



*The Commission on*  
**INDEPENDENT**  
*Colleges & Universities*  
*in New York*

## **2026 SUMMER WEBINAR SERIES**

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**Updates in Higher Education Compliance**

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# Updates in Higher Education Compliance

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**Brit Schoepp-Wong**

*Member, New York City*

**Phil Zaccheo**

*Member, Syracuse*

# “Beau’s Law”: Policy Disclosures Involving Student Drug and Alcohol Violations and Health Emergencies



# Brief Overview

- “Beau’s Law” signed into law by Gov. Kathy Hochul on Dec. 5.
  - Named for Beau Miller, student from Lockport, NY who died in 2022 from a fentanyl overdose.
    - Miller’s family was unaware of a previous overdose while he was in college.
- New law requires higher ed. institutions to publish the policies under which parents will be notified when a student under 21 has an alcohol or controlled substance violation.
  - Includes hospitalizations and overdoses
- Also requires “regular” FERPA training.
- Takes effect July 1, 2026.

# Requirements Under the New Law

- NY institutions are required to share their policies on whether disclosures are made.
- The law doesn't dictate *what* the policy must be, just that the institution has one and it is publicly available.
- Institutions may already have internal guidelines that need to be published.
  - Others may need to develop rules that address whether and how to notify parents.

# What Does FERPA Allow?

- Family Educational Rights and Privacy Act
- Institutions are already authorized to disclose, without a student's consent, information to parents about drug and alcohol violations when the student is under 21.
- Separately permitted are disclosures, without a student's consent, in any type of health and safety emergency.
- These disclosures are permissive and not required under FERPA.

# What is a Health and Safety Emergency?

- Institutions may take into account the totality of the circumstances.
- They may make disclosures when they determine “there is an articulable and significant threat to the health or safety of a student.”
- If there is a rational basis for the determination, the Department of Education will not substitute its own judgment over the institution’s.

# Key Considerations

- Are notifications discretionary or mandatory in certain circumstances?
- Who will make this determination?
- How are parents and students informed about the disclosure?

# New FERPA Training Requirements

- NY institutions must conduct regular FERPA training “related to health and safety emergencies and the impact on an institution’s response to student alcohol or controlled substance-related hospitalizations or overdoses.”
- Timing, parameters, and required attendees are left to the discretion of the institution.

# Title VI Coordinator Mandate for New York Colleges and Universities



# Title VI Overview



- “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
- Includes shared ancestry

# Title VI Coordinator Law Overview



- Bipartisan backing
- Added a new section to the Education Law
- First of its kind, ahead of federal requirements
  - But see OCR enforcement...
  - And litigation...

# What's Required?



Designate a  
Coordinator



Deliver  
Training



Provide Notice  
of Policies



Deadlines

# Designate a Coordinator



- Serve as the central point of contact for coordinating and overseeing a centralized process for compliance with Title VI
- Can have other duties, and can work with other employees and appoint designees

# Designate a Coordinator



When a report is made, the Coordinator must:

- Offer supportive measures to complainants;
- Notify complainants of the institution's policies and procedures; and
- Ensure there is a process for investigation and resolution of complaints consistent with legal obligations

The Coordinator must keep records related to reports, as well as records on training.

# Deliver Training



- Training each academic year “delivered” to all students and employees
- Title VI Coordinators and any designees are separately also required to undergo training

# Deliver Training



- **New:** Model training just released by NYSDHR
  - Model Title VI training slides and a presentation script; and
  - A checklist and guidance document with both requirements and best practices for those institutions that are developing their own trainings (or that already offer such training and want to confirm such training meets state expectations).
- NYSDHR webinar on June 25

# Provide Notice of Policies



- Title VI Coordinators must notify all students *and* employees of the institution's policies and procedures for reporting discrimination and harassment
- Annual notification

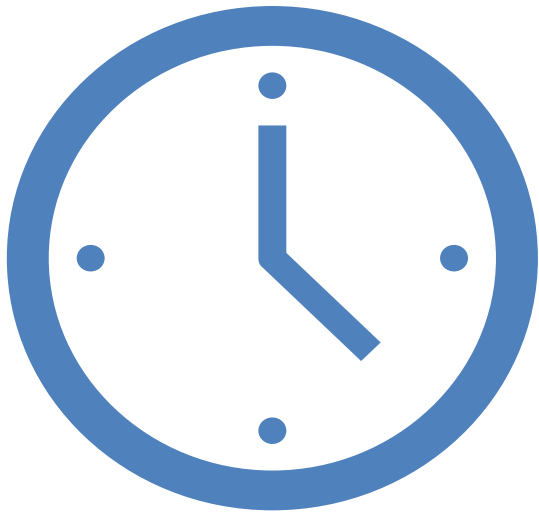
# Provide Notice of Policies



Notification must include:

- the college or university's nondiscrimination policy statement;
- links to relevant reporting policies and procedures;
- the Title VI Coordinator's contact information; and
- any other information the Title VI coordinator and the institution deem necessary

# Deadlines



- The law becomes effective one year from its enactment (i.e., August 26, 2026)
- 90 more days to appoint a Title VI Coordinator (i.e., November 24, 2026)
- Training obligations begin the first full academic year after the effective date (i.e., academic year 2026-27)

# Title IV: OBBA Updates



# Key Provisions Impacting Institutions

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- New Borrowing Limits for Graduate and Professional Programs
  - GRAD Plus eliminated and replaced with Direct Loan Caps
    - “Graduate Students”: \$20,500 per year/\$100,000 total
    - “Professional Students”: \$50,000 per year/\$200,000 total
  - \$257,500 lifetime limit (graduate and undergraduate)
  - Parent PLUS limits of \$20,000 per year/\$65,000 lifetime (per student)
- Exceptions for currently enrolled students (not subject to new limits)
- Schedule of Reductions for students enrolled less than full-time

# Department of Education Action

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- Proposed regulations published on January 30, 2026
- Final regulations published on May 1, 2026 (effective July 1, 2026)
  - Definition of “Professional” programs: Pharmacy, Dentistry, Veterinary Medicine, Chiropractic, Law, Medicine, Optometry, Osteopathic Medicine, Podiatry, Theology, Clinical Psychology
    - All others deemed “Graduate”
  - Exceptions for currently enrolled students lost if student transfers or withdraws and re-enrolls

# Litigation Update

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- Two Pending Actions:
  - Multistate Litigation: Attorneys General from 25 States and D.C. (U.S. District Court, MD)
    - Challenges “Professional” program definition
    - Requests vacating the challenged provisions, and declaratory and permanent injunctive relief
  - Professional Association Litigation: Various Professional Associations (U.S. District Court, D.C.)
    - Challenges “Professional” program definition and limitation on exception for currently enrolled students
    - Requests vacating the challenged provisions, and declaratory and preliminary and permanent injunctive relief
- Others to Come...?

# Litigation Considerations

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- Limited Scope of Challenged Provisions
- Timing
- Scope of Relief (Geographic, Public vs. Private, etc.)
- USDOE Response
- Appeal Process

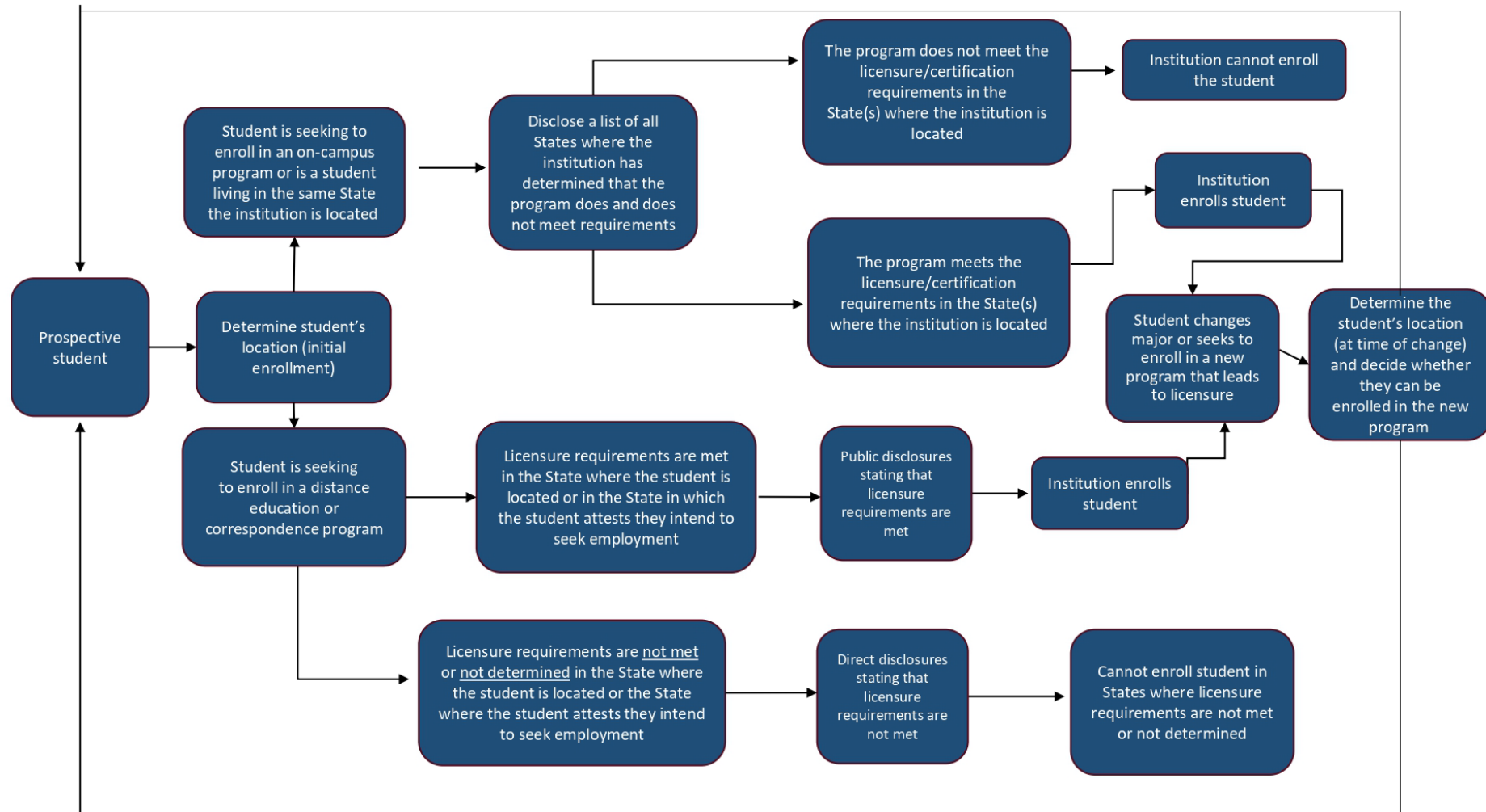
# Potential Legislative Solutions

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- Budget
- Stand-Alone

# Title IV: Post-Graduation Licensure Rules





# Licensing Framework

- Practical legal overview of the federal licensure and certification disclosure framework for Title IV eligible programs
  - The rules apply even if the individual student does not receive Title IV funds, so long as the **program** is Title IV eligible
- The 2024 amendments made the distance-education analysis significantly more consequential
  - Face-to-face programs trigger **disclosure** obligations
  - Distance education and correspondence programs require a state-specific licensure determination before enrollment and restrict **enrollment**

# Licensing: In-Person and In-State

- In-person programs, or students located in the institution's state, present a narrower analysis
- In that setting, the institution must provide state-by-state disclosures and **direct** notice if the program does not meet requirements or no determination has been made
  - Unless unable to meet requirements of the state where institution is located, this is a disclosure-only obligation

# Licensing: Distance Programs

- For distance education students, the institution must determine at initial enrollment that the program meets the educational requirements in the student's state.
- Otherwise, the student cannot be enrolled there.
- *34 CFR 668.14(32): an institution must determine that each program “[s]atisfies the applicable education requirements for professional licensure or certification requirements in the State...so that a student who enrolls in the program, and seeks employment in that State after completing the program, qualifies to take any licensure or certification exam that is needed for the student to practice or find employment in an occupation that the program prepares students to enter.”*

# Licensing: Distance Programs

- Determining the student's state:
  - The **institution's** state
  - Where the student is **located** at the time of enrollment
    - The institution needs a consistent location-determination policy
  - Student **attestation** that they intend to move to a particular state for employment.
    - Narrow: must identify one specific state and be student-initiated rather than institution-prompted or automated.

# Licensing: What is a “Distance” Program?

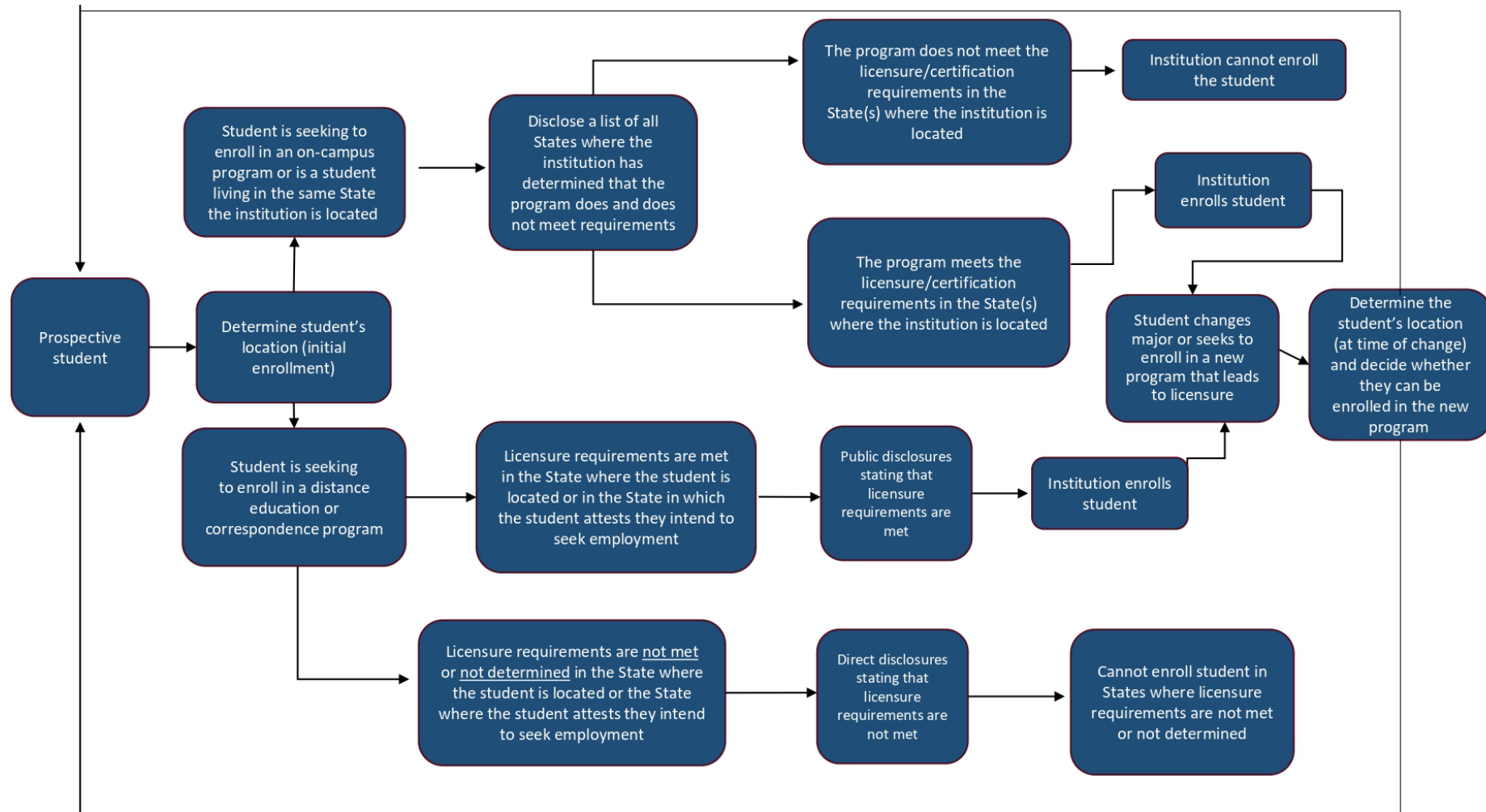
- Even partial online delivery can trigger distance-education treatment.
  - If the first “payment period” includes even one distance-education course counting toward the program while the student is living in another state, the student is treated as a distance education student
  - If there is no distance-education coursework in the first payment period, or the student is on campus or in-state while taking it, the stricter rule does not apply
  - Hybrid?

# Licensing: Changes and Updates

- If the institution later determines that a program does not meet state requirements for currently enrolled students, it must notify affected students within 14 calendar days
- Continuous obligation to keep informed across 50 states...

# Licensing: Other Routes?

- Reciprocity or licensure compacts
  - Only if they allow the student, immediately upon completion, to qualify to work or sit for any required exam in the relevant state.
  - Reciprocity does not help if the graduate needs extra coursework after graduation or years of practice first.



# Thank you!



**Brit Schoepp-Wong**

*bschoeppwong@bsk.com*

**Phil Zaccheo**

*pzaccheo@bsk.com*



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**THANK YOU!**



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Lola W. Brabham  
*President*