FAQs [1]

State Authorization Basics

What is state authorization?

State authorization refers to state and federal requirements that all colleges and universities be authorized in the state in which it is offering part or all of an academic program or credential or is otherwise engaging in certain types of regulated activities. This means that when a student enrolls at the University of Colorado and they're not physically located in the state of Colorado when they're participating in a course or program (e.g. online classes, clinical experiences, internships, etc.), the University needs to have approval (or authorization) to operate in the state where that student is located.

Compliance with these state, federal, and other regulations relating to state authorization and licensure assists the university in fulfilling its mission as a national public research university, ensuring access to the education we provide, while continuing to push beyond traditional academic boundaries.

What gives states the right to regulate online education?

The Tenth Amendment of the U.S. Constitution gives states the right to regulate education. In 2010, the Department of Education passed the Program Integrity Rules that included a new regulation for State Authorization (34 C.F.R. §600.9) [2].

What is the State Authorization Reciprocity Agreement (SARA)?

The State Authorization Reciprocity Agreement (SARA) [3] is an agreement among member states, districts, and territories that provides a voluntary approach to the oversight of distance education and other out-of-state learning opportunities offered by colleges and universities. Institutions participating in SARA are authorized through the National Council for State Authorization Reciprocity Agreements (NC-SARA) [4] to deliver distance education and other educational experiences (e.g. internships, clinical placements, etc.) to students located in other SARA-member states or territories without having to apply directly to each state higher education agency for approval.

When states and territories join SARA, they agree to follow uniform processes for overseeing

and approving their eligible institutions' participation. They also agree to work with other states' SARA institutions in a common way when those institutions carry out activities in SARA states other than their own. States also agree to enforce SARA processes and commitments without differentiating by institutional sector or structure. Institutions who participate agree to abide by a common set of guidelines pertaining to distance education as well as the policies outlined in the SARA Policy Manual. [5]

What are the benefits of participating in SARA?

For institutions, participating in SARA [6] has a number of benefits including reducing the burdens on institutional resources, while also reducing the bureaucracy surrounding state authorization - participating in SARA has saved member colleges and universities in the United States an estimated combined $402 million. This allows for institutions to increase their support of student academics and services in the digital environment.

For students [7], NC-SARA acts as an additional oversite for student consumer protection. By requiring member states to follow a uniform process for approving and reviewing participating institutions and their ability to comply with a consistent and effective set of regulations and policies relating to distance education and out-of-state learning opportunities, NC-SARA is able to assist in ensuring student access to educational opportunities are equitable and students remain well-served by their institutions.

What are the consequences of non-compliance with state regulations?

Institutions that fail to comply with State and Federal regulations pertaining to state authorization will lose the ability to offer education to students located outside of their home state and could lose access to Title IV federal aid.

What does ‘physical presence’ and ‘physical presence trigger mean’? Are the physical presence triggers different in each state?

Besides assisting institutions with the state authorization regulations around distance education, an institution’s physical presence in a state is also a regulated activity that NC-SARA has addressed.
For states and territories that participate in SARA, physical presence refers to a location that is semi-permanent (leased, rented or owned), maintains a mailing address or phone number, provides office space for instructional or non-instructional staff, provides information for students in regard to enrollment, provides student support services, or requires students to physically meet at the location for class. Courses like internships, clinical placements, and student teaching does not constitute of physical presence in a SARA member state – however, for programs that lead to professional licensure may have to comply with additional state regulations per the various state professional licensing boards.

In non-SARA states, physical presence triggers can include, but are not limited to, the following: learning opportunities such as clinical experiences or internships; advertising and

marketing; recruiting (including at college fairs); hiring faculty, employing preceptors, student aids, or mentors.

Professional Licensure Programs

What are 'professional licensure programs' and why is this important to know?

Professional licensure programs are programs that require a person to be licensed to practice within the chosen field, for example teacher education, social work, nursing, and geology are all professional licensure programs. You can find a much longer and more extensive list of fields that require someone to hold a professional license here: http://www.careeronestop.org/toolkit/training/find-licenses.aspx [8].

Professional licensure requirements vary by state and by program. Additionally, students who are located, and wish to practice, in a particular field may or may not have additional requirements beyond their education to complete prior to applying for a license. For students considering enrollment or are currently enrolled in a program that leads to professional licensure, the University of Colorado strongly recommends you to contact the appropriate department or program to determine the educational requirements and whether or not the education provided at the University of Colorado will allow you to sit for the applicable licensing exam. Students can review the list of professional licensure programs offered each campus [9] as well as and the states/territories where, upon completion of the degree, they would be eligible for the licensure exam.

What about professions that do not require licensure in Colorado but require licensure in other states?

Each university is still responsible for disclosing to a prospective or current student that although the profession does not require licensure in Colorado, it requires licensure in other states. For example, while geologists are not required to hold professional licensure in Colorado, they are in 36 other states.

How does state authorization affect programs leading to professional licensure (e.g., teaching, nursing)?

While participating in SARA has cleared some of those baseline hurdles when it comes to offering or delivering education outside of Colorado, individual states are still permitted to impose other regulations and limitations on education being offered within their borders by other institutions – especially in regard to educational programs and courses that may lead to licensure. So, while the universities in the CU System participate in SARA and are authorized to offer education in every state, there are some instances, such as out-of-state learning placements like clinicals, student teaching, etc. relating to programs that lead to professional licensure (e.g. student teaching, clinical rotations and placements, etc.) where the university may have to seek additional authorization or approval in some states. Students participating in courses where CU campuses are not authorized could result in the loss of eligibility for

certain forms of financial aid, the inability to complete the academic program, or the university being liable for fines by the Host State. For example, if the one of the universities were to offer part of their BA in Elementary Education program, including any student teaching, in Kentucky, the University would need to seek additional approval from the Kentucky Educational Professional Standards Board to do so.

Disclosure and Notification Requirements

What is required in a state authorization disclosure?

Institutions are required to disclose to students and the public the status of their authorization to offer education outside of their home state and their participation in any state reciprocity agreements, such as SARA. You can find the disclosures for each University of Colorado campus here:

- University of Colorado Boulder [10]
- University of Colorado Denver [11]
    - University of Colorado Anschutz Medical Campus [12]
- University of Colorado Colorado Springs [13]

What is required in a professional licensure disclosure?

Students have a right to information pertaining to and about their education and financial aid. In acknowledging this, the Department of Education [14] and NC-SARA have required institutions to notify student about aspects of these types of courses or programs that could potentially have a negative effect if not communicated, such as the applicability of the education to state licensure requirements. The Department of Education and NC-SARA are emphatic in their belief that providing disclosures on all programs that lead to licensure or certification allows current and potential students to make informed decisions about a program or course and whether or not it will prepare the student to pursue licensure or certification in a particular field and in a particular state.

An institution or program must clearly state whether a course or program that customarily leads to licensure will lead to professional licensure in every state. Alternatively, the institution or program may state that it has yet determine the applicability of the education being provided to a particular state's requirements. Institutions must also provide prospective and current students with the contact information of the appropriate state licensure boards Per federal regulations [14] and as part of an institution's participation in SARA, it is the responsibility of the institution and program, and not the student, to know and disclose where the program leads and does not lead to licensure.

You can find the list of professional licensure programs offered at each University of Colorado campus, and their general disclosures here:

- University of Colorado Boulder [15]
- University of Colorado Denver [11]

    - University of Colorado Anschutz Medical Campus [12]
- University of Colorado Colorado Springs [16]

What other related disclosures are institutions required to post?

Institutions are required to post and notify students of a verity of things per federal regulations [14], most of this information can be found on your university's Student Right to Know page.

Specific to state authorization, an institution must provide information on its student complaint procedure, contact information of its state agency handling student complaints, as well as the contact information of its accrediting body, should the student's complaint escalate to that level.

What's the bottom line?

A student can participate in the majority of any one of the University of Colorado's online courses or programs or field experiences located in a state other than Colorado without their University having to seek additional authorization or permission or send any notifications. However, if the student is enrolled in a program that is intended to lead to, or which a student could reasonable believe leads to, professional licensure, or the student is located in a state or territory that does not participate in SARA, the University may need to seek additional authorizations or approvals prior to the start of that course/program. Additionally, the University is required to notify current and prospective students as to whether or not the successful completion of the education provided by the University will assist the student in meeting state licensing requirements in the state where they are located, even if it is for a single semester.

Resources

If you have any additional questions, please contact:

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Phone: (303) 735-8184
Additional resources can be found here [18].

Groups audience:

Source URL:https://www.cu.edu/state-authorization/faqs-0

Links
[1] https://www.cu.edu/state-authorization/faqs-0 [2] https://www.law.cornell.edu/cfr/text/34/600.9
[3] https://nc-sara.org/sara-institutions [4] https://nc-sara.org/ [5] https://nc-sara.org/resources/guides
[6] https://nc-sara.org/sites/default/files/files/2021-04/GameChanger_Final_4-13-21.pdf
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[18] https://drive.google.com/drive/folders/134ZYw8u7ZkKPZHWUIQX-O7LjMGN925tF?usp=sharing