

## **October 2024 State Authorization Updates & Information** <sup>[1]</sup>

October 25, 2024 by [erika.swain@cu.edu](mailto:erika.swain@cu.edu) <sup>[2]</sup>

### **Hi! Remember me?**

Sorry for the long silence—it's been wild out here! Boulder completed their Year 4 Assurance Argument with HLC, we had some potential regulations, some proposed regulations, and Boulder's STARS renewal application. They have been keeping me busy. I promise to bring you a bigger update in the next few weeks, including one exciting project I've been working on with an incredible student worker, which will greatly improve these updates and how you receive them :)

In the meantime, here are a few brief (lol) updates!

- As we approach November 1, the likelihood of seeing the proposed distance education regulations becoming a reality grows more distant. Since these haven't been sent to the OMB yet, there's no chance of having them on the books by 11/1/24, meaning there's no possibility of implementing new distance education regulations by 7/1/25. You can review the proposed language here <sup>[3]</sup>, and the CU System response is attached. If you're wondering what happened to the potential regulations on state authorization and accreditation, negotiations with the Department of Education stalled, and those have been set aside for now.
- The upcoming election is expected to significantly impact higher education. As of now, we anticipate another round of negotiated rulemaking, bringing back familiar topics like state authorization, accreditation, and third-party servicers (TPS). We should have a clearer picture of where things are heading by January. If your curious about some of the detail of what was discussed at NegReg relating to state authorization and how many of us felt about it – my colleagues at the University of Michigan and I co-authored a coalition letter signed by several of our peers on the issues.
- Last week, the Department of Education officially rescinded the February 2023 Dear Colleague Letter on TPS (thanks?), which had caused widespread concern. However, there's a rumor that the Department plans to release new guidance on the Dear Colleague Letter, specifically regarding the bundled services exception and revenue share, sometime in the next few weeks. Revenue share agreements have been under scrutiny by the Department and consumer advocacy groups for years. One key issue likely to resurface is the distinction between marketing and recruiting. What would happen to our online programs using an OPM if all marketing activities were considered "recruiting activities" without exception?
- Yesterday, the NC-SARA board voted on policies that made it through the 2024 policy process. Fortunately, the language that would have stripped SARA of its effectiveness was defeated. However, one policy that passed will require some campus-level work. **There will be new language in SARA policy related to student complaints.** This will

require SARA-participating institutions to provide their and SARA's complaint resolution policies and procedures to all students taking courses under SARA policies, both on the institution's website and in the catalog, either in print or electronically, when they enroll. This policy will go into effect on 7/1/25. Keep in mind: the ability to deliver education online and outside of Colorado is not tied to federal financial aid, meaning this change will affect all courses and programs offered by your institution online or outside of Colorado, regardless of modality, aid applicability, or credit. The new policy guide will be published in January 2025 with the new language.

Finally—it's almost SARA renewal time! As in previous years, each campus will receive a notification at the end of November, indicating it's time to renew our participation in the reciprocity agreement. There have been some changes to the form, and I've updated the tips sheet/instructions accordingly.

A few reminders:

1. Determine who will complete this for your institution.
2. Remember, Anschutz has authorization through Denver and does not complete its own form.
3. System will again cover the cost.
4. Schedule your 15-30 minute meeting with your provost now so you can get on their calendar remind them of the importance of state authorization and update them on any changes before they sign the form.

Thanks for your patience everyone, and again, some new and great stuff coming soon! As always, if you have any questions, please don't hesitate to reach out!

Erika

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