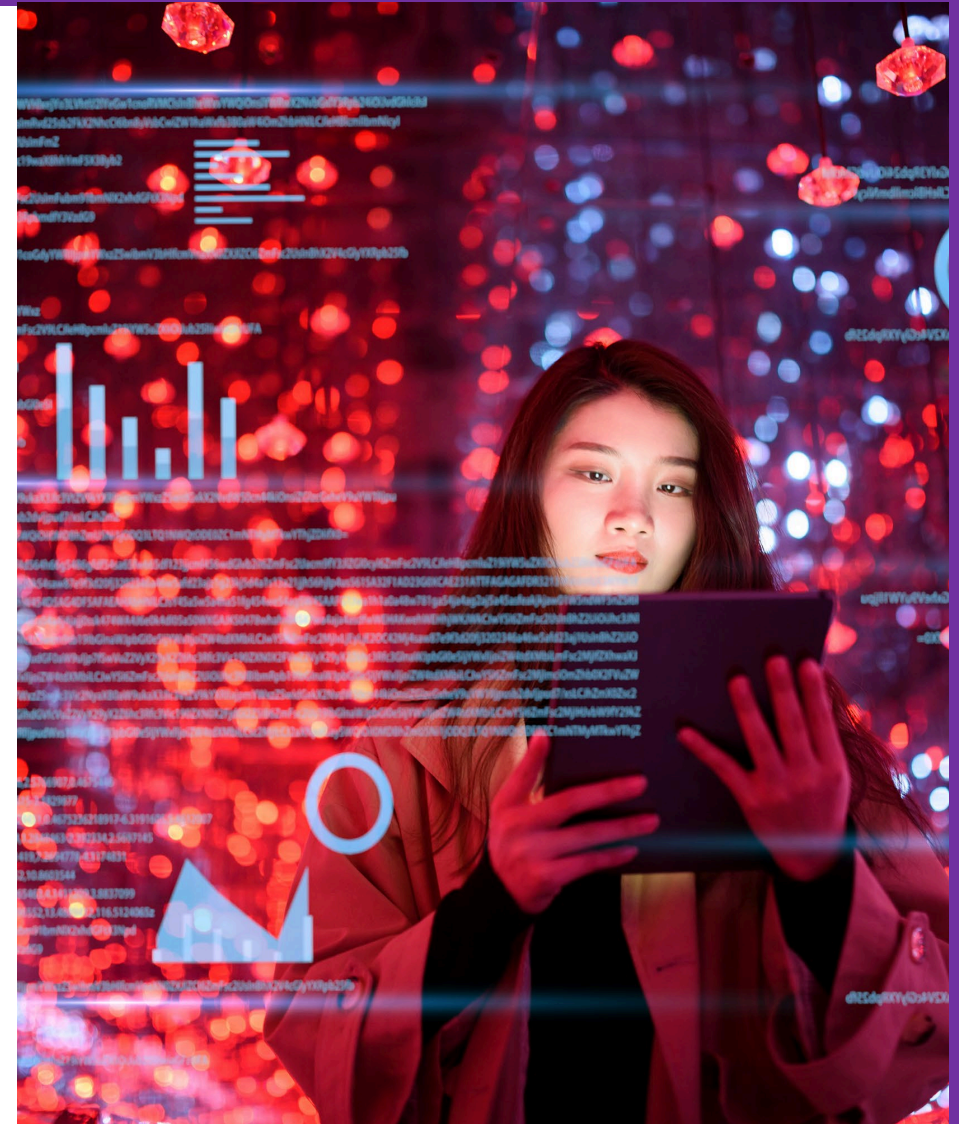


The Operational Reality of Distance Education Compliance: Insights on Licensure and Federal Requirements

2026 Annual PA-SARA State Meeting
Kathryn Kerensky, SAN
June 25, 2026



Session Overview



Professional Licensure

Survey highlights, nursing chart, and what's next



Federal Policy

Tool overview, use cases, and practical guidance



Global Compliance

Handbook, expanding resources, and the path forward

Who we are

Since 2011, the State Authorization Network (SAN) has empowered its members to successfully resolve postsecondary statutory and regulatory compliance challenges.

We provide expert analysis, resources and training to prepare for emerging issues, collaborate on compliance strategies, develop solutions and evaluate their efficacy.

The screenshot shows the SAN website homepage. At the top left is the SAN logo with the text "STATE AUTHORIZATION NETWORK a division of WCET". To the right are navigation links: "Search", "Contact Us", "Join SAN", and "Logout". Below these are menu items: "State Authorization 101", "About SAN", "Membership", "Events", and "Resources". A central banner features a map of the United States with a network of blue lines and dots, overlaid with a white text box that reads: "The State Authorization Network The leader for guidance and support for navigating state and federal regulatory compliance for out-of-state activities of postsecondary institutions." Above this text are five icons: "View", "Edit", "Delete", "Revisions", and "Clone". To the right of the banner is a dark grey sidebar with a login prompt: "SAN members, log in for exclusive content." with a "Login to Member Portal >" button. Below that is a "Learn more about SAN!" section with a button: "The State Authorization Network (SAN) - Meeting an Important Need >". At the bottom of the sidebar is a "Not a member?" section with a "Join SAN Membership >" button. Below the banner is a "Topic Areas" section with a grid of nine topic cards: "Federal Regulations" (with a capitol building image), "Professional Licensure" (with a group of students), "Reciprocity (SARA)" (with a map of the US), "Military Students" (with a soldier), "SANSational Awards" (with a group of people), "Compliance Requirements (Non-SARA)" (with a stack of papers), "History" (with a row of binders), "Student Complaints" (with papers and sticky notes), and "Other Higher Education Issues" (with a student celebrating).

Professional Licensure: Overview & Resources

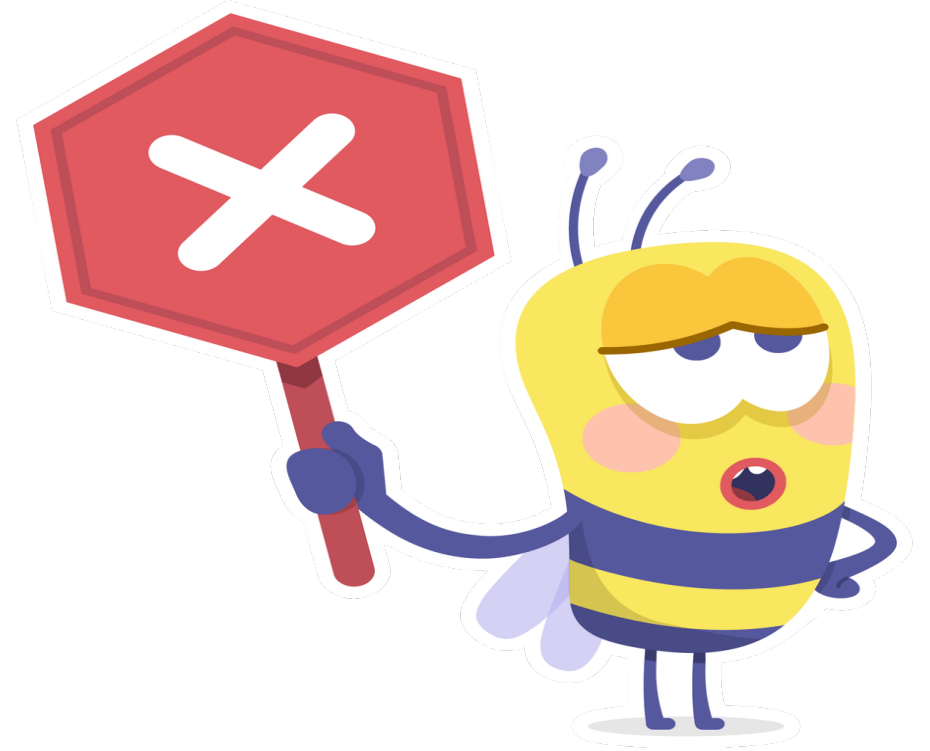


A Shift That Fundamentally Changed Enrollment Decisions

Did You Know?

Institutions generally may not enroll students in licensure programs unless they have determined the program meets educational requirements in the student's state.

If they cannot make that determination → they generally cannot enroll the student.



From Disclosure to Determination: How Federal Requirements Evolved

Disclosure Framework (Initial)

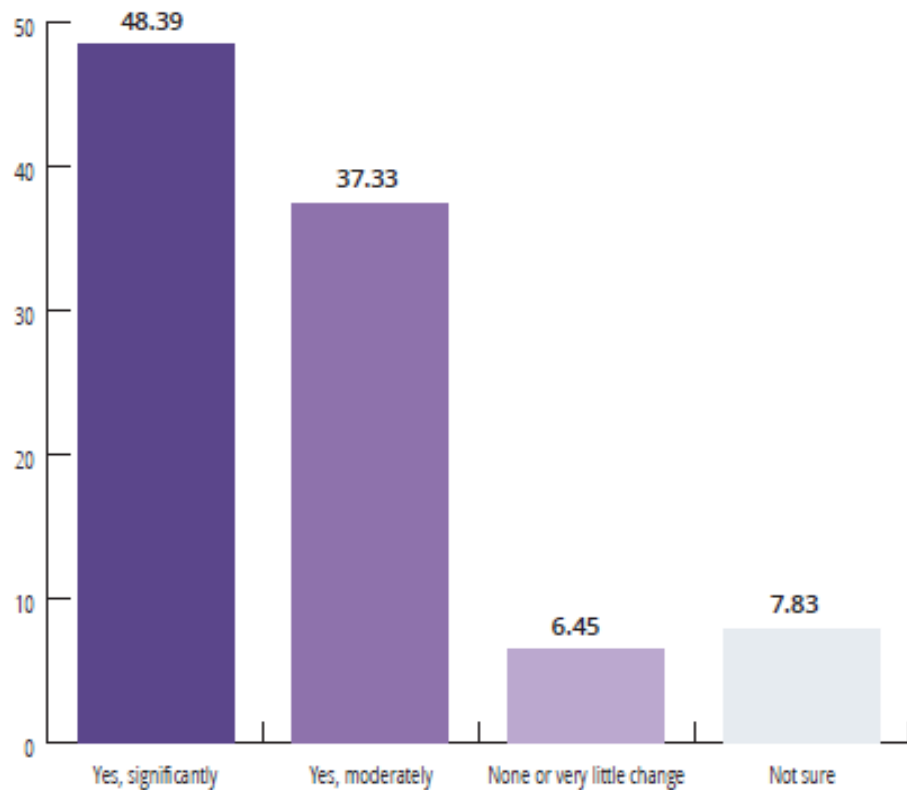
- + Required disclosures regarding whether program meets or does not meet state educational requirements
- + Public disclosures (meets / does not meet by state)
- + Direct notifications to students
- + Students could still enroll

Certification Framework (Current)

- + Disclosures still required
- + Institutions must determine if programs meet requirements
- + Enrollment restricted if determination cannot be made
- + Increased institutional responsibility and risk

A Clear Pattern: Increasing Workload Across Institutions

Overall Perceived Increased in Workload

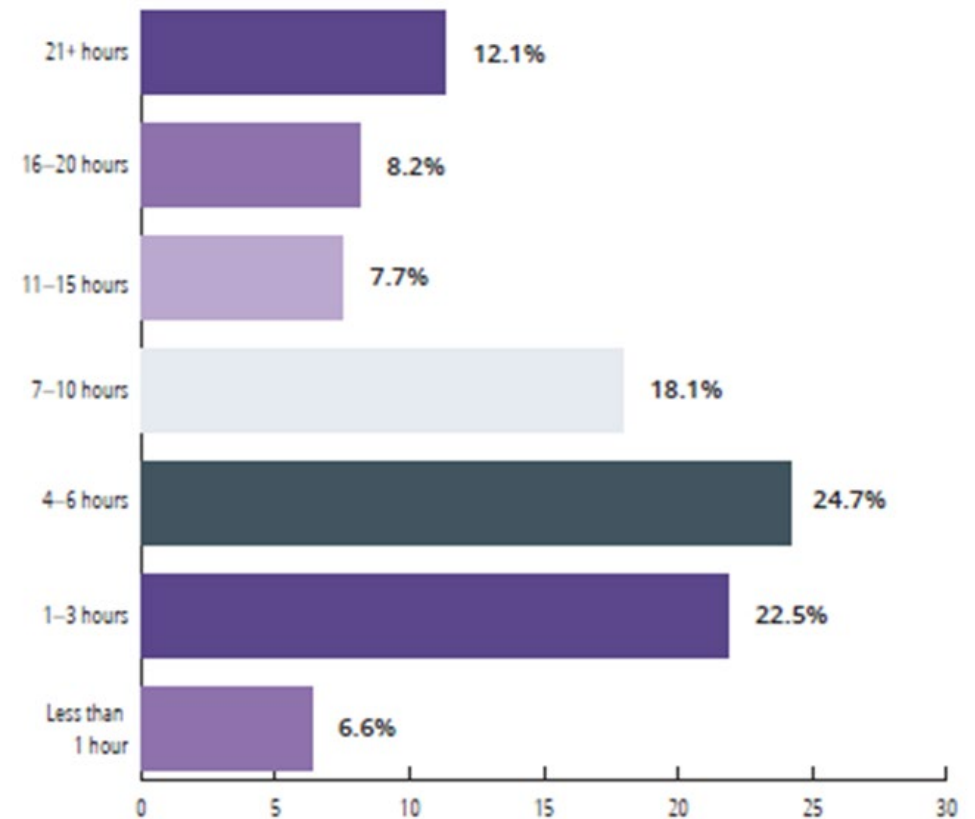


- 86% report a moderate or significant increase in workload
- Many institutions report no corresponding increase in staffing
- Small incremental increases compound across programs and states, amplifying overall burden

“Undue Burden”

“It has been an undue burden. 4–6 hours doesn’t sound like a lot, but 50 states, plus territories and multiple programs, it’s a lot for one person. All these requirements are burdensome. No public institution wants to harm students. There has to be a better way.”

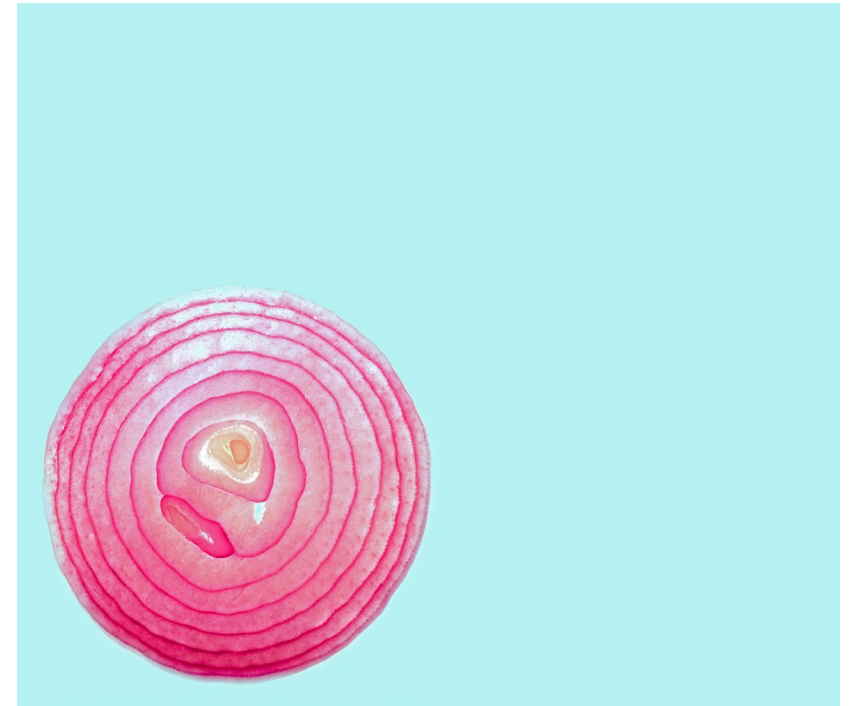
Increase in Average Weekly Workload



Professional Licensure Compliance Already Involves Multiple Overlapping Obligations

Institutions managing licensure programs may already be responsible for:

- + State authorization and SARA-related obligations
- + Licensing board approvals (including clinical, faculty, and experiential learning requirements)
- + Consumer protection and misrepresentation compliance
- + Additional federal requirements such as:
 - o Gainful Employment / Financial Value Transparency
 - o Veterans benefits compliance
 - o Workforce Pell and emerging initiatives



About the Survey – What We Wanted to Understand

- + Where is the workload coming from?
- + How are institutions managing workload?
- + What decisions/impacts resulted?

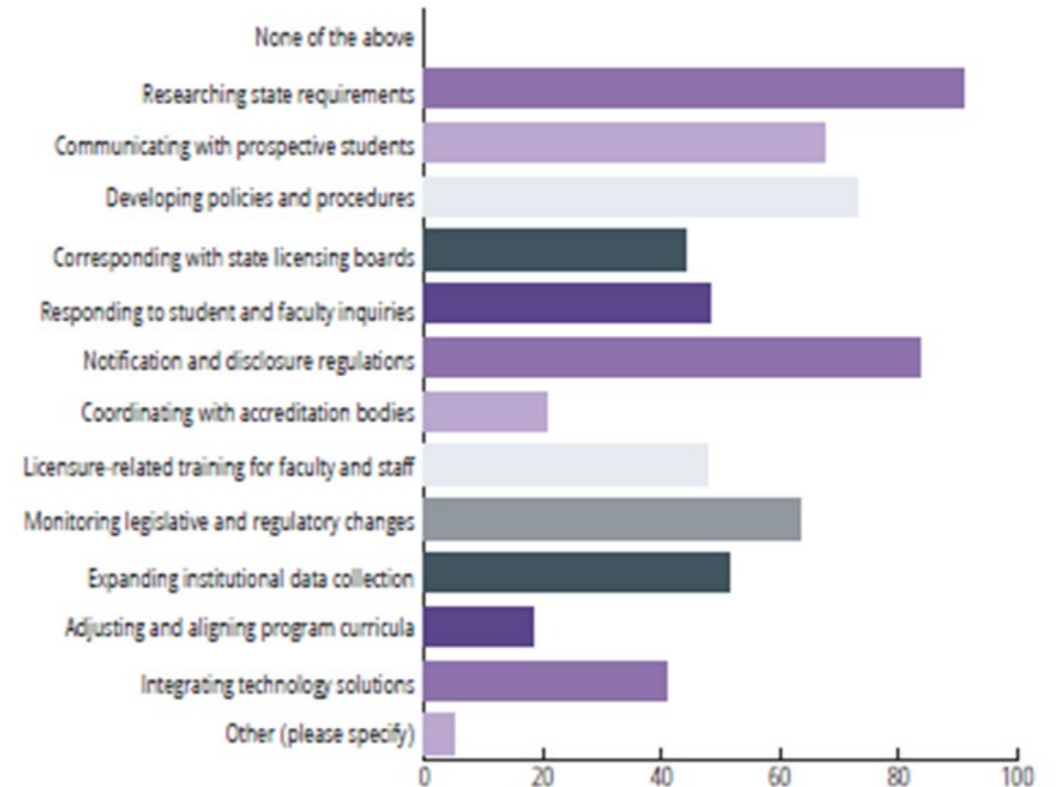


Far More Than Paperwork – This Is Complex, Interpretative Work

Top workload areas:

- + state research (90%),
- + disclosures (85%),
- + internal coordination & training (79%),
- + ongoing monitoring (63%),
- + data reporting (51%).

Compliance Workload Increase



Behind the Disclosure: The Systems, People, and Processes Required

- + 93% report having a public disclosure process
- + 77% report having a direct disclosure process
- + Direct disclosure processes often involve:
 - o CRM systems
 - o Student Information Systems
 - o Institutional and program applications
 - o Public disclosure websites
- + Most frequently involved units:
 - o Admissions (77%)
 - o Academic Programs (65%)
 - o Compliance Offices (53%)
 - o Registrar (42%)

Presence of Direct Disclosure Process by Type of Institution

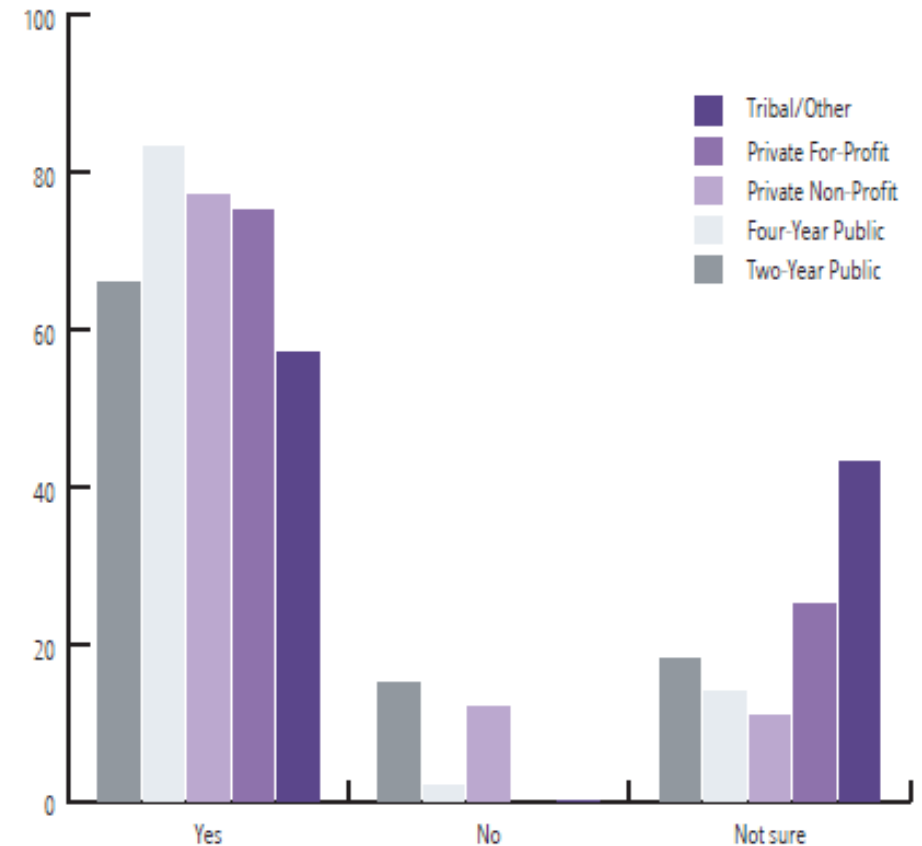
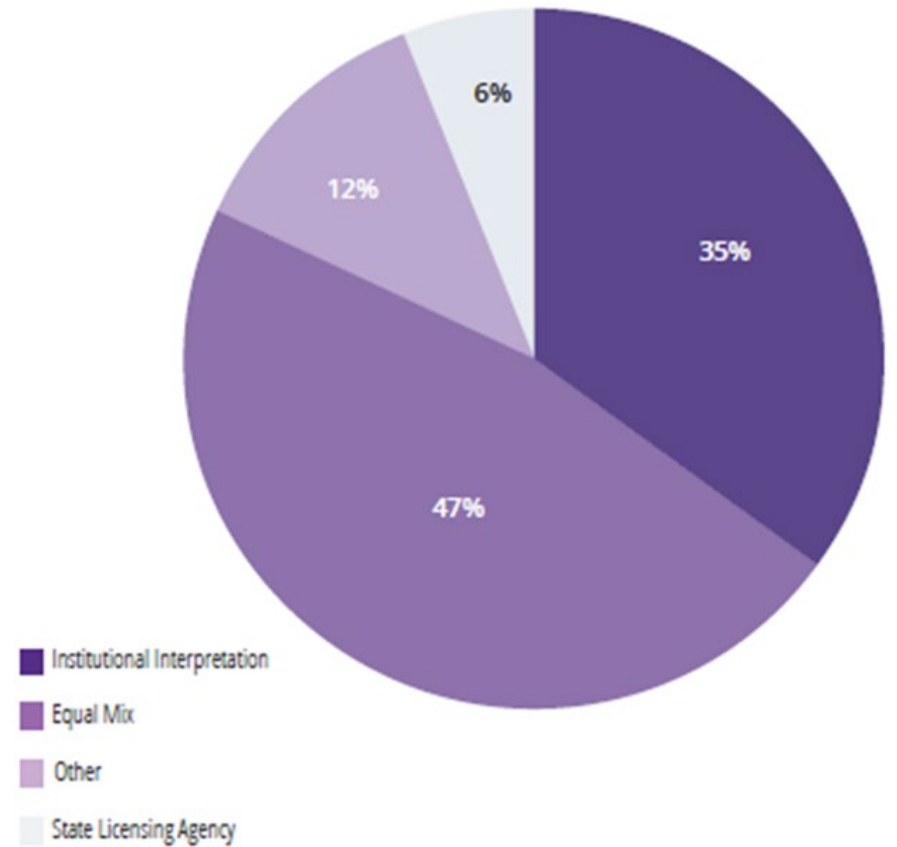


Figure C.3.1 shows the presence of direct disclosure process by type of institution.

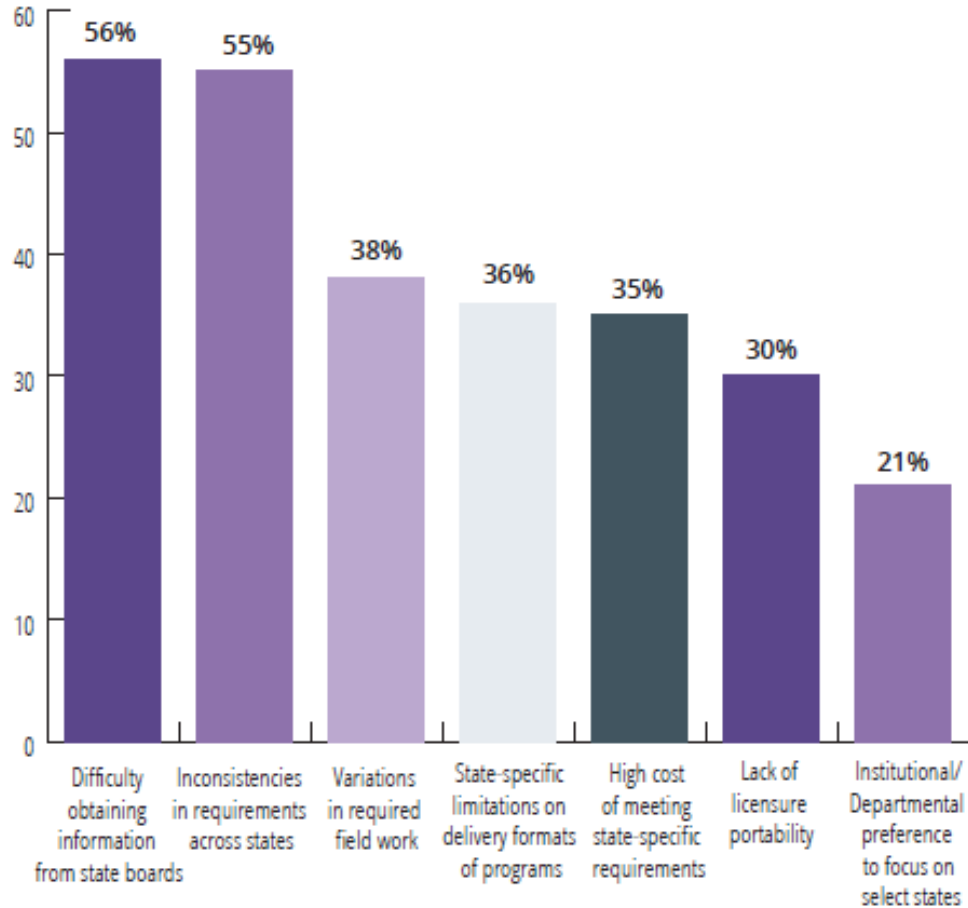
Institutions Are Making High-Stakes Decisions Without Clear Answers

- + Only 6% rely on direct confirmation from state licensing boards
- + 35% rely on their own interpretation
- + 47% use a mixed approach (internal interpretation + external sources)
- + The variability of institutional interpretations may create confusion for students and program completers.

Percent of Institutions Using Program Determination Method



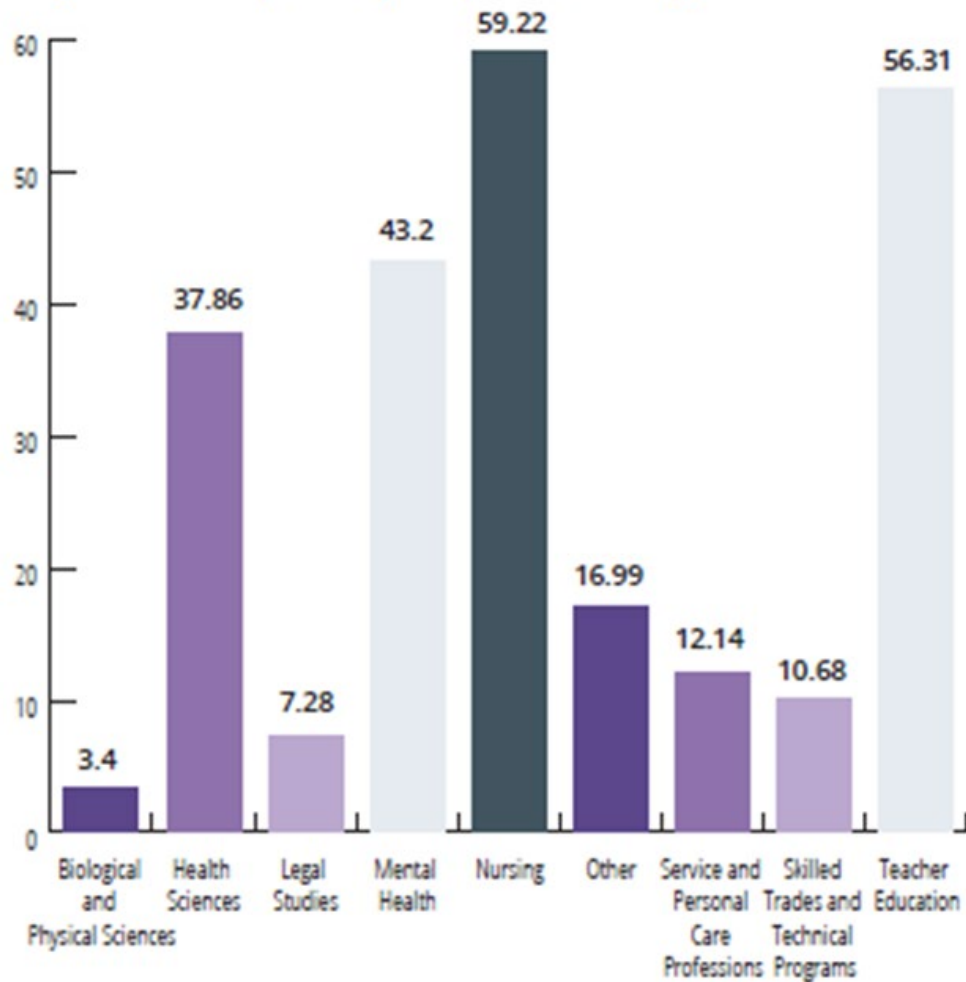
Reasons for Restricting Enrollment



Restrictions Often Reflect Gaps in Available Information

- + ~32% of institutions report restricting programs or states
- + The most common challenge (56%) was difficulty obtaining clear or updated information from state licensing boards, followed closely by inconsistencies in educational requirements across states (54%).
- + Over one-third of the respondents (35%) cited the high cost of meeting state-specific licensing board requirements.
- + Another 36% referenced state-specific limitations (particularly those restricting online or hybrid modalities)

Programs Most Impacted by Compliance Challenges



A Closer Look at Where Restrictions Are Occurring

- + ~32% of institutions report restricting programs or states
- + Most commonly restricted fields:
 - Nursing (59%)
 - Teacher Education (56%)
 - Mental Health (43%)
 - Health Sciences (38%)
- + Frequently restricted states include: California, New York, Texas, Washington, Colorado, Georgia, and Tennessee.

Magnitude of Workload Increase

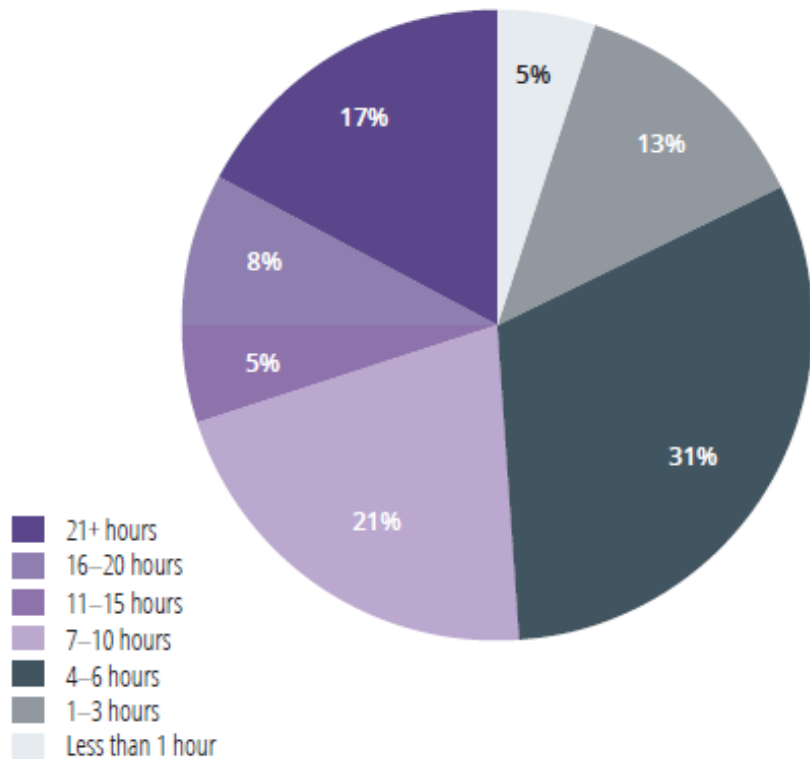


Figure B.1.3 shows the magnitude of weekly workload increases.

Resource Disparities Drive Uneven Risk and Enrollment Decisions

- + Variation in staffing capacity across institutions
- + Differences in systems, tools, and internal resources
- + Divergent levels of risk tolerance in compliance decision-making

Why Certification Procedures Increased Institutional Workload

- + Institutions trying to avoid restricting enrollments
- + Deeper state-by-state regulatory analysis required
- + Increased interactions with licensing boards
- + More collaboration with academic programs
- + Increased documentation expectations



Keys to Institutional Success

- + Building compliance systems that can adapt as regulations evolve.
- + Investing in people, training, and sustainable processes.
- + Communicating clearly and early with students.
- + Collaborating across campuses and with peer institutions.



Nursing State Requirements Chart

A practical tool for your institution

What the Chart Helps You Answer

- + Does the board have requirements for program approval?
- + Does the board have requirements for institutions seeking to place students in clinical or experiential learning placements in the state?
- + Does the board have expectations for faculty or instructors regarding qualifications or licensure?
- + Understand whether these institutional obligations may extend to out-of-state institutions



What's Next

Professional Licensure Resources — Coming Soon



Additional Professions

Expanding state research beyond nursing to cover more licensed professions



Expanded Charts & Resources

More comprehensive data sets and interactive tools



Community-Driven Updates

Continued improvements based on feedback and emerging needs

Resources

- + Survey Report - [Between the Lines, Behind the Work: Survey Findings on the True Scope of Licensure Compliance](#) (2026)
- + [Certifying Compliance in an Uncertain Landscape: Survey Findings on the Impact of Professional Licensure Requirements](#) (WCET Frontiers Blog)
- + [Nursing Program State-Specific Requirements Chart](#) (requires member login) - state-specific program responsibilities for institutions.
- + [More Than Disclosures: Understanding the State Oversight Layer in Nursing Program Compliance](#) (WCET Frontiers Blog)
- + Find SAN Professional Licensure Handbooks, Charts, One Pagers, and more on the [Getting Started with Compliance Management Gateway](#) webpage
- + [Special Interest Team for Professional Licensure prepared resources SIT Webpage](#)
- + [Professional Licensure Requirements Handbook 2nd edition](#) (2024)
- + [SAN Professional Licensure Landing/Issue Page](#)

Federal Policy: Overview & Resources



U.S Department of Education Negotiated Rulemaking Steps

1. Notice of rulemaking, opportunity to comment, call for negotiator nominations.
2. Convening of key stakeholders to develop language with the goal of achieving consensus.
3. U.S. Department of Education releases Proposed Regulations subject to public comment (NPRM – Notice of Proposed Rulemaking)
4. The Department must read all comments and provide response with the final regulations.
5. Release of Final Regulations.
6. Effective date is subject to Master Calendar requirements unless overridden by Federal statute or Secretary offering early implementation at the institution's discretion.

U.S. Department of Education Negotiated Rulemaking Committees

- + RISE (Reimagining and Improving Student Education) -CONSENSUS!
- + AHEAD (Accountability in Higher Education and Access through Demand-driven Workforce Pell) Committee - CONSENSUS TWICE!
- + AIM (Accreditation, Innovation and Modernization) Committee
- + Future ED Rulemaking



Department of Justice Web Accessibility Regulations

- + Purpose: Implement Title II Americans with Disabilities Act (ADA)
- + Who: State & Local Government Entities (public higher education institutions, state agencies, libraries, recreation centers etc.)
- + What - International Web Content Accessibility Guidelines (WCAG) 2.1 AA
- + When - Compliance begins April 2027



Introducing the Policy Tracker

A monitoring and awareness tool

The [WCET and SAN Policy Tracker](#) provides centralized, public-facing access to federal policy developments affecting digital learning and distance education.

- + Centralized tracking
- + Public-facing and accessible to all
- + Helps institutions stay informed
- + Supports anticipating changes
- + Facilitates internal conversations



What the Tracker Covers

- + Statutes - Enacted legislation affecting higher education and digital learning
- + Regulations - Formal rulemaking by federal agencies
- + Guidance - Dear Colleague Letters, FAQs, and interpretive guidance
- + Executive Orders - Presidential directives impacting education policy
- + Court Opinions - Judicial decisions with regulatory implications

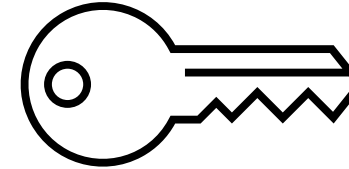


How to Use the Policy Tracker

- + Regular Check-Ins - Build the tracker into your routine – weekly or biweekly reviews keep you current on policy shifts that matter to your institution.
- + Share Internally - Distribute to legal, compliance, academic leadership, and enrollment teams. The tracker makes sharing easy.
- + Conversation Starter - Use it to frame discussions, not just as a reference. Bring specific entries to meetings to drive informed dialogue.



Key Federal Resources



- + SAN Getting Started with Compliance Management Gateway (listing of documents to access topical one-page abstracts and charts): <https://wcetsan.wiche.edu/resources/getting-started>
- + [What the “One Big Beautiful Bill Act” Means for Digital Learning in Higher Education](#); WCET Frontiers; 7/22/25
- + [Negotiated Rulemaking Underway: Week One Review of the RISE Committee](#); WCET Frontiers; 10/30/25
- + [From RISE to AHEAD: What We Learned and What Comes Next in Federal Rulemaking](#); WCET Frontiers; 12/4/25
- + [AHEAD Week One Recap: Workforce Pell, State Roles, and Implications for Digital Learning](#); WCET Frontiers; 12/18/25
- + [What Week Two of AHEAD Rulemaking on Accountability Measures Means for Digital Learning](#); WCET Frontiers; 1/21/26
- + [The Three A’s in Action: What Accessibility, Accountability, and Accreditation Mean for Institutions Now](#); WCET Frontiers; 4/21/26

Global Compliance: Overview & Resources



Global Compliance

- + An expansion of the institution's out-of-state/country footprint may increase its regulatory obligations pursuant to the respective country's procedures and laws.
- + Issues to consider may include, but are not limited to:
institutional approval, professional licensure, consumer protection, marketing/recruiting, website accessibility, export controls, recognition of degrees, taxes, data privacy



Global Compliance Handbook

Foundational guidance for institutions



Starting Framework

A clear starting point for institutions needing to develop or formalize a global compliance infrastructure



Category Mapping

Organized approach to understanding which compliance areas apply to your activities



Research Methodology

Structured process for investigating country-specific requirements



Scalable Approach

Guidance that grows with your institution's international ambitions

Key Resources

- [International Ministries of Education and Data Privacy Laws](#)
- [A Guide to Higher Education Regulation in Canada](#)
- [Canada Approval Quick Chart](#)
- [Global Compliance 101](#)
- [A Guide to Higher Education Regulation in Mexico](#)



Questions?

