Having a MHEC of a Time With SARA and State Authorization!

July 30, 2015
Summer Institute on Distance Learning and Instructional Technology (SIDLIT)
Part I: Understanding the State Authorization Reciprocity Agreement (SARA) and SARA Updates

Part II: Role of the State Portal Agency (SPA)

Part III: Cowley College: To SARA and Beyond
Part I: Understanding the State Authorization Reciprocity Agreement (SARA) and SARA Updates
THE CURRENT SYSTEM

Institutions seek authorization from every other state or territory where they hope to serve students

**Sample state with 4 institutions of higher education, with all offering on-line degrees in other states**

- 4 institutions (>4000 in the US)
- x 54 states/territories
- x number of programs (sometimes)
- x number of students (sometimes)
- x amount of revenue (sometimes)

MANY COSTS TO INSTITUTIONS AND STUDENTS
THE SOLUTION

A nation-wide system of reciprocity administered by the four existing regional compacts

WICHE

MHEC

SREB

NEBHE
The SARA Process:

Institutions seek approval from their home states which have joined SARA, and the state agency then regulates those institutions with regard to the export of online education across state lines to host states.

- 4 institutions (>4000 in the US)
- x 1 state/territory
- x number of programs (sometimes)
- x number of students (sometimes)
- x amount of revenue (sometimes)

REDUCED COSTS TO INSTITUTIONS AND STUDENTS
THE SARA SYSTEM

- NC–SARA Fee and State Fee (optional)
- One application
- One set of criteria
- Increase student enrollment
- Data collection and sharing
- One system of complaint resolution
- More compliance
NC–SARA
INSTITUTIONAL FEES
NC–SARA POLICIES AND STANDARDS
Page 6, Section 3:
Participation Fees (Annual to NC–SARA)

$2,000/yr. for IHEs with under 2,500 FTE
$4,000/yr. for IHEs with 2,500–9,999 FTE
$6,000/yr. for IHEs with 10,000 or more FTE

*Based on 12 month unduplicated FTE as reported annually to IPEDS*

*State Costs Vary*
SARA PRINCIPLES

• **Consistency** across the Nation
  *Regional compacts working together coordinated by National Council for SARA (NC-SARA)*

• **Voluntary** for states and institutions

• **Non-redundant and efficient**

• **Trust** between the states
KEY SARA ELEMENTS

Through reliance on established community expectations and its own expectations, SARA provides consistent standards and procedures for:

• Academic Integrity
• Financial Responsibility
• “Physical Presence”
• Data Collection and Sharing
• Catastrophic Closings
• Student Complaint Processes
SARA Update
STATES THAT HAVE ALREADY JOINED SARA = 27

SARA States & Institutions
SARA UPDATES FOR STATES

2. [http://www.nc-sara.org/content/sara-state-status](http://www.nc-sara.org/content/sara-state-status)

**NC-SARA**
National Council for State Authorization Reciprocity Agreements

State Actions Regarding SARA

<table>
<thead>
<tr>
<th>United States and Territories (regional compact)</th>
<th>Legislation Introduced</th>
<th>Legislation passed</th>
<th>Application to regional compact</th>
<th>Approved as SARA state</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama (SREB)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alaska (WICHE)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>05/13/2014</td>
</tr>
<tr>
<td>American Samoa</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arizona (WICHE)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>11/11/2014</td>
</tr>
<tr>
<td>Arkansas (SREB)</td>
<td>n/a</td>
<td>✓</td>
<td>✓</td>
<td>06/29/2015</td>
</tr>
<tr>
<td>California (WICHE)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Colorado (WICHE)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>05/13/2014</td>
</tr>
<tr>
<td>Connecticut (NEBHE)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delaware (SREB)</td>
<td>✓</td>
<td>✓</td>
<td></td>
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<tr>
<td>District of Columbia</td>
<td>✓</td>
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<tr>
<td>Florida (SREB)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Georgia (SREB)</td>
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<td>n/a</td>
<td></td>
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<tr>
<td>Guam</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawaii (WICHE)</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Regional SARA Directors**

**MHEC**
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**NEBHE**
Sandra J. Doran, Esq.
Director, NE-BHE
300+ INSTITUTIONS HAVE JOINED

http://www.nc-sara.org/states/ks

NC-SARA
National Council for State Authorization Reciprocity Agreements

Kansas

Approved SARA Institutions in Kansas
- Barton County Community College
- Butler Community College
- Central Christian College of Kansas
- Cloud County Community College
- Cowley County Community College and Area Vocational-Technical School
- Emporia State University
- Fort Hays State University
- Garden City Community College
Process of Joining

SARA
SARA MEMBERSHIP STEPS

STAGE 1
A state must have the legal ability to join the agreement (usually this means passing a new law)

STAGE 2
A state must set up its state portal agency (SPA) and the means by which it carries out its SARA duties

Examples:
- Use of an existing SHEEO office
- Use of another existing agency
- Creation of a new agency or council
SARA MEMBERSHIP STEPS

STAGE 3
A state must submit its application to its regional compact and be approved for membership

STAGE 4
Institutions apply to their SPAs once the SPAs are ready to accept applications
Part II: Role of the State Portal Agency (SPA)
Kansas’s Pathway to Reciprocity

2013
- Discussions begin

2014
- HB 2544
- Application to M-SARA
- MHEC approval

2015
- Institutions begin participation
Process for Kansas Institutions

1. Institution Inquiry
2. PPS determines eligibility and grants access to application if eligible
3. Institution submits SARA application
4. PPS Regulator Reviews
5. PPS Director Reviews
6. Submit to NC-SARA
7. Notify institution and provide payment information
NC–SARA Application

Documentation & Attestations

<table>
<thead>
<tr>
<th>Application and Approval form for Institutional Participation in SARA</th>
</tr>
</thead>
<tbody>
<tr>
<td>An institution applying to operate under the State Authorization Reciprocity Agreement (SARA) must submit this form to its home state's portal agency for SARA.</td>
</tr>
<tr>
<td>When a state checks &quot;yes&quot; on this form, the state affirms that the applicant institution has followed proper procedures and provided necessary documents to operate under SARA, but this affirmation does not necessarily represent state evaluation of the institution's ability to perform under SARA policies.</td>
</tr>
<tr>
<td>An institution seeking approval to operate under the terms and standards of SARA must meet the following requirements:</td>
</tr>
<tr>
<td>Applicant Institution meets the requirement</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>1. Have its principal campus or central administrative unit or units situated in a state that has joined the State Authorization Reciprocity Agreement (SARA) initiative and is authorized to operate in that state. Only distance education content originating in the United States or in a U.S. territory is eligible to be offered under SARA. <strong>(Attach documentation)</strong></td>
</tr>
<tr>
<td>2. Be a U.S. degree-granting institution that is accredited by an accrediting body recognized by the U.S. Secretary of Education. <strong>(Attach documentation)</strong></td>
</tr>
<tr>
<td>3. For non-public institutions, have a financial responsibility index score from the U.S. Department of Education that is 1.5 or above, or, if its score is between 1.0 and 1.5, successfully demonstrate to its home state's portal agency that it is nevertheless sufficiently financially stable to justify participation in SARA. <strong>(Attach documentation)</strong></td>
</tr>
<tr>
<td>4. Agree to abide by the International Guidelines for the Evaluation of Distance Education adopted by the Council of Regional Accrediting Commissions, as summarized in SARA policy 3.D.2.F. <strong>(see Appendix)</strong></td>
</tr>
<tr>
<td>5. Agree to be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA. <strong>(Attach documentation)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Institution meets the requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial form</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>6. Agree to notify its home state’s portal agency of any negative changes to its accreditation status.</td>
</tr>
<tr>
<td>7. Agree to provide data necessary to monitor SARA activities.</td>
</tr>
<tr>
<td>8. Agree to work with its home state’s portal agency to resolve any complaints arising from its students in SARA states, and to abide by decisions of that entity. <strong>(Attach documentation)</strong></td>
</tr>
<tr>
<td>9. Apply to its home state’s portal agency over the signature of the institution’s CEO or chief academic officer.</td>
</tr>
<tr>
<td>10. Agree to notify in writing all students in a course or program that customarily leads to professional licensure, or which a student could reasonably believe leads to licensure, whether or not the course or program meets requirements for licensure in the state where the student resides. If an institution does not know whether the course or program meets licensure requirements in the student’s stated residence, the institution may meet this SARA requirement by informing the student in writing and providing the student the contact information for the appropriate state licensing board(s). An e-mail dedicated solely to this purpose and sent to the student’s best-known e-mail address meets this requirement. The institution should use other means to notify the student if needed.</td>
</tr>
<tr>
<td>11. Agree, in cases where the institution cannot fully deliver the instruction for which a student has contracted, to provide a reasonable alternative for delivering the instruction or reasonable financial compensation for the education they did not receive.</td>
</tr>
<tr>
<td>12. Agree to pay any state any state fees for SARA participation required by the home state for administering SARA.</td>
</tr>
<tr>
<td>13. Agree to pay its annual SARA participation fee to the National Council for SARA (NC–SARA). This single annual fee replaces any fees that the institution would otherwise pay to other SARA member states.</td>
</tr>
</tbody>
</table>

**SARA requires the home campus to be where an institution has its legal domicile. Any disputes about which state is the home state will be resolved by the SARA agencies in the affected region and reported to the National Council for SARA, accordingly.**

**The term a "foreign" institution means a U.S. entity that does not qualify distance education originating from the home state’s approval. Only distance education offerings under the auspices of the foreign entity may be offered through SARA.**

**Complaints must follow the institution's customary procedure prior to being referred to the state under SARA procedures. Grade appeals and student conduct appeals are not allowed under SARA.**
State Specific Application Requirements

- Fees
- Bond
- Financial Responsibility Index Scores
# Renewal Process

## National Council for State Authorization Reciprocity Agreements

**A voluntary, regional approach to state reciprocity in distance education**

### Indicate Regional Compact:
- [ ] Midwestern Higher Education Compact
- [ ] New England Board of Higher Education
- [ ] Southern Regional Education Board
- [ ] Western Interstate Commission for Higher Education

## Renewal Application for Institutional Participation in SARA

An institution applying for renewal to operate under the State Authorization Reciprocity Agreement (SARA) must submit this form to its home state’s portal agency for SARA participation.

When a state checks “yes” on this form, the state affirms that the applicant institution has followed proper procedures and provided necessary documents to continue operating under SARA, but this affirmation does not necessarily represent state evaluation of the institution’s ability to perform under SARA policies. An institution seeking renewal must meet the following requirements:

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>STATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institution agrees to meet the requirement (total):</td>
<td>Institution meets the requirement:</td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>☐ Yes ☐ No</td>
</tr>
<tr>
<td>☐ Yes ☐ No</td>
<td>☐ Yes ☐ No</td>
</tr>
</tbody>
</table>

1. The principal campus or central administrative unit remains domiciled in a state or district that has joined the State Authorization Reciprocity Agreement (SARA) initiative and is authorized to operate in that state.
2. The institution retains its accreditation by an accrediting body recognized by the U.S. Secretary of Education.
3. If non-public, the institution shall maintain a financial responsibility index score of 1.5 or above, and in the case of a score between 1.0 and 1.5, the portal agency has affirmed that sufficient documentation has been provided to support continued institutional participation in SARA. Public institutions leave this blank.
4. The institution agrees to abide by the Interregional Guidelines for the Evaluation of Distance Education as summarized in SARA policy 3.21-9 and current NC-SARA Policies and Standards.
5. The institution agrees to maintain responsibility for the actions of any third-party providers used by the institution to engage in operations under SARA.
6. The institution agrees to notify its home state’s portal agency of any negative changes to its accreditation status.
7. The institution agrees to provide data necessary to monitor SARA activities as requested by NC-SARA or the state portal agency.

**Revised: 5/15/2015**
Status of Kansas Institutions

Public Universities
- SARA: 14%
- Non-SARA: 86%

Community & Technical Colleges
- SARA: 31%
- Non-SARA: 69%

Independent
- SARA: 27%
- Non-SARA: 73%
Updates available at kansasregents.org
PART III: Cowley College: To SARA and Beyond

Stephani Johns-Hines
Paula Phelps
Step 1: Select the right person to lead
- Be organized, timely and efficient.
- Keep a good paper/e-trail.
- Be well versed in the institution.
- Understand goal and purpose.
- Be self-motivated to complete the research.
- Understand and comply with each state’s regulations and requirements AND follow-up reporting requirements.

Step 2: Know student enrollment and faculty
- Clear understanding of students, degrees, practicums, faculty and state requirements in order to strategically initiate communication.
- This is an ongoing process.
Dear Colleague

Cowley College is a community college and vocational/technical school. With more than 70 majors and degree possibilities, we prepare students to transfer to a four year program or to enter the workforce with the necessary skills, certification or degree. Begun in 1922, Cowley has steadily transformed into a cutting-edge institution, recognized across the nation for quality education and the success of its graduates.

Cowley College is committed to providing excellent educational opportunities for our students. We are also committed to abiding by the statutory requirements and rules of Alaska and the Alaska Commission of Postsecondary Education. Because state regulatory requirements for schools that offer distance education programs vary from state to state, we are asking for guidance on whether Cowley College needs to submit an application for authorization of our distance education programs in Alaska. We would appreciate a written response for our records and I am available to answer any questions you may have.
Agency Response

This is to acknowledge receipt of your inquiry relative to Alaska institutional authorization requirements. As an institution delivering online/distance education instruction, potentially to Alaska residents, you are seeking clarification to assure compliance with Alaska law.

Out-of-state institutions with no physical presence in Alaska as described below are required to apply for exemption from authorization to offer postsecondary instruction in Alaska. To do so, complete and submit the Application for Exemption from Authorization form which can be found at the following link:
http://acpe.alaska.gov/Portals/0/OTHER/Forms/00ExemptApp.pdf.

Please note that an institution exempt from the authorization requirements under 20 AAC 17.015 (a)(8) must include a conspicuous statement on the institution’s marketing in the state, indicating that the program is exempt from authorization under AS 14.48 and this chapter because the program is online or distance delivered and does not have a physical presence in the state. Physical presence means the presence of a facility, equipment, faculty or staff within the state.

Finally it is an institution’s responsibility to ensure it if fully aware of all applicable Alaska statutes and regulations and any associated compliance requirements relative to exemption from authorization.
Step 3: Develop relationships within own institution to educate and engage leaders and departments

- Authorization is not just about distance education.
- Educate leaders of institution.
- Must understand/appreciate the process of state authorization for institution

Step 4: Establish order of states in which to apply

- Decide where to apply or not to apply.
- Automatic approval / exemption?
- Keep file of all exemptions, waivers, and approvals.
- If not applying in specific states, indicate clearly on your institution’s website to stay in compliance with federal and state requirements.
Step 5: Research state agency regulations and develop relationships with regulators

- Review web sites, SHEEO, and consortium website for the regulations, requirements, and for the authorization requirements in each state.
- Authorization/exemption varies by state and by types of programs and degrees offered.

Step 6: Be prepared to provide information specific to your institution

- The type of institution you represent
- Institutional information
- Website links: http://www.cowley.edu/campus.html
- Complete contact information
- Programs offered by your institution
- Any physical presence triggers
- Costs, number of credits, number of students, practicum requirements, etc.
Step 7: APPLY!

- Start with SARA
- Renewals vary by state and can be updated often. Have renewal fees in budget.
- Remain in the loop for updates and changes of information.
- Document your actions.
- Each state expects you to already have received approval before serving the first student in their state (teach out).
As you move forward with your own state authorization journey keep in mind that staying organized, communicating, networking, and remaining positive throughout the process will help each step fall into place. You will have plenty of support from your state institutional contacts and others in the same position as you.

You are not alone.

We hope that we have given you an idea of where and how to begin.

Stephani and Paula

johnshiness@cowley.edu
phelpsp@cowley.edu
QUESTIONS?