

Effective Date Monday, August 24, 2020

Status Final

Last Revised Monday, September 19, 2022

Policy Type [Executive Vice President & Provost](#)

Contact Office [Institutional Research and Analytics](#)

Oversight Executive

Executive Vice President and Provost

Applies To Academic Division.

Table of Contents

[Policy Statement](#)

- I. [Collection and Reporting of Data](#)
- II. [Roles and Responsibilities](#)
- III. [Compliance with Policy](#)

Reason for Policy

For educational activity that occurs in a U.S. state or territory outside of the Commonwealth of Virginia, federal and state law require the University of Virginia to ascertain and obtain the prior authorization required by that host state, a concept referred to as ‘state authorization.’ All U.S. states and territories maintain the authority to define what educational activities require authorization in their jurisdiction. Most U.S. states and territories require authorization for both in-person activities – such as instruction or operating a physical location – as well as online/distance enrollment of students who are physically located in their jurisdiction. When undertaking out-of-state activities or enrollments, the University has the responsibility to:

1. Determine whether the activity requires authorization; and, if so, then
2. Secure authorizations required by the host state and comply with all reporting obligations that apply.

In addition, for academic programs that may prepare students for certification or licensure – or are advertised as providing such preparation – the University must:

1. Undertake all reasonable efforts to determine whether the program meets the educational requirements for initial certification or licensure in each of the 49 other U.S. states and 5 inhabited territories.
2. Publish those findings in an open disclosure.
3. Provide individual notifications to **prospective** students located in another state or territory for which a given program a) does not meet the licensing requirements or b) has been unable to determine if the program meets licensing requirements.
4. Provide individual notifications to **enrolled** students who relocate to a state or territory for which the program does not meet licensing requirements; or if, based on changes in another state or territory’s licensing requirements, the University determines that a program does not meet the revised licensing requirements.

Definition of Terms

Academic Program

Description A degree or non-degree program leading to a credential awarded by the University.

Current Student

Description

An individual who has formally enrolled in (made a financial commitment to) an academic program of the institution. See also *Prospective Student* below.

Host State

Description

U.S. state or territory outside of the Commonwealth of Virginia in which an out-of-state educational activity occurs. All U.S. states and territories maintain the authority to define what educational activities require authorization in their jurisdiction. The University must ascertain and comply with all applicable authorization and reporting requirements.

National Council for State Authorization Reciprocity Agreement (NC-SARA)

Description

A voluntary reciprocity agreement that provides a uniform process to obtain authorizations from participating U.S. states and territories to operate educational activities within their jurisdiction. The Agreement sets thresholds, which if exceeded, require additional approvals from the host state. The District of Columbia, Puerto Rico, and all states except California are members of NC-SARA. The University's participation in NC-SARA is managed by the Office of Institutional Research and Analytics.

Out-of-State Educational Activities

Description

Institutional pursuits involving either: 1) a current student who is physically located in a U.S. state or territory outside of Virginia; or 2) an academic or business activity, or learning placement that is undertaken, entirely or in part, in a U.S. state or territory outside of Virginia. When either criterion is met, the activity may require host state authorization and mandatory federal and state reporting.

Academic Activity: Instruction or other educational engagement which is undertaken in a U.S. state or territory outside of Virginia, including but not limited to:

- Full-term course (course offered during an established academic term, i.e., Fall Term, J-Term, Spring Term, Summer Sessions) involving 3 or more physical class meetings, or any number of meetings totaling over 6 hours.
- Short course or seminar involving more than 20 classroom hours in one 6-month period.
- Field trip of more than 1 night (e.g., conference travel, scholarly visits, post-graduate placements).
- Field study or field research located at a field station, research station, or other physical site, at which a faculty member (or other institutional employee or contractor) supervises or otherwise

directs 2 or more students in an activity that is offered for credit or required as part of the student's program of study and requires more than 20 contact hours in one 6-month period.

The thresholds above apply (are calculated) by individual state/territory. As an example, a short course that meets for 15 hours in Maryland and 15 hours in Washington, D.C. (total of 30 hours outside the Commonwealth) does not meet the 'more than 20 classroom hours' threshold because the course does not exceed 20 hours in either state.

Business Activity: Activity undertaken in a U.S. state or territory outside of Virginia in support of an academic program, including but not limited to establishing or maintaining:

- A physical location for students to receive synchronous or asynchronous instruction, whether leased, rented, donated, or owned.
- An administrative office or office space for instructional or other staff.
- A mailing address or phone exchange.

Learning Placement: A student learning experience undertaken, entirely or in part, in a U.S. state or territory outside of Virginia, which is comprised primarily of the practical application of previously studied theories and skills, and which meets any one of the following criteria:

- Offered for academic credit;
- Requires a fee payable to the institution;
- Required as part of a program of study;
- Required for professional certification or licensure.

Examples include clinical placements/rotations, internships, externships, labs, practica, student teaching, workshops, full-scale residency programs such as a summer session at a field station, and similar.

Independent off-campus study by an individual student is exempt, e.g., thesis or dissertation research. Placements of more than 10 students at a single site may require prior authorization (see *II. Roles and Responsibilities* below).

Professional Certification or Licensure

Description

A formal recognition based on standards set forth by a state or other governing entity that gives legal permission to an individual to practice a profession. Professional licensure laws and regulations vary by state.

Prospective Student

Description

An individual who has contacted the University requesting information concerning admission to an academic program but has not yet formally enrolled in (made a financial commitment to) the institution.

Student Location

Description

A student's physical location (address) which forms the basis for state protection. The term "location" is used in place of the term "residence" because a person may be a legal resident of one state for purposes of voting, driver's license, etc., but be physically "located" in another state, as is commonly the case for University students. For a prospective student, the student location is the address they provide prior to enrollment. For enrolled students, the student location is the student's mailing address in the Student Information System.

Unit

Description

As used throughout this Policy, encompasses schools, departments, and other components of the University.

Policy Statement

The University must collect and maintain records on Out-of-State Educational Activities for academic compliance and reporting purposes. This policy defines the types of out-of-state educational activities that commonly require host state authorization; stipulates reporting, disclosure, and notification requirements; and assigns role-based responsibilities required for institutional compliance.

Units contemplating or operating any out-of-state programming and/or enrollments should notify the Distance Learning Compliance Coordinator (Coordinator) in the Office of Institutional Research and Analytics (IRA) for assistance in ascertaining whether the activity constitutes an Out-of-State Educational Activity under this policy and what authorizations and reporting may be required. The Coordinator is the University's designated individual to seek and maintain state authorizations for Out-of-State Educational Activities and is responsible for related monitoring and reporting under the National Council for State Authorization Reciprocity Agreement (NC-SARA).

All Units that engage in Out-of-State Educational Activities shall collect, maintain, and report data on these activities to IRA based on established procedures.

I. Collection and Reporting of Data:

A. Educational Activities:

To ensure compliance with all authorization and reporting requirements for out-of-state (OOS) activities, all Units are responsible for:

1. Tracking all OOS activities and enrollments within their Unit; and
2. Timely reporting to IRA, including promptly informing IRA of any changes to their OOS activities and enrollments.

IRA staff will work with Units to set reporting cycles for meeting applicable state and federal deadlines and requirements and to ascertain applicable authorization and reporting requirements as Unit programming (and applicable federal and state regulations) evolve.

B. Disclosure of Professional Certification or Licensure Requirements:

When offering an academic program that may prepare students for professional certification or licensure in a U.S. state or territory outside of Virginia – or a program that is advertised as providing such preparation – a Unit must undertake all reasonable efforts to determine whether the program meets the educational requirements for initial certification or licensure in each of the other 49 U.S. states and 5 inhabited territories; and disclose their determinations publicly and, in certain cases, individually, to prospective or current students who are located outside of Virginia.

Note: For purposes of this policy, a *prospective student* is an individual who has contacted the University requesting information concerning admission to an academic program but has not yet formally enrolled in (made a financial commitment to) the institution; and a *current student* is an

individual who has formally enrolled in (made a financial commitment to) an academic program of the institution.

Specifically, each Unit must:

1. Research and publish the following disclosures and determinations for each certification/licensure program via IRA's centralized, interactive *Professional Licensure Programs* website:
 - a. Contact information for the relevant licensing agency in each state and territory; and
 - b. The program's status in relation to each state agency's licensing requirements (i.e., meets agency requirements/does not meet agency requirements/Unit has been unable to determine after exhausting all reasonable efforts).
2. Prior to the enrollment (financial commitment) of any *prospective student* located in a state for which the Unit has either determined that the program does not meet the applicable licensing requirements or been *unable to make a determination*, provide an individualized notification of that finding to the student via mail or email; and
3. Within 14 calendar days of a determination that a program does not meet the applicable licensing requirements in a given U.S. state or territory, provide an individualized notification to every *current student* located in that jurisdiction via mail or email; and
4. Within 14 calendar days of notification that a *current student* has changed their student location to a U.S. state or territory for which their program *does not* meet applicable licensing requirements, provide an individualized notification of that determination to the student via mail or email.

II. Roles and Responsibilities:

All *Units* are responsible for:

- Tracking all Out-of-State Educational Activities operating within their Units and consulting with IRA prior to changing or engaging in new Out-of-State Educational Activities.
- With regard to learning placements of more than 10 students at a single site, notifying the Coordinator at least 60 days prior to the start of the placement so they may ascertain and secure any additional authorizations that may be required.
- With regard to all academic programs that may lead to professional certification or licensure:

- Conducting state-by-state research on the applicable professional certification or licensure requirements for each U.S. state and territory outside of Virginia.
- Obtaining prior approval of learning placements from the host state's professional licensing board, as may be required.
- Disclosing each program's professional certification or licensure eligibility status for each U.S. state and territory publicly via IRA's centralized *Professional Licensure Programs* website; and directly, as applicable, to prospective and current students.
- Reviewing each program's professional certification or licensure eligibility by August 15 each year and updating the *Professional Licensure Programs* website accordingly.

The *Office of Institutional Research and Analytics* is responsible for:

- Advising Units to ensure compliance with federal and state authorization requirements.
- When an activity exceeds NC-SARA thresholds or requires authorization or exemption from a non-NC-SARA state, initiating the necessary authorization processes.
- Reporting to Student Financial Aid whenever there is a change in status to any distance education program or state approval or exemption, including additions and deletions.
- Managing annual NC-SARA renewal agreement and required annual reporting.

III. **Compliance with Policy:**

Failure to comply with the requirements of this policy and its related procedures may result in penalties levied against the University by the Department of Education or the revocation of the University's membership in NC-SARA. As such, all Units are required to consult and collaborate with IRA Staff to ensure the appropriate public and direct disclosures are being made, in accordance with federal and state regulatory requirements. Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination of employment in accordance with relevant University policies.

Questions about this policy should be directed to the [Office of Institutional Research and Analytics](#).

Related Information

UVA Office of Institutional Research and Analytics web resources for [State Authorization and Distance Education](#), which includes the [Professional Licensure Programs](#) website and [update portal](#).

National Council for State Authorization Reciprocity Agreement (NC-SARA) [web resources](#), which include:

- [NC-SARA State Authorization Guide](#)
- [NC-SARA Policy Manual](#)

Federal regulations related to out-of-state educational activities compliance:

- [34 CFR 600.2 – Definitions](#): Setting forth key definitions, including ‘state authorization reciprocity agreement.’
- [34 CFR 600.9\(c\) – State Authorization](#): Requiring institutions to develop and apply consistent policy and procedures for determining a student’s location.
- [34 CFR 668.43\(a\)\(5\)\(v\) – Public Notifications](#): Requiring institutions to determine whether their programs meet the educational requirements for initial certification or licensure in all 58 U.S. states and territories; and disclose those findings publicly.
- [34 CFR 668.43\(c\) – Individualized Notifications](#): Requiring institutions to provide individualized notifications to current and prospective students located in states for which a program may/does not meet licensing requirements.

Major Category [Executive Vice President & Provost Policies](#)

Next Scheduled Review Friday, September 19, 2025

Revision History Updated links 5/10/23; Revised 9/19/22.

Approved By Executive Vice President & Provost

Approved Date Sunday, August 23, 2020