Policy Update from Capitol Hill

In May, federally appointed negotiators on a rule-making panel failed to reach consensus on requirements for colleges to receive state authorizations for programs they operate beyond their own state borders.

Conversations centered around:
- state authorizations being linked to access to eligibility for federal student aid
- Aid being available only if institutions had approval in the respective state
- Institutions demonstrating that they are in an “active process” to secure authorizations

Constituents responded by highlighting that such policies would ultimately hurt the students.

Since no consensus was reached, the secretary of education has the authority to decide whether or not to issue a rule. If the department does choose to issue a rule, any exemptions that NYU has secured could be lost and the timeline to achieve full compliance would be expanded significantly.

Impact on NYU
New York State is not part of a regional compact, an organization of higher education institutions and agencies. Due to this, NYU is not currently eligible to participate in any proposed regulations that would enable compliance through common applications, referred to as reciprocity agreements.

Regardless of what the federal regulations say, the states expect institutions to be in compliance with their laws and regulations prior to serving students or performing any other regulated activity in that state. Individual state compliance deadlines are still in place.

NYU will continue to seek compliance in each individual state and closely monitor political decisions that could impact the plan to comply.

Massachusetts

Massachusetts is a priority state for NYU in its plan to achieve compliance in all states. Currently, the state has proposed new regulations and processes under review. Massachusetts has ceased their previous process and acceptance of applications until the new regulations are in place.

NYU hopes that the new regulations will be available in the next 4-6 months and at that time, we will begin the process to secure state authorization. Until then all NYU activity is restricted in Massachusetts. Once authorization is secured, non-classroom experience activity will be allowed in the state.
Progress by the Numbers

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<th>NYU State Authorization: % Compliance by Year</th>
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<td>Year</td>
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State Authorizations in Process

- **North Carolina**: The Office of Academic Program Review has received documentation reports from all programs at NYU with required non-classroom experiences that could take place within North Carolina which will seek approval. If a program did not partake in the process, that program's students will not be able to complete a required non-classroom experience in the state of North Carolina. The office is preparing to navigate subject specialist reviews and a site visit to campus, as required by North Carolina, in the next 3-6 months.

- **Florida**: The Office of Academic Program Review has worked closely with the Office of Undergraduate Admissions to secure necessary registrations for recruitment agents. The paperwork is currently under review for approval by Florida.

Looking Ahead, Fall 2014

- **Maryland**: The Office of Academic Program Review has contacted schools individually to share details of the process. The process is underway.

- **Texas**: The Office of Academic Program Review will seek to secure exemption status.

Distance/Online Education

Currently, NYU programs that offer online courses or programs must restrict enrollments from the following states:

- Alabama
- Alaska
- Arkansas
- Oregon
- Utah
- Wisconsin
New University Membership

Learn how it could benefit you

New University Membership

NYU recently became a member of the WICHE Cooperative for Educational Technologies (WCET) – a division of the Western Interstate Commission for Higher Education.

Given how technology touches every aspect of our academic, outreach, administrative, and all units, you are invited to check out the news roundups, resources, and sharing of ideas, practices and policies that occur through WCET’s community of 330+ colleges and universities nationally. All NYU personnel are able to subscribe to WCET’s member-only email lists:

- WCET’s weekly Article Digests compile national news related to higher education and technology. The Digest is organized into Academic, Technology, and Policy related articles. Users can modify the settings to receive the news list weekly.
  
  wcetnews@wcet.wiche.edu

- WCET’s moderated list for discussions cover a wide range of issues, e.g., how instructional design is organized on campuses, types of online student course evaluation tools used by institutions, how institutions are promoting academic integrity integrating lecture capture and/or web collaboration tools. Users can modify the settings to receive the discussion list daily.
  
  wcetdiscuss@wcet.wiche.edu

To subscribe to either email list, please email Sherri Artz Gilbert at sartzgilbert@wiche.edu.

In addition, WCET’s blog Frontiers is a tremendous resource on issues related to state authorization, federal policy issues impacting distance education, and innovative practices among WCET’s community. It can be accessed by visiting http://wcetblog.wordpress.com/.

NYU also joined the WCET State Authorization Network (SAN). While NYU schools with programs that lead to licensing are responsible for their respective regulations, SAN is a good resource for updated information related to such processes and for efficiently navigating state regulations.

If a SAN resource applies to specific units at NYU, Brianna will contact school staff to share it with them. To learn more about SAN, please contact Brianna Bates at brianna.bates@nyu.edu.

NYU State Authorization Industry Activity

Brianna Bates, NYU Assistant Director, Academic Program Review, spoke at the Association of Distance Education and Independent Learning (ADEIL) Annual Conference which was held at Western Kentucky University. The presentation can be viewed here. Brianna was also elected to serve as an active board member for ADEIL for the 2014-2015 term.

In November 2014, Brianna will deliver a panel presentation with Dr. Diana Karafin, NYU’s Director of Assessment and Evaluation. The presentation is titled “State Authorization: Steps for Success” at the WCET Annual Conference in Portland, OR. The presentation includes lessons learned, tips, and strategies for ensuring comprehensive, data-driven institutional compliance processes.

Brianna and Diana will also deliver a presentation titled “Strategic Planning for Higher Education Policy Compliance: The Case of New York University and State Authorization” at the Hawaiian International Conference on Education in January 2015. The conference is jointly sponsored by Pepperdine University and Drexel University.
Continuing Education Credits
Distance Education & Enrollment Restrictions

Thirteen states have regulations that require educational institutions to secure state authorization prior to offering Continuing Education Credits (CEU's) via distance education to residents of their state. NYU has already secured approval in five of these states. Eight remain, from which enrollments should be restricted until further notice:

- Alabama
- New Hampshire
- Oklahoma
- Texas
- Wisconsin
- Alaska
- Oregon
- Utah

A common question is whether or not a program can offer a student access to the CEU, but not grant credits to them if they are from a restricted state and still remain in compliance. Unfortunately, even without offering CEU's, individuals in the restricted states won't be able to access the materials. The State Authorization issue has grown out of a consumer protection focus. Even without CEU's being granted, just delivering distance education to students in the respective states in exchange for payment could trigger a state to notify the University of non-compliant activity. Restricting enrollments is best practice to protect the University from liabilities and potential fines for non-compliance. It is essential that (for now) individuals residing in these states simply be restricted from enrolling.

If there are states that are restricted that are a high priority for your program to be able to enroll students, please contact Brianna Bates at Brianna.Bates@nyu.edu.

Save the Date
State Authorization Meeting
Monday, December 1st, 2014
2:30-4:00pm
Kimmel 802