



NATIONAL ASSOCIATION OF STATE ADMINISTRATORS
AND SUPERVISORS OF PRIVATE SCHOOLS

ROAD TRIPPING WITH MS+

*Exploring Professional Licensure and Certification
through the lens of the 2023 Federal Regulations*

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2024 NASASPS Annual Conference

April 7-10 | Charleston, SC

AGENDA



Share insights into the relevant changes in 2023 Federal Regulations through the lens of PLC and other disclosures.



Understand the value of multi-pathway professional licensure disclosures (MPLD).



Review sample disclosures and attestations for several program types.



Big Ask: Multi-state collaboration to develop a database of newly, required disclosures and attestations. Including MPLD, State closure laws/reg, and the effect of criminal convictions on disclosures.



ALTERNATE PATHWAYS TO LICENSURE

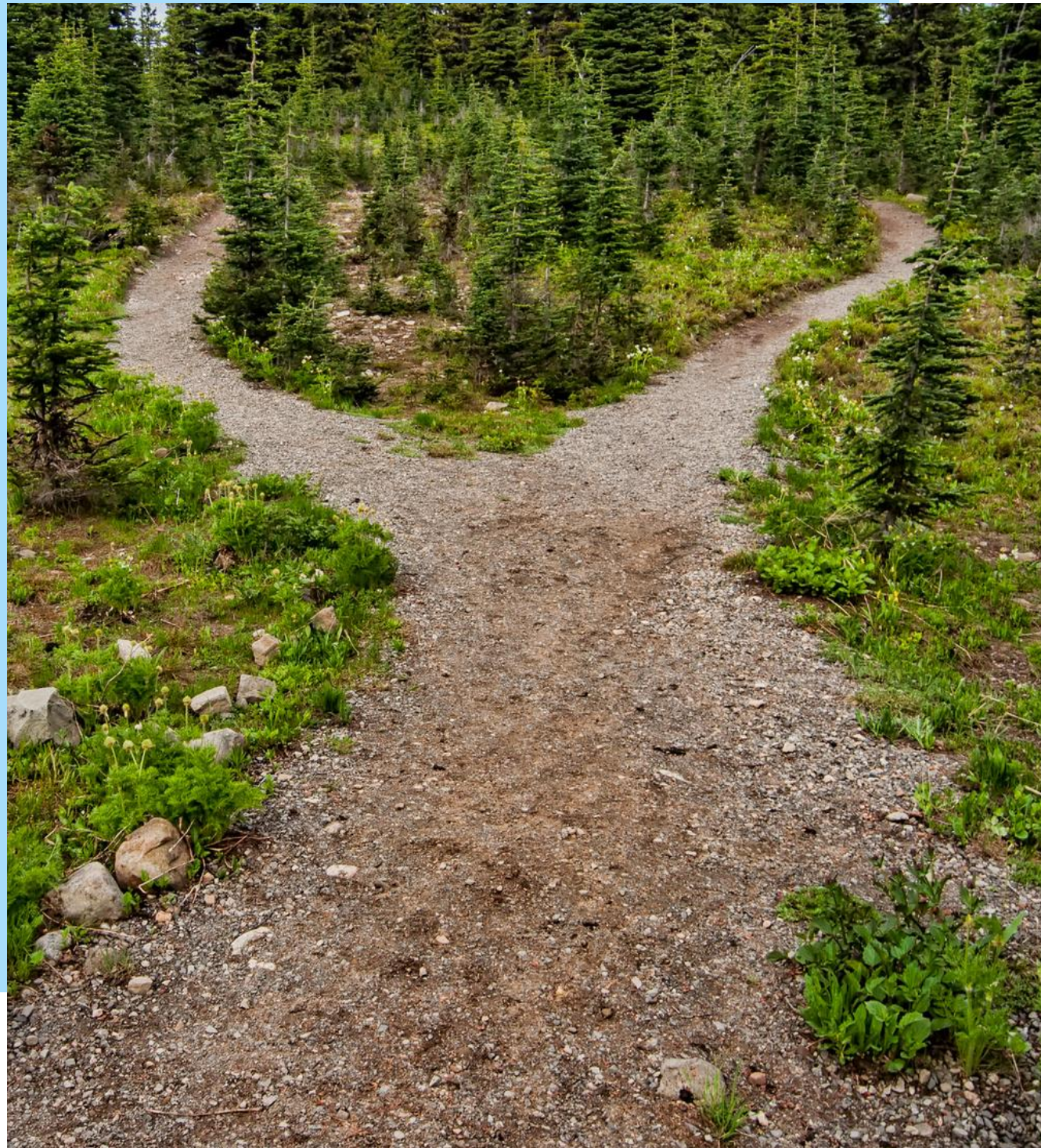
**What the Department Has Said
and What Options are
Available**

FEDERAL REGULATIONS

Proceed with Caution

- 34 CFR 668.14(b)(32)
- 34 CFR 668.43
- Apply to programs that lead to licensure or certification
- Go live July 1, 2024
- Student location at time of initial enrollment
- Gone is the “have not made a determination” option for disclosure, BUT.....





PATHWAYS TO LICENSURE

Addressed by the Department of Education

Page 74,647 in Preamble:

- **Comments:** pathway to licensure through State reciprocal agreements and the new Teacher Education Compact for license mobility.
- **Discussion:** ...We are persuaded by commenters that the way to meet this requirement (Disclosure) can take a few forms..., Because these are all forms of licensure

CONFIRMATION

Happy Dance

- Department of Education confirms
 - Vanessa Gomez
- SAN Supported
 - “The bottom line is if you find that you can use this option to satisfy state educational requirements, **document, document, document.**”
- Multi-Pathway Professional Licensure Disclosures (MPLD)



SAN SUPPORTS THIS POSITION

(Yes, I am putting words in their mouth.)

“SAN has discussed this option offered in the preamble a bit (note not in regulation) and can offer some resources. The bottom line is if you find that you can use this option to satisfy state educational requirements, **document, document, document.** Upon review, the Department will want to see the steps to get the student to employment.”



ALTERNATIVE PATHWAYS TO LICENSURE

Prepare to Exit

- Initial Licensure
- Alternate Licensure
- Reciprocity/Endorsement
- Occupational Licensure Interstate Compacts
- Transferring License
- License Portability
 - Service Members & Military Spouses
 - Dependents and Spouses of Medical Professionals
- Uniform Accountancy Act



RECOGNIZING OTHER STATE LICENSES

It's Not New

- Your Driver's License!
- Not a Federal solution
- States came together to solve issue of motor vehicles across state lines

Source Citation: National Conference of State Legislatures (NCSL), <https://www.ncsl.org/state-legislatures-news/details/are-interstate-compacts-an-answer-to-health-workforce-shortages>



The Federal Government *Already* Endorses Reciprocity and Compacts

The Department of Health & Human Services states on its website:

“There are various ways a health care provider may provide services across state lines.”

- Obtaining a full license;
- Checking temporary practice laws;
- Seeing if there is licensure reciprocity;
- Joining a licensure compact;
 - Multi-state licensing compacts
 - Compacts for physicians and nurses (NLC for example)
 - Allied and auxiliary health care workers
 - Emergency medical services personnel

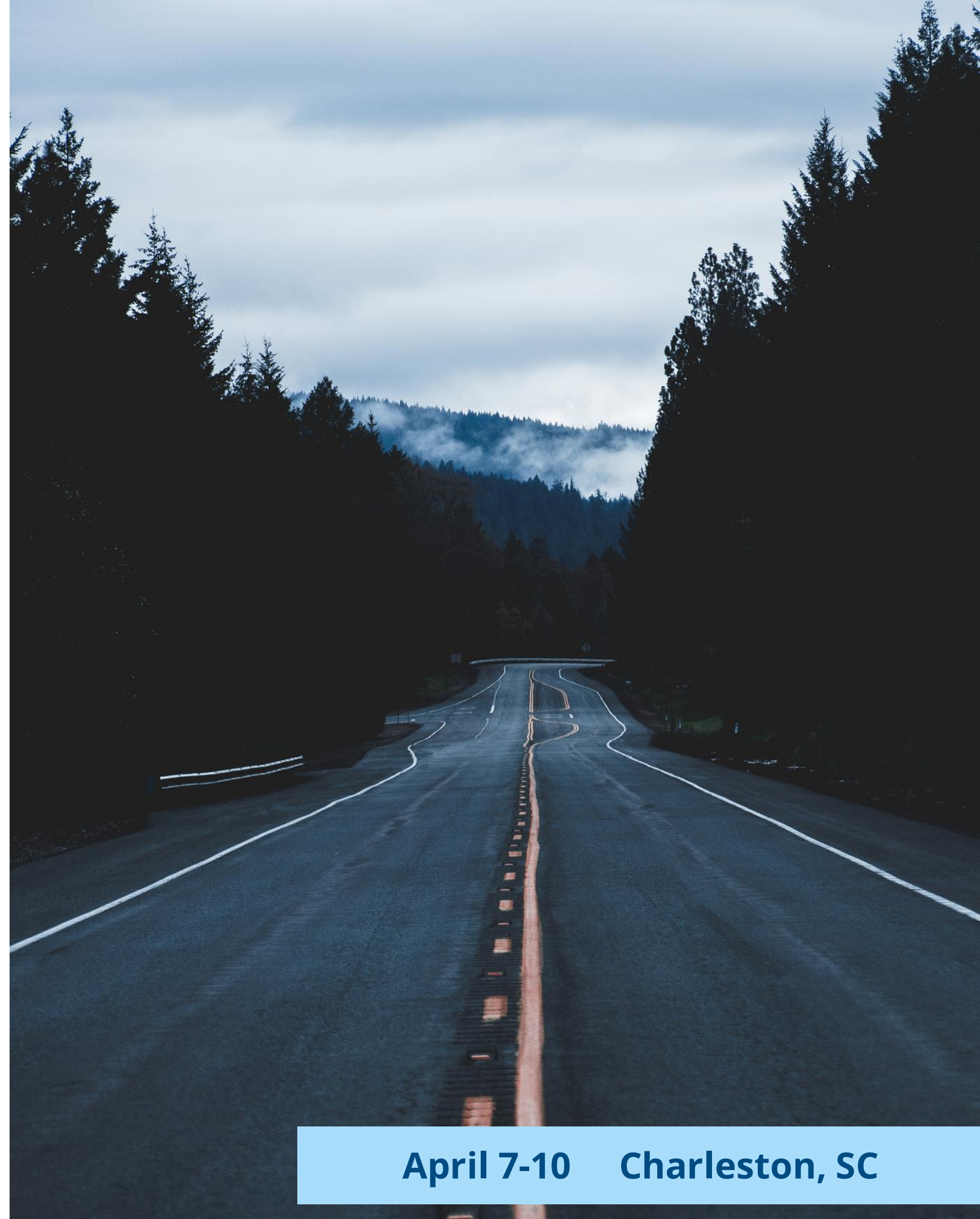


National Center for Interstate Compacts

The Council of State Governments

- **15 Professions** with Available Occupational Licensure Compacts
- **250** Compact Legislation Passed since 2016
- **49 States and Territories** Participating in at Least One Occupational Licensure Compact
- Practitioners benefit from **one multistate license** rather than multiple single-state licenses, with electronic database/transparency (Coordinated Licensure Information System)
- **States and Consumers benefit**

Source Citation: <https://compacts.csg.org/>



LICENSURE COMPACTS



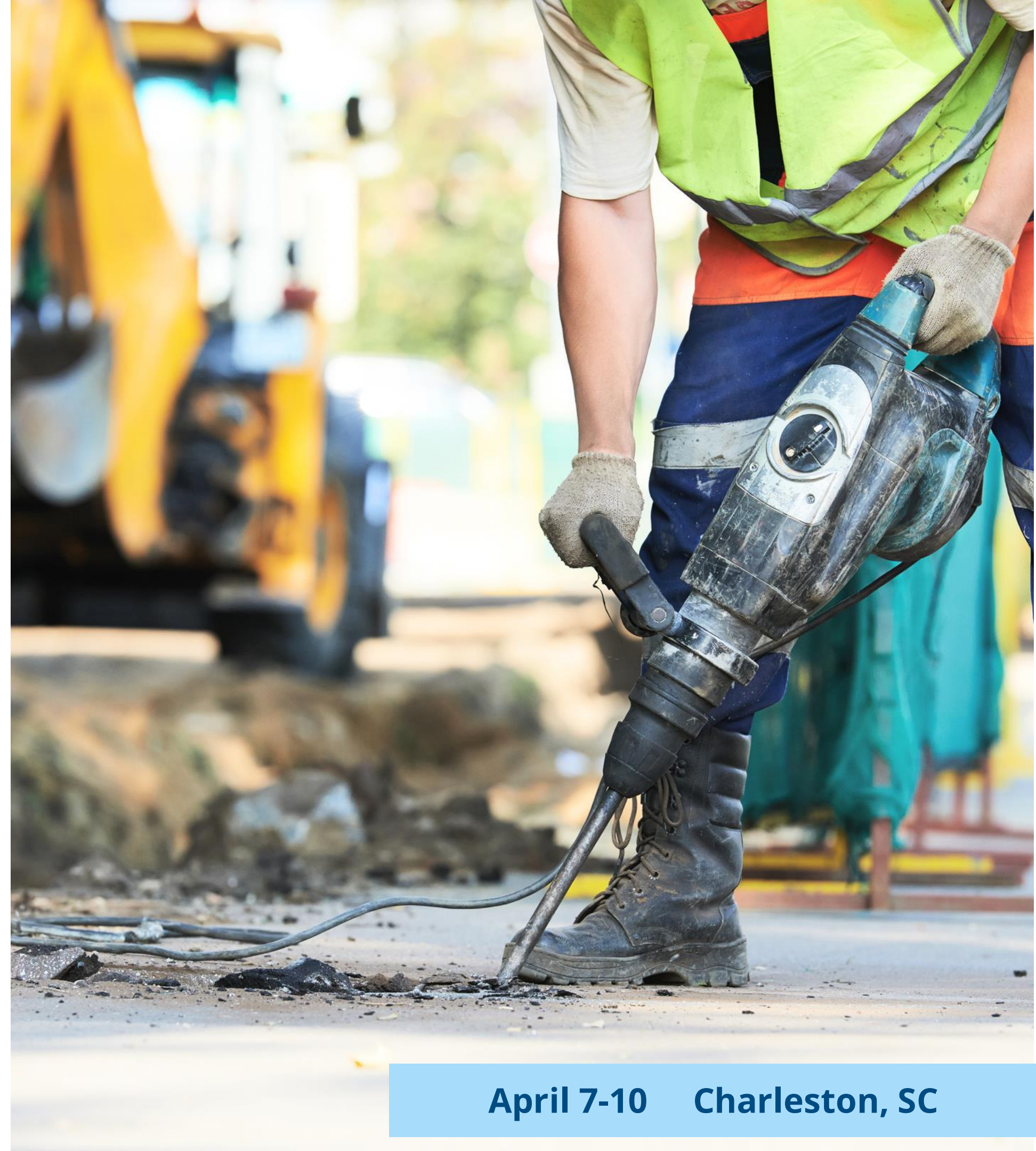
- Advance Practice Registered Nurse Compact
- Audiology and Speech-Language Pathology Interstate Compact*
- Cosmetology Compact*
- Counseling Interstate Licensure Compact*
- Dentist and Dental Hygienist Compact*
- Emergency Medical Services Compact
- Interstate Medical Licensure Compact (39 states plus territories)
- Interstate Teacher Mobility Compact*
- Massage Therapy Compact*
- Nurse Licensure Compact (41 States plus territories)
- Occupational Therapy Compact*
- Physical Therapy Compact
- Physician Assistant Licensure Compact (PA Compact)*
- Psychology Interjurisdictional Compact*
- Social Work Compact*

**Compacts the CSG National Center for Interstate Compacts is currently providing development or administrative services.*

LICENSURE COMPACTS In Development

- Dietitians Compact*
- School Psychologists Compact *
- Respiratory Therapists Compact *

**Compacts the CSG National Center for Interstate Compacts is currently providing development or administrative services.*



Licensure Portability for Military Spouses

The **Military Spouse Licensing Relief Act** of 2021 is an amendment to the **Servicemembers Civil Relief Act (SCRA)** that provides for the portability of **professional licenses of service members and their spouses** who are relocated, because of military orders, outside of the jurisdiction that issued the license.





Universal Licensure recognition (ULR) allows states to recognize education, training and other key skills applicants have but still require residency, testing, and background checks along with fees.

Universal Licensure

To date, 22 states have implemented some form of ULR.

Latest two states are:

- Arkansas (2023)
- Virginia (2023)

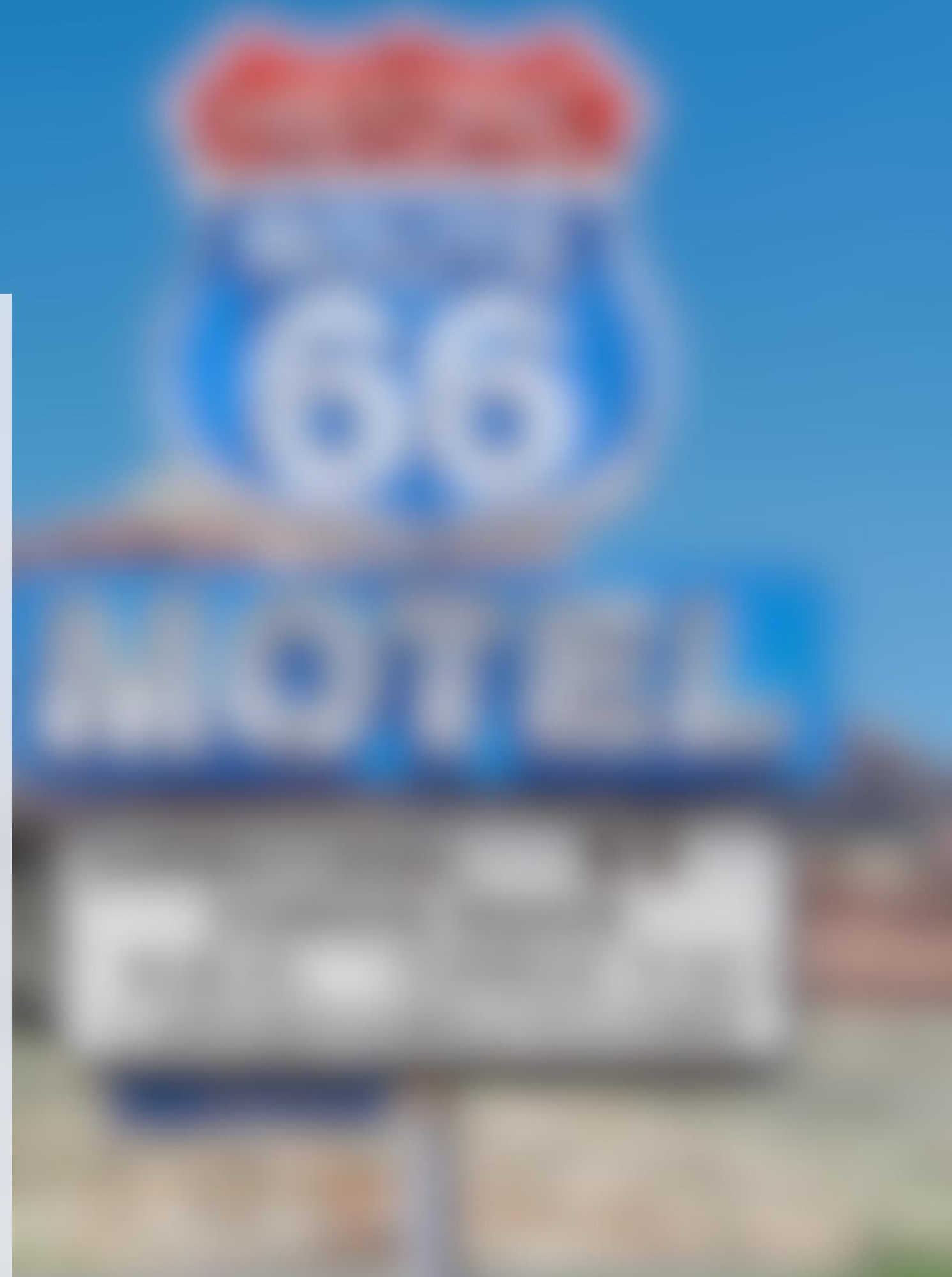
Multi-State Occupational Licensing Learning Policy Consortium



Occupational
Licensing State
Governments Take Note

- Arkansas
- Colorado
- Connecticut
- Delaware
- Illinois
- Indiana
- Kentucky
- Maryland
- Nevada
- Wisconsin
- Utah

ENGAGEMENT BREAK!



TRAVEL TRIVIA

WHICH FAMOUS AMERICAN HIGHWAY STRETCHES FROM CHICAGO TO SANTA MONICA, COVERING OVER 2,400 MILES AND PASSING THROUGH EIGHT STATES?

A. Interstate 76

B. Interstate 40

C. Interstate 70

D. Interstate 66

TRAVEL TRIVIA

D. ROUTE 66



TRAVEL TRIVIA

**WHAT FAMOUS LANDMARK
DID FRANCE GIFT TO THE
UNITED STATES IN 1886?**



TRAVEL TRIVIA

THE STATUE OF LIBERTY

MISSISSIPPI VIRTUAL

Professional Licensure Collaboration



PROFESSIONAL LICENSURE

- On **July 1, 2020**, the U.S. Department of Education regulations **34 CFR 668.43(a) (5) (v)** and **34 CFR 668.43(c)** went into effect.
- On **April 12, 2022**, the Mississippi community colleges **agreed to collaborate**, where applicable, to reduce duplication of effort and to ensure **system-wide compliance**
 - Uniform Course Numbering System
 - Curriculum Alignment
 - Course Objectives

MISSISSIPPI
COMMUNITY COLLEGE BOARD

ABOUT - COLLEGES - RESOURCES

Professional Licensure Disclosures

Per federal licensure leading with federal to determine each state. These

Search by CIP Number

12.3456

Agriculture, Food, and Natural Resources

Architecture

Veterinary Technology

CIP: Agriculture, Food, and Natural Resources

CIP Number: 51.0808

Licensure/Certification:

- [Professional Licensure Disclosure](#)
- [Curriculum Pathway](#)

State Licensure Board:

American Association of Veterinary State Boards
380 W. 22nd Street, Suite 101
Kansas City, MO 64108

[Licensure Board](#)

BIG ASK

Create a comprehensive database encompassing all closure laws and criminal convictions that could potentially disqualify individuals from obtaining professional licensure.

**Interested? contact us at
ms_plus@googlegroups.com**



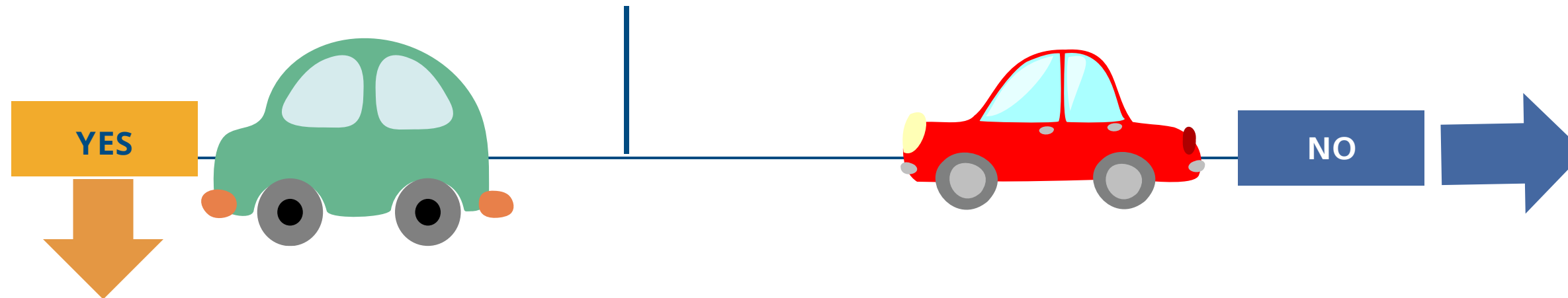
ATTESTATIONS

**New Lane Configuration
Coming Soon**

TAKE A ROADTRIP TO ATTESTATION TOWN*

1

Does the program in which the student is enrolled require the student to take an online course during their first semester (even if they are located in the same state as the institution they are attending when they are taking the online course)?



2

Does the program involve students engaging in typical distance education, such as taking online courses or involve students engaging in supervised field experiences outside the state in which the institution is located?



3

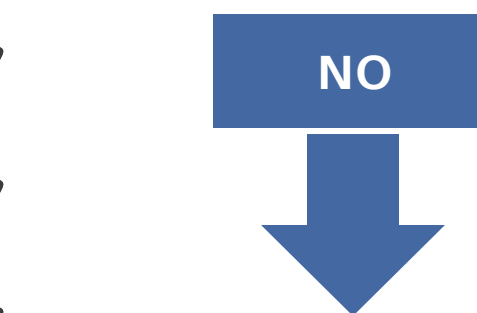
Does the student currently reside in a state whose educational requirements for licensure or certification are not met, but the student intends to move to a state where they are met?



Obtain attestation from student.

No need for attestation.

This program cannot be offered to the student using Title IV funds, as the program does not lead to licensure in the state in which the student intends to locate.



No attestation is required.

* How to protect your assets with an attestation.

Attestations

Prior to Enrollment

- An **Attestation** is triggered when a prospective student plans to enroll in a licensure or certification program which **does not meet** the state-specific educational requirements where the student currently resides.
- **Students** who are located in a “**does not meet**” location can still enroll if they are provided with information about licensure and attest that they will seek licensure and employment in a designated “**meets**” state/territory. (HELP, 1/2024)





A check box or short automated form will not cut it, but if institutions are willing to create a robust process for education and attestation, they will not have to lose these enrollments. The intent of this exception is to provide for specific situations where a student residing in one State has concrete plans to move to another. That State must be named in the attestation.

(HELP, 1/2024)

- The **student** will be provided with a program-specific **Attestation** in which they will acknowledge they live in a state whose educational requirements for licensure are **not met**. The student will provide in their own words the following three pieces of information*:
 - The state in which they plan to **relocate**;
 - The **details** of the relocation; and
 - **Confirmation** that the program meets the educational requirements of the state to which they are relocating.
- ED will be looking to see how institutions counsel students and ensure they are not steered towards programs that **do not meet** the desired outcomes.
- **Attestations** must be **retained** by the institution and readily available in case of an audit.

“

A form with checkboxes will not be allowed, and instead, the student will have to be detailed in their narrative.

Vanessa Gomez

“Re: Clarifying Questions” Received
by Jennifer Lewis February 13, 2024

ATTESTATIONS

Currently Enrolled

Students **currently enrolled** in a program that leads to licensure or certification who plan to **move to another state** where the educational requirements for their program are **not met** must be advised that the program will **no longer lead to licensure**.

Institutions are encouraged to meet with their counsel to establish talking points which advisors can provide students in these instances. *(Note: Per ED, students who are enrolled in programs prior to 7/1/2024 and relocate during their program, will continue to receive TIV, regardless of educational requirements being met.)*



“

... the requirements apply **to programs** so if a program is designed or advertised as leading to licensure or certification, the program **must meet** the licensure/certification requirements in the State the student **attests** they will seek employment in, **even if the student says they are not going to seek licensure.**

Vanessa Gomez

“Re: Clarifying Questions” Received
by Jennifer Lewis February 13, 2024





DISCLOSURES

Detours and Delays

STUDENT DISCLOSURES

General Information



- Must be **sent prior** to **initial enrollment** in the program. Any prospective student receiving this **disclosure** would need to go through the attestation process and **attest** to seeking licensure/employment in a **“meets”** state in order to enroll. (HELP, 1/2024)
- **Required** for students if the program becomes **“does not meet”** in the state/territory where the student is currently located or if the student moves to a “does not meet” location. (HELP, 1/2024)
- Must be sent within **14 days** of making such determination—no change from the current regulation. *Note these students would not lose access to Title IV funds and can continue being enrolled in the program.* (HELP, 1/2024)

“

**As stated in 34 CFR 668.14(b)(32),
institutions should make this
determination once—at the time
of initial enrollment.**

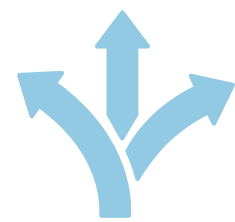
Vanessa Gomez

“Re: Clarification” Received by
Jennifer Lewis January 11, 2024

STUDENT DISCLOSURES

Public

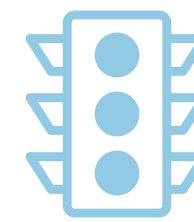
Regulation: **34 CFR § 668.43(a)(5)(v) (v)** If an educational program is **designed to meet** educational requirements for a specific professional license or certification that is **required for employment** in an occupation, or is **advertised as meeting** such requirements:



A **list of all States** where the institution **has determined**, including as part of the institution's obligation under § 668.14(b)(32), that the **program does** and **does not meet** such requirements;



"No determination made" category is no longer included



Schools should not be advertising or enrolling students from States where they **don't know if they meet** licensure/certification requirements.



Institutions should clearly **distinguish** those States where the program **does not meet** requirements when advertising in several States (HELP, 1/2024)

STUDENT DISCLOSURES

Individual Direct



Regulation: 34 CFR § 668.43(c)(1) If the institution has made a determination under paragraph (a)(5)(v) of this section that **the program's curriculum does not meet the State educational requirements for licensure or certification** in the State in which a prospective student is located, or if the institution has not made a determination regarding whether the program's curriculum meets the State educational requirements for licensure or certification, **the institution must provide notice to that effect** to the student prior to the student's enrollment in the institution in accordance with § 668.14(b)(32)

(2) If the institution makes a determination under paragraph (a)(5)(v) of this section that a **program's curriculum does not meet the State educational requirements for licensure or certification in a State in which a student who is currently enrolled** in such program is located, the institution must provide notice to that effect to the student within 14 calendar days of making such determination.

1. Requirements

- a. Create processes, typically through email
- b. Within 14 calendar days for current student - if changes to "does not meet"
- c. Best practice - send to all prospective students, even if "meets"
- d. Collect acknowledgment of receipt through application or enrollment agreement. Try to insert into existing communication processes



ENGAGEMENT BREAK!

A background image showing several football players on a field. The players are wearing white jerseys with red and black accents. One player in the foreground is wearing a white helmet with a red and black logo. The text is overlaid on a semi-transparent white box.

LET'S GET UP, GET MOVING & get to work

- Check your handout for the logo of the university/college that participates in NCAA football.
- Move to the Football Conference Table that matches the school logo on your handout

Don't know what conference your school is in? We got a slide for that.



BIG



ACC



XII

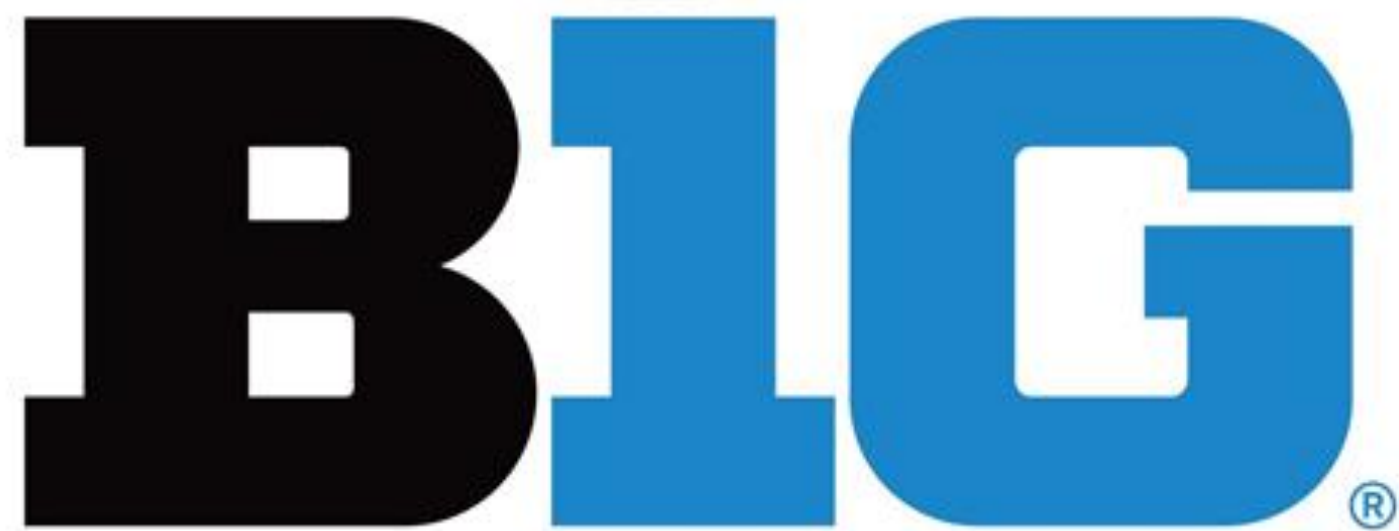


Top 4 Football Conferences (2024)*

*Yes, we are aware that this isn't the most up-to-date list of conferences, but several football nerds approved the use of this Sept. 2023, Twitter/X post. Please don't complain to us, we have no clue about football.
~Anne & Kelly

What will your table work on?

Attestations



Disclosures



Attestations

Disclosures



GOAL: Work as a team and follow the instructions on the handouts.



Presenters are available to assist with any questions.



COMPLIANCE STRATEGIES

Road to Success



HOW DID YOU DO?

Attestations & Disclosures Follow-Up



NATIONAL ASSOCIATION OF STATE ADMINISTRATORS
AND SUPERVISORS OF PRIVATE SCHOOLS

CONCLUSION & KEYPOINTS

2024 NASASPS Annual Conference

April 7-10 | Charleston, SC

QUESTIONS?





NATIONAL ASSOCIATION OF STATE ADMINISTRATORS
AND SUPERVISORS OF PRIVATE SCHOOLS

Thank you
Have more questions?

Reach out to us at:

ms_plus@googlegroups.com



CONTINUE THE TRIP
RESOURCES AND INFORMATION

“

As stated in 34 CFR 668.14(b)(32), institutions should make this determination once—at the time of initial enrollment.

Vanessa Gomez

**“Re: Clarification” Received by
Jennifer Lewis January 11, 2024**

- The student will be provided with a program-specific **Attestation** in which they will acknowledge they live in a state whose educational requirements for licensure are **not met**. The student will provide in their own words the following three pieces of information*:
 - The state in which they plan to relocate;
 - The details of the relocation; and
 - Confirmation that the program meets the educational requirements of the state to which they are relocating.
- ED will be looking to see how institutions counsel students and ensure they are not steered towards programs that do not meet the desired outcomes.
- Attestations must be retained by the institution and readily available in case of an audit.

A Growing Industry in Need of Reciprocity:

TELEHEALTH

Center for Connected Health Policy
(CCHP): <https://www.cchpca.org/>

- 2012 became a National Telehealth Policy Resource Center
- Cross-State Licensing
- Licensure Compacts

CCHP Tracks Six Compacts

1. The Interstate Medical Licensure Compact
2. Nurses Licensure Compact
3. Physical Therapy Compact
4. Psychology Interjurisdictional Compact
5. Audiology and Speech-Language Pathology Interstate Compact
6. Emergency Medical Services Personnel Licensure Interstate Compact.

THE AMERICAN LEGISLATIVE EXCHANGE COUNSEL (ALEC)



The Model Interstate-Mobility & Universal-Recognition Occupational Licensing Act

The Act provides that an individual can obtain a license if they can meet any of the three different paths:

- a) an existing occupational license and 1 year of experience,
- b) a professional certification and 2 years of experience, or
- c) 3 years of experience in the occupation.

This Model has no residency requirements and would allow workers to receive a license for a job with a similar scope of practice without needing to redo qualifications.

Those applying for licensure in a state that adopts this Act would have to take "a jurisprudential examination specific to relevant state laws that regulate the occupation", which is noted to be important for consumer protection by confirming that those obtaining licenses understand state specific laws.



**Programmatic
Accreditation or State
Licensure, and Disclosures
(§§ 668.14(b)(32)(i) and (ii)
and 668.43(a)(5)(v))**

Pg. 74647 Preamble

Comments: Many commenters pondered how the Department reconciled the limitation on institutions and students from meeting State educational prerequisites for Teacher Preparation Programs that often include only a course or two in the program addressing State specific history or culture even though, **there is a pathway to licensure** through State reciprocal agreements and the new Teacher Education Compact for license mobility.

Discussion: The Department's concern is that a student who completes a program be able to meet the educational requirements for licensure or certification in their State. **We are persuaded by commenters that the way to meet this requirement can take a few forms.** While the most straightforward would be to simply get licensed in the State they are living in, **there are options for some occupations like teaching to obtain a license in their home State through reciprocity.** In such situations the student obtains a license in a different State, but there is an agreement that allows them to use that license elsewhere. We believe that such situations would address the Department's policy concern, **provided that the student obtain a license that through reciprocity allows them to work in the State covered by the requirements in §668.14(b)(32)(ii). This could include both a full license as well as a provisional one.** Because these are all forms of licensure we do not think a regulatory change to capture this concept is necessary.