Q: What is “State Authorization”?  

State Authorization is a legal and regulatory term that applies to a university’s compliance with individual statutes, regulations, and rules in each state in which it operates. Postsecondary institutions are required to seek individual authorization to deliver or facilitate educational services, programs, or activities from each state in which they operate.

Q: Why do states need to authorize the University of Louisville to operate within the state?  

States have long had the authority to regulate institutions offering education within the state’s boundaries, regardless of the modality (face-to-face, distance) being used. States’ regulations vary from having no regulation to having very strict requirements.

Q: When do we need to get authorization from a state?  

We need to become authorized by a state if we have a physical presence in the state. This presents some difficulty because states define physical presence differently. Common types of physical presence include internships, faculty employed by the University of Louisville while living in the state, buildings, face-to-face courses offered in the state, and distance education programs or courses. Some states don’t require authorization to offer distance education courses, but they do for internships.

Q: I’ve heard that some universities are choosing selected states for state authorization, and avoiding the ones that are the most demanding in their requirements. For how many states will the University of Louisville seek state authorization (or exemption)?  

We are pursuing state authorization in all states.

Q: What does it mean to “operate” in a state, especially if we are only doing online delivery?  

Each state defines what it means to operate differently. For example, some states only require authorization if you operate a physical location associated with the institution in that state. For other states, simply enrolling a resident in an online class is considered “operating” in that state.
Many, but not all, states determine the need for authorization based on physical presence, but all states define physical presence differently. Common physical presence “triggers” that would require the University of Louisville to seek authorization in a state include:

- offering distance education courses that include field experience (such as internships or clinical practicums)
- advertising in local media
- employing proctors or instructors within that state
- housing administrative or instructional spaces
- participating in direct recruiting activities with residents of that state.

Some states do not have a physical presence definition but require authorization for all distance education. Additionally, these triggers are applicable to all of the institution’s activities, not just those associated with online programs.

Q: We proctor exams or assignments of students outside Kentucky. Is State Authorization necessary?

Maybe.

Please review the Authorization Checklist found here.

Q: We have marketing and/or advertising activity outside Kentucky. Is State Authorization necessary?

Maybe.

Please review the Authorization Checklist found here.

Q: Is State Authorization necessary for programs without any distance education offerings?

Maybe.

If you have no distance education aspects, but have marketing and/or advertising activity, non-classroom offerings (internship, externship, clinical, practicum, field experience, clerkship, etc.), or any proctoring activities, you may be required to apply for authorization in specific states, depending on the laws and regulations of those states.

Please review the Authorization Checklist found here.
Q: I have students who reside outside Kentucky enrolled in a distance education program. What do I need to do?

If you have students who reside outside of Kentucky and are enrolled in a distance education program, you will likely have to go through the process for State Authorization in the state in which you have students. Kathryn Cross, State Authorization Analyst, will guide you through the process and paperwork.

For now, as UofL works to comply with all State Authorization requirements, it is important that the State Authorization Analyst be made aware of the level of activity in other states. This will help prioritize the order in which applications should take place to avoid fines and other penalties.

Q: If UofL is not approved in all states, can I restrict enrollments in distance education programs?

Yes. You should also have a process for turning away students from restricted states and include a statement on your website stating as much.

Q: I know that there is a student participating in a non-classroom experience (internship, externship, clinical, practicum, field experience, clerkship, etc.) in a state that requires authorization. What do I do?

Please notify the State Authorization Analyst immediately. It is important that we be aware of all activity so that we can review regulations to comply and protect the placement of that student. With your help, we are working as hard as we can to keep all opportunities open to UofL students.

Prior to securing authorization, please understand that it may be necessary to restrict placements within specific states.

Q: What will happen if we do enroll a student in a distance education program or have non-distance activities in a state where UofL does not have State Authorization?

One or a combination of the following could happen: fines may be assessed to UofL, the state may request that the student be pulled from their placement or de-enrolled in their program.
Q: Are there exemptions to the State Authorization requirements? What about students who now live in Utah but are considered residents of other states?

Some states offer exemptions, but we can only determine our eligibility if we have an accurate and current understanding of our out-of-state activities, including marketing, recruitment, advertising, field placements, and other factors.

Q: What is SARA?

Through reciprocity, an institution authorized under SARA in its home state would be considered authorized in all other SARA states. As of April 2016, 36 states have been accepted into SARA. Kentucky is not one of them at this time, but legislation has been passed that would enable Kentucky to pursue membership in SARA.

Q: Does SARA completely replace state authorization?

No. Any degree-granting institution in the U.S. must be authorized to issue degrees by a government. SARA pertains to approval of distance education courses and programs offered across state lines by institutions that already have degree authorization in at least one state. What SARA does is centralize the authorization process for each institution in a single state called the institution’s “home state.” Colleges or universities in a SARA state therefore only need their home state authorization to offer distance education to any other SARA member state.

In addition, SARA does not cover every possible issue that could affect our ability to operate in another state. Such other considerations include, as example, requirements with a state’s Secretary of State or professional licensing agencies.

Q: How does State Authorization affect my department?

The University of Louisville must seek authorization and remain compliant in all states in which it operates. The University of Louisville must make a good-faith effort to seek appropriate authorizations, and to have documentation of these efforts.

To do this, we must have a strong understanding of our activities in each state. There is no better resource available than the departments themselves—you know where you are recruiting, what your students are doing, and what your online and distance education courses require. Departments know where their adjuncts are located, whether their students are
required to have proctored tests, and where internships and practica are taking place. The departments are best positioned to help us determine in which states the University of Louisville is operating.

Q: How will the State Authorization (SA) process affect my department?

The SA process affects you in two ways:

1) To achieve state authorization, sometimes we will ask for information from you. Sometimes we will ask you to work with us to meet a state standard. If we ask you for assistance please remember that this is an urgent need, as for all states for which we do not have authorization we are at risk; and

2) If you receive an email saying that distance education students cannot be enrolled in a state or interns cannot be placed in a state, please follow the rule set forth in that email. Non-compliance puts University of Louisville at serious risk, not only with the state, but with SACS.

Q: What kind of information does UofL need from my department?

Some state regulators require submission of program-specific information, including course descriptions, curriculum, syllabi, partnering sites for field placements, projected annual enrollments, and faculty profiles.

Q: What other considerations should we keep in mind?

Programs of study that typically require additional licensure to practice in the field may require us to gain programmatic authorization within a state before we are authorized to serve residents. Additionally, these programs may need to review their curriculum to determine if it aligns with licensure requirements in other states. If your department’s program does not fit licensure requirements in another state, we should refrain from enrolling students in that state. The most common fields listed by states as requiring programmatic approval/licensure are: nursing, social work, psychology, engineering, and education.

As the University of Louisville continues to develop and launch new online programs and course offerings, collaborations between departments, instructional design teams, and coordinators will help us identify potential authorization triggers while maintaining our good faith compliance efforts and growing our programs.
Q: Where can I find more information about State Authorization?

If you are not sure whether an activity in another state is authorized, you may consult the University of Louisville’s State Authorization website, which is kept current at all times, or you may contact the State Authorization Analyst at kathryn.cross@louisville.edu.