuss it further, please contact the USG Office of Legal Affairs at 404-962-3255 or usg-legal@usg.edu.

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