



Reminder: ED State Authorization Rule Takes Effect July 1

June 4, 2020

The US Department of Education's [final regulations requiring state authorization for distance education programs](#) will take effect July 1, 2020. The new regulations require that schools hold authorization in every jurisdiction where such authorization is required and that schools make a number of consumer disclosures, particularly around professional licensure.

Although the Department of Education has relaxed or delayed a number of regulatory requirements in light of the COVID-19 pandemic, ED has not indicated that it intends to provide schools any leeway on the new regulations, and we expect them to take effect July 1 as scheduled.

We have previously detailed the rule [here](#). It is important to note that institutions will need time to confirm they satisfy the requirements, which can be burdensome. As a condition of Title IV program eligibility, institutions must document that they maintain state authorization in any state in which enrolled students are located, if that state requires it. While participation in SARA satisfies the authorization requirement under the new regulation, institutions that are not SARA participants and whose students have shifted to online learning due to COVID-19 may need to determine whether they hold all state licenses that are required for offering distance education.

In addition, institutions offering programs that lead to professional licensure – regardless of whether those programs are offered online or in-person, on campus or another physical site – also need to review the consumer disclosure requirements. The rule requires institutions to list all states in which the program does or does not lead to licensure, or indicate that the institution has not made a determination regarding licensure. This will require listing all 50 states and the District of Columbia in one of those three categories in a public disclosure on your website. Further, if an institution's program does not lead to licensure in a state, or cannot confirm whether it does, the institution also needs to make direct disclosures to prospective and current students in those states.

Please contact us if you have any questions on how to comply with the new regulations.

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