****

**State & International Authorization Processes and
Frequently Asked Questions**

[State authorization is a legal issue](https://www.ecsu.edu/academics/offices/distance-education/sa-what-is-state_authorization_compliance.html) regarding an educational institution’s adherence to the requirements necessary to secure authorization to offer instruction and other educational endeavors outside of their home state. Every state has the authority to regulate which postsecondary institutions offer education within its boundaries, including online programs and distance education courses. Some key points include:

* State authorization compliance is a federal regulatory program that requires all higher education institutions, as a condition of receiving federal financial aid funding, to be authorized in and by each state in which they offer educational activities.
* Elizabeth City State University (ECSU) has been approved by SARA North Carolina to participate in the [National Council for State Authorization Reciprocity Agreements (NC-SARA)](https://nc-sara.org/), which is intended to make it easier for students to take online courses offered in other states.
* With its membership, ECSU programs are automatically available to students who reside in 49 participating states as well as U.S. territories that are members.
* At present, the only state not participating in NC-SARA is California.
* U.S. territories that are not NC-SARA members are American Samoa, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

# **In-State and Out-of-State Learning Placements**

Educational activities that come under the state authorization umbrella include internships, externships, clinical placements, and others. Consult with the ECSU state authorization team to research requirements, discuss compliance options, and submit required applications. NC-SARA participation allows:

* ECSU to place students in many out-of-state field experiences in other SARA states.
* According to NC-SARA’s Rule of 10, the maximum number of students from an individual academic program that may be placed simultaneously at one student teaching/internship site in a SARA state is 10.

# [**Professional Licensure & Disclosure Information**](https://www.ecsu.edu/academics/offices/distance-education/professional-licensure-disclosure.html)

Beyond online courses and learning placements, NC-SARA does not address professional licensing board approval for any courses or programs leading to professional licensure. It is important to remember that:

* Specific ECSU academic programs prepare students to sit for applicable professional licensure and/or certification examinations in North Carolina.
* Professional licensing requirements in North Carolina may not be recognized as sufficient to obtain a license in any other state.
* To comply with the regulations regarding distance education for professional licensure, ECSU is required to make public and direct disclosures with respect to professional licensure or certification outside the state of North Carolina.
* Direct disclosures to prospective and enrolled students via email or other electronic communication are sent to a student when the institution has determined that its program curriculum does not meet the state educational requirements for licensure or certification in a state in which the prospective student is located, or if the institution has not decided.
* Notice must be provided **prior** to the student entering the enrollment agreement within 14 calendar days of learning the program does not lead to licensure in the state where the student is located.
* Students may contact the [appropriate degree program contact persons](https://www.ecsu.edu/academics/offices/distance-education/professional-licensure-disclosure.html) for more details.

Disclosures for each program or certificate currently include whether the program: (1) meets state educational requirements for licensure/certification, (2) does not meet state educational requirements for licensure/certification, or (3) a determination has not been made.

## [**International Online Enrollments**](https://www.ecsu.edu/academics/offices/distance-education/professional-licensure-disclosure.html)

ECSU’s State Authorization Team regularly monitors and researches best practices in international online enrollments. A country may or may not regulate distance education provided to students in its jurisdiction and may or may not require foreign higher education institutions to comply with distance education regulations. At this time, ECSU cannot guarantee that academic programs and/or professional licensures or certification programs meet curriculum or professional licensure requirements in a particular country. ECSU’s process for authorization outside of the United States includes:

* DE authorization staff will obtain the name of the country where the prospective ECSU student is located
* DE authorization staff and the ECSU legal team will consult the Ministry of Education for that country to survey regulations
* Working with DE authorization staff, the ECSU legal team will reach out to the country’s officials
* If the student is planning to enroll in a program leading to licensure, it is imperative that the ECSU team works with regulators in the identified country to ensure that the licensure program meets foreign requirements. ECSU must disclose the licensure status prior to enrolling international students in a program.
* The ECSU team will also check for countries that are subject to active United States sanctions by consulting the Restricted Countries List, which prohibits U.S. institutions from offering educational services to people living in restricted countries. More information is available at [Sanctions Programs and Country Information](https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information).

## **Office of Distance Education**

## **Departmental and Student Inquiries for Doing Business outside of the United States**

To date, the Office of Distance Education has made inquiries to the countries of Kenya, Canada, and the United Kingdom. The chart below provides details about the inquiries.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Country** | **Nature of inquiry** | **Date of inquiry** | **Contact info-ministry** | **Outcome of inquiry** |
| Kenya | Teaching Online |  Fall 2021 | No Response  | Still Pending – In the Dept. of Aviation and Emergency Management  |
| Canada  | Student taking classes while living abroad | Spring 2021 | No Response | Student withdrawn from the University until his Student Visa was reinstated.  |
| United Kingdom | Student taking classes while living abroad | Spring 2022 | No Response  | Unknown  |

# **Reporting**

Each year, NC-SARA opens a reporting period from mid-May to mid-June. Reporting includes:

* Number of students who are exclusively enrolled in distance education courses each fall term
* Out-of-state learning placements for programs that have students placed in facilities and agencies for experiential learning during the prior calendar year.

Each program that places ECSU students into a learning placement must report those placements to [Dr. Trina Gregory, University Program Specialist in the ECSU Office of Distance Education](https://www.ecsu.edu/academics/offices/distance-education/sa-what-is-state_authorization_compliance.html).

# **Frequently Asked Questions**

1. **How does ECSU enroll online international students who are interested in an ECSU program, especially one leading to licensure?**

NC-SARA does not regulate whether ECSU accepts students from other countries; however, ECSU state authorization staff will need to know the location of an online international student. Working in conjunction with the state authorization team, the ECSU legal team will make an inquiry to that country after consulting the Ministry of Education to survey that country’s regulations. It is necessary for the legal team to be involved since they are aware of legal implications and can provide insight on financial obligations and data privacy laws that may be associated with the University doing business in another country. A full listing of the [Ministries of Education – Government Websites](https://wcetsan.wiche.edu/sites/default/files/files/2020-04/2020%20April%20Revised%20International%20Sites%20Ministries%20of%20Ed%20-%20Final.pdf) is available through WCET State Authorization Network (SAN).

Every country is different and may have different requirements. The ECSU team will work with regulators in the identified country to ensure that the licensure program meets foreign requirements. ECSU must disclose the licensure status prior to enrolling international students in a program. Please refer to “International Ministries of Education and Data Privacy Laws” and Appendix A, “Ministries of Education – Government Websites” for more details and contact information.

Not all countries regulate online distance education, and requirements vary by country. For countries that do regulate online education, there may be national, state, or provincial level regulations. Some countries may allow foreign higher education institutions to offer online programs, but the country’s Ministry of Education may not recognize online credentials. As a result, students may not be able to use an earned credential to seek a public sector position. Additionally, students should be aware of potential tax consequences resulting from international online enrollment. Countries may require students to withhold taxes on tuition payments made to US institutions of higher education.

Refer to the [ECSU International Admissions page](https://www.ecsu.edu/admissions/international_admissions/international-admissions.html) and [ECSU International Admissions Criteria](https://www.ecsu.edu/admissions/admission_requirements/admission_requirements_international.html) for more details about admissions processes for international students enrolling at the university. International students interested in enrolling in online learning can also refer to the [US Department of State Education USA](https://educationusa.state.gov/your-5-steps-us-study/research-your-options/online-learning) site for further details. It is also strongly recommended that international students contact their country’s education department and appropriate professional licensing bodies before enrolling in ECSU online courses and programs to determine whether an online degree is right for them. While the ECSU team will carefully track issues related to international online students, it is the student’s responsibility to understand the requirements for whether an online degree will be recognized in the country of residence or any country in which the student intends to work; how the collection of student data may be used in that country; and, whether there are any tax implications in addition to the price of tuition.

1. **Why is it important to document learning placements during the year?**
ECSU state authorization staff must report annually where students are located for learning placements, both in-state and out-of-state. Mandatory reporting is completed in June each year.
2. **Why should ECSU be concerned about state and international authorization?**
**State authorization** is a legal issue regarding an educational institution’s adherence to the requirements necessary to secure authorization to offer instruction and other educational endeavors outside of their home state. State authorization compliance is a federal regulatory program (Higher Education Act of 2008, Amended 2010) that requires all higher education institutions to be authorized in and by each state in which they offer educational activities. In terms of **international authorization**, ECSU faculty and staff should be aware that not all countries regulate online distance education, but for those that do, requirements can vary. There may be national, state, and/or provincial requirements. Credentials earned may not be recognized by a student’s government for future employment, and there may be tax implications for the student.
3. **What does professional licensure have to do with state authorization?**
Beyond online courses and learning placements, NC-SARA does not address professional licensing board approval for any courses or programs leading to professional licensure. Specific ECSU academic programs prepare students to sit for applicable professional licensure and/or certification examinations in North Carolina. Professional licensing requirements in North Carolina may not be recognized as sufficient to obtain a license in any other state. To comply with the U.S. Department of Education regulations regarding distance education for professional licensure, ECSU is required to make public and direct disclosures with respect to professional licensure or certification outside the state of North Carolina.
4. **Can ECSU enroll students from California?**

According to the California Bureau of Private Postsecondary Education - Department of Consumer Affairs, out-of-state institution registration is **not required** by degree-granting higher education institutions that are **public institutions of higher education**. Here is the link for that information:

<https://www.bppe.ca.gov/schools/outofstate_reg.shtml>. Since we are a public higher education institution, ECSU is not required to go through a registration process in order to serve California students. California does not regulate out-of-state public institutions.

This approach is also in accordance with the NC-SARA Manual, SARA Quick Start Guide, "How to Work with Students in California": <https://nc-sara.org/sites/default/files/files/2022-04/SARA%20Quick%20Start_California.4.18.22.pdf>. In the "Additional Information about California" subsection, it states that public and non-profit institutions are generally allowed to enroll California students without needing to register. For-profit institutions need to be registered.

In the ECSU National Council for State Authorization Reciprocity Agreements Policy, 300.1.37, <https://www.ecsu.edu/administration/legal/policymanual/official-policy-manual/Section300/300-1-37.pdf>, it states that for non-NC-SARA member states, the university is required to obtain approval from each state prior to conducting trigger activities, **pursuant to state law or regulation**. Referring to California's out-of-state institution registration policy, ECSU is acting in accordance with California's regulations. Since the university is a public institution of higher education, there is no requirement for registration to serve the state's students. ECSU does not meet physical presence standards in California. Serving students from the state online is not considered a trigger activity.

1. **Can military dependents/students who go out of the country be enrolled in our online courses/degree programs?**

According to WCET SAN, this is a complicated topic, but generally speaking, military students located outside the US may be subject to the laws of the country where they are located. Online courses through DE may be regulated in some countries and not in others. Refer to page 3 of the WCET SAN article, “[State Authorization and Military Students](https://wcetsan.wiche.edu/sites/default/files/files/2021-02/2021%20Final%20Military%20White%20Paper%20Revised.pdf)” to read more detailed information, as well as page 5 for information regarding military spouses and other family members. Also refer to the summary of points on page 6 of the same article for an overview of the issues at hand.

As noted in the WCET SAN article, “[Military-Affiliated Students: Managing International Compliance When Duty Calls](https://wcetsan.wiche.edu/resources/military-affiliated-students-managing-international-compliance-when-duty-calls),” U.S. schools are generally subject to country-specific regulation even when making online programs available to students involved with US defense operations in that country. Typically, areas of regulation include foreign education regulation dealing with all manner of virtual services and foreign tax obligations where US institutions may have non-US sales tax or value added tax obligations associated with tuition or fees for online programs offered abroad to military-affiliated students.

1. **We have faculty who are willing to teach online courses, but they will be out of the country visiting their home countries. Do we have a policy about teaching outside the United States?**

In general, ECSU does not regulate the international travel of its faculty or staff. After careful review of the ECSU Faculty Handbook, the ECSU Academic Affairs Handbook, and the ECSU Policy Manual, no specific policies addressing faculty who teach while traveling abroad were found in the publications.

The ECSU State Authorization team recommends that faculty interested in teaching while overseas consult with the ECSU Division of Academic Affairs for any related faculty policies as well as the [US Department of State—Bureau of Consular Affairs](https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visa-expiration-date/auto-revalidate.html). There are several factors that should be considered before a faculty member may be granted approval to teach while traveling to another country including:

1. **From which country will the faculty member be teaching?** A full listing of the [Ministries of Education – Government Websites](https://wcetsan.wiche.edu/sites/default/files/files/2020-04/2020%20April%20Revised%20International%20Sites%20Ministries%20of%20Ed%20-%20Final.pdf) is available through WCET SAN. Faculty are advised to check with a country’s Ministry of Education before teaching ECSU courses while abroad.
2. **Does the faculty member have dual citizenship and/or have they completed their work visa process to work in the United States as well as the country they are visiting, if needed?** Be aware that different countries have different timeframes and requirements. Review the information on [Visaguide.world](https://visaguide.world/) for more details.
3. **Are there any tax implications the University should be aware of during the faculty member’s time working abroad?** Refer to the [Joint Foreign Account Tax Compliance Act FAQ](https://travel.state.gov/content/travel/en/international-travel/while-abroad/Joint-Foreign-Account-Tax-Compliance-FATCA-FAQ.html) and [Federal Benefits and Obligations Abroad](https://travel.state.gov/content/travel/en/international-travel/while-abroad/federal-benefits-and-obligations-abroad.html) for more information.
4. **Will the faculty member access ECSU’s (internet) infrastructure through a secure connection in the country from which the instructor will be working?**

According to ECSU Distance Education Policy 300.1.38, it states, “The university’s computing and telecommunications networks, computing equipment and software are owned by the University and are provided to support the academic and administrative functions of the University. Federal and state law and University policies and procedures govern the use of this equipment and technologies.”

The policy goes on to state, “All users of the LMS must access the system through a designated account and authenticate with unique user credentials provided by the Division of Information Technology. All users of the LMS must adhere to the Acceptable Use of Technology Policy for University Employees or the Computer use Policy for Students.”

Faculty traveling abroad while teaching online should also refer to these ECSU policies:

* [Information Security Incident Response Policy 700.2.5](https://www.ecsu.edu/administration/legal/policymanual/official-policy-manual/Section700/700-2-5.pdf) – provides information about incident severity levels and response.
* [Network Management Security Policy 700.2.12](https://www.ecsu.edu/administration/legal/policymanual/official-policy-manual/Section700/700-2-12.pdf) – ensures the correct and secure operations of ECSU network information resources.
* [Risk Assessment and Management Policy 700.2.13](https://www.ecsu.edu/administration/legal/policymanual/official-policy-manual/Section700/700-2-13.pdf) – establishes a process to assess, manage and remediate risks to ECSU that result from threats to the confidentiality, integrity, and availability of ECSU information resources.
* [Telecommuting Information Security Policy 700.2.16](https://www.ecsu.edu/administration/legal/policymanual/official-policy-manual/Section700/700-2-16.pdf) – provides information on the requirements and responsibilities of ECSU’s employees to protect the confidentiality, integrity, and availability of ECSU information resources accessed, managed, and/or controlled by ECSU.

Academic Affairs will make the final decision after considering the above factors and discussing the specific request with the faculty member.

1. **What process is in place for the Office of Distance Education to review student locations?** The Distance Education Office’s University Program Specialist will work closely with the Admissions Office to review student locations prior to the beginning of each term. If any disclosures need to be communicated to students, they will be distributed during this timeframe.