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January 2023 State Authorization Updates & Information [1]

January 5, 2023 by erika.swain@cu.edu [2]

Happy New Year!

I hope you all had an enjoyable and restful break! I got COVID for Christmas, so that was fun. #firsttimersclub

With all this cold weather, I'm thinking of an island vacation—so what better time to look at some updates and changes in authorization with a few islands, nations, and territories.

- **Adding American Samoa to Disclosures:** American Samoa, a small unincorporated U.S. territory in the Pacific, and students who may be receiving their education from your campus online need to receive all necessary disclosures related to professional licensure programs. The SIS has been updated to accommodate your campus/program determinations. Be sure to coordinate with admissions, as they are communicating with prospective students, and those disclosures are also required.
- **Palau Joined WICHE! What Does That Mean for Us?** Hat tip to Rob Stubbs for noting that the small island nation of Palau joined WICHE in the past year. This is fantastic, as it allows students from those areas to enroll in undergraduate, graduate, and professional programs in the Western U.S. and save on tuition costs. However, for state authorization purposes, we must continue to treat Palau as a foreign country, as it became an independent republic in 1981. Palau's membership in WICHE pertains only to the cost of education, not the delivery of education through alternative modalities to students on the island. There's been no indication yet whether we'll need to register in Palau to deliver education there.
- **The Same Cannot Be Said for the Bahamas:** Do you have any students located in the Bahamas? If so, note that the Bahamas requires U.S. institutions to apply for authorization from their National Accreditation and Equivalency Council to deliver education to students on their islands. As of today, only 14 U.S. institutions have gained approval, none of which are CU campuses. If you have students enrolled in any of your online programs (traditional distance education or Coursera-based), please address this immediately.

Enough with the warm-weather fantasies! Let's turn our attention north to Canada (aka, America's Hat):

While Canada doesn't fall under state authorization, international authorization should still be handled on your campus. But by whom? Have you coordinated with them? Many of the rules and processes may be similar. Considering the growth all three of our campuses aim for in "online" education, ensuring we're following all necessary requirements and regulations—especially those of our closest neighbors—is essential.

The first thing to know is that Canada does not have a unified agency overseeing higher education like we do in the U.S. Instead, each province and Canadian territory oversees education and delivery, so requirements vary. For example, after a brief conversation with someone from the SK Higher Education Quality Assurance Board, I believe Boulder may not need additional authorization there (we're public and have no physical presence in SK), though I'll take a closer look to be sure. Ontario, however, was a different story—they briskly told me to send them a letter and hung up!

The folks at WCET-SAN have compiled fantastic documentation to assist us and our colleagues with this work. I've attached their Guide to Higher Education Regulation in Canada, and I highly recommend reviewing it. If we're conducting business in a province (i.e., delivering education, recruiting, advertising, etc.), we may also be subject to their tax laws. Please share this with those on your campus working to enroll students in online courses and programs (including certificates and MOOCs on Coursera, which cannot represent the university or act on our behalf in these areas). I've also attached a slide deck from my colleague, Cleston (formerly with the University of Arkansas, now at Dartmouth), who has done extensive work on international compliance. He has developed a clear research process and stakeholder list, especially for UA's Nursing departments. Like our work on state authorization, this isn't easy, but it's necessary to remain compliant and competitive in today's higher education landscape.

Finally, campuses should have received their SARA renewal notification and invoice by now. Don't forget to contact Kelly Maden (kelly.maden@cu.edu [3]) at System with a copy of your invoice and the speed type used to pay. Your campus will be reimbursed for SARA fees by System. If your renewal hasn't been processed and your campus owes the State Portal Entity additional information, please address this immediately.

One more thing: You may have heard that the Biden Administration recently announced topics for the upcoming Negotiated Rulemaking sessions this spring. These include accreditation, state authorization, third-party servicers, ATB, gainful employment, and distance education, among other areas. These interrelated topics will impact our roles and institutions. Also, keep an eye on discussions around accessibility, accountability, and web standards, as these regulations will directly affect public institutions and online education. While Title II isn't my strongest area, I'll keep you posted as updates come in.

Have an excellent first full weekend of the new year, my friends, and as always, if you have any questions, please never hesitate to reach out!

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