

February 2025 State Authorization Updates & Information

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February 26, 2025 by erika.swain@cu.edu [2]

It has been a wild and tense first few weeks of the new administration, with executive orders and a Dear Colleague letter or two (do you know what your TPP/S is saying about your program when you're not around?), not to mention the last month of the Biden administration dropping some rules and regulations on us as they walked out the door.

On the bright(?) side, it is likely that the new Secretary will be mired in reviewing ED's processes, policies, and regulations for at least a few weeks before making any changes so we might have a few additional weeks/months of breathing room and then the additional time needed for whatever votes or implementation processes are needed? Maybe? But with all of that, what do we need to be concerned about in terms of state authorization in the coming months or years? In all seriousness, no one really knows. We're all just There are some rumors out there of course and I have my suspicions about what we might see However there are a few things that I would not be surprised to see.

If the new Secretary decides that there are some areas of oversight that would be best sent different parts of the federal government or sent back to the states, you may see a renewed interest by some states in the reciprocity agreement and what it does and does not cover. You may once again start to hear folks talking about "states rights" especially in terms of what can and cannot be delivered in a state and by whom or what types of institution. You may also start to hear about some states rethinking their place in the agreement all together.

As of February 2025, under President Donald Trump's administration, the landscape of state authorization in higher education could be considered as poised for significant transformation. The administration's policies emphasize reducing federal oversight and enhancing state control over educational institutions could create a shift that one could reasonably expect to impact how states authorize and regulate higher education providers, particularly concerning distance education and online programs.

Key considerations for the coming months:

- *Increased State Autonomy:* The Trump administration advocates for diminishing the federal government's role in education, could be seen as granting states a greater authority to establish and enforce their own authorization standards. This decentralization may lead to a more diverse regulatory environment, with each state implementing distinct criteria for institutional approval. For the moment we have a reciprocity agreement in SARA that prevents this in terms of distance/online education and OOSLPs. But does this mean the states may change how they decide who gets to participate in the agreement? Again, that is unclear but I'm comfortable in saying as far as Colorado is concerned, we're in a good place. However, institutions like ours offering

online programs (including alternative credentials) may need to navigate the varying state-specific requirements of where our students are located that could impact our operational strategies and compliance efforts in the future.

- *More Revised Distance Education Regulations?* Additional changes to federal policies governing distance education are somewhat up in the air. There is no word at the moment on what the new administration or the new Secretary may want to do with some of the ideas and concepts that were proposed in the last year around distance education and authorization (e.g. the headcount thresholds, etc.). I also wouldn't be surprised to see more scrutiny on the cost of distance and online education from consumer advocate, though whether or not they will be heard is another matter all together. Regardless, a shift in leadership, regulatory oversight, and thinking will likely affect distance education in one way or another.
- *Overall Implications for Institutional Compliance with State Authorization:* With the potential rollback of federal regulations, higher education institutions must stay vigilant in monitoring state-level legislative developments - and not just in Colorado. Ensuring adherence to a potential patchwork of state regulations will be crucial to maintain authorization and continue operations without legal impediments.

In summary, the future of state authorization under the Trump administration could be characterized by

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Maybe we'll see a shift towards state-centric regulation in terms of online education. Maybe we'll see this all shifted to a different part of the federal government, like the Department of Labor and we'll have to shift our focus to employment statistics. Regardless, institutions like ours must find ways (together) to proactively adapt to this evolving landscape, emphasizing compliance with diverse state & federal requirements to sustain our educational offerings.

What can we or should we do right now? Once again I'm saying "take stock of your students." I know I sound like a broken record, but take a look at where they are all located (credit and noncredit, full time and part time, etc.) and ask yourself, if the state of X left the reciprocity agreement, what would that mean for us? How many students might that affect and who would need to be involved in triaging that situation on your campus?

I also wanted to make sure to point out that I know we talk about mainly state authorization here, but for your international online students - tariffs with Canada, China, and Mexico would likely hit higher education as well, so be aware of how many students you have in those countries, just in case.

Thanks for hanging with me as we worked out a better way to bring you these updates and new information! You can expect to see posts here from more than just me in the future as colleagues from other colleges and universities will be lending their time and perspective to this space as well as some friends from some of the organizations we know and love! Don't forget to subscribe to the news letter so you can stay up to date with all that is going on and if you have an idea for a topic or would like to contribute please feel free to reach out to me!

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