



National Council for State Authorization Reciprocity Agreements

A voluntary, regional approach to state oversight of distance education

State Authorization Reciprocity Agreements Policies and Standards

A State Authorization Reciprocity Agreement (SARA) is an agreement among its member states, districts and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance-education courses and programs. It is intended to make it easier for students to take online courses offered by postsecondary institutions in a state other than the one where they reside. SARA is overseen by a national council and administered by four regional higher education compacts, MHEC, NEBHE, SREB and WICHE. The four SARA agreements of those compacts are collectively treated as a plural, the Agreements.

Section 1. Definitions

1. “Accredited” means: holding institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education.
2. “Approve” or “Approval” in the context of an institutional application to operate under SARA means: a written statement by a home state that an institution meets the standards required by SARA and is eligible to operate under SARA.
3. “Authorized” means: holding a current valid charter, license or other written document issued by a state, the federal government or a recognized Indian tribe, granting the named entity the authority to issue degrees and operate within a state or jurisdiction.
4. “Bylaws” means: those bylaws established by the National Council for SARA for its governance, or for directing or controlling its actions and conduct.
5. “Charter” means: a document bearing the word Charter issued by proper governmental authority that names a college or university as a degree-granting institution authorized to operate under the laws of the issuing jurisdiction.
6. “Complaint” means: a formal assertion in writing that the terms of this agreement, or of laws, standards or regulations incorporated by this agreement, are being violated by a person, institution, state, agency or other organization or entity operating under the terms of this agreement.
7. “Council” means: the National Council for State Authorization Reciprocity Agreements, or in short form National Council for SARA, or NC-SARA.

8. “C-RAC Guidelines” and other uses of “C-RAC” refers to the *Interregional Guidelines for the Evaluation of Distance Education Programs (Online Learning)* for best practices in postsecondary distance education developed by leading practitioners of distance education and adopted by the Council of Regional Accrediting Commissions (C-RAC).
9. “Credits” means: numeric descriptors of completion of academic work applicable toward a degree, including the Carnegie unit system.
10. “Degree” means: An award conferred at the Associate level or higher by an institution as official recognition for the successful completion of a program of studies. (Based on IPEDS definition.)
11. “Distance Education” means: instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video or correspondence courses or programs.
12. “Faculty” means: a professional individual employed by or contracting with an institution primarily to teach, conduct research or provide related professional education services.
13. “Home State” means: a member state where the institution holds its legal domicile. To operate under SARA an institution must have a single home state.
14. “Host State” means: a member state in which an institution operates under the terms of this agreement, other than the home state.
15. “Hybrid” means: an educational program or course that includes both face-to-face and distance education. Also known by the name “blended” and, sometimes, other terms.
16. “Institution” means: a degree-granting postsecondary entity.
17. “Legal Domicile” of an institution for purposes of SARA eligibility means the state in which the institution’s principal campus holds its institutional accreditation and, if applicable, its federal OPEID number. In the event that the OPEID number is assigned to a campus that is in a different state than the principal accredited campus, the SARA committees of the affected regional compacts shall determine which is the home state for purposes of SARA.
18. “Member State” means: any state, district or territory that has joined this agreement.
19. “Non-degree award” means: a formal postsecondary award that does not carry the designation of Associate degree or higher.
20. “Operate” means: activities conducted by an institution in support of offering distance education degree or non-degree courses or programs in a state, including but not limited to instruction, marketing, recruiting, tutoring, field experiences and other student support services.
21. “Physical Presence” means: a measure by which a state defines the status of an educational institution’s presence within the state. See the special section on physical presence below for the SARA standard.

22. "Portal Agency" means: the single agency designated by each SARA member state to serve as the interstate point of contact for SARA questions, complaints and other communications.
23. "Regional Compact" means: the New England Board of Higher Education, Midwestern Higher Education Compact, Southern Regional Education Board or Western Interstate Commission for Higher Education.
24. "Rule" means: a written statement promulgated by the National Council for SARA that is of general applicability; implements, interprets or prescribes a policy or provision of the agreement; or an organizational, procedural, or other requirement of the Council, including these policies and standards.
25. "State" means: any state, commonwealth, district, or organized territory of the United States.
26. "Supervised field experience" means: a student learning experience under the oversight of a supervisor, mentor, faculty member or other qualified professional, located in the host state, who has a direct or indirect reporting responsibility to the institution where the student is enrolled, whether or not credit is granted. Examples include practica, student teaching, or internships. Independent off-campus study by individual students not engaged in a supervised field experience is exempt from requirements of this compact and does not constitute a physical presence of a postsecondary institution in a SARA member state.

Section 2. States and Membership

1. Eligibility for membership

- a. The state must be a member of one of the four interstate Regional Compacts that administer SARA, or must have concluded an agreement with such a compact covering SARA activity.
- b. The state agency responsible for joining SARA must have the legal authority under state law to enter an interstate agreement that covers all of the elements of SARA.

NOTE: The District of Columbia and U.S. territories are also eligible to join SARA.

2. Member withdrawal

A member state may withdraw from SARA by providing 90 days written notice from the appropriate state authority to its Regional Compact. Any institution operating under SARA from that state may continue to do so to the conclusion of its current academic term or 90 days after the date of receipt of notice of withdrawal, whichever is later, but not to exceed six months from the date the notice was received by the Regional Compact. An institution that withdraws from SARA partway through its participation year receives no fee refund.

3. Member removal

A member state may be removed from SARA membership by its Regional Compact if it ceases to abide by the requirements of SARA. The effect of removal on students and institutions will follow the same standards as set forth for **Withdrawal**.

4. Application

States apply for SARA membership using a uniform SARA application process through which a state will be required to demonstrate to its Regional Compact that it meets the standards established for participation in the interstate reciprocity agreement.

5. Functional responsibilities of states

- a. 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.
- b. 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.
- c. For private institutions, the state accepts an institutional federal financial responsibility rating of 1.5 (or 1.0 with justification) as sufficient financial stability to qualify for participation in SARA. In the event that an institution does not participate in federal Title IV financial aid and therefore has no federal responsibility rating, the state must calculate this rating before allowing an institution to participate in SARA.

NOTE: This SARA policy does not preclude a state from requiring a higher rating for nonpublic providers operating in the state as their home state. In that case, institutions operating from that state under SARA would have a higher required score, not because of SARA rules, but because of the home state's law applicable to all providers.

- d. 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.

NOTE: The problem-solving methods need not be identical for all institutions, as different boards or agencies may be involved depending on the nature of the problem, but the authority of the state to resolve complaints related to SARA activity must be substantially the same for all institutions.

- e. The state designates a "portal agency" to coordinate SARA matters for the state and provide a principal point of contact for resolution of student complaints. The portal agency has the following duties:
 - A. Serve as the point of contact for all other SARA member states and their agencies for questions about SARA within its state;
 - B. Determine whether an institution in its state is eligible for participation in SARA, and lead any investigations regarding whether an institution is in compliance with SARA rules and policies;

- C. Serve as the initial contact point for complaints about any institutions in the state that are operating under SARA; and
- D. Collect and manage any in-state fees¹ assessed on participating institutions for oversight of SARA.

NOTE: The designated portal agency need not itself be responsible for all oversight activities of SARA providers inside the state, and need not have a governance role with any institution, but will be the SARA portal for that state.

- f. The state agrees that it will work cooperatively with other SARA states, Regional Compacts and the National Council for SARA to enable success of the initiative. The state will follow up on requests for information or investigation from other SARA member states or any SARA regional or national office, providing such data or reports as are required.
- g. 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 non-educational subject areas outside those covered by SARA.
- h. The state agrees to require each SARA applicant institution to apply for state approval using the standard SARA institutional application, including agreement to operate under the C-RAC guidelines.
- i. A state, at its discretion, may approve an institution to participate in SARA on provisional status (See Section 3(2) below).

6. State renewal

a) Eligibility

States previously approved by their regional compact are eligible for renewal.

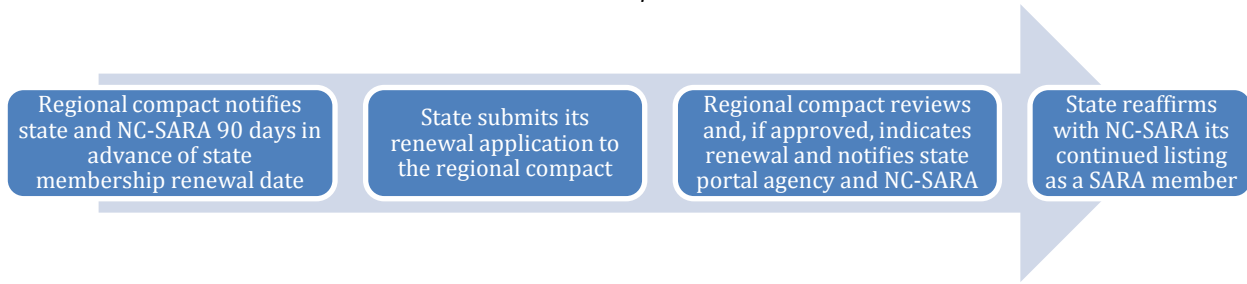
b) Process

Regional compacts shall review state membership renewal applications to confirm the state's past compliance with SARA policies and standards, including its reporting of and responsiveness to student complaints, and affirm its willingness and ability for continued compliance. The following steps provide general guidelines that will govern the renewal process.

- 1) Regional compacts provide to state portal agencies a notice of upcoming renewal no later than 90 days prior to the state membership renewal date. NC-SARA is also notified of the state membership renewal notice.
- 2) The head of the state's SARA portal entity submits the state's renewal application to the regional compact within 45 days of receipt of such notice.
- 3) The regional compact shall review the application and approve, return for additional data or information, or deny the application no later than 45 days after receipt.
- 4) Upon notice of an approved renewal application, the state shall immediately notify NC-SARA to reaffirm its continued listing on the NC-SARA website as a SARA member state.

¹ It does not collect the fees paid by institutions directly to the National Council for SARA.

State Membership Renewal Process



Section 3. Institutions and Participation

1. Eligibility

Any degree-granting institution located in the United States (including its territories, districts or Indian reservations), holding proper authorization from Congress, a U.S. state or a federally recognized Indian tribe and holding accreditation as a single entity from an accrediting association recognized by the U.S. Secretary of Education, and which has formal recognition to accredit distance education programs, is eligible to apply to its home state to participate in SARA if that state is a SARA member. To be eligible for offer under SARA, distance education must originate inside the United States or a U.S. territory. Ownership of an institution located outside the United States or its territories by a U.S. institution does not qualify the nondomestic institution to operate under SARA.

2. Provisional admission or renewal of an institution

- a. A state, at its discretion, may approve an institution applying for initial or renewal participation in SARA to participate on provisional status in any of the following circumstances:
 - A. If the institution is on probationary status or the equivalent with its institutional accrediting association,
 - B. If the institution is currently using a letter of credit or is under a cash management agreement with the U.S. Department of Education,
 - C. If the institution is the subject of a publicly announced investigation by a government agency, and the investigation is related to the institution's academic quality, financial stability or student consumer protection, or
 - D. If the institution is the subject of a current investigation by its home state related to the institution's academic quality, financial stability or student consumer protection.
- b. States shall notify their regional compact and NC-SARA of their admission or renewal of an institution on provisional status. The regional compact and NC-SARA will provide indication of the institution's provisional status on their SARA websites.
- c. An institution admitted to or renewed for SARA participation in provisional status is subject to such oversight measures as the home state considers necessary for purposes of ensuring SARA requirements are met regarding program quality, financial stability and consumer protection, including enrollment limits if deemed necessary. The home state shall report to its regional SARA committee at least once a year on the status of any institutions admitted or renewed in provisional status.

- d. An institution admitted to or renewed for SARA participation in provisional status shall remain in that status for a period not to exceed one year, Section 4 notwithstanding.
- e. In the event that its home state determines that an institution on SARA provisional status is no longer subject to any of the conditions set forth in Section 1, its home state shall remove the institution's designation of provisional status and shall notify the regional compact and NC-SARA.
- f. If an institution on SARA provisional status is found by its home state to not meet the requirements of SARA, the home state shall disallow any further enrollments under SARA and shall:
 - A. Remove the institution from SARA participation and notify its regional compact and NC-SARA,
 - or
 - B. Allow the institution a period of time not to exceed 12 months in which to come into compliance with SARA standards under state supervision. Only one such grace period is allowed in any three-year period.
- g. If an institution on SARA provisional status is found by its home state to not meet the requirements of SARA, the home state shall allow any students enrolled in the institution under SARA at the time of the finding of noncompliance a period of six months in which to conclude their work at the institution, irrespective of the institution's SARA status.

3. Participation Fees

- a. Fees for an institution to participate in SARA potentially consist of two parts. The first is a required SARA fee paid to the National Council for SARA. This annual fee² is based on an institution's total full-time equivalent (FTE) enrollment as shown in the Integrated Postsecondary Education Data System (IPEDS) and is assessed as follows:

Enrolled FTE.....	Annual Fee
Under 2,500.....	\$2,000
2,500-9,999	\$4,000
10,000 or more.....	\$6,000
- b. States have the option of charging SARA participant institutions a fee to cover the state's costs in administering SARA.

4. Renewals

- a. **Eligibility**
 - A. Institutions previously approved by their home state portal agency as SARA participating institutions are eligible for renewal. During the review process portal agencies may pay particular attention to institutions operating under provisional admission, Section 3, Subsection 2.

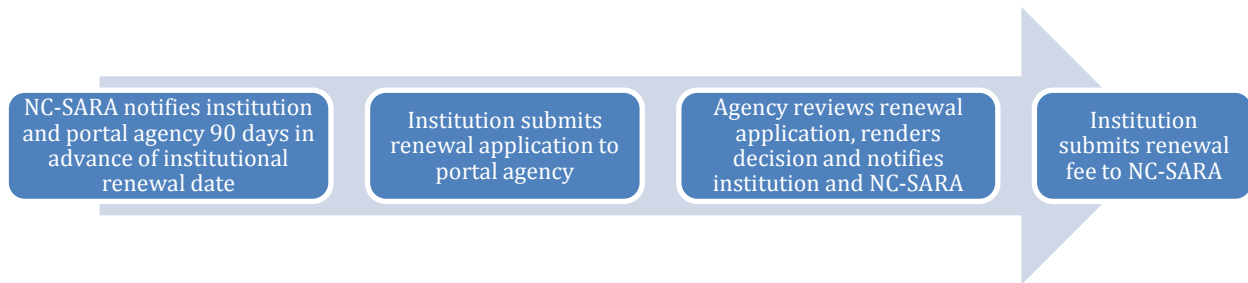
² Fees may be revised by the National Council for SARA as needed beginning in 2016.

b. Process

State portal agencies shall review institutional renewal applications to confirm the institution's past compliance with SARA policies and standards and affirm its willingness and ability for continued future compliance. The following steps provide general guidelines that will govern the renewal process.

- A. NC-SARA provides to institutions a notice of upcoming renewal no later than 90 days prior to the institutional renewal date. The portal agency is also notified of the institutional renewal notice.
- B. The chief executive officer or chief academic officer of the institution completes and submits the application to the state portal agency within 30 days of receipt of such notice.
- C. The portal agency shall review the application and take one of four actions -- renewal approved, provisional renewal, return for additional data/information or renewal denied -- and notify the institution and NC-SARA no later than 30 days after receipt of the renewal application. State portal agencies may charge institutions applying to participate in SARA a fee to cover the state's costs in administering SARA.
- D. Upon notice of an approved renewal application, the institution shall submit the renewal fee to NC-SARA within 30 days. A 30-day grace period beyond the institutional renewal date may be granted upon request; however, if renewal is not complete after 30-day grace period, a late fee of 25% of the institution's renewal fee is applied and SARA status is indicated as "Pending Renewal" on the NC-SARA website.
- E. In case of a provisional renewal, the state portal entity is to notify the institution in writing of the rationale and conditions with a copy to NC-SARA and NC-SARA shall indicate the provisional renewal status on the NC-SARA website. The portal entity shall monitor the institution to ensure compliance with SARA policies and standards and movement toward full renewal status. Portal entities may only use the four circumstances listed in SARA Policies and Standards, Section 3, Subsection 2 as rationale for determining provisional renewal. An institution may appeal the decision of a state granting provisional renewal to its regional compact to ensure SARA policies and standards were upheld during the review process.
- F. Institutions receiving an application returned for additional data/information shall complete the application as quickly as possible to facilitate completion of the application process within 90 days from original notice date of upcoming renewal.
- G. If institutional membership renewal is denied, the portal agency will provide to the applicant institution a written reason for the denial. The institution may appeal the denial of its renewal application within 30 days to its regional compact to ensure SARA policies and standards were upheld during the review process.
- H. Institutions not fully complying with all renewal processes and procedures within five business days after expiration of 30-day grace period will no longer be listed as participating SARA institutions. Institutions denied renewal or not complying with renewal policies with appropriate timelines may reapply to become a SARA institution 180 days after no longer participating in SARA.

Institutional Renewal Process



5. Loss of institutional eligibility

An institution that does not renew its participation agreement with its home state or pay its required SARA fees annually is no longer eligible to participate in SARA. At the time of annual renewal, the state must determine whether the institution still meets SARA requirements. An institution can also be removed at any time by its home state for violation of SARA standards. An institution that is removed from eligibility partway through a period of approval receives no fee refund.

NOTE: The National Council for SARA office will maintain a list of SARA participant institutions.

5. Limitations of SARA

SARA applies solely to distance education activity conducted across state lines. It does not apply to distance education activity inside a state or to on-ground campuses. For purposes of SARA, “distance education” includes a limited number of group activities conducted for short periods on the ground. See Section 3, subsections 6, 7, 9 and the **Physical Presence** standards in Section 5 for details.

6. Programs leading to licensure

SARA has no effect on state professional licensing requirements. Any institution operating under SARA that offers courses or programs potentially leading to professional licensure must keep all students, applicants and potential students who have contacted the institution about the course or program informed as to whether such offerings actually meet state licensing requirements. This must be done in one of two ways:

- a. The institution may determine whether the course or program meets the requirements for professional licensure in the state where the applicant or student resides and provide that information in writing to the student, or
- b. The institution may notify the applicant or student in writing that the institution cannot confirm whether the course or program meets requirements for professional licensure in the student’s state, provide the student with current contact information for any applicable licensing boards, and advise the student to determine whether the program meets requirements for licensure in the state where the student lives.

Failure to provide proper notice in one of these two ways invalidates the SARA eligibility of any course or program offered without the proper notice.

NOTE: See Section 5.3 for additional information regarding supervised field experiences.

7. Field trips and seasonal residential activity

SARA covers class field trips across state lines among member states, but does not cover full-scale residency programs such as a summer session at a field station.

NOTE: See also Section 5.

8. Short courses and seminars

Physical presence under SARA is not triggered if the instruction provided for a short course or seminar takes no more than 20 classroom hours in one six-month period. Class meetings during a full-term course do not trigger physical presence if the instructor and students physically meet together for no more than two meetings, totaling less than six hours. Apparent abuses of these provisions may be brought to the attention of the home state.

9. Third-party providers

Contacts between a third-party provider of educational services and any SARA office or state must be made via the degree-granting institution that operates under SARA. A third-party provider may not represent an institution regarding any subject under SARA operating policies to any SARA office or any state operating under SARA. The institution that transcribes a course is considered the degree-granting institution for purposes of this section.

NOTE: A SARA-approved institution may hire third-party providers to offer or support instruction contained within a program that is otherwise SARA-eligible, assuming that the instruction otherwise meets SARA standards, institutional requirements and requirements of accrediting bodies. However, the degree-granting institution cannot delegate any SARA-related problem-solving functions to a third-party provider, nor may it use the third-party provider as its vehicle for contacting or working with a state.

10. Offerings on military bases

All distance education course offerings provided interstate by a SARA participant institution active and reserve military personnel, their dependents, and civilian employees of the installation located on a U.S. military facility or vessel in a SARA member state are covered by SARA. If such offerings are open to the general public for enrollment, SARA does not apply and state law where the facility or vessel is located applies.

11. Participation by Tribal Colleges

Colleges otherwise eligible to participate in SARA that are chartered and/or controlled by federally recognized Indian tribal governments may participate in SARA by signing an agreement to do so with the appropriate SARA portal agency of the state where the principal campus of the college is located.

Section 4. Consumer protection

SARA Policies and Standards, including those for consumer protection and the resolution of complaints, apply to interstate distance education offered by participating SARA institutions to students in other

SARA states. Only those complaints resulting from distance education courses offered by participating institutions to students in other SARA states come under the terms of the agreement. Complaints about a SARA institution's in-state operations are to be resolved under the state's provisions, not those of SARA.

SARA consumer protection provisions require the home state, through its SARA "portal" entity or agency, to investigate and resolve allegations of dishonest or fraudulent activity by a provider, including the provision of false or misleading information.

Consumer protection within SARA, in addition to dealing with alleged fraudulent activity, also provides for the investigation and resolution of complaints that an institution is operating a course or program contrary to practices set forth in the C-RAC Guidelines (see below) in such a way that a student is harmed. Examples of issues that may arise in regard to alleged fraudulent activity or more general complaints include, but are not limited to:

- a. Veracity of recruitment and marketing materials;
- b. Accuracy of job placement data;
- c. Accuracy of information about tuition, fees and financial aid;
- d. Complete and accurate admission requirements for courses and programs;
- e. Accuracy of information about the institution's accreditation and/or any programmatic/specialized accreditation held by the institution's programs;
- f. Accuracy of information about whether course work meets any relevant professional licensing requirements or the requirements of specialized accrediting bodies;
- g. Accuracy of information about whether the institution's course work will transfer to other institutions; and
- h. Operation of distance education programs consistent with practices expected by institutional accreditors (and, if applicable, programmatic/specialized accreditors) and/or the C-RAC Guidelines for distance education.

1. Responsibilities for resolving complaints

Initial responsibility for the investigation and resolution of complaints resides with the institution against which the complaint is made. Further consideration and resolution, if necessary, is the responsibility of the SARA portal agency, and other responsible agencies of the institution's home state (see the following section: Complaint Resolution Processes). The portal agency is responsible for staffing the investigation and resolution of complaints that are not resolved at the institutional level. (The portal agency may enlist the assistance of other responsible entities in the state in carrying out the work of complaint resolution.) Institutions operating under SARA shall make their and SARA's complaint resolution policies and procedures readily available to students taking courses under SARA provisions.

2. Complaint Resolution Processes

- a. Complaints against an institution operating under SARA go first through the institution's own procedures for resolution of grievances.
- b. Complaints regarding student grades or student conduct violations are governed entirely by institutional policy and the laws of the SARA institution's home state.

- c. If a person bringing a complaint is not satisfied with the outcome of the institutional process for handling complaints, the complaint (except for complaints about grades or student conduct violations) may be appealed, within two years of the incident about which the complaint is made, to the SARA portal agency in the home state of the institution against which the complaint has been lodged. That agency shall notify the SARA portal agency for the state in which the student is located of receipt of that appealed complaint. The resolution of the complaint by the institution's home state SARA portal agency, through its SARA complaint resolution process, will be final, except for complaints that fall under the provisions of (g), below.
- d. While the final resolution of the complaint rests with the SARA portal agency in the home state of the institution against which the complaint has been lodged, nothing precludes the state in which the complaining person is located from also working to resolve the complaint, preferably through that state's SARA portal agency. Indeed, it is expected that SARA states will facilitate the resolution of any complaints brought to their attention.
- e. While final resolution of complaints (for purposes of adjudication of the complaint and enforcement of any resultant remedies or redress) resides in certain cases with institutions (complaints about grades or student conduct violations), or more generally with the relevant institution's home state SARA portal agency (all other complaints), the regional compact(s) administering SARA may consider a disputed complaint as a "case file" if concerns are raised against a participating state with regard to whether that state is abiding by SARA *Policies and Standards*. The regional compact may review such complaints in determining whether a state under its purview is abiding by the SARA standards. Similarly, a complaint "case file" may also be reviewed by NC-SARA in considering whether a regional compact is ensuring that its member states are abiding by the SARA standards required for their participation in the agreement.
- f. SARA shall develop policies and procedures for reporting the number and disposition of complaints that are not resolved at the institutional level. Such data will create transparency and can be used in determining whether a regional compact is ensuring that its SARA member states and those states' institutions are abiding by the standards required for participation in the agreement.
- g. Nothing in SARA *Policies and Standards* precludes a state from using its laws of general application to pursue action against an institution that violates those laws.

3. Oversight of complaint investigation

Investigation of a SARA-related complaint against an institution requires that a board or agency outside the institution's immediate management be available to handle complaints that are not resolved within the institution. A system board responsible for more than one separately accredited institution may serve this role under SARA provisions. A board responsible for only one accredited institution, or which lacks enforcement authority over an institution, cannot serve as the SARA external oversight agency for such an institution. In such circumstances, the institution's home-state SARA portal agency may serve that function.

4. Incorporation of Existing Guidelines

The *Interregional Guidelines for the Evaluation of Distance Education (Online Learning)* (referred to as “C-RAC Guidelines” in this document) adopted by the Council of Regional Accrediting Commissions are incorporated in the requirements of SARA. States that join SARA need to base their oversight of SARA activity and their investigative actions on the following expectations.³ The president or chief academic officer of each institution participating in SARA (whether accredited by a “regional” or other recognized accreditor) shall attest that their institution meets and agrees to comply with the following C-RAC provisions.

1. Online learning is appropriate to the institution’s mission and purposes.
2. The institution’s plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes.
3. Online learning is incorporated into the institution’s systems of governance and academic oversight.
4. Curricula for the institution’s online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.
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.
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.
7. The institution provides effective student and academic services to support students enrolled in online learning offerings.
8. The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings.
9. The institution assures the integrity of its online offerings.

Section 5. Physical presence standards

Generally, an institution has physical presence when it operates a campus, branch instructional facility whether leased or owned, or administrative office within the boundaries of a state. However, because the specific definitions of physical presence currently vary greatly from state to state, especially with regard to out-of-state institutions that seek to conduct any activity within another state, SARA has established its own uniform standard for physical presence vs. distance education. For purposes of participation in SARA, this standard applies, but it does not affect the application of existing state laws

³ The complete C-RAC framework and examples of good practices shall be made a part of the institutional application process. The numbering system used in this section is retained from the C-RAC framework.

to colleges that choose to operate outside of SARA or which are based in states that are not SARA members.

1. For purposes of SARA, an institution has physical presence and therefore must meet the state's current non-SARA requirements if it does any of these things in a state:

- a. Establishes a physical location for students to receive synchronous or asynchronous instruction;
- b. Requires students to physically meet in a location for instructional purposes more than twice per full-term (quarter or semester) course for a total of more than six hours;
- c. Establishes an administrative office;
- d. Provides information to students for the purpose of enrolling students, or provides student support services, from a physical site operated by or on behalf of the institution in the state;
- e. Offers a "short course" that requires more than 20 contact hours in one six-month period;
- f. Provides office space to instructional or non-instructional staff;
- g. Maintains a mailing address or phone exchange in a state.
- h. Carries out field study or field research located at a field station, research station or other physical site at which a faculty member or other institutional employee or contractor supervises or otherwise directs two or more students in an activity exceeding the allowable short course length set forth in Section 5.1.e and which either bears academic credit or is a requirement for a course or program.

2. An institution does not have physical presence, and is therefore covered by SARA in SARA member states, if it is only:

- a. Offering courses to individuals via distance education in ways that do not require students to gather physically in groups, excepting the special provisions in Section 5(1);
- b. Advertising to students whether through print, billboard, direct mail, internet, radio, television or other medium;
- c. Offering distance education courses on a military base or vessel if enrollment in such courses is limited to active and reserve military personnel, their dependents, and civilian employees of the installation;
- d. Maintaining a server, router or similar electronic service device housed in a facility that otherwise would not constitute physical presence (the presence of a server or similar pass-through switching device does not by itself constitute the offering of a course or program in that state);
- e. Having faculty, adjunct faculty, mentors, tutors, recruiters or other academic personnel residing in a member state and working from their homes or another private, non-institutional site, provided that such staff is not engaged in activities that would otherwise constitute physical presence as defined by these Policies and Standards;
- f. Holding proctored exams on behalf of the institution in the host state;
- g. Having contractual arrangements in the home or host state, e.g. procurement contracts or course offerings through consortium agreements;
- h. Operating limited supervised field experiences (See subsection 3);
- i. Using recruiters in a SARA member state; (This provision is not restricted to recruiting for courses or programs offered under SARA, and does include athletic recruiting.)

- j. Engaging in field trips to visit existing sites or facilities for academic purposes not involving the establishment of residential or instructional facilities.

3. Supervised Field Experiences⁴

- a. If the host state requires approval of supervised field experiences by agencies or boards responsible for professional requirements in fields requiring licensure or certification for practice, such professional approval requirements remain in effect.
- b. Supervised field experiences, except for requirements of professional licensing entities as noted in "a" above, and subject to the following limitations, do not establish a physical presence under SARA and are therefore covered by the provisions of SARA governing interstate distance education activity, whether the field experience is part of a distance-education or campus-based program.
- c. Existing contracts among provider institutions and sites used for supervised field experiences as of the date that an institution begins participating in SARA are not impaired, revised or otherwise affected by SARA. At the time that any provision of such a contract is changed, the new contract must comply with SARA policies and standards set forth herein.
- d. A contract for supervised field experiences to be covered by SARA is limited as follows. Such a contract:
 - A. Cannot provide for the placement of more than ten students from an individual academic program placed simultaneously at one clinical or practicum site, unless approval for a larger number is provided by the host state SARA portal agency.
 - B. May be objected to by the host state portal agency on grounds that the institution has:
 - 1. a demonstrable failure to achieve an acceptable professional licensing rate in the host state if the program customarily leads to licensure, provided that the acceptable rate is not higher than the lower of (a) the lowest rate of a host state-based institution in good standing or (b) the average state licensure rate,
or
 - 2. an unreasonable number of valid, documented complaints about program operation or quality which have not been adequately resolved by the institution.
 - C. If a host state objects to a supervised field experience or clinical placement under SARA on the grounds set forth in subsection (2) above, the affected regional compact(s) shall determine whether the placement is allowable under SARA, using procedures to be developed for that purpose.
 - 1. Any student enrolled in an academic program prior to the time the institution begins operations under SARA may remain in any supervised field experience site to which the student is assigned, irrespective of SARA policies.

⁴ The term "supervised field experiences" is defined in the first section of the NC-SARA Policies and Standards and is not repeated in this section of the document. Definition: Supervised field experience" means: a student learning experience under the oversight of a supervisor, mentor, faculty member or other qualified professional, located in the host state, who has a direct or indirect reporting responsibility to the institution where the student is enrolled, whether or not credit is granted. Examples include practica, student teaching, or internships. Independent off-campus study by individual students not engaged in a supervised field experience is exempt from requirements of this compact and does not constitute a physical presence of a postsecondary institution in a SARA member state.

2. An institution operating under SARA that owns a supervised field experience, clinical or practicum site is not subject to the limitations of subsection (c) on placement of its own students at such a site.
3. SARA policies and standards regarding supervised field experiences do not supersede, replace or modify any federal law that would affect students placed under SARA. SARA policies are subsidiary to any such federal laws covering the same subjects.

Section 6. Data Submission Requirements for Institutions Participating in the State Authorization Reciprocity Agreements (SARA)

Institutions participating in the State Authorization Reciprocity Agreements (SARA) shall annually report to the National Council for State Authorization Reciprocity Agreements the number of students enrolled in the institution via distance education delivered outside the home state of the institution, disaggregated by state, territory, or district in which the students reside. This data shall be reported annually to NC-SARA one month following the due date for institutions to make their fall enrollment reports to the federal government’s Integrated Postsecondary Education Data System (IPEDS). The first submission will be in fall, 2015.

Prior to such submission, NC-SARA will provide each SARA institution a data reporting manual and a data usage agreement to be signed by responsible parties of the SARA institution and NC-SARA .

NC-SARA on its website will report those enrollments, by institution, in the following format:

Out-of-State enrollments of SARA institutions via distance education						
	SARA State 1 (example, Oregon)	SARA State 2	SARA State 3	SARA State 4	Total in Non-SARA States	Total SARA + Non-SARA
Alaska						
SARA Institution 1						
SARA Institution 2						

NC-SARA will not collect individually identifiable student data and will comply with the Family Educational Rights and Privacy Act (FERPA).

Beginning in fall 2016, institutions participating in SARA will be required to further disaggregate the above enrollment data by broad program of study.

NC-SARA will invite SARA institutions to provide a link to the institution’s distance education home page to assist students in determining programs of study that can be completed at a distance. NC-SARA will include such provided links on its listing of SARA institutions on www.nc-sara.org

Section 7. Complaint Resolution Reporting for States Participating in SARA

States participating in the State Authorization Reciprocity Agreements shall report the following information to the National Council for State Authorization Reciprocity Agreements on a quarterly basis:

1. The number of complaints from out-of-state students, by institution, appealed to the state’s SARA portal agency after the person making the complaint has completed the institution’s and/or governing board’s (if relevant) complaint resolution process;
2. The resolution of those complaints in the aggregate, by SARA institution: number resolved in favor of the person making the complaint, number resolved in favor of the institution, number resolved by agreement, and number pending resolution.
3. The reporting by SARA states of such complaints will begin in April 2015.

The number of complaints appealed to the portal agency will be placed within the context of the institution’s total out-of-state distance education enrollments, as follows:

Student complaints appealed to SARA portal agencies (Date to Date)*						
	Number of complaints appealed to the portal agency*	Institutional out-of-state distance ed enrollments	Number resolved in favor of student	Number resolved in favor of institution	Number of negotiated resolutions	Number still under consideration
Alaska						
SARA Institution 1						
SARA Institution 2						

* After completion of the institution's full complaint resolution process.

NC-SARA will not collect individually identifiable student data and will comply with the Family Educational Rights and Privacy Act (FERPA).

Section 8. Responding to Questions and to Requests to Modify SARA Policies and Standards

Questions, clarifications and minor modifications

Questions, comments, or suggested modifications to SARA Policies and Standards may be brought to the attention of:

- SARA portal entity directors in SARA states;
- SARA directors in the regional compacts;
- Regional SARA steering committees; or
- the executive director of the National Council for State Authorization Reciprocity Agreements (NC-SARA).

Such communications shall be dealt with in as expedient a manner as possible, while ensuring broad consultation and consistency across the SARA community.

Unresolved questions, concerns, or comments shall involve further consultation among state SARA portal agency directors, regional and NC-SARA staff. The executive director and NC-SARA staff shall work with regional directors to develop and/or propose responses. As appropriate, that process may include consultation with the SARA steering committees in the regional compacts and with the NC-SARA board. The executive director is responsible for ensuring that responses are developed.

The executive director may approve and promulgate clarifications and minor modifications that do not substantively change SARA provisions, after concluding the consultative process mentioned above.

Requests for significant modifications

Ultimately, it is the responsibility of the executive director of NC-SARA to ensure broad consultation among the regional compacts, NC-SARA, and the SARA community at large in developing responses to requests for significant modifications to NC-SARA *Policies and Standards* and/or to the *Unified State Authorization Reciprocity Agreement*.

Requests for significant changes should be addressed to the executive director of NC-SARA, who will work with the regional compacts, their SARA steering committees, the NC-SARA executive committee, and the NC-SARA board to ensure consideration and resolution. Persons making such requests should provide a rationale supporting their request.

In responding to and ultimately acting on such requests, regional and national SARA staff and oversight committees shall evaluate proposed changes in light of SARA's fundamental reliance on interstate reciprocity and trust, and on the fundamental purposes of SARA, which are to support high quality, resolve problems encountered by students, and simplify and support the interstate offering of distance education using a model under which an institution's home state is primarily responsible for what the institution offers under the aegis of SARA.

Other guiding principles for the review, clarification and modification of SARA policies, standards and agreements include:

- Broad consultation with key stakeholders;
- Maintaining consistency in policy and procedures;
- Transparency and openness; and
- Responsiveness to stakeholders and emerging policy issues.

Section 9. Revisions to Policies and Standards

Changes to these Policies and Standards shall be classified as **Corrections** or **Revisions**. Corrections represent minor technical fixes or clarifications that do not represent a substantive change in policy, standards or procedures. Revisions represent substantive changes in policy (or new policies), standards or procedures. The last page of this document shall contain a running list showing the date that any Corrections or Revisions were made, and referring to any documentation of such changes, in order to maintain a record of such changes. That record follows this section.

Policies and Standards adopted by the National Council for SARA November 1, 2013, published in final form with minor revisions and corrections by NC-SARA staff November 18, 2013.

Record of Corrections

- November 19, 2013 1) Staff corrected section heading numbering, which was missing Section 4. We also adjusted FAQ references to match corrected headings. ALC
- 2) Addition of commas to unify the format of the FTE and fee schedule. ALC
- November 3, 20151) Clarification of the continuing authority of boards of professional licensure. Section 5.3.a-b. MAH

Record of Revisions

- February 10, 2014.....Revision of SARA's Policies and Standards for Consumer Protection
- May 14, 2014 1) Policy Added Section 6: Data Submission Requirements for Institutions Participating in SARA
- 2) Policy Added Section 7: Complaint Resolution Reporting for States Participating in SARA
- August 19, 2014 Revision of SARA's Policies and Standards Section 3: Institutions and Participation, subsection 10: Offerings on military bases
- December 5, 2014..... 1) Definition Added for the term "Legal Domicile"

2) Addition to SARA's Policies and Standards Section 2: States and Membership, subsection 5: Functional responsibilities of states (i)

3) Addition to SARA's Policies and Standards Section 3: Institutions and Participation, subsection 2: Provisional admission of an institution. Note: Renumbering of existing content.

4) Addition to SARA's Policies and Standards Section 5: Physical presence standards, subsection 2 (j)

5) Revision of SARA's Policies and Standards Section 6: Data Submission Requirements for Institutions Participating in SARA

6) Revision of SARA's Policies and Standards Section 7: Complaint Resolution Reporting for States Participating in SARA

January 7, 2015 1) Revision of SARA's Policies and Standards Section 5: Physical presence standards subsection 2, revised and removed Supervised Field Experiences to new subsection 3. Note reordering of existing content of subsection 2.

May 13, 2015.....1) Addition to SARA's Policies and Standards Section 3: 11. Participation by Tribal Colleges
2) Addition to SARA's Policies and Standards new Section 8: Modification Process for SARA Policies and Standards
3) Clarification of SARA's Policies and Standards Section 3: Institutions and Participation, 4. Loss of institutional eligibility
4) Revision of SARA's Policies and Standards Section: Section 4. Consumer protection, 2. Complaint Resolution Processes

July 10, 2015.....1) Addition to SARA's Policies and Standards new Section 3:4 Renewals

December 1, 20151) Addition – New Section 2.6, Renewal of state membership
2) Addition to Section 3.2, Provisional renewal of an institution
3) Addition – Section 3.4.2, Process for institution renewal
4) Addition to Section 5.1, Field study or research
5) Addition to Section 5.2, Physical presence

January 12, 2016.....1) Revisions to and reformatting of Section 8