

Hilary Malawer
400 Maryland Avenue SW., Room 6E231
Washington, DC 20202

September 15, 2017

Docket ID: ED-2017-OS-0074-0001

Dear Ms. Malawer,

Thank you for the opportunity to comment on the Department of Education's State Authorization Distance Education Regulations.

Comments on specific articles in the regulations are listed below.

Residency

"When determining the state in which a student resides, an institution may rely on a student's self-determination unless the institution has information that conflicts with that determination." I agree with this means of determining a student's residency and with the statement that state authorization is based on the student's residence. It would be unfathomable to determine where a student is physically located at any point in time while taking a course. Consider a student who travels for work while taking a distance education course; s/he may be in one state on a given day, and another state on the next.

Reciprocity Agreement

I applaud the recognition and acceptance of reciprocity agreements between states to alleviate some of the complicated, labor intensive, and many times costly, compliance requirements. These agreements make it easier for institutions to offer, and for students to access, desired distance education courses and programs. Reciprocity agreements, such as SARA (State Authorization Reciprocity Agreement), offer a centralized authorization process, a commonality and understanding of terms of agreement, and requirements that serve to protect students.

However, the regulations stipulate that a state authorization reciprocity agreement does not prohibit any state from enforcing its own statutes and regulations. This provision basically makes any reciprocity agreement null.

Professional Licensing

Compliance with the professional licensure requirements may provide the biggest challenge. An institution is required to provide an individualized disclosure to a prospective student if a program does not meet licensure or certification prerequisites in a state of the student's residence. In the provisions, a prospective student is defined as someone who has been in contact with the institution and has requested information concerning admission. At an open access institution, anyone may apply and be admitted to the college simply by filling out an admission application on the institution's website. Prospective students may register and enroll without declaring a degree path, making it impossible to

know the student's intent. Therefore, providing an individualized disclosure statement to a prospective student may not be feasible. In addition, knowing the requirements for each state's licensing boards is an arduous task at best. Finally, receiving an acknowledgement from the student that s/he has received the communication and storing that acknowledgement would require processes in place that may need programming and would require time to develop.

Overall, I would like express my concern that some of the requirements in the regulations are overly taxing on two-year public, open access institutions that may not have the same resources (both monetary and staffing), or ease of access to counsel, as four-year or for-profit institutions.

Thank you for your considerations in these matters.

Respectfully submitted,

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