

**Meet SARA:
Developing a State
Authorization Reciprocity
Agreement**

WCET Meeting

November 2 , 2012

San Antonio, TX

The Presidents' Forum

Launched in 2004, *The Presidents' Forum* is a collaborative of regionally accredited, adult-serving institutions and programs offering online higher education, related national associations, and stakeholder policy bodies that cover all sectors of not-for-profit and for-profit higher learning. This collaborative provides a venue to formulate policies and action strategies that drive innovation and best practices in online learning.

The Council of State Governments

The Council of State Governments, founded in 1933, is a non-partisan, nonprofit organization that represents every elected and appointed official in the three branches of state government in the fifty states and U.S. territories. CSG offers guidance and technical assistance in dealing with interstate compacts and other interstate agreements.

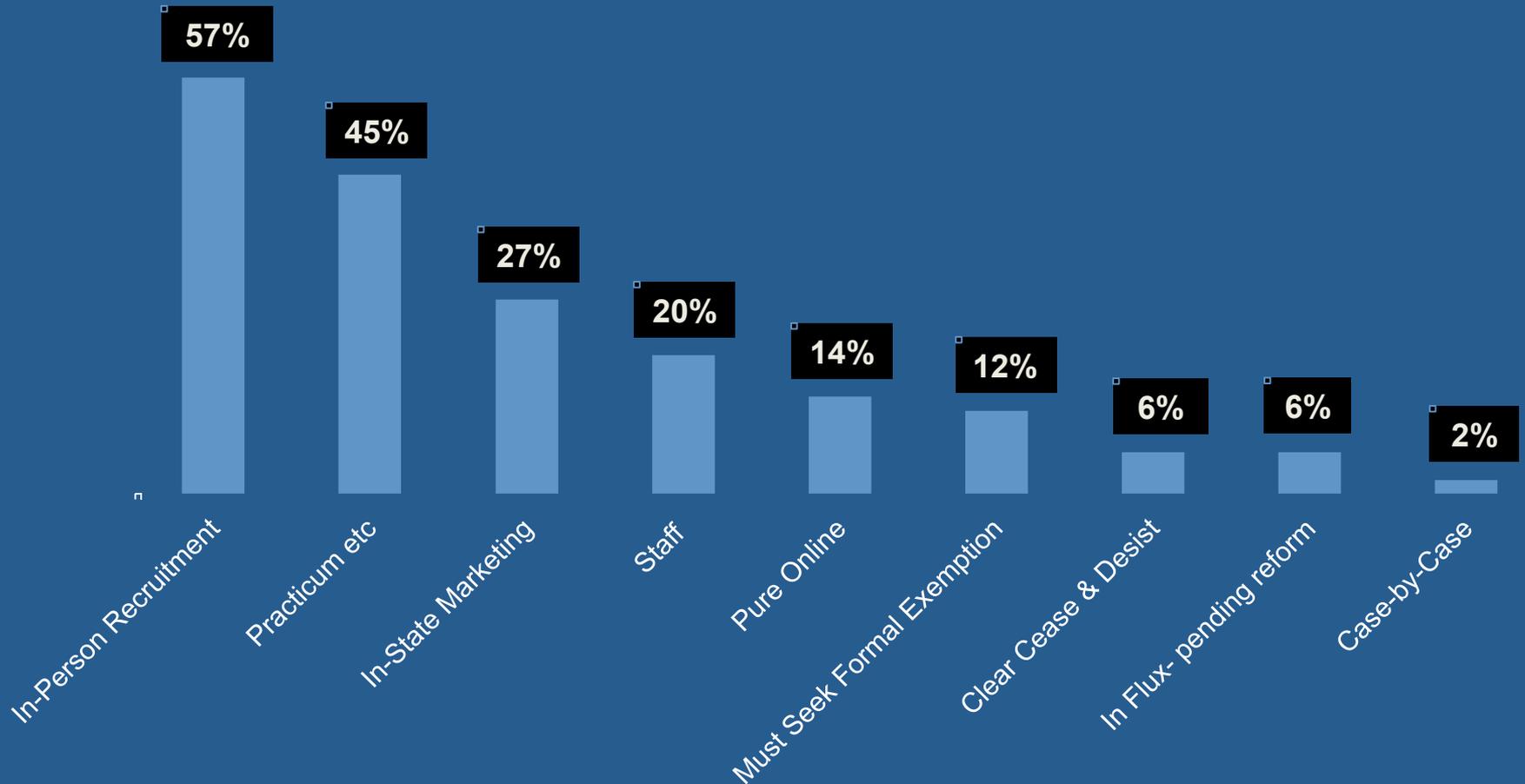
Background

- States regulate the offering of postsecondary education within their borders with widely varying standards, policies, practices, and “triggers” for application and enforcement.
- Institutions vary in the degree to which they pay attention to state regulation, particularly in regard to activities they pursue outside their home state, and especially in regard to “distance” or “online” students.

Background (cont.)

- At present, there is no alternative to each institution separately pursuing state authorization (or assurance that authorization is not required) in each state and territory in which it serves students.
- Consequently, thousands of institutions must seek approval/authorization in as many as 54 states and territories.
- That approach is inefficient and challenging for institutions and states alike.

% of States that Assert Jurisdiction Over Aspects of Unconventional Physical Presence



Source: agency sites, WCET report, Dow Lohnes report, Eduventures correspondence and analysis

Forum Projects

- *2009 - Demonstration Projects to Improve Efficiency and Alignment of State Regulatory Requirements and Encourage Reciprocal Agreements*, with support from the **Lumina Foundation**, facilitate a national dialogue on the impact of the complex and widely diverse requirements and regulations among each of the 50 American states.
- *2010 – Making Opportunity Affordable*, with support from the **Lumina Foundation**, FORUM will explore the potential for a voluntary, interstate agreement (*Multi-State Reciprocity in Postsecondary Approval and Regulation*) to broaden the availability of accredited online degree programs by reducing state regulatory barriers while ensuring strong consumer safeguards.

Federal “State Authorization” Requirements

As a condition for institutional participation in federal financial aid programs, U.S. Department of Education rules require institutions to be approved to operate in all states and territories in which they serve students (“state authorization”), or to document that such approval is not required by the states or territories in which those students reside.

STATUS?

“SARA:”
State Authorization
Reciprocity Agreement

The *Lumina Foundation* has provided funding to the *Presidents’ Forum*, working with the *Council of State Governments*, to develop a “model state reciprocity agreement” that states could adopt to acknowledge other states’ work and decisions in regard to institutional authorization.

Working With Stakeholders

SARA, developed as a working draft by a team familiar with these issues, is the current product of that effort. Talks with:

- Broad advisory committee
- Regional higher education compacts
- State regulators
- State Higher Education Executive Officers
- Accrediting organizations
- U.S. Department of Education
- Others to come

Goals

SARA offers a process that will support the nation in its efforts to increase the educational attainment of its people by making state authorization:

- more efficient, effective and uniform in regard to necessary and reasonable standards of practice that could span states;
- more effective in dealing with quality and integrity issues that have arisen in some online/distance education offerings; and
- less costly for states and institutions and, thereby, the students they serve.

Challenges

- State laws, rules and regulation around these issues are remarkably diverse and the *reasons* for that diversity vary from state to state.
- Any alternative to the current situation must include a means of effective governance and a workable model for financial sustainability.

Challenges (cont.)

- Efforts to facilitate and enable good practice must also maintain the ability to deal with bad institutional behavior. In particular, states must be able to trust other states to carry out their responsibilities.
- A fully effective means of dealing with these issues requires a comprehensive national model that will serve all interested states, accommodate all sectors of higher education (public, independent non-profit, and for-profit), and embrace the diversity of institutional and specialized accreditation.

Essential Characteristics of SARA

- Acknowledges the traditional roles of members of the accountability triad: federal government, states, and recognized accrediting bodies.
- Preserves full state oversight and control of on-the-ground institutions and campuses.
- Sets forth a reasonable set of “triggers” of “physical presence.”
- Requires institutional accreditation by an accrediting body recognized by the U.S. Secretary of Education.

Essential Characteristics of *SARA* (cont.)

- Calls on states to assume the principal role in matters of consumer/student protection while working in partnership with recognized accreditors.
- Shifts principal oversight responsibilities from the state in which the “distance learning” is being offered to the “home state” of the institution offering the instruction.
- Lays out a model reciprocity agreement that states could adopt, including outlines of a possible organizational structure and financial plan to support operations.

Issues *SARA* Does Not Address

- *SARA* does not deal with issues of professional licensing (i.e. nursing, education, psychology), leaving that to future work, probably carried out by others.
- *SARA* intentionally provides minimal details on the operation of the organization that will be required to support *SARA*. Such an organization could be constituted and managed in a variety of ways.

Regional Higher Education Compacts

- Regionals' interest in the issue
- Meetings with heads of the regionals, PF/CSG representatives
- Cooperative work between PF/CSG and WICHE (representing the four regionals)
- Goal: A SARA that both groups could support and promote
- Status: getting closer – much closer

Three Initiatives

- Presidents' Forum/Council of State Governments
- WICHE, SREB, NEBHE, MHEC
- Commission on Regulation of Postsecondary Distance Education

Commission on Regulation of Postsecondary Distance Education

- Sponsored by SHEEO and APLU
- Chaired by Hon. Richard W. Riley, former U.S. Secretary of Education
- Fourteen Commissioners
- First meeting in June, 2012, more to come, report and recommendations anticipated in January, 2013

What's next?

For all initiatives:

- Additional conversations with stakeholders
- Outreach and education
- Likely legislative action

Questions?