



MEMORANDUM

To: Chief Academic Officers, State-Operated Campuses and Community Colleges

From: David Cantaffa, Interim Senior Associate Provost, Academic Affairs, Office of the Provost
Cassandra Carudo, Staff Attorney – Student Affairs, SUNY Office of General Counsel

Date: May 13, 2024

Re: Professional Licensure Disclosures: Federal Regulation Amendment Effective July 1, 2024; Question and Answer

Question & Answer

1. Is a public disclosure posted on a website sufficient?

Answer: No, both public and direct disclosures are required. The institution must publicly list U.S. States where it determined the program “meets” or “does not meet” the educational requirement for licensure (as of July 1, 2024, “has not determined” must be removed from the public disclosure). Additionally, the institution must provide to prospective students directly prior to initial enrollment the “does meet” or “does not meet” determination (or must provide to current students within 14 calendar days of determining whether the program they are enrolled in meets their new location’s educational requirements).¹

2. Did the Department indicate what evidence is sufficient to support a determination?

Answer: The federal regulation does not provide information about this, but an option may include developing a side-by-side crosswalk between the curriculum of the registered program and the educational requirements publicly available through the licensure/certification authority of each applicable U.S. State. The institution should maintain records of its process and any documentation that contributed to its determination.

¹ 34 CFR 668.43(a)(5)(v); 668.43(c)(2).

3. How often must an institution update its determinations?

Answer: The federal regulation does not provide a required frequency, but we recommend this be reviewed and updated as necessary on at least an annual basis, or sooner if the curriculum of the registered academic program changes and/or if the institution is made aware of a change in educational requirements for licensure of a U.S. State.

4. If the academic program has programmatic accreditation, is that sufficient to make a determination that the academic program meets the educational requirements of a U.S. State?

Answer: Possibly. Programmatic accreditation is only sufficient if the U.S. State explicitly states that it is sufficient.

5. Is institutional accreditation by Middle States sufficient to make a determination that the academic program meets the education requirements for licensure in all U.S. States?

Answer: No. Institutional accreditation may be necessary but it will not be sufficient on its own because the determination must be made at the academic program level. Institutional accreditation requirements and licensure requirements may vary across states since the power to determine professional licensure requirements has been left to individual states to legislate and regulate. At this time, there are no “standard” federal professional licensure requirements for U.S. State professional licenses.

6. Do I have to make a determination regarding non-Title IV academic programs?

Answer: No. This regulation only applies to Title IV eligible programs. The preamble to the regulations does indicate that should an institution choose to no longer have certain programs be Title IV eligible that these regulations would no longer apply. However, there are separate requirements that must be met with respect to removing a program from Title IV eligibility that institutions must comply with instead. If this is contemplated, you should check with the appropriate campus stakeholders, including your Academic Affairs Office, Provost (or equivalent), and Financial Aid Office.

7. If a student does not receive Title IV funding in an academic program which is otherwise eligible, does the institution still need to make such a determination?

Answer: Yes. These regulations apply to all Title IV eligible academic programs that lead to U.S. State licensure or certification. The requirements are imposed on the institution receiving the Title IV funding, not on the individual student.

8. How does an institution determine which academic programs lead to U.S. State licensure or certification?

Answer: The Department stated these requirements apply to each academic program that an institution offers that is designed to meet educational requirements for a specific professional license or certification that is required for employment in a particular occupation.²

9. What does the Department mean by “initial enrollment”?

Answer: The first term a student is enrolled in the academic program that leads to professional licensure or certification.

10. What if a student changes the academic program they are in while enrolled at the institution?

Answer: These regulations pertain to when a student first enrolls in the academic program, so if a distance education student changes their program (after July 1, 2024), then the institution must make a determination of whether the program meets the licensure/certification requirements in that state prior to the student beginning instruction in that new academic program. The institution may not offer that academic program to the student if it does not meet the distance education state’s licensure/certification requirements.

For any additional questions from SUNY State-Operated campuses, please contact Cassandra Carudo at Cassandra.Carudo@suny.edu, David Cantaffa at David.Cantaffa@suny.edu, or your specific campus counsels. SUNY Community Colleges may consult with David Cantaffa at David.Cantaffa@suny.edu or your institutional counsel with specific questions.

² Financial Responsibility, Administrative Capability, Certification Procedures, Ability To Benefit (ATB), 88 FR 74573, <https://www.federalregister.gov/d/2023-22785>