



“Safe Driving” Compliance Training Tips

Mandatory Driver’s Meeting Outcomes

Working With Your Pit Crew

1. **Designate a Point Person** - Designate one person to be in charge of (responsible for?) state authorization compliance for the whole institution.
2. **Acquire Access to Institutional Data** – Point person needs access to a wide range of data across the institution which is updated according to an established schedule.
3. **Gain Access to Institutional Resources** –Point person needs enough resources to do her/his job, including time, money and assistance from IT, IR, etc.
4. **Perform an Institutional Analysis** – Point person must review all of the activities of the institution that take place outside of the home state of the institution to determine what activities and in which states do the activities occur. Where is the activity taking place?
5. **Obtain Access to Institutional Policy Meetings** – Point person needs to be included in meetings that affect enrollment and all other out of state activities so that s/he can advise and act accordingly upon changes that would have an impact on institutional authorization obligations
6. **Generate Regular Reporting** – Point person needs to make regular reports to the institution’s leadership team so that decisions can be made about authorization priorities and resources.

Community Working Together

7. **Pursue Outside Support Sources** – Point person must use outside support sources and initiatives to develop knowledge of compliance requirements and implementation strategies. Examples include: WCET/SAN, SHEEO Surveys, State Websites and counterparts from similar institutions.
8. **Participate in WCET/SAN and SARA Webinars and Workshops** - for further training. Join WCET/SAN to stay up to date with regulations, learn best practices from other members and gain knowledge in institution navigation. Hire a firm or professional resource if necessary.
9. **Update the Institution’s Contact Information with NC-SARA** – BE sure to receive email notices! SARA institutions must ensure that NC-SARA has up to date contact information at the institution. SARA State Portal Entity or SARA Regional Director need your updated information.
10. **Establish a working relationship with your SARA State Portal Entity** – State portal contacts are the best front line source of information on SARA policies, procedures and developments. They have regular contact with each other, regional SARA staff and national SARA staff, so they know what’s going on in SARA.

General State Authorization Questions for USDLA 2017 Presentation

1. Activities

Q. True or False and why

State Authorization regulations apply only to institutions that offer online courses to students outside of the institution's home state.

- A. False, each state determines what is considered a "physical presence" in their state. Physical presence relates to the activities which occur within that state. Institutions participating in any activity in a state outside of the institution's home state should review the statutes and regulations of that state to determine whether the activity is one that "triggers" physical presence and requires licensure or authorization.

2. Deadline for Compliance

Q. What is the Federal Regulation deadline for institutions to be compliant with state regulations on distance education?

- A. **July 1, 2018.** Per the December 2016 release of new federal regulations for state authorization of distance education.

History for bonus points: 34 CFR 600.9 (c) which was a key section of the October 2010, program integrity regulations was struck down by two federal courts in 2011 and 2012, due to a procedural error in the rule-making process.

- B. Until July 1, 2018, failure to comply with state laws by failing to be licensed or properly authorized is an actionable violation of state law in that state. AND

Several regional accreditors maintain their own policies on state authorization. For example, The Higher Learning Commission Policy Title: Federal Compliance Requirements for Institutions, Policy 4.0 (i.) *Standing with State and Other Accrediting Agencies*, states that an institution has a responsibility to be in good standing in the states where it is authorized and disclose any pending or final state actions that affect the institution's legal standing. Further, the policy states that the Commission will review the action and may impose consequences which could include sanction or withdrawal of accreditation, if deemed appropriate.

3. Triggers

Q. Name 4 institutional activities, "triggers", that may require an institution to seek authorization or approval outside the institution's home state.

- A. Online courses, Employing Faculty, Internships/clinical placements/practica, maintaining servers, establishing a brick and mortar location, recruiting, advertising/marketing, administrative offices, contracted services (proctors, advisors, etc.)

4. Compliance Options

Q. Name 3 ways an institution can achieve state authorization compliance

- A. 1. Refrain from participating in any activities in the state.
2. Seek state approval.
3. Join SARA (State Authorization Reciprocity Agreement) if the state in question is a participant, the institution is a participant, and the activities covered through SARA.

5. Public Universities & Religious Institutions

Q. True or False and Why? -

Public universities and institutions with religious affiliation are exempt from oversight by state higher education agencies with regard to activities conducted outside their home state.

- A.** False – the statement is too broad. Generally speaking, public institutions must comply with state authorization regulations; only a few states specifically exempt public universities from regulation. Religious institutions typically are only provided an exemption by the state for religious training that cannot be confused with secular degrees.

6. Non-Credit Courses

Q. True or False and why?

No-cost courses (such as MOOCs) and courses that are not credit-bearing (such as continuing education or professional development options) offered by an institution outside of its home state are considered exempt from regulation.

- A.** False, generally speaking, there is no blanket exception for non-credit courses or free courses offered in other states. Some states elect to regulate them and such offerings may be a trigger for authorization.

7. Consequences

Q. Name 2 possible consequences of an institution's failure to comply with the state authorization regulations.

- A.** Cease and Desist Letter, call from a regulator, litigation, damage to reputation/bad publicity, student's inability to receive a state license (nursing, social work, teaching, etc.) or to secure employment

8. Resources

Q. Name 3 different resources for assistance/guidance on state authorization compliance.

- A.** **State regulations and statutes**, state agency websites, participation in the WCET/State Authorization Network (SAN), Form a network group in your state, find State Authorization Buddy, State Higher Education Executive Officers Association (SHEEO) Surveys *note the difference between **primary authority** and secondary authority.

9. Professional Licensure Question

Q: True or false – and why?

Compliance with the state higher education agency avoids the need for any additional approval by any licensure boards (nursing, social work or teaching, for example) for activities in programs leading to professional licensure.

- A:** False, in addition to state authorization compliance, an institution must determine if additional approval is required from the state licensing board for an activity in a program leading to professional licensure. For example, state law requires a school of nursing to be licensed by both that state's education agency and its board of nursing, compliance may dictate that the institution seek review and approval from both entities before enrolling students.

10. Military

Q. True/False and why?

An institution does not need to be authorized in a state where the out of state institution only enrolls or recruits the students on a military base.

- A.** False, whether an institution must be authorized in a state to enroll military students or recruit on a military base is a question of state law and will vary from state to state.

11. Summer Activities

Q. True/False and why?

An institution is always exempt from state authorization with regard to students who participate in summer internships or participate in an online course in states other than the state where the enrolling college or university is located.

- A.** False, generally speaking there is no exception for students returning to their out of state permanent (family) residence to complete an internship/clinical placement/field experience or complete an online course. Some states will view any component of an academic program complete within their borders – not matter the term or time of year – as a trigger for authorization or approval.

12. Stakeholders at the institution

Q. Name four university or college departments/offices that should be consulted when an institution plans its state authorization compliance strategy.

- A.** Legal counsel, provost, financial aid, admissions, registrar, marketing, business services, human resources, IT, students, faculty, research and analytics

13. Non-SARA state or activity

Q. What should a SARA-member institution do if it plans to engage in state activities not covered under the terms of SARA?

- A:** The institution would be required to seek authorization or approval – if dictated by that state’s statutes or regulations.

14. Athletic Recruiting

Q. True or False and why? Athletic recruiters visiting prospects or attending showcases outside of their institution’s home state may be a trigger for state authorization.

- A.** True, Athletic recruiting is deemed a regulated activity in some states. Some states require that the athletic recruiter register with the state and are required to be bonded.

15. Complaint Process

Q. What does Federal Regulation 34 CFR 668.43 (b) require an institution to provide to its students and prospective students?

- A.** Per federal regulation 34 CFR 668.43 (b) institutions must provide current and prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant state official or agency that would handle a student’s complaint

16. 34 CFR 600.9 (a) & (b)

Q. To be compliant with Federal Regulation 34 CFR 600.9 (a) & (b), what two things should the institution know about the state where the institution provides more than 50% of its programs.

- A.** 1. State agency that approves the institution
- 2. State agency that hears complaints

SARA QUESTIONS

1. Institutional participation

Q. Name three of the four basic qualifications an institution must meet to participate in SARA.

- A.
1. It must be authorized to operate in its home state (Section 3.1)
 2. Hold accreditation as a single entity from an accrediting association recognized by the U.S. Secretary of Education, and which has formal recognition to accredit distance education programs. (Section 3.1)
 3. It must either be a public institution or have a financial responsibility score of at least 1.5. (Section 2.5)
 4. It must be degree granting. (Section 3.1)

2. State membership

Q. True or False and why? All SARA states must be members of one of the four regional higher education compacts.

A. False, States that have the legal ability to join SARA can do so by affiliating with one of the compacts for SARA participation, only. They can do this for a fee of \$50,000.00 annually. (Section 2.1)

3. Additional activities covered by SARA

Q. Name three additional activities besides distance education but associated with distance education that SARA covers for its participating institutions.

- A.
1. Advertising (Section 5.12)
 2. Recruiting (Section 5.12)
 3. Supervised field placements (Section 5.13)
 4. Short courses (Section 5.4)
 5. Faculty located in another SARA state (Section 5.12)
 6. Many more (Section 5)

4. Supervised Field Experiences

Q. True or False and why? Although SARA covers supervised field experiences, it only does so for placements associated with distance education programs, not for on the ground programs for which the student is seeking an out of state clinical placement.

A. False, SARA covers all out of state supervised field placements for its participating institutions, including those that are all or predominantly on-the-ground and face-to-face programs. This is because it would be nearly impossible for a regulator in the receiving state to monitor the difference between those, and it creates an unfair difference and advantage for students in an online versus an on-the-ground program at the same institution. Further, as more and more programs become a blend of online and face-to-face instruction, this distinction will mean less in years to come. (Section 5)

5. Supervised Field Experiences

Q. True or False and why? Once an institution signs on to participate in SARA, it does not need to do anything else in another state when it sends students there for supervised field experiences.

A. False, if an institution in one SARA state is sending students to a supervised field experience in another state, institutional personnel still need to abide by the 10 student limit to field placements in the other state. Also, if the field experience is part of a program leading to professional licensure, institutional staff need to see if any of the relevant professional licensing boards in the receiving state exercise any control over supervised field experiences in the state. (Section 5)

6. Student Complaints

Q. True or False and why? When a student in one SARA state attends an institution in another SARA state, any complaints that student has that rise above the institutional level can be appealed to the portal entity in either state.

A. False, student complaints that rise above the institutional level can only be appealed to the portal entity of the state in which the institution is located. This streamlines the line of complaint resolution and keeps the resolution within the laws of the state under which the institution applied to participate in SARA. However, the portal entity of the state in which the institution is located does notify the portal entity of the state in which the student is located when a complaint is appealed. When applicable, the two portal entities work together to resolve the complaint and protect student consumer rights. (Section 4.5)

7. Student Complaints

Q. Name one of the two types of student complaints that cannot be appealed above the institutional level to a state portal entity under SARA.

- A. 1. Grade disputes (Section 4.5)
 2. Student conduct matters (Section 4.5)

8. Student Complaints

Q. True or False and why? Portal entities must report to NC-SARA any student complaints that are appealed to them four times a year.

A. True, student complaints that rise above the institutional level and are appealed to the portal entity of the state in which the institution is located are reported by the portal entity each quarter. This allows NC-SARA to track any emerging patterns in student complaints and take swift investigative action if necessary. (Section 4 and Institution Application)

9. C-RAC Guidelines

Q. True or False and why? When an institution applies to participate in SARA, it agrees to abide by the Interregional Guidelines for the Evaluation of Distance Education (Online Learning). These are also known as the "C-RAC Guidelines," and they were created just for use by SARA participating institutions.

A. False, the C-RAC Guidelines were published first mentioned in 2006 and published in their current form in 2011. They were already part of the regional accreditation process before SARA decided to add them to the list of practices to which SARA institutions must agree to abide.

10. C-RAC Guidelines

Q. True or False and why? When an institution applies to participate in SARA, it agrees to abide by the Interregional Guidelines for the Evaluation of Distance Education (Online Learning) and to attach specific documented evidence of its C-RAC compliance to its application.

A. False, an institutional SARA application requires little attached documentation, including specific C-RAC compliance evidence. SARA is based on trust between states and institutions as well as on non-redundant data reporting. When an institution's president or provost signs the institutional application, and affirms C-RAC compliance, it is assumed that the institution is, indeed, in compliance. (Section 4 and Institution Application)

11. Professional Licensure

Q. True or False and why? When a SARA institution offers courses and programs that could lead to professional licensure, the institution does not have to do anything special for such students in other states since SARA covers that sort of activity.

A. False, when an institution offers courses and programs that can lead to professional licensure in other states, an institution must provide information to students indicating whether the courses and programs do or do not meet licensing requirements in the state where the student is taking the courses. Until July 1, 2018, an institution can also notify students the institution could not determine such information and advise students of the exact organization in the other state where they themselves can research what programs lead to licensure. (Section 5 & Federal Regulations)

12. Secretary of State Registration

Q. True or False and why? A SARA institution operating in other SARA states may have to register with the Secretary of State.

A. True, SARA only covers reciprocity between state authorization laws, not for laws and requirements for doing business across state lines, which is usually why a Secretary of State registration would be necessary.

13. Participation Fees

Q. NC-SARA has set fees through June 30, 2018. Name the three levels of FTE and the SARA institutional participation fees that correspond to them. (Section 3.4)

A. FTE 0 to 2500 = \$2000/year
FTE 2501 to 10,000 = \$4000/year
FTE Over 10,000 = \$6,000/year

14. State participation fees

Q. What role does NC-SARA have in setting state level participation fees?

A. None, states set their own SARA participation fees based on the funding necessary for them to staff and run the portal organization in their states. (Section 3.4)

15. National Board

Q. How many members can there be on the NC-SARA Board?

A. Between 17 and 23 members. (Unified Agreement 8.2)

16. Regional Higher Education Compacts

Q. Name two of the four regional higher education compacts that administer and have helped develop SARA.

A. 1. NEBHE – New England Board of Higher Education
2. MHEC – Midwestern Higher Education Compact
3. SREB – Southern Regional Education Board
4. WICHE – Western Interstate Commission for Higher Education

17. States

Q. Which states have not joined SARA as of May 2017??

A. California, Florida and Massachusetts



State Authorization Resources

[WCET/State Authorization Network \(SAN\)](#)

- <http://wcet.wiche.edu/initiatives/state-authorization-network>
- Research reports and state by state analyses.
- Discussions with regulators and experts.
- Member participation in email discussions,
- Face to face meetings.
- Monthly coordinator calls.
- Training workshops and webcasts.
- Reciprocity advice.



[WICHE Cooperative for Educational Technologies \(WCET\)](#)

- <http://wcet.wiche.edu>
- History of State Authorization, Requirements, Complaint Process.
- WCET Frontiers - Blog – best practices information. <https://wcetfrontiers.org/>
- Talking Points - White papers – research.
- WCET Annual Meeting.



[State Higher Education Executive Officers \(SHEEO\) Surveys](#)

- http://sheeo.org/sheeo_surveys/
- Surveys completed by state higher education agency.
- Survey includes contact information (state websites, regulations, applications + more).
- Starting place for state research.





SARA Resources



National Council of State Authorization Reciprocity Agreements

- <http://nc-sara.org/>
- Unified Agreement
- Policies and Standards
- Complaint reports published
- Institutional data published
- Newsletter
- Status of state and institutional participation
- Information about National Council meetings
- Data reporting guidelines
- State portal entity contact information



National Council for
State Authorization Reciprocity Agreements

A voluntary, regional approach to state oversight of distance education

Regional SARA Entities

- [Midwestern Higher Education Compact](#)
 - <http://www.mhec.org/>
 - Regional Director: Jenny Parks, jennyp@mhec.org
- [New England Board of Higher Education](#)
 - <http://www.nebhe.org/>
 - Regional Director: Sandra Doran, sdoran@nebhe.org
- [Southern Regional Education Board](#)
 - <http://www.sreb.org/>
 - Regional Director: Mary Larson, mary.larson@sreb.org
- [Western Interstate Commission for Higher Education](#)
 - <http://www.wiche.edu/sara>
 - Regional Director: John Lopez, jlopez@wiche.edu





National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



Road Map for the State Authorization Regulations and SARA

USDLA – May 2017



Presenting:

Mary Larson,
Director, Southern Regional State
Authorization Reciprocity Agreement (S-SARA)



Cheryl Dowd,
Director, WCET/
State Authorization Network (SAN)



Mandatory Driver's Meeting

State Authorization

a primer.....

Following the Rules of the Road and Reciprocity to help you get to the finish line!

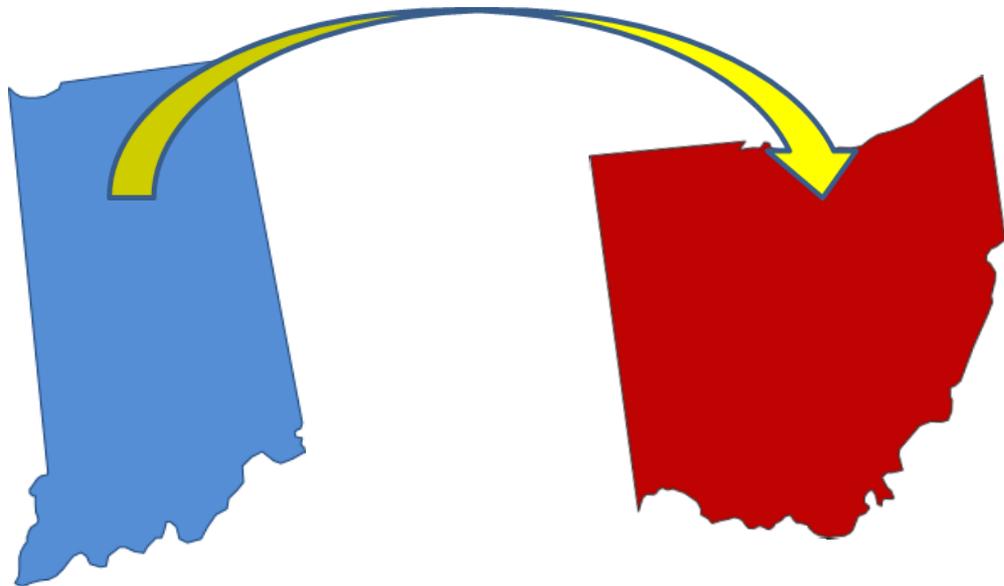


National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



A Primer.....

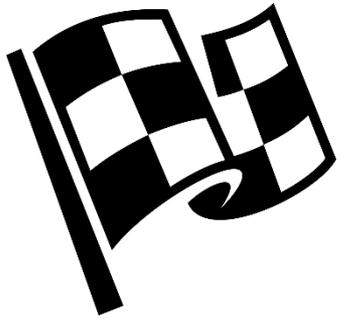


State authorization...

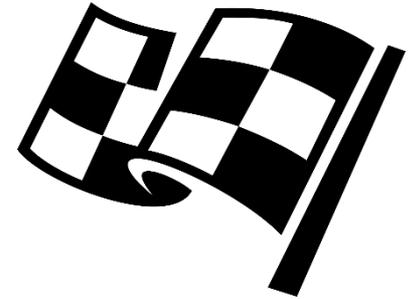
is something you should check if you are crossing a state line to perform ANY activity.



A Primer.....



What Activities?



recruiting

marketing

internships

practica

field trips

adjunct faculty in a state

face-to-face teaching

required testing locations

distance ed courses



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*

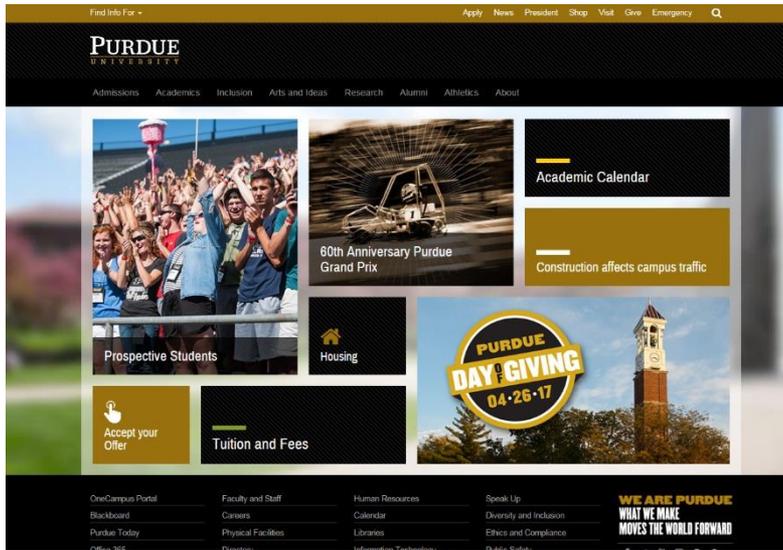


A Primer.....

There are two types of state authorization...



← Institutional



Licensure programs →



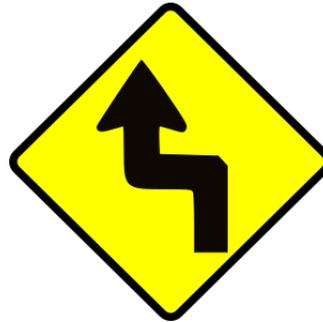
National Council for State Authorization Reciprocity Agreements

A voluntary, regional approach to state oversight of distance education



A Primer.....

Each state has its own regulations!



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



A Primer.....

Racing Strategy



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



An interstate agreement.

Voluntary for states and institutions to join.

Covers institutional authorization for many activities in other states.



A Primer.....

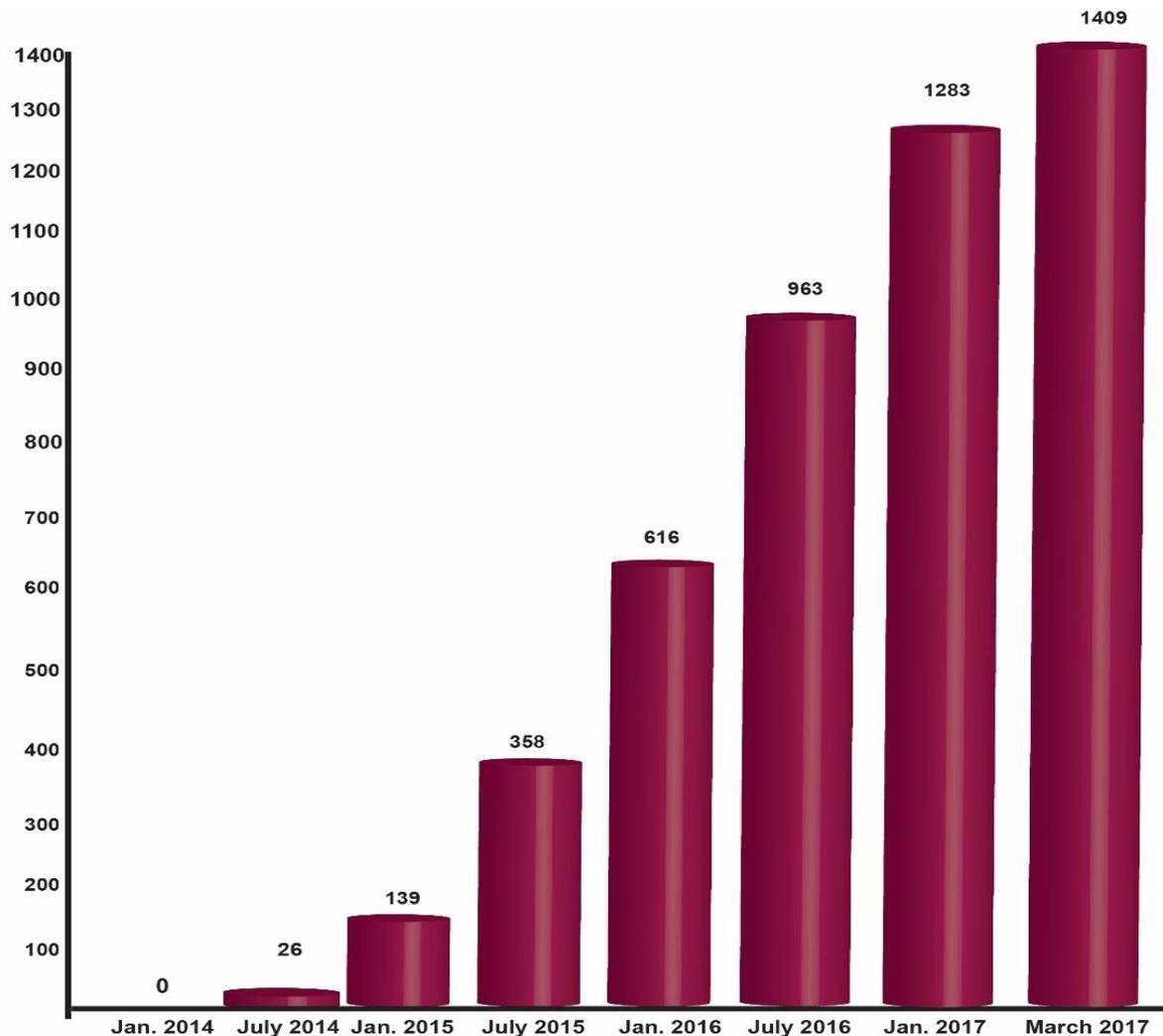


National Council for
State Authorization
Reciprocity Agreements
*A voluntary, regional approach
to state oversight of distance education*



A SARA Update.... Participating Institutions

Number of SARA Institutions

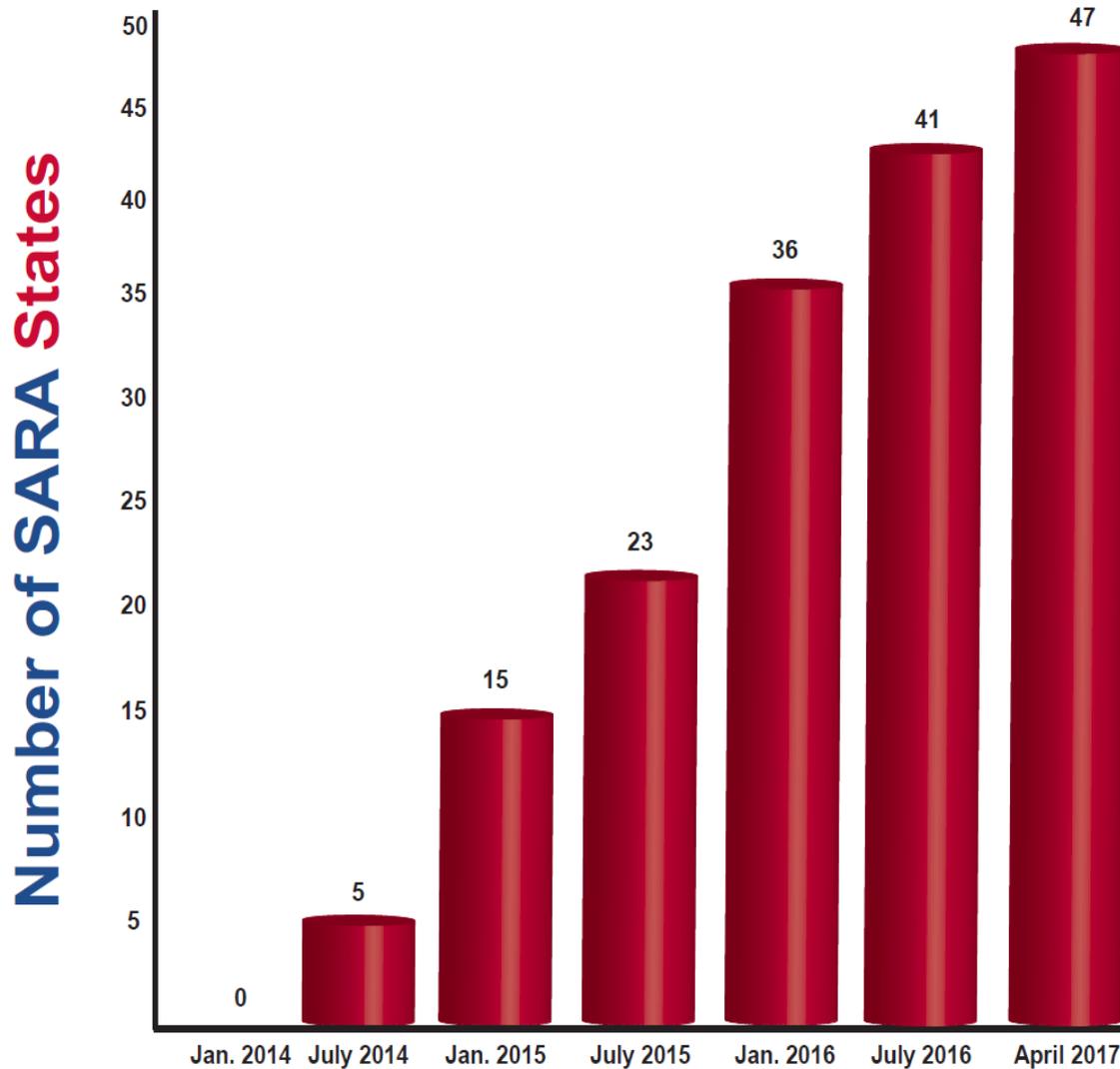


National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



A SARA Update.... Member States

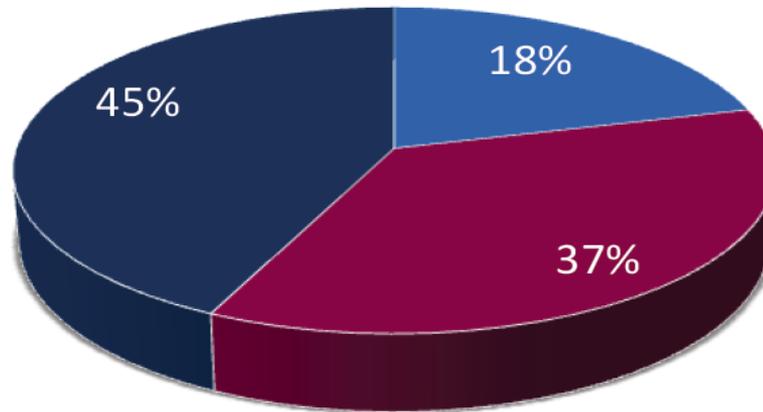


National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



A SARA Update....



Institutions by **SIZE**

-  Fewer than 2,500 FTE
-  2,500 - 9,999 FTE
-  Greater than 10,000 FTE

As of April 14, 2017

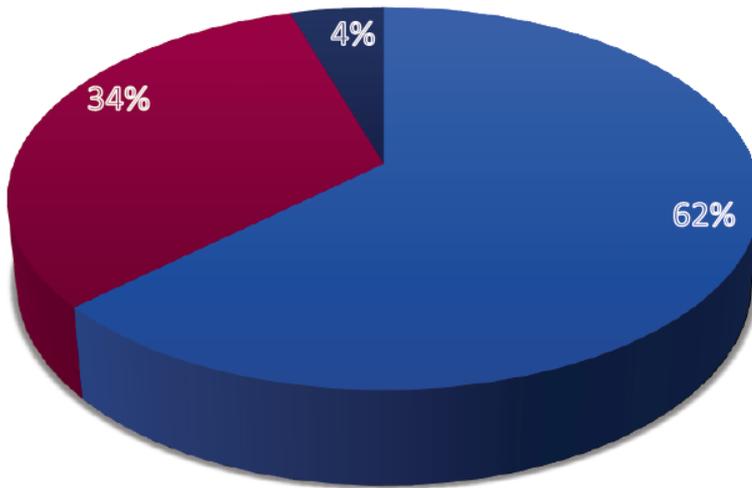


National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



A SARA Update....



Institutions by **SECTOR**

-  Public
-  Private/Non-Profit
-  Independent/ For-Profit
-  Tribal



National Council for
State Authorization
Reciprocity Agreements

As of April 14, 2017

*A voluntary, regional approach
to state oversight of distance education*



SARA Conversations.....

- ▲ NC-SARA has determined fees at current levels through June, 2018
- ▲ Physical Presence
- ▲ Professional Licensure
- ▲ Joint projects with WCET in development
- ▲ Data reporting
- ▲ Complaint reporting
- ▲ Importance of accurate information
 - ▲ SHEEO Database
 - ▲ NC-SARA Salesforce Database



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



A Primer.....



SARA does not cover:
Physical locations.
Additional requirements for licensure programs.
Field experiences with more than 10 students/program at a site.



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



Driving under a caution flag

The New Federal Regulations for State Authorization(2016)



Requirements for institution eligibility to participate in Title IV, HEA programs:



Authorization by each State in which the institution enrolls students if authorization is required.

Reciprocity is sufficient authorization.

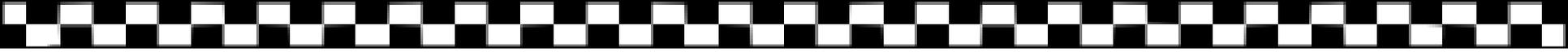
Effective date: July 1, 2018



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*





Driving under a caution flag



Required Notifications and Disclosures

***per the new pending federal regulations**

Public Notifications and Disclosures include:

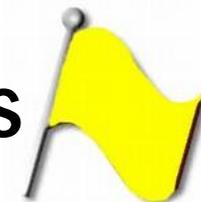
- Authorizations in each state where activity is offered, if required.
- Student Complaint Processes to the appropriate state agencies.
- Adverse Actions by a State or accrediting agency against an institution.
- Refund Policies that the institution is required to comply with in a state.
- Licensure and Certification Requirements – whether the program meets the requirements in the student’s State to permit licensing, certification, or sitting for a qualifying exam.



Driving under a caution flag



***per the new pending federal regulations**



Direct Notifications and Disclosures to students include:

- **Program Licensure or Certification Requirements** – whether the program will or will not meet requirements in the student’s state.
- **Adverse Actions** – if a new adverse action is taken.
- **Cease to meet Licensure or Certification Requirements** – if the program formerly met requirements and now does not.

For additional information please review the following:

<https://wcetfrontiers.org/2016/07/22/department-of-education-state-authorization-for-distance-ed-regulations-a-first-look/>

<https://wcetfrontiers.org/2016/12/16/a-lump-of-coal-for-sara-and-other-goodies-in-the-state-authorization-regulations/>



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*





<http://wcet.wiche.edu/initiatives/state-authorization-network>

WCET State Authorization Issue Pages

<http://wcet.wiche.edu/focus-areas/policy-and-regulation/state-authorization>

WCET Frontiers Blog

<https://wcetfrontiers.org/>



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



2017 State Authorization Workshops & Resources

June 20-21, 2017

Sold Out

Advanced Topics Workshop

Boulder, Colorado

September 19-20, 2017

State Authorization Compliance Workshop – The Basics

Boulder, Colorado

State Authorization of Colleges and Universities by Alan Contreras is
available on Amazon.com: <http://amzn.to/2mGreg8>



National Council for
State Authorization
Reciprocity Agreements

A voluntary, regional approach
to state oversight of distance education



For More SARA Information

NC-SARA website: www.nc-sara.org

To receive the NC-SARA newsletter, sign up at:

www.nc-sara.org

To receive the SREB State Authorization e-mail contact

SARA@sreb.org or mary.larson@sreb.org

SREB SARA Website is www.sreb.org/SARA



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*



Race Time!

Drivers, start your engines!



National Council for
State Authorization
Reciprocity Agreements

*A voluntary, regional approach
to state oversight of distance education*

