



POLICY TITLE

Determination of Student Location for State Authorization and Disclosure

POLICY NUMBER

1-012

<i>Responsible Unit:</i> Office of Academic Affairs - SUBR	<i>Effective Date:</i> 07/01/2020
<i>Responsible Official:</i> Vice Chancellor for Academic Affairs - SUBR	<i>Last Reviewed Date:</i>
<i>Policy Classification:</i> Academic Affairs - SUBR	<i>Origination Date:</i> 06/24/2020

I. POLICY STATEMENT AND RATIONALE

To offer distance education programs in a state other than institution’s “home state,” the institution must obtain state authorization or satisfy the requirement through participation in a reciprocity agreement. Membership in State Authorization Reciprocity Agreement (SARA), allows member institutions to offer distance learning programs without securing state by state approvals. Pursuant to the Department of Education’s final rules for state authorization for distance education regulations, codified at 34 CFR 600.9 (1)(ii) (A) - (C), institutions’ authorization to offer distance education programs and compliance with the mandatory licensure disclosure requirements is based on students’ *locations*.

In making its determination of a student’s location:

- **Subsection A** requires that institutions must consistently use the same policies and procedures to determine the state in which a student is located for *all* its students.
- **Subsection B** requires that institutions must, upon request, provide the Secretary of Education with written documentation of its determination of a student’s location and the basis for such a determination.
- **Subsection C** requires that institutions make the determination of a student’s location *at the time of initial enrollment and upon formal receipt from the student* of information about a change in that student’s location.

The regulations take effect on July 1, 2020.

II. POLICY SCOPE AND AUDIENCE

This policy clarifies the question of the applicability of “students’ residency” vs. “students’ location” for purposes of authorization and compliance with the disclosure requirements of Academic Affairs Policy number 1- 004 “Mandatory Professional Licensure Disclosure.” 34 CFR 600.9 (1)(ii) (A) requires that institutions must consistently use the same policies and procedures to determine the state in which a student is located for *all* its students.

The audience affected by this policy include the Division of Academic Affairs, the Division of Enrollment Management, the Division of Finance and Budget, the Office of E-Learning, and any campus unit responsible for determining state authorization or making disclosures required for professional licensure and certification.

III. POLICY COMPLIANCE

State authorization is a condition of Title IV eligibility. The failure to comply with this policy may subject to penalties under the “misrepresentation statute” at 34 CFR 668.71. False or misleading disclosures regarding the ability of a student to obtain licensure or practice a trade or profession in a particular state may lead to violations of the Title IV misrepresentation rules, which carry serious penalties and may invite private lawsuits, or even FTC or State Attorneys General investigations.

IV. POLICY DEFINITIONS

Authorized: Holding a current valid institutional Charter, license, approval, or other written document issued by a State, the federal government or a recognized Indian tribe, granting the named entity the authority to issue Degrees and operate within a State or jurisdiction as a postsecondary education Institution.

Home State: A SARA-Member State where an Institution holds its Legal Domicile, Authorization and is Accredited. To operate under SARA an Institution must have a single Home State.

NC-SARA: The National Council for SARA.

SARA: State Authorization Reciprocity Agreement

SARA Approval: A written statement by an Institution’s Home State that the Institution meets the minimum requirements to participate in SARA.

Student Location: The state where a student is physically located at the time of initial enrollment during a regularly scheduled term or the location indicated in a student’s notification of change in location.

V. POLICY IMPLEMENTATION PROCEDURES

See Attachment A - “Procedures for Implementation of Policy on Determination of Student Location for State Authorization and Disclosures.” Regarding institutional administrative responsibility, the Division of Academic Affairs, the Office of E-Learning, the Division of Enrollment Management, and the Office of the Registrar shall be responsible for these and additional procedures and necessary for implementation of the policy.

VI. POLICY RELATED INFORMATION

The applicable rules can be found at 34 CFR 600.9 (1)(ii) (A) - (C):

<https://www.govinfo.gov/content/pkg/CFR-2019-title34-vol3/xml/CFR-2019-title34-vol3-sec600-9.xml>

VII. POLICY HISTORY AND REVIEW CYCLE

This is a new policy. The effective date of this policy is July 1, 2020 as required by 34 C.F.R. Section 600.9. This origination date of this policy is June 24,2020 and is subject to review at such times as mandated by federal law and the Southern University System five-year policy review cycle.

VIII. POLICY URL

Upon approval, the policy will be located at this URL: <http://www.sus.edu/page/su-board-policies>

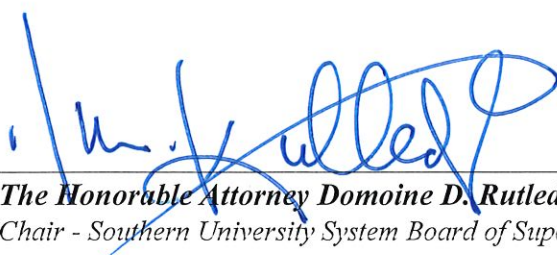
IX. POLICY APPROVAL



Ray L. Belton, Ph.D.
President-Chancellor, Southern University and A&M College System



Effective Date of Policy



The Honorable Attorney Domoine D. Rutledge
Chair - Southern University System Board of Supervisors

Effective Date of Policy

ATTACHMENT A

Policy on Determination of Student Location for State Authorization and Disclosures Procedures for Implementation

Student Location is the state where a student is physically located at the time of initial enrollment in a regularly scheduled term or the location indicated in a notification by the student of a change in location.

Institutional Administrative Responsibility

The Division of Academic Affairs, the Office of E-Learning, the Division of Enrollment Management, and the Office of the Registrar shall be responsible for these and additional procedures and necessary for implementation of the policy.

Applicability of the Policy and Procedure

The policy on determination of student location, and these procedures apply to every instance when the institution must decide a student's location, notwithstanding the delivery modality of the student's degree program.

Time of Determination of Student Location

The institution shall make the determination of a student's location *at the time of the initial enrollment or upon formal receipt from the student* of information about a change in that student's location.

Subsequent General and Direct Disclosures

Upon receipt of formal notification from a student of a change in that student's location, the institution shall notify the student in writing of the consequences concerning state authorization and provide the required disclosure regarding professional licensure in the state of the new location. The "writing" in these procedures shall mean the same as indicated in the Policy on Mandatory Professional Licensure Disclosures.

Maintaining Records of Student Location

The institution shall maintain a record of direct closures to students and the record of students' location determinations. The records shall be maintained in accordance with the requirements of Southern University System, State of Louisiana and federal law related to record-keeping and maintenance. Upon request, the institutions must provide the Secretary of Education with written documentation of its determination of a student's location and the basis for such a determination.