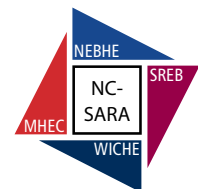


# National Council for State Authorization Reciprocity Agreements



## Bringing SARA from Design to Implementation

A Guide for State Policymakers  
May 2014



National Council  
for State Authorization  
Reciprocity Agreements

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



## How to Make Best Use of This Guide

The State Authorization Reciprocity Agreements deal with issues related to state approval of postsecondary distance education, an inherently complex topic. In addition to that complexity, each state regulates around those issues in widely varying ways. Replacing that wide variance with a set of common, widely accepted policies and procedures that states voluntarily adopt will increase access, improve efficiency, lower administrative costs and support quality. That is the core task of the SARA initiative.

This Guide, produced with the help of our friends at EducationCounsel, provides a great deal of information designed to help people think about how to implement SARA in their state. It reflects questions and answers that have arisen in the states that have already taken the steps necessary for implementation. It therefore should be particularly helpful to states that are not as far along in their planning. Not every question or issue it raises will be equally relevant or important everywhere.

In many states, implementation will be fairly straightforward; in others, more challenging. Other helpful resources are also available. In particular, the website of the National Council for State Authorization Reciprocity Agreements ([www.nc-sara.org](http://www.nc-sara.org)) contains a great deal of information, including responses to frequently asked questions, an up-to-date report on state actions regarding SARA and the opportunity to sign up for the SARA newsletter.

While we have tried to be both comprehensive and clear, we are certain that questions will remain. The best way to get them answered is to contact the SARA directors at the regional compacts.

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# Bringing SARA from Design to Implementation

## A Guide for State Policymakers

The past two decades have seen incredible technological growth that has affected nearly every facet of life, from politics to shopping to science – and everything in between.

Higher education is no stranger to this phenomenon, and has witnessed a new wave of technology-driven learning opportunities that build on more than a century of correspondence courses and other modes of “distance” learning. With almost seven million students using online technology to access postsecondary courses in 2013 alone, it is clear that online learning is here to stay – as a supplement and as an alternative to more traditional college and university experiences.<sup>1</sup>

In this era of innovation and change, regulation of higher education has struggled to keep up. Markedly different state strategies for regulating postsecondary distance learning providers stretch like a legal patchwork quilt across the United States. These state regulatory schemes have varying degrees of complexity and cost, can create significant burdens on institutions, and, in too many cases, provide inadequate protections for students. As a result, institutions may choose to limit their operations to avoid costs and paperwork – a situation that ultimately acts to hinder students’ access to valuable postsecondary opportunities and is at odds with national postsecondary education goals and our workforce and economic needs.

A prospective solution to this problem – the State Authorization Reciprocity Agreements (SARA) – has emerged. This voluntary, regional solution was developed through a lengthy, collaborative process that brought together major stakeholders in higher education: state regulators, state higher education executive officers (SHEEOs), accrediting organizations, regional higher education compacts, and institutional leaders representing all sectors of higher education.<sup>2</sup> By early 2014, all four regional higher education compacts (the central administrators of SARA) approved foundational requirements and processes for SARA. Moreover, a national coordinating body, the National Council for SARA (NC-SARA), has been established, made up of a diverse group of representatives from states, institutions, four regional compacts, and national higher education organizations (including all organizations instrumental to the establishment of SARA).<sup>3</sup> NC-SARA has approved the regional compacts’ agreements and given the compacts its endorsement to move forward with admitting states and institutions.

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<sup>1</sup> I. Elaine Allen and Jeff Seaman, *Changing Course: Ten Years of Tracking Online Learning in the U.S.*, Babson Survey Research Group, Pearson, and The Sloan Consortium 4 (Jan. 2013).

<sup>2</sup> For a full history of the process, including the contributions of many groups and stakeholders, please see: *The Commission on the Regulation of Postsecondary Distance Education, Advancing Access through Regulatory Reform: Findings, Principles, and Recommendations for the State Authorization Reciprocity Agreement (SARA)* (April 2013), available at: <http://www.aplu.org/document.doc?id=4440>.

<sup>3</sup> The NC-SARA board includes: Barbara Ballard (State Representative, Kansas Legislature); Helena Stangle (Senior Director of Government Relations, DeVry Inc.); Chris Bustamante (President, Rio Salado College); Crady deGolian (Director/National Center for Interstate Compacts, Council of State Governments); Kathryn G. Dodge (Founder and Principal, Dodge Advisory Group, LLC); Dianne Harrison (President, California State University, Northridge); Terry Hartle (Senior Vice President, American Council on Education); Larry Isaak (President, Midwestern Higher Education Compact); Arthur K. Kirk, Jr. (President, Saint Leo University); David A. Longanecker, cont. p. 4



SARA involves a group of four aligned, regional, and voluntary agreements among member states, districts, and territories that establish uniform national standards for interstate offerings of postsecondary distance education. SARA is intended to make it easier for students to take online courses offered by postsecondary institutions based in another state, while also facilitating more effective and efficient oversight and monitoring processes nationally for the benefit of states and

institutions. An institution participating in SARA may offer online courses and other forms of distance education to students in any participating SARA state without having to seek any new state institutional approval beyond its home state. The institution's home state, in turn, will continually monitor the institution's compliance with SARA baseline standards, taking into account the institution's performance nationwide.

## Benefits and Opportunities SARA Offers to States

SARA membership offers several benefits to states without any membership fees paid by states. Most significantly, SARA offers an opportunity to expand educational offerings to postsecondary students in the state – and to promote affordability by reducing the compliance burden and associated costs on home state institutions that seek to expand their distance education offerings. States contemplating SARA membership should be aware that these benefits will only accrue to their students and home state institutions if the state is an approved SARA member.

SARA streamlines state oversight responsibilities by creating a common baseline and assigning oversight responsibilities to institutions' home states, rather requiring states to keep up with every institution that offers online courses to students in the state. Through SARA, participating states will be able to examine and resolve complaints together. This may be especially important for distance learning providers so that states can examine the providers' performance on a national scale. After all, a handful of student complaints in a state may not necessarily raise a red flag, but similar complaints in many different states against that same provider begins to tell a very different story.

These significant benefits – for the state, its institutions, and its postsecondary students – have already sparked strong interest in states across the country. Indiana was approved by the Midwestern Higher Education Compact as the first SARA state in February 2014, North Dakota joined in April, and at least five other states are expected to join by summer 2014.

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(President, Western Interstate Commission for Higher Education); Paul Lingenfelter (CHAIR) (Former President, State Higher Education Executive Officers (SHEEO)); Teresa Lubbers (Commissioner, Indiana Commission for Higher Education); M. Peter McPherson (President, Association of Public and Land-grant Universities (APLU)); Patricia O'Brien (Deputy Director, New England Association of Schools and Colleges (NEASC)); Pam Quinn (Provost/CEO LeCroy, Dallas County Community College District); George Eugene Ross (President, Central Michigan University); Paul Shiffman (Chief Executive Officer, Presidents' Forum); David S. Spence (President, Southern Regional Education Board (SREB)); Michael Thomas (President, New England Board of Higher Education (NEBHE)); Leroy Wade (Deputy Commissioner, Missouri Department of Higher Education (MDHE)); Belle Wheelan (President, Commission on Colleges, Southern Association of Colleges and Schools).

As the focus of SARA shifts from designing a workable, effective system to implementing that system nationwide, the role of states has taken center stage. Institutions of higher education can only participate in SARA after their home state applies to join SARA and is approved by its regional compact. Thus, the significant benefits to colleges and universities – and the expanded opportunities for students SARA promotes – can only accrue after their respective home states take action.

### **Using This Guide**

To assist states as they contemplate and prepare to join SARA, the *Guide* has been developed to provide concrete guidance, which identifies appropriately sequenced action steps and answers key questions. This guidance is intended to be generally applicable for every state contemplating and pursuing participation in SARA, though not all questions suggested will be relevant for all states. Some states may need to address questions that are not included here, depending on their particular context. Please note, however, that this Guide is provided for informational and policy planning purposes only and does not constitute legal advice. Please consult local counsel for state- or institution-specific questions.

The *Guide* is organized around four key phases of state action, which are represented in the graphic on the next page:

1. Conduct Requisite Groundwork
2. Apply for Participation in SARA through the Appropriate Regional Compact
3. Implement SARA in the State
4. Facilitate Effective, Ongoing SARA Maintenance and Development

The *Guide* contains four appendices:

- Appendix A includes a summary of all key action steps and potential key questions discussed in the guide;
- Appendix B includes the SARA application template for states;
- Appendix C includes the SARA application template for institutions; and
- Appendix D includes the *Interregional Guidelines for the Evaluation of Distance Education*.

Together, these appendices represent all key phases of the application and approval process for states, from the state's preparation for joining SARA (Appendix A) to its actual application process (Appendix B) and, eventually, to its own approval process of its home state institutions (Appendices C and D).

## Overview of Key State Action Steps

### 1. Conduct Requisite Groundwork

- A. Assess Basic Eligibility
- B. Plan for Functional State Responsibilities



### 2. Apply for Participation in SARA through the Appropriate Regional Compact



### 3. Implement SARA in the State

- A. Provide “home state” institutions with information about SARA
- B. Begin approving institutions for participation in SARA



### 4. Facilitate Effective, Ongoing SARA Maintenance and Development

- A. Work collaboratively with all SARA stakeholders, including appropriate notification of important developments
- B. Conduct annual review of participating institutions



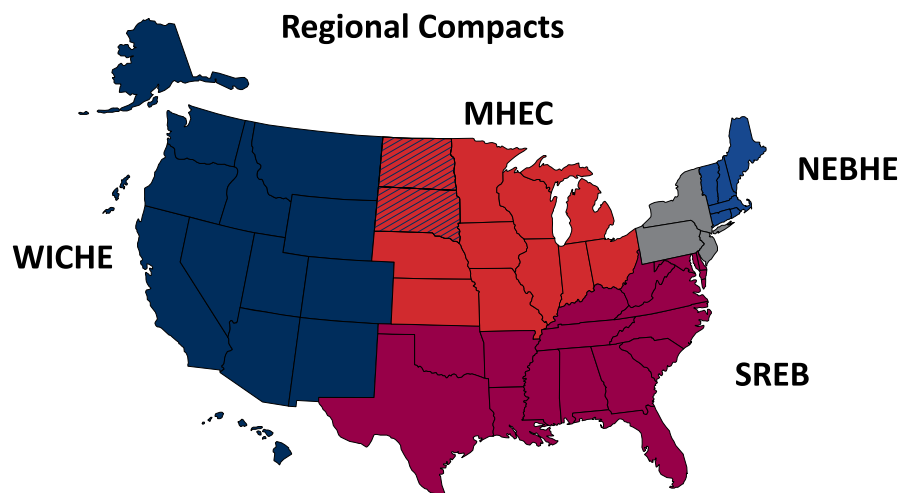
## Key Terms

**SARA:** The State Authorization Reciprocity Agreements (SARA) are a group of four regional, voluntary agreements among member states, districts, and territories, administered by regional compacts (see below), that establish uniform national standards for interstate offerings of postsecondary distance education courses and programs. SARA is intended to make it easier for students to take online courses offered by post-secondary institutions based in another state, while also facilitating more effective and efficient oversight and monitoring processes nationwide.

**Regional compact:** SARA is overseen by the National Council for SARA and administered by the four regional higher education compacts: the Midwestern Higher Education Compact (MHEC), New England Board of Higher Education (NEBHE), Southern Regional Education Board (SREB), and Western Interstate Commission for Higher Education (WICHE). A map of each compact's geographic footprint is pictured here:

**Home state:** The home state is an institution's state of legal domicile through which the institution may participate in SARA. A state must be approved by its regional compact before its home state institutions can apply to participate in SARA.

**Portal agency:** This is the lead state agency for purposes of SARA, responsible for managing functional state responsibilities under SARA and contact with other states and students from other states. The portal agency need not be a higher education governing board, and it may work with other state agencies as needed for problem-solving and carrying out certain duties (as appropriate, given the state context and SARA's baseline requirements).



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Note: North and South Dakota are members of both MHEC and WICHE. New Jersey, New York, and Pennsylvania are not members of any regional compact (see following discussion).



# 1. Conduct Requisite Groundwork

- A. Assess Basic Eligibility
- B. Plan for Functional State Responsibilities

## A. Assess Basic Eligibility

State membership in SARA is entirely voluntary, but does require states to take on significant responsibilities and (potentially) to make changes in state law and/or policy as a prerequisite for membership. If interested in SARA membership, states should first establish whether they fulfill basic eligibility requirements for SARA participation: establishing membership in a regional compact and building sufficient foundations in state law.

### Establishing Membership in a Regional Compact – Requirement 1 in the SARA State Application

SARA is administered by the four regional higher education compacts, the Midwestern Higher

Education Compact (MHEC), New England Board of Higher Education (NEBHE), Southern Regional Education Board (SREB), and Western Interstate Commission for Higher Education (WICHE). States opt into SARA through their existing membership in regional compacts. The three states that are not members of a regional compact – New Jersey, New York, and Pennsylvania – may choose to become full members of a regional compact or request membership in a regional compact of their choice for the limited purpose of participating in the reciprocity agreement. (The fee for that limited affiliation is \$50,000 per year.) The two states with membership in two regional compacts – North Dakota and South Dakota – have chosen to base their SARA participation with MHEC and WICHE, respectively.

## Action steps and key questions related to regional compact membership:

### Join or Affiliate with a Regional Compact

- Does the state belong to one of four higher education regional compacts?
- If not, is it willing to join a compact or affiliate with a compact for the limited purpose of SARA participation?

### Building Sufficient Foundations in State Law – Requirements 2 and 9 in the SARA State Application

A state must have statutory or other legal authority to join SARA. Some states may have existing authority to join SARA, while others must pass new legislation. For those that need new language, some states may choose to use simple authorizing language that explicitly grants authority to take part in SARA, such as:

*The [State higher education authority or authorities] may enter into any reciprocity agreement, including, without limitation, the State Authorization Reciprocity Agreement, for the purpose of authorizing a postsecondary educational institution that is located in another state or territory of the United States to provide distance education to residents of this State.<sup>4</sup>*

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<sup>4</sup> Adapted from Nevada Revised Statutes 397.060 (2) (2013).



Some states may find that authorizing language needs to appear in more than one location in state statutes. Indiana, for example, embedded explicit authorizing language for both of its state entities that are involved in authorizing postsecondary degree-granting institutions: the Indiana Commission for Higher Education and its subsidiary, the Indiana Board for Proprietary Education.<sup>5</sup>

The state should ensure that terms used in this authorizing language align to other relevant definitions embedded in state law (in the particular example above, “postsecondary educational institution” is a term defined elsewhere in state code). The state should also do a cross walk of SARA requirements and existing state authorization requirements. (For more details on key issues to cross walk, see discussion of functional state responsibilities below.) Generally, it is preferable to use simple authorizing language in statute and allow the relevant state agency to determine specifics as it moves from its initial application into implementation and monitoring. Statutory simplicity allows for greater flexibility for relevant state actors so that they can make future technical changes without the need for new legislation.

Though SARA requirements are intended to represent a strong baseline for institutional quality, consumer protection, and institutional financial responsibility, the state may discover that some SARA baseline requirements differ from those that the state currently uses in its existing authorization process. In order for SARA to function in the efficient and effective way it was designed, some states will find that, to join SARA, they must relinquish some of their existing control over out-

of-state institutions offering distance education courses in the state. This relinquishment of authority, however, comes with an important layer of protection: the understanding that out-of-state institutions’ home states are required through their participation in SARA to assess, monitor, and enforce their home state institutions’ fidelity to SARA requirements.

The state’s physical presence rules may present a prime example. For purposes of SARA and the institutions operating in the state through SARA, the state must agree to impose only the requirements, standards, fees, and procedures set forth in the official SARA policies and procedures approved by its regional compact. The chart on the next page catalogs all activities that do and do not qualify as physical presence for SARA purposes nationwide.

An out-of-state institution operating in a state under SARA provisions must not be subject to additional requirements, standards, fees, or procedures beyond the SARA baseline requirements. (By the same token, the state’s own institutions will enjoy freedom from other participating states’ requirements if they operate in those states under SARA.) This requirement, however, does not preclude the state from enforcing its laws against out-of-state institutions in subject areas outside those covered by SARA (e.g., fraud or other criminal activity). SARA also does not affect a state’s regulation of the in-state activity of the institutions physically located within its borders, and does not prevent a home state from imposing a higher standard regarding distance education on its in-state institutions for non-SARA purposes.

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<sup>5</sup> Indiana Code §§ 21-18-12.2, 21-18.5-6-12 (d) (2013).



### Activities that Qualify as Physical Presence for SARA Purposes

- Ongoing occupation of physical location for instructional purposes
- Maintenance of an administrative office to facilitate instruction

### Activities that Do Not Qualify as Physical Presence for SARA Purposes

- Offering instruction through pure online format
- Advertising
- Recruiting (e.g., hosting or attending recruitment fairs)
- Contractual agreements
- Courses on military installations (limited to active and reserve military personnel, dependents, and civilian employees of the military installation)
- Faculty residences
- Field trips
- Proctored exams
- Operation of a server or other electronic service device
- Short courses of 20 contact hours or less
- Courses which involve in person meetings between instructor(s) and students for two or fewer times for a total of no more than six hours

As a state plans for participation in SARA, it should keep in mind that it will likely have two paths for the regulation of postsecondary distance education providers, especially during the early period of SARA implementation. Though SARA institutions operating in the state through SARA will enjoy the benefits associated with SARA, the state can and should continue its own authorization and oversight policies for non-SARA out-of-state institutions offering distance education to in-state students.

SARA is a complex initiative developed to help solve problems that are likely to be unfamiliar to most state policymakers. Because support from state legislatures and governors is necessary for most states to establish sufficient legal foundations, informed stakeholders at the state agency, state institutions, or other entities should be prepared to explain the purpose of SARA, the state's interest in joining, and the need to make certain changes to allow for the state's participation. Resources developed by NC-SARA and the regional compacts may be useful for states to develop these message points and to share with policymakers.

## Action steps and key questions related to establishing sufficient state legal foundations:

### Establish Basic Authorizing Language

- Does state law allow for participation in SARA?
- Does state law vest a relevant state agency or agencies with the authority to enter into SARA specifically or, in the alternative, enter interstate reciprocity agreements developed for the purpose of state authorization of postsecondary distance education?

### Perform a Crosswalk of Existing State Requirements and SARA Requirements

- Under current law, what triggers the requirement for state authorization (i.e., physical presence requirements)?
- Has the portal agency (in consultation with state legal counsel) performed a crosswalk of existing state requirements with SARA requirements?
- Have important differences been uncovered? Are changes to existing state law or regulations needed?
- Is the state prepared to have two paths for the regulation of postsecondary distance education, at least in the early implementation period for SARA?

### Develop a Stakeholder Engagement Plan

- If legislative action is required, has outreach been made to relevant policymakers? If so, do the target policymakers understand the purpose of SARA, the state's interest in joining, and the need to make certain changes to allow for the state's participation?
- What resources will be helpful to policymakers in understanding the changes that are necessary to participate in the reciprocity agreement? How will these resources be developed, shared, and explained?



## B. Plan for Functional State Responsibilities

Next, states should plan for fulfilling functional state responsibilities under SARA: establishing state oversight systems, approving institutions for participation in SARA, and promoting institutional quality, consumer protection, and financial responsibility.

[Establishing State Oversight Systems through a Portal Agency – Requirement 7 in the SARA State Application](#)

Each state that seeks to join SARA must determine the appropriate state agency to serve as the “portal” or lead agency for purposes of SARA. States may need to involve multiple agencies, entities, and individuals to develop initial applications to join SARA (including assurances from relevant authorities) and to ensure the efficient and effective fulfillment of SARA requirements and responsibilities once approved. Policies and procedures for SARA-related data collection and complaint resolution may be especially important to establish among state agencies.

### Action steps and key questions related to the state’s portal agency:

#### Identify the Portal Agency

- Which state agency currently authorizes institutions to operate in the state? Is this agency responsible for assessing institutional quality, adherence to consumer protection requirements, and institutional financial responsibility? Are staff members in the agency familiar with accrediting agencies and accreditation processes?
- If that agency is not a logical or generally supported candidate for portal agency functions, can another agency be identified or created?
- Does the state’s legal authorizing language for its participation in SARA require a certain agency to carry out the responsibilities required under SARA?

#### Determine Collaborative Strategies for all Relevant State Agencies

- How do agencies related to higher education current collaborate within the state, especially with regard to complaint resolution?
- Can existing collaborative structures be used to facilitate shared responsibilities under SARA?
- Would a new entity be useful?

### Approving Institutions for Participation in SARA and Monitoring Approved Institutions Over Time

#### *Equitable Treatment of All Institutions – Requirement 4 in the SARA State Application*

States must consider applications from accredited, degree-granting institutions of all sectors (public, private nonprofit, and private for-profit) on the same basis and approve institutions that meet SARA standards and agree to SARA processes and commitments without differentiating by sector. In both basic application requirements (with one exception, described on pages 16-17, related to financial responsibility, due to differing federal standards for public and private institutions) and

the level of rigor applied to assessing the institution's application, states must not treat any types of degree-granting institutions that seek to participate in SARA differently from others.

If the state chooses to charge its in-state institutions fees to participate in SARA, it may charge different participation fees to different types of institutions if the state anticipates significantly larger portal agency workloads or significantly higher risks for different sectors of institutions. As states strive for equitable treatment of all institutions, however, they should take care to document (and monitor over time) the foundations for any different treatment.

### **Action steps and key questions related to equitable treatment for all institutional applicants:**

#### **Offer SARA Membership to all Home State Institutions**

- For purposes of SARA, does the state accept applications from institutions in all sectors and process all applications using the same procedures and standards?
- Are there other areas in which the state treats institutions from different sectors differently? If so, what are the bases for that different treatment?

#### **Establish Clear Bases for Fee Structures**

- Does the state plan to charge its institutions fees to participate in SARA?
- Does the state anticipate charging different fees to different types of institutions? If so, does it have a well-documented foundation for that different treatment?

### Promoting Institutional Quality, Consumer Protection, and Institutional Financial Responsibility

SARA prioritizes the fulfillment of institutions' obligations to the students they serve – and to the broader public. To that end, SARA promotes three core values: institutional quality, consumer protection, and institutional financial responsibility. These values are reflected in state requirements

for SARA membership, particularly the expectations for state approval, oversight, and monitoring of their home state institutions participating in SARA. Participating states are responsible for assessing whether prospective institutional participants adhere to SARA's baseline requirements and whether approved institutions continue to adhere to those baselines over time.



At the same time, SARA has a strong interest in not creating redundant requirements or procedures when well-established structures and requirements already exist with respect to institutional quality, consumer protection, and institutional financial responsibility. SARA does not impose new or duplicative requirements where sufficient protections are already in place, and only asks the state to verify requirements such as an institution's accreditation status and financial responsibility score as part of its approval and monitoring process for SARA purposes.

#### *Institutional Quality – Requirements 3 and 10 in the SARA State Application*

SARA accepts accreditation by an accrediting body federally recognized to approve distance education programs as sufficient evidence of an institution's academic quality for purposes of participating in

SARA.<sup>6</sup> Accreditation by a federally-recognized accreditation agency gives students an indicator of quality when selecting an institution and helps to eliminate low-quality institutions from the institutional marketplace – particularly as states increase the rigor of the authorization process.

Additionally, the state must require an applicant institution to agree to comply with the *Interregional Guidelines for the Evaluation of Distance Education*, released by the Council of Regional Accrediting Commissions (C-RAC) in 2011. These *Guidelines* include nine key principles and illustrations of relevant evidence for each principle, and are included as Appendix D to this document. Each regional accrediting body already employs these *Guidelines* in their institutional accreditation processes and procedures. All SARA institutions must affirm and maintain compliance with the *Guidelines*.

### **Action steps and key questions related to institutional quality:**

#### **Accept Accreditation and the C-RAC Guidelines as the Baseline**

- Does the state commit to accepting accreditation by an accrediting body federally recognized to approve distance education programs as a sufficient measure of academic quality for purposes of approving institutions for participation in SARA?
- Does the state commit to requiring SARA institutions to adhere to the C-RAC Guidelines?
- Does the portal agency have the capacity to verify the information related to institutional quality for purposes of participation in SARA, including confirming an institution's accreditation status? If not, what additional resources or policies are needed to build capacity?

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<sup>6</sup> A list of national and regional accrediting agencies that have been approved by the U.S. Department of Education may be found at: [http://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html](http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html) (last modified Feb. 12, 2014).



*Consumer Protection – Requirements 6, 11, 12, 13, and 14 in the SARA State Application*

SARA places a strong emphasis on consumer protection, especially because students in online programs usually complete their courses and requirements outside the visibility of traditional oversight and monitoring structures. After all, a student today may never set foot on campus or meet a faculty member in person during his or her entire college career. But merely because distance education students are out of sight does not mean that they should be out of mind, and states and institutions share a responsibility for ensuring that protections that traditional students enjoy are provided for distance education students as well.

States that seek to participate in SARA must have a clearly articulated and comprehensive state process for consumer protection related to SARA activities that includes initial institutional approval, ongoing oversight, and the resolution of consumer complaints.

The state must agree to serve as the default forum for any SARA-related complaint filed against an institution that was approved by the state to participate in SARA. The portal agency is responsible for coordinating any such efforts and is empowered to investigate and resolve complaints that originate outside of the state (cooperating with other states' authorities, as appropriate). All other state agencies and governing boards of SARA participant institutions are required to assist, as necessary, in such investigations and report, as needed, to the portal agency. State remedies that are available to in-state students, including tuition refunds or other corrective action, must be available to resolve complaints involving residents of other states participating in SARA.

The portal agency must develop policies and procedures to address any poor performance by institutions that the portal agency approved for SARA participation. In fact, as part of its initial state application to join SARA, the state must agree to document (i.e., keep in a permanent file that is readily accessible and able to be shared with appropriate parties):

- All formal complaints received,
- Any complaint notifications provided to institutions and accrediting agencies,
- All adverse actions taken to respond to institutions' violations of SARA requirements, and
- All complaint resolutions.

Moreover, the state must agree to report promptly all received complaints and concerns to the affected institution(s), the SARA portal agency responsible for any such institution, the regional compact, and (as appropriate) the relevant accrediting bodies.

Within its overarching consumer protection plan, a state may use different methods and/or different state entities and agencies to resolve complaints related to institutions from different sectors – but all requirements and processes must be substantially the same for all institutions. In other words, not every institution needs to have exactly the same experience during the complaint resolution process – different types of institutions may interact with different agencies, individuals, and entities during the process – but each should have sufficient notice, be provided with an opportunity to respond, and face a similar set of possible sanctions and/or resolution mechanisms at the conclusion.



Finally, in alignment with federal regulatory requirements, the agency must have policies and procedures in place to respond to “catastrophic events” (e.g., the closure of an institution) that may affect students enrolled in institutions through SARA. State assurances can come in several forms (e.g., tuition assurance funds, surety bonds, and teach-out provisions) and may be reflected in individual institutional requirements, multi-institutional cooperatives, and/or state-supported activities. Though a participating state may choose its own approach, it must demonstrate to its regional compact that the approach

it has selected provides adequate protections to students as consumers. The state also must assure either that it requires institutions to have disaster recovery plans, particularly with respect to the protection of student records, or that it provides its own disaster plan. The state may request assistance from the institution’s accreditor as the accreditor applies its standards under §602.24(c) of federal requirements for catastrophic events. A state must also agree to apply its existing recovery and compensation standards and remedies equally to students from any state enrolled in courses the state’s home state institutions through SARA.

### **Action steps and key questions related to consumer protection:**

#### **Examine Current Complaint Procedures:**

- How does the state currently receive, investigate, and resolve student complaints, including those that originate out of state?
- Does the portal agency have the capacity to verify information related to consumer protection that institutions are required to demonstrate for participation in SARA? If not, what additional resources are necessary to build capacity?
- Does the agency have general policies and procedures in place to respond to “catastrophic events” such as the closure of an institution?

#### **Establish Procedures for Future SARA-Related Complaints:**

- Does the state agree to serve as the default forum for complaints against institutions approved by the state for participation in SARA (including complaints from out-of-state students)? Has the portal agency confirmed its willingness and ability to do so with state legal counsel?
- Does the state have a system to receive and document all formal complaints received that relate to institutions’ activity through SARA – as well as all complaint notifications sent, adverse actions taken, and complaint resolutions reached?
- Does the agency have policies and procedures in place to take adverse action (including, as appropriate, revocation of approval to participate in SARA) against SARA institutions that fail to adhere to SARA’s baseline requirements?
- How will the agency alert the relevant institution, the regional compact, and other states when it has taken adverse action against an institution?
- How will the state ensure that its home state institutions understand that their catastrophic event policies and procedures will apply to out-of-state students that are enrolled in their programs through SARA?
- Are additional resources necessary to build necessary capacity to protect students as consumers in the portal agency for SARA (or elsewhere)?

### *Institutional Financial Responsibility – Requirement 5 in the SARA State Application*

States must confirm that institutions requesting to participate in SARA have sufficient financial health to support distance education programs, especially any programs that will expect to expand enrollment through SARA. Because different requirements related to financial responsibility exist for different types of institutions, states will use different methods to assess whether applicant institutions meet baseline standards established through SARA.

For SARA purposes, public institutions are presumed to be financially responsible based on the backing and support they receive from their states. In other words, SARA assumes that a public institution will not close or limit its educational offerings for financial reasons because the state will guarantee a minimum level of funding to sustain a public institution's programs.

For SARA purposes, a private nonprofit or for-profit institution is deemed to have sufficient financial strength if the U.S. Department of Education considers it eligible for Title IV participation and does not assign it a financial responsibility composite score of less than 1.5.<sup>7</sup> If a non-public institution does not attain a rating of 1.5 but remains eligible for Title IV participation, it may be eligible for SARA participation. If the institution has a score between 1.0 and 1.5, it may ask the state to consider additional information to determine that it is sufficiently financially responsible. For example, the institution may provide evidence to the state that its score fell between 1.0 and 1.5 because of the Department's accounting error or misapplication of generally accepted accounting standards. The state may use this method for determining eligibility for participation in the agreement for two consecutive years. The institution will lose eligibility if its composite score remains below 1.5 for three consecutive years. Institutions with scores below 1.0 are not eligible to participate in SARA.

#### **Action steps and key questions related to institutional financial responsibility:**

##### **Acquire Financial Responsibility Scores**

- Has the portal agency requested financial responsibility scores for its non-public institutions from the U.S. Department of Education?
- If so, has the Department responded?

##### **Address Any Differences in Financial Responsibility Requirements**

- Does the state require a higher (or lower) composite score for existing state requirements?
- If so, how will the state address the different threshold required for SARA?

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<sup>7</sup> The U.S. Department of Education requires private nonprofit and for-profit institutions to submit annual audited financial statements as part of the determination of these institutions' Title IV eligibility. From those statements, the Department calculates three ratios – a primary reserve ratio, an equity ratio, and a net income ratio – to create a financial responsibility composite score that ranges between -1.0 and 3.0. The Department considers a score of 1.5 or greater as reflective of sufficient institutional financial responsibility, although institutions with lower scores also may continue to receive federal funding if they meet additional fiscal requirements. Title IV of the Higher Education Act of 1965, as amended, 20 USC 1094, § 498 (c); Federal Student Aid, Financial Responsibility Composite Scores, <http://studentaid.ed.gov/about/data-center/school/composite-scores> (last accessed March 17, 2014).



## 2. Apply for Participation in SARA through the Appropriate Regional Compact

In order to gain admission to SARA, a state must apply to and be approved by its regional compact. All four regional compacts use the same SARA State Application form, a simple document that is included in Appendix B.

In the application, the state must provide the following information to the regional compact:

- Designated portal agency for purposes of SARA (i.e., the principal SARA contact agency)
- Mailing address of portal agency
- Website of portal agency (which will also serve as the location of the state's information regarding SARA)
- Principal contact in the portal agency and his/her phone and email (i.e., the primary contact for communication with states, agencies, and students about SARA – not necessarily the state's signatory officer or agency head)
- Assurances from the signatory officer (who may differ from the principal contact) that:
  1. The signatory officer has the authority to commit the state to the SARA interstate agreement.
  2. The state will abide by SARA requirements reflected in the application (Note: Discussion of each requirement is included in this Guide for States).
  3. The state has provided evidence or proof of those requirements that need documentation.
  4. The state formally applies for admission into SARA.

The state must also submit, at minimum:

- A copy of the statutory or other legal authority that grants authority to signatory officer's agency to enter into SARA,<sup>8</sup> and
- A copy of the complaint investigation and resolution process to be used to receive, assess, and resolve complaints resulting from both public and private institutional action under SARA.

The appropriate regional compact will review the state application for admission into SARA and verify that the state meets all requirements. The regional compact may examine the state's request beyond the application itself and may make inquiries with the proposed portal agency, the signatory agent, and/or other state authorities or agencies, as appropriate. The regional compact may defer or deny admission on the basis of an incomplete application or apparent insufficient capacity to meet SARA requirements.

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<sup>8</sup> A statement from the portal agency's legal counsel has been deemed sufficient to meet this requirement by some regions.

If an adverse decision is made by the regional compact and admission to SARA is not approved, the state may appeal to NC-SARA.

Note: Appeals procedures are currently in development by NC-SARA, and final procedures will be incorporated in this document by summer 2014.

### **Action steps and key questions related to applying for participation to participate in SARA:**

#### **Demonstrate the State's Eligibility**

- Does the state have sufficient evidence to demonstrate that it meets basic eligibility requirements and that it can fulfill all functional state responsibilities?
- Do the required submissions provide sufficient evidence of the state's ability to fulfill SARA requirements?

#### **Secure Approvals from Appropriate Authority/Authorities**

- Has the appropriate authority signed the application?
- Has the appropriate authority coordinated with the portal agency?

#### **Submit Application**

- Has the application been submitted through appropriate processes to the relevant regional compact?
- If so, has the regional compact verified receipt of the application?



### 3. Implement SARA in the State

- A. Provide home state institutions with information about SARA
- B. Begin approving institutions for participation in SARA

States that have been approved for SARA participation play a central role in educating and informing their home state institutions about the opportunities and responsibilities SARA presents. States should not only be prepared not only to provide preliminary information to institutions, but also to be ready to accept and assess institutions' applications for SARA participation.

#### **A. Provide home state institutions with information about SARA**

Institutions cannot participate in SARA until their home state is approved to participate in SARA by its regional compact. After a state has been approved, it must then approve every "home state" institution individually for SARA participation.

Approved states should develop a strategy for encouraging institutional participation through effective communication, easily accessible resources, and appropriate technical assistance to those institutions for which it is a "home state" for purposes of SARA. States should not limit these efforts to public institutions, and should take steps to make sure that eligible private institutions also receive clear, consistent information about the opportunity to participate in SARA – as well as the benefits and responsibilities that come with participation. The regional compacts and NC-SARA will aid in states' efforts.

#### **Action steps and key questions related to providing institutions with information about SARA:**

##### **Give Notice to Home State Institutions**

- Has the portal agency identified institutions for which the state is the "home state" for purposes of SARA participation?
- How will the portal agency communicate SARA's terms and requirements to institutions?
- How will the portal agency explain the application process to institutions?
- Are application forms and other materials easily accessible on the portal agency's website?

##### **Provide Assistance to Institutions, as Appropriate**

- Is the portal agency prepared to provide technical assistance to those institutions that request or require it?
- How will such assistance (if any) be delivered?



## **B. Begin authorizing institutions for participation in SARA**

### *Requiring the Standard State Application to SARA – Requirement 10 in the State Application*

To preserve uniformity nationwide, states must use a standard institutional application to SARA. The full institution application template is included in Appendix C.

This standard application requires institutions to demonstrate basic eligibility for SARA, as demonstrated by assurances that the applicant institution:

- a. Has its principal campus or central administrative unit domiciled in the state and that the state has been admitted to SARA by its regional compact.<sup>9</sup>
- b. Understands that only distance education content originating in the United States or a U.S. territory is eligible to be offered under SARA.<sup>10</sup>
- c. Is a U.S. degree-granting institution that is accredited by an accrediting body recognized by the U.S. Department of Education.
- d. For private institutions only: has been assigned a financial responsibility composite score by the U.S. Department of Education that is 1.5 or above; or, if its score is between

1.0 and 1.5, demonstrates to the satisfaction of its state's SARA portal agency that it is nevertheless sufficiently financially stable to justify participation in SARA. Institutions with scores below 1.0 are ineligible for SARA participation. (Public institutions are presumed to be sufficiently financially stable for SARA purposes based on financial support provided by their states.)

An institution must also make assurances to its proposed home state that it:

- a. Agrees to abide by the Interregional Guidelines for the Evaluation of Distance Education (included in Appendix D).
- b. Agrees to be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA.
- c. Agrees to notify the state portal agency of any negative changes to its accreditation status.
- d. Agrees to provide the data necessary for the state portal agency to monitor the institution's SARA-related activity.
- e. Agrees to cooperate with the state portal agency (or designee) in the investigation of any complaints arising from the students it serves in other states through SARA and to abide by the investigating authority's resolution of any such complaint.<sup>11</sup>

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<sup>9</sup> For purposes of SARA, the home campus is located in the institution state of legal domicile (i.e., the "home state"). Any disputes about an institution's home state will be resolved on a case by case basis by the affected regional compacts or NC-SARA, as appropriate for each unique dispute.

<sup>10</sup> Only distance education offerings under the oversight of a U.S. state or territory can be offered through SARA. The fact that a foreign institution is owned by a U.S. entity does not qualify distance education originating from the non-U.S. institution to be offered under SARA.

<sup>11</sup> Complaints must follow the institution's customary resolution procedure prior to being referred to the state under SARA procedures. Grade appeals and student conduct appeals will be resolved at the institutional level without further appeal through SARA.



- f. Applies to the state portal agency under the signature of the institution's chief executive officer or chief academic officer.
- g. Agrees to notify in writing all students enrolled in a course or program that customarily leads to professional licensure (or which a student could reasonably believe leads to such 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 state of 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, though the institution may use other means of notification to the student, as appropriate.)
- h. Pays to the state any state fees for SARA participation required by the home state for administering SARA.

If approved by its home state for participation in SARA, the institution must pay an annual SARA participation fee to NC-SARA. (The institution will incur no other fees for qualifying activity in participating SARA states, unless the institution's home state assesses a fee to support the state's appropriate staffing for SARA matters.)

If an adverse decision is made by the home state against an institution on the institution's SARA application and/or regarding its operations under SARA, the institution may appeal the state's decision to the state's regional compact under policies and procedures developed by the regional compact. If the regional compact's decision is also unsatisfactory to the institution, the institution may make a second additional appeal to NC-SARA, which will address any such appeal on a case by case basis.

## **Action steps and key questions related to authorizing institutions for participation in SARA:**

### **Share Basic Information about SARA**

- Is SARA information provided on the portal agency's website?
- Does the website include links to the application template and other resources that may assist institutions in developing their applications?

### **Establish a Clear Application Process**

- Does the portal agency have a clear process for application submissions, application reviews, and final decision making on applications?
- Is the portal agency prepared to document all decisions reached on institutions' applications and notify necessary parties?



## 4. Facilitate Effective, Ongoing SARA Maintenance and Development

- A. Work collaboratively with all SARA stakeholders, including appropriate notification of important developments
- B. Conduct annual review of participating institutions

SARA is in its early stages of implementation (as of May 2014), and additional policies and practices for SARA's maintenance and development still need to be developed. Still, prospective state participants should be aware of two key, non-debatable ongoing requirements: (A) work collaboratively with all SARA stakeholders; and (B) conduct annual review of participating institutions.

### **A. Work collaboratively with all SARA stakeholders, including appropriate notification of important developments – Requirement 8 in the SARA State Application**

SARA is built on cooperation, shared responsibility, and mutual trust among regional compacts, participating states, participating institutions, and NC-SARA. As part of its initial application, the state must make assurances that it will work cooperatively with other SARA states, regional compacts, and NC-SARA to enable success of these collective efforts. This assurance commits the state to several responsibilities to other SARA stakeholders, including following up on necessary requests for information or investigation from other SARA member states, regional compacts, and/or the NC-SARA. The state should also provide for timely notification to the regional compact and NC-SARA of any approved or renewed institutional applications to join SARA.

### **B. Conduct annual review of participating institutions**

A state must perform an annual review of all institutions it approves for participation in SARA to confirm that the institution continues to meet basic eligibility requirements and to fulfill its responsibilities under SARA. In addition to requiring the institution to provide assurances that it continues to adhere to SARA baseline requirements, the state should review the number of complaints against the institution that are not resolved at the institution level and are appealed to the state SARA portal agency, the resolution of such complaints, and the frequency and seriousness of complaints against the institution over time.

Note: A reporting system for memorializing and assessing complaints is under development. NC-SARA will use that system to report on the overall frequency, general characteristics, and resolution of complaints. This information will be readily available to assess nationwide trends, and identify areas for improvement and opportunities for growth. States can and should take that information into account when re-approving institutions for participation in SARA.

*This section will be expanded as additional details on NC-SARA's policies on data collection and student complaints are developed in the spring and summer of 2014.*

# Appendix A

## Summary of Action Steps and Key Questions

The following table includes all key questions related to each action steps offered in this state guide for each of the four prospective phases in SARA participation.

Phase of Prospective Participation	Action steps and key questions
<b>1. Conduct Requisite Groundwork</b>	
<b>A. Assess Basic Eligibility</b>	<p><b>Join or Affiliate with a Regional Compact</b></p> <ul style="list-style-type: none"> <li>• Does the state belong to one of four higher education regional compacts?</li> <li>• If not, is it willing to join a compact or affiliate with a compact for the limited purpose of SARA participation?</li> </ul> <p><b>Establish Basic Authorizing Language</b></p> <ul style="list-style-type: none"> <li>• Does state law allow for participation in SARA?</li> <li>• Does state law vest a relevant state agency or agencies with the authority to enter into SARA specifically or, in the alternative, enter interstate reciprocity agreements developed for the purpose of state authorization of postsecondary distance education?</li> </ul> <p><b>Perform a Crosswalk of Existing State Requirements And SARA Requirements</b></p> <ul style="list-style-type: none"> <li>• Under current law, what triggers the requirement for state authorization (i.e., physical presence requirements)?</li> <li>• Has the portal agency (in consultation with state legal counsel) performed a crosswalk of existing state requirements with SARA requirements?</li> <li>• Have important differences been uncovered? Are changes to existing state law or regulations needed?</li> <li>• Is the state prepared to have two paths for the regulation of postsecondary distance education, at least in the early implementation period for SARA?</li> </ul> <p><b>Develop a Stakeholder Engagement Plan</b></p> <ul style="list-style-type: none"> <li>• If legislative action is required, has outreach been made to relevant policymakers? If so, do the target policymakers understand the purpose of SARA, the state’s interest in joining, and the need to make certain changes to allow for the state’s participation?</li> <li>• What resources will be helpful to policymakers in understanding the changes that are necessary to participate in the reciprocity agreement? How will these resources be developed, shared, and explained?</li> </ul>



Phase of Prospective Participation	Action steps and key questions
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<b>1. Conduct Requisite Groundwork</b>	
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<b>B. Plan for Functional State Responsibilities</b>	<b>Identify the Portal Agency</b> <ul style="list-style-type: none"><li>• Which state agency currently authorizes institutions to operate in the state? Is this agency responsible for assessing institutional quality, adherence to consumer protection requirements, and institutional financial responsibility? Are staff members in the agency familiar with accrediting agencies and accreditation processes?</li><li>• If that agency is not a logical or generally supported candidate for portal agency functions, can another agency be identified or created?</li><li>• Does the state’s legal authorizing language for its participation in SARA require a certain agency to carry out the responsibilities required under SARA?</li></ul> <b>Determine Collaborative Strategies for All Relevant State Agencies</b> <ul style="list-style-type: none"><li>• How do agencies related to higher education current collaborate within the state, especially with regard to complaint resolution?</li><li>• Can existing collaborative structures be used to facilitate shared responsibilities under SARA?</li><li>• Would a new entity be useful?</li></ul> <b>Offer SARA Membership to All Home State Institutions</b> <ul style="list-style-type: none"><li>• For purposes of SARA, does the state accept applications from institutions in all sectors and process all applications using the same procedures and standards?</li><li>• Are there other areas in which the state treats institutions from different sectors differently? If so, what are the bases for that different treatment?</li></ul> <b>Establish Clear Bases for Fee Structures</b> <ul style="list-style-type: none"><li>• Does the state plan to charge its institutions fees to participate in SARA?</li><li>• Does the state anticipate charging different fees to different types of institutions? If so, does it have a well-documented foundation for that different treatment?</li></ul>
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Phase of Prospective Participation	Action steps and key questions
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<b>1. Conduct Requisite Groundwork</b>	
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<p><b>B. Plan for Functional State Responsibilities</b></p>	<p><b>Accept Accreditation and the C-RAC Guidelines as the Baseline for Institutional Quality</b></p> <ul style="list-style-type: none"> <li>• Does the state commit to accepting accreditation by an accrediting body federally recognized to approve distance education programs as a sufficient measure of academic quality for purposes of approving institutions for participation in SARA?</li> <li>• Does the state commit to requiring SARA institutions to adhere to the C-RAC Guidelines?</li> <li>• Does the portal agency have the capacity to verify the information related to institutional quality for purposes of participation in SARA, including confirming an institution’s accreditation status? If not, what additional resources or policies are needed to build capacity?</li> </ul> <p><b>Examine Current Complaint Procedures:</b></p> <ul style="list-style-type: none"> <li>• How does the state currently receive, investigate, and resolve student complaints, including those that originate out of state?</li> <li>• Does the portal agency have the capacity to verify information related to consumer protection that institutions are required to demonstrate for participation in SARA? If not, what additional resources are necessary to build capacity?</li> <li>• Does the agency have general policies and procedures in place to respond to “catastrophic events” such as the closure of an institution?</li> </ul> <p><b>Establish Procedures for Future SARA-Related Complaints:</b></p> <ul style="list-style-type: none"> <li>• Does the state agree to serve as the default forum for complaints against institutions approved by the state for participation in SARA (including complaints from out-of-state students)? Has the portal agency confirmed its willingness and ability to do so with state legal counsel?</li> <li>• Does the state have a system to receive and document all formal complaints received that relate to institutions’ activity through SARA – as well as all complaint notifications sent, adverse actions taken, and complaint resolutions reached?</li> <li>• Does the agency have policies and procedures in place to take adverse action (including, as appropriate, revocation of approval to participate in SARA) against SARA institutions that fail to adhere to SARA’s baseline requirements?</li> </ul>
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Phase of Prospective Participation	Action steps and key questions
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<b>1. Conduct Requisite Groundwork</b>	
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**B. Plan for Functional State Responsibilities**

- How will the agency alert the relevant institution, the regional compact, and other states when it has taken adverse action against an institution?
- How will the state ensure that its home state institutions understand that their catastrophic event policies and procedures will apply to out-of-state students that are enrolled in their programs through SARA?
- Are additional resources necessary to build necessary capacity to protect students as consumers in the portal agency for SARA (or elsewhere)?

**Acquire Financial Responsibility Scores**

- Has the portal agency requested financial responsibility scores for its non-public institutions from the U.S. Department of Education?
- If so, has the Department responded?

**Address Any Differences in Financial Responsibility Requirements**

- Does the state require a higher (or lower) composite score for existing state requirements?
- If so, how will the state address the different threshold required for SARA?

<b>2. Apply for Participation in SARA through the Appropriate Regional Compact</b>	
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**Demonstrate the State's Eligibility**

- Does the state have sufficient evidence to demonstrate that it meets basic eligibility requirements and that it can fulfill all functional state responsibilities?
- Do the required submissions provide sufficient evidence of the state's ability to fulfill SARA requirements?

**Secure Approvals from Appropriate Authority/Authorities**

- Has the appropriate authority signed the application?
- Has the appropriate authority coordinated with the portal agency?

**Submit Application**

- Has the application been submitted through appropriate processes to the relevant regional compact?
- If so, has the regional compact verified receipt of the application?

Phase of Prospective Participation	Action steps and key questions
<b>3. Implement SARA in the State</b>	
<p><b>A. Provide “home state” institutions with information about SARA</b></p>	<p><b>Give Notice to Home State Institutions</b></p> <ul style="list-style-type: none"> <li>• Has the portal agency identified institutions for which the state is the “home state” for purposes of SARA participation?</li> <li>• How will the portal agency communicate SARA’s terms and requirements to institutions?</li> <li>• How will the portal agency explain the application process to institutions?</li> <li>• Are application forms and other materials easily accessible on the portal agency’s website?</li> </ul> <p><b>Provide Assistance to Institutions, as Appropriate</b></p> <ul style="list-style-type: none"> <li>• Is the portal agency prepared to provide technical assistance to those institutions that request or require it?</li> <li>• How will such assistance (if any) be delivered?</li> </ul>
<p><b>B. Begin authorizing institutions for participation in SARA</b></p>	<p><b>Share Basic Information about SARA</b></p> <ul style="list-style-type: none"> <li>• Is SARA information provided on the portal agency’s website?</li> <li>• Does the website include links to the application template and other resources that may assist institutions in developing their applications?</li> </ul> <p><b>Establish a Clear Application Process</b></p> <ul style="list-style-type: none"> <li>• Does the portal agency have a clear process for application submissions, application reviews, and final decision making on applications?</li> <li>• Is the portal agency prepared to document all decisions reached on institutions’ applications and notify necessary parties?</li> </ul>
<b>4. Facilitate Effective, Ongoing SARA Maintenance and Development</b>	
<p><b>A. Work collaboratively with all SARA stakeholders , including appropriate notification of important developments</b></p>	<p>Strategies to facilitate collaboration are currently under development by NC-SARA. See note on page 24.</p>
<p><b>B. Conduct annual review of participating institutions</b></p>	<p>A data policy for SARA is currently under development by NC-SARA. See note on page 24.</p>

# Appendix B



## Indicate Regional Compact:

- Midwestern Higher Education Compact
- New England Board of Higher Education
- Southern Regional Education Board
- Western Interstate Commission for Higher Education

## Application and Evaluation Form for State Membership in SARA

A state that wants to apply for membership in the State Authorization Reciprocity Agreement (SARA) must submit this form and required documentation to its **Regional** education compact's SARA office.

A state may wish to include a cover letter and/or additional documentation to supplement the application and to strengthen the case for a state becoming a member of SARA.

To be accepted into a regional **State Authorization Reciprocity Agreement**, a state must agree that it can and will operate under the criteria for state membership established in the Regional agreements. The requirements for state membership are set forth below. For purposes of SARA, the term "state" includes the District of Columbia and the organized U.S. Territories.

<u>Applicant</u>	<u>Requirements for State Membership in SARA</u>	<u>Evaluator</u>	
State affirms meeting the requirement		State meets the requirement	
Initial here		yes	no
<input type="text"/>	1. The state is a member of one of the four interstate higher education regional compacts that administer SARA, or has concluded an agreement with such a compact covering SARA activity.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	2. The state entity responsible for joining SARA has the legal authority under state law to enter an interstate agreement on behalf of the state and has provided a copy of the statutory or other legal authority documenting this.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	3. The state accepts institutional accreditation by an accrediting body recognized by the U.S. Secretary of Education as sufficient, initial evidence of academic quality for approving institutions for participation in SARA.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	4. The state considers applications from degree-granting institutions of all sectors (public, private non-profit and private for-profit) on the same basis and approves institutions that meet SARA standards and agree to SARA processes and commitments without differentiating by sector.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	5. For private institutions, the state accepts the U.S. Department of Education's institutional federal financial responsibility rating of 1.5 or above (or 1.0 -1.49 with additional justification) as indicating sufficient financial stability to qualify for participation in SARA.	<input type="checkbox"/>	<input type="checkbox"/>

## Requirements for State Membership in SARA (continued)

<u>Applicant</u>		<u>Evaluator</u>
State affirms meeting the requirement		State meets the requirement
Initial here		yes                  no
<input style="width: 80px; height: 25px;" type="text"/>	6. The state has a clearly articulated and comprehensive state process for consumer protection in regard to SARA activities, both with respect to initial institutional approval and on-going oversight, including the resolution of consumer complaints in all sectors, and has provided a copy of the complaint investigation and resolution process to be used to handle all complaints resulting from institutional operations (public and nonpublic) under SARA.	<input style="width: 30px; height: 25px;" type="checkbox"/> <input style="width: 30px; height: 25px;" type="checkbox"/>
<input style="width: 80px; height: 25px;" type="text"/>	7. The state designates a "portal agency" as defined in SARA policies and standards to coordinate SARA matters for the state and provide a principal point of contact for resolution of student complaints.  NOTE: The designated agency need not itself be responsible for all oversight activities of SARA providers inside the state, but will be the SARA portal for that state.	<input style="width: 30px; height: 25px;" type="checkbox"/> <input style="width: 30px; height: 25px;" type="checkbox"/>
<input style="width: 80px; height: 25px;" type="text"/>	8. The state agrees that it will work cooperatively with other SARA states, regional compacts and NC-SARA to enable success of the initiative. It will follow up on requests for information or investigations from the SARA member states or any SARA regional or national office, providing such data or reports as are required.	<input style="width: 30px; height: 25px;" type="checkbox"/> <input style="width: 30px; height: 25px;" type="checkbox"/>
<input style="width: 80px; height: 25px;" type="text"/>	9. The state agrees that it will not impose on an institution operating under SARA from another state any requirements, standards, fees or procedures other than those set forth in SARA policies and rules. This does not preclude the state from enforcing its laws against nondomestic institutions in subject areas outside those covered by SARA.	<input style="width: 30px; height: 25px;" type="checkbox"/> <input style="width: 30px; height: 25px;" type="checkbox"/>
<input style="width: 80px; height: 25px;" type="text"/>	10. The state agrees to require each SARA applicant institution to apply for state approval using the standard SARA institutional application and agree to operate under the <i>Interregional Guidelines for the Evaluation of Distance Education</i> developed by the Council of Regional Accrediting Commissions (C-RAC), as summarized in SARA policy 5(2)1-9.	<input style="width: 30px; height: 25px;" type="checkbox"/> <input style="width: 30px; height: 25px;" type="checkbox"/>
<input style="width: 80px; height: 25px;" type="text"/>	11. The state agrees to serve as the default forum for any SARA-related complaint filed against an institution approved by the state to participate in SARA. The state's SARA portal agency is responsible for coordinating any such efforts and is empowered to investigate and resolve complaints that originate outside of the state. All other state agencies and governing boards of SARA participant institutions shall assist as necessary in such investigations and report as needed to the portal agency. State remedies, if any, including refunds or other corrective action, must be available to resolve complaints involving residents of other states.	<input style="width: 30px; height: 25px;" type="checkbox"/> <input style="width: 30px; height: 25px;" type="checkbox"/>
<input style="width: 80px; height: 25px;" type="text"/>	12. The state agrees to document: a) all formal complaints received; b) complaint notifications provided to institutions and accrediting agencies; c) actions taken that are commensurate with the severity of violations; and d) complaint resolutions.	<input style="width: 30px; height: 25px;" type="checkbox"/> <input style="width: 30px; height: 25px;" type="checkbox"/>

**Requirements for State Membership in SARA (continued)**

<u>Applicant</u>		<u>Evaluator</u>	
State affirms meeting the requirement		State meets the requirement	
Initial here		yes	no
<input type="text"/>	13. The state agrees that it will promptly report complaints and concerns to the institutions about which the complaint is lodged, the home state SARA portal agency responsible for any such institution and, if appropriate, the relevant accrediting bodies.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	14. The state has clear and well-documented policies and practices for addressing catastrophic events, as follows: <ul style="list-style-type: none"> <li>a. The state may request assistance from the institution’s accreditor as the accreditor applies its standards under §602.24(c) of federal requirements for catastrophic events.</li> <li>b. In the event of the unanticipated closure of an institution, the state has processes to assure that students receive the services for which they have paid or reasonable financial compensation for those not received. Such assurances may include tuition assurance funds, surety bonds, teach-out provisions or other practices deemed sufficient to protect consumers.</li> <li>c. The state requires institutions to have adequate disaster recovery plans, particularly with respect to the protection of student records, or the state provides such a plan.</li> <li>d. A SARA member state agrees to apply its policies and practices for catastrophic events consistently and equally within each sector (public, private non-profit, and private for-profit) to residents of any state.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

## Portal Agency Designation and Voluntary State Affirmation

State:

Portal Agency (principal SARA contact agency):

Mailing address of Portal Agency:

Web site of Portal Agency (location of state's SARA information):

Name of staff member in Portal Agency who is principal SARA contact<sup>1</sup>:

Phone number of principal SARA contact:

E-mail for principal SARA contact:

I, the undersigned representative of the State of , having the authority to commit the state to the SARA interstate agreement, agree that the state will abide by SARA requirements as stated above, have provided proof of those requirements needing documentation, and hereby apply for the state's admission to the SARA interstate agreement.

Signature:

Typed name of signatory officer:

Date signed:

Title of signatory state officer:

<sup>1</sup> The principal contact is the person with whom state agencies and regional compacts should communicate about the state's membership in SARA. It is not necessarily the state signatory officer or the person(s) whom institutions and students should contact regarding institutional membership in SARA, student complaints, and other matters regarding the normal discharge of a state's responsibilities under SARA.

## Evaluator Recommendation

For a state to join SARA, the evaluator must find that the state agrees to or meets all of the requirements set forth in sections 1-14. If the evaluator finds that the state meets all required standards, the regional SARA director shall recommend approval of the state's membership to the regional Steering Committee of the compact by signing below.

The evaluator recommends approval of the application to the regional Steering Committee:

Yes

No

Evaluator comments:

Signature of regional compact officer:

Name of regional compact officer:

Date signed:

Title of signatory regional compact officer:

Signature of regional compact president:

Name of regional compact president:

Date signed:

If SARA membership is denied by the regional compact, the regional SARA director will provide to the applicant state a written reason for the denial. The state may reapply at any time, having corrected any deficiencies, or may appeal the denial to the National Council for SARA under procedures to be developed by the Council.



## Regional Steering Committee Recommendation

For a state to join SARA, the regional Steering Committee must find that the state agrees to or meets all of the requirements set forth in sections 1-14. If the Committee finds that the state meets all required standards, the Committee Chair shall recommend approval of the state's membership to the regional Executive Committee of the compact by signing below.

The regional Steering Committee recommends approval of the application to the Executive Committee:

Yes

No

Committee comments:

Signature of committee chair:

Name of committee chair:

Date signed:

If SARA membership is denied by the regional compact, the regional SARA director will provide to the applicant state a written reason for the denial. The state may reapply at any time, having corrected any deficiencies, or may appeal the denial to the National Council for SARA under procedures to be developed by the Council.

# Appendix C



**National Council  
for State Authorization  
Reciprocity Agreements**

*A voluntary, regional approach  
to state oversight of 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

**Application and Approval form for  
Institutional Participation in SARA**

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.

When a state checks "yes" 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.

An institution seeking approval to operate under the terms and standards of SARA must meet the following requirements:

<u>Applicant</u> Institution affirms meeting the requirement	<u>State</u> Institution meets the requirement
Initial here	Yes      No
<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 10px;"></div> 1. Have its principal campus or central administrative unit domiciled in a state that has joined the State Authorization Reciprocity Agreement (SARA) initiative and be authorized to operate in that state.* Only distance education content originating in the United States or a U.S. territory is eligible to be offered under SARA.** (Attach documentation)	<div style="display: flex; justify-content: space-around; align-items: center;"> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> </div>
<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 10px;"></div> 2. Be a U.S. degree-granting institution that is accredited by an accrediting body recognized by the U.S. Secretary of Education. (Attach documentation)	<div style="display: flex; justify-content: space-around; align-items: center;"> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> </div>
<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 10px;"></div> 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. Public institutions are presumed to be sufficiently financially stable for SARA purposes. (Attach documentation)	<div style="display: flex; justify-content: space-around; align-items: center;"> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> </div>
<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 10px;"></div> 4. Agree to abide by the <i>Interregional Guidelines for the Evaluation of Distance Education</i> adopted by the Council of Regional Accrediting Commissions, as summarized in SARA policy 5(2)1-9. (See Appendix)	<div style="display: flex; justify-content: space-around; align-items: center;"> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> </div>
<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 10px;"></div> 5. Agree to be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA.	<div style="display: flex; justify-content: space-around; align-items: center;"> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> </div>
<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 10px;"></div> 6. Agree to notify its home state's portal agency of any negative changes to its accreditation status.	<div style="display: flex; justify-content: space-around; align-items: center;"> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> </div>
<div style="border: 1px solid black; width: 100px; height: 25px; margin-bottom: 10px;"></div> 7. Agree to provide data necessary to monitor SARA activities.	<div style="display: flex; justify-content: space-around; align-items: center;"> <input style="width: 30px; height: 20px;" type="checkbox"/> <input style="width: 30px; height: 20px;" type="checkbox"/> </div>

Applicant  
Institution affirms  
meeting the requirement

State  
Institution meets  
the requirement

Initial here

Yes No

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.\*\*\*

9. Apply to its home state's portal agency over the signature of the institution's CEO or chief academic officer.

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 such 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 state of 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.

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.

12. 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 ordinarily pay to other SARA member states.

13. Pay to the state any state fees for SARA participation required by the home state for administering SARA.

\*SARA considers the home campus to be where an institution has its legal domicile. Any disputes about which state is the home state will be resolved for SARA purposes by the affected regional compacts or the National Council (NC-SARA), as needed.

\*\*The fact that a foreign institution is owned by a U.S. entity does not qualify distance education originating from the non-U.S. institution to be offered under SARA. Only distance education offerings under the oversight of the U.S. state or territory can be offered through SARA.

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

## Institutional Designation and Affirmation

I, the undersigned representative of (institution name) \_\_\_\_\_, having the authority to commit the institution to operate under the SARA interstate agreement, hereby certify that this institution meets all of the standards and requirements stated herein required for operation under the SARA agreement.

Mailing address of institution:

Name of principal SARA contact:

Email of principal SARA contact:

Typed name of signatory officer:

Signature:

Date signed:

Title of signatory institutional officer:

If institutional membership in SARA is denied by the home state's portal agency, the portal agency will provide to the applicant institution a written reason for the denial. The institution may reapply at any time, having corrected any deficiencies, or may appeal the denial to the SARA director of its regional compact. If the denial is upheld by the regional compact, the institution may further appeal to NC-SARA.

## SARA State Supplemental Sheet for Institutions

SARA provides a degree of flexibility for states as they implement the agreement. Information about state-specific provisions may be added on this page for items such as fees (if any) to be charged in-state institutions, criteria for consideration of appeals of institutions having financial responsibility index scores between 1.0 and 1.49, etc.

State fee (if any):

State fee schedule:

State bonding requirement of institution (if any):

Financial responsibility criteria for ratings 1.0-1.49:

# Appendix D

## ***Interregional Guidelines for the Evaluation of Distance Education***

Council of Regional Accrediting Commissions (C-RAC) (2011)

### **1. Online learning is appropriate to the institution's mission and purposes.**

*Analysis/Evidence:*<sup>1</sup>

- The mission statement explains the role of online learning within the range of the institution's programs and services;
- Institutional and program statements of vision and values inform how the online learning environment is created and supported;
- As appropriate, the institution incorporates into its online learning programs methods of meeting the stated institutional goals for the student experience at the institution;
- The recruitment and admissions programs supporting the online learning courses and programs appropriately target the student populations to be served;
- The students enrolled in the institution's online learning courses and programs fit the admissions requirements for the students the institution intends to serve;
- Senior administrators and staff can articulate how online learning is consonant with the institution's mission and goals.

### **2. The institution's plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes.**

*Analysis/Evidence:*

- Development and ownership of plans for online learning extend beyond the administrators directly responsible for it and the programs directly using it;
- Planning documents are explicit about any goals to increase numbers of programs provided through online learning courses and programs and/or numbers of students to be enrolled in them;
- Plans for online learning are linked effectively to budget and technology planning to ensure adequate support for current and future offerings;
- Plans for expanding online learning demonstrate the institution's capacity to assure an appropriate level of quality;
- The institution and its online learning programs have a track record of conducting needs analysis and of supporting programs.

### **3. Online learning is incorporated into the institution's systems of governance and academic oversight.**

*Analysis/Evidence:*

- The institution's faculty have a designated role in the design and implementation of its online learning offerings;
- The institution ensures the rigor of the offerings and the quality of the instruction;
- Approval of online courses and programs follows standard processes used in the college or university;
- Online learning courses and programs are evaluated on a periodic basis;
- Contractual relationships and arrangements with consortial partners, if any, are clear and guarantee that the institution can exercise appropriate responsibility for the academic quality of all online learning offerings provided under its name.

---

<sup>1</sup> These bulleted points illustrate actions, processes and facts that institutions may use to demonstrate that they meet SARA requirements.

#### **4. Curricula for the institution's online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.**

*Analysis/Evidence:*

- The curricular goals and course objectives show that the institution or program has knowledge of the best uses of online learning in different disciplines and settings;
- Curricula delivered through online learning are benchmarked against on-ground courses and programs, if provided by the institution, or those provided by traditional institutions;
- The curriculum is coherent in its content and sequencing of courses and is effectively defined in easily available documents including course syllabi and program descriptions;
- Scheduling of online learning courses and programs provides students with a dependable pathway to ensure timely completion of degrees;
- The institution or program has established and enforces a policy on online learning course enrollments to ensure faculty capacity to work appropriately with students;
- Expectations for any required face-to-face, on-ground work (e.g., internships, specialized laboratory work) are stated clearly;
- Course design and delivery supports student-student and faculty-student interaction;
- Curriculum design and the course management system enable active faculty contribution to the learning environment;
- Course and program structures provide schedule and support known to be effective in helping online learning students persist and succeed.

#### **5. The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals.**

*Analysis/Evidence:*

- Assessment of student learning follows processes used in onsite courses or programs and/or reflects good practice in assessment methods;
- Student course evaluations are routinely taken and an analysis of them contributes to strategies for course improvements;
- Evaluation strategies ensure effective communication between faculty members who design curriculum, faculty members who interact with students, and faculty members who evaluate student learning;
- The institution regularly evaluates the effectiveness of the academic and support services provided to students in online courses and uses the results for improvement;
- The institution demonstrates the appropriate use of technology to support its assessment strategies;
- The institution documents its successes in implementing changes informed by its programs of assessment and evaluation;
- The institution provides examples of student work and student interactions among themselves and with faculty;
- The institution sets appropriate goals for the retention/persistence of students using online learning, assesses its achievement of these goals, and uses the results for improvement.

#### **6. Faculty responsible for delivering the online learning curricula and evaluating the students' success in achieving the online learning goals are appropriately qualified and effectively supported.**

*Analysis/Evidence:*

- Online learning faculties are carefully selected, appropriately trained, frequently evaluated, and are marked by an acceptable level of turnover;
- The institution's training program for online learning faculty is periodic, incorporates tested good practices in online learning pedagogy, and ensures competency with the range of software products used by the institution;
- Faculty are proficient and effectively supported in using the course management system;

- The office or persons responsible for online learning training programs are clearly identified and have the competencies to accomplish the tasks, including knowledge of the specialized resources and technical support available to support course development and delivery;
- Faculty members engaged in online learning share in the mission and goals of the institution and its programs and are provided the opportunities to contribute to the broader activities of the institution;
- Students express satisfaction with the quality of the instruction provided by online learning faculty members.

## **7. The institution provides effective student and academic services to support students enrolled in online learning offerings.**

### *Analysis/Evidence:*

- The institution's admissions program for online learning provides good web-based information to students about the nature of the online learning environment, and assists them in determining if they possess the skills important to success in online learning;
- The institution provides an online learning orientation program;
- The institution provides support services to students in formats appropriate to the delivery of the online learning program;
- Students in online learning programs have adequate access to student services, including financial aid, course registration, and career and placement counseling;
- Students in online learning programs have ready access to 24/7 tech support;
- Students using online learning have adequate access to learning resources, including library, information resources, laboratories, and equipment and tracking systems;
- Students using online learning demonstrate proficiency in the use of electronic forms of learning resources;
- Student complaint processes are clearly defined and can be used electronically;
- Publications and advertising for online learning programs are accurate and contain necessary information such as program goals, requirements, academic calendar, and faculty;
- Students are provided with reasonable and cost-effective ways to participate in the institution's system of student authentication.

## **8. The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings.**

### *Analysis/Evidence:*

- The institution prepares a multi-year budget for online learning that includes resources for assessment of program demand, marketing, appropriate levels of faculty and staff, faculty and staff development, library and information resources, and technology infrastructure;
- The institution provides evidence of a multi-year technology plan that addresses its goals for online learning and includes provision for a robust and scalable technical infrastructure.

## **9. The institution assures the integrity of its online offerings.**

### *Analysis/Evidence:*

- The institution has in place effective procedures through which to ensure that the student who registers in a distance education course or program is the same student who participates in and completes the course or program and receives the academic credit. The institution makes clear in writing that these processes protect student privacy and notifies students at the time of registration or enrollment of any projected additional costs associated with the verification procedures. (Note: This is a federal requirement. All institutions that offer distance education programs must demonstrate compliance with this requirement.);
- The institution's policies on academic integrity include explicit references to online learning;
- Issues of academic integrity are discussed during the orientation for online students;
- Training for faculty members engaged in online learning includes consideration of issues of academic integrity, including ways to reduce cheating.





**National Council for  
State Authorization Reciprocity Agreements**

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

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