SARA Manual

State Authorization Reciprocity Agreements
Policy and Operations Manual

- Incorporates, updates and replaces previous versions of SARA Policies and Standards
- Incorporates, updates and replaces previous versions of SARA FAQs
- Includes procedures for use by states and institutions for SARA application, renewal, payment of fees and data collection
- Includes as appendices the Unified State Authorization Reciprocity Agreement approved December 1, 2015 and the C-RAC Guidelines.

Updated May 2017
Introduction to the SARA Manual

Any degree-granting institution in the U.S. must be authorized by a governmental entity to issue degrees. The "government" is typically a state government, but it can also be Congress or an American Indian tribe. In addition, the U.S. Department of Education requires proof of state authorization as a condition of eligibility to participate in Title IV student assistance programs. SARA policy is intended to be consistent with federal law and is therefore subject to change based on federal rulemaking.

SARA pertains to approval of distance education courses and programs offered across state lines by postsecondary institutions that already have degree authorization in at least one state. SARA centralizes the authorization process for each institution in a single state called the institution’s "home state." Colleges or universities in a SARA state therefore only need their home state authorization to offer distance education to students in any other SARA member state, subject to certain limitations.

The State Authorization Reciprocity Agreements (SARA) were developed from 2011 through 2013 and began operating in January, 2014. The original four regional agreements were slightly different and were superseded by the Unified Agreement in December, 2015. States may join SARA if they wish to do so; membership is voluntary. Likewise, if a state joins, its eligible institutions have the option of participating, but are not required to do so.

In the course of preparing this first SARA Manual, the 2013-2015 Policies and Standards and the FAQs published through February, 2016 were merged and updated and their physical layout was revised. The FAQs have been retitled Explanatory Notes and placed in appropriate sections.

All references to portal agencies have been changed to portal entities because in many states, the term "agency" has a special and limited meaning, and in some cases states have established special joint entities to oversee SARA.

This Manual codifies existing SARA policy as of December 2016. It will be numbered Version 16.1. Future changes will follow this numbering sequence, with the last two digits of the calendar year followed by a version number. A current version of the Manual will be maintained on the NC-SARA web site.

These changes may require eventual revisions to some states’ references to SARA in state documents.
Questions about SARA?

Questions inside an institution

In general, questions from faculty, students or other interested people inside an institution should go first to the institution’s SARA liaison officer, if one has been designated.

Questions from an institution’s SARA liaison staff regarding SARA

Questions from institutions should be directed as follows:

State specific SARA Activities – to STATE PORTAL ENTITY

- State SARA Fees
- Institution application status
- Institution renewal status
- Institution renewal defaults – deadlines missed and late fees
- Institution Accreditation changes
- Institution SARA status changes

SARA Policies and Procedures – to REGIONAL COMPACT

- State application status
- State renewal status
- Questions about C-RAC Guidelines

National Reporting and SARA Oversight – to NC-SARA OFFICE

- NC-SARA Salesforce activity
- Complaint reporting
- Enrollment reporting
- NC-SARA payment activity
  - Initial NC-SARA payment
  - Renewal NC-SARA payment
- NC-SARA late fees

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1 See http://www.nc-sara.org/content/state-portal-entity-contacts for current contact information
2 See http://www.nc-sara.org/sara-staff for current contact information
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States shown in gray are not members of a regional compact but may affiliate with one for purposes of SARA. States shown hatched are members of both WICHE and MHEC. North Dakota operates in SARA via MHEC; South Dakota via WICHE.

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State Authorization Reciprocity Agreements

Policies and Standards

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. “Affiliate Member” is a state or territory that affiliates with a regional compact under the terms of SARA in order to participate in SARA but is not a full member of that compact. The term “member state” when used in this document includes affiliate members.

3. “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.

4. “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.

5. “Bylaws” means: those bylaws established by the National Council for SARA for its governance, or for directing or controlling its actions and conduct.

6. “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.

7. “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.


9. “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).

10. “Credits” means: numeric descriptors of completion of academic work applicable toward a degree, including the Carnegie unit system.
11. "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.)

12. "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 and correspondence courses or programs.

13. "Faculty" means: a professional individual employed by or contracting with an institution primarily to teach, conduct research or provide related professional education services.

14. "Home State" means: a member state where the institution holds its legal domicile and accreditation. To operate under SARA an institution must have a single home state.

15. "Host State" means: a member state in which an institution operates under the terms of this agreement, other than the home state.

16. "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.

17. "Institution" means: a degree-granting postsecondary entity.

18. "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.

19. "Member State" means: any state, district or territory that has joined this agreement.

20. "Non-degree award" means: a formal postsecondary award that does not carry the designation of Associate degree or higher.

21. "Non-domestic" institution is a term used by a host state to mean an institution operating in that state from a different home state.

22. "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.

23. "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.
24. Portal Entity means: the state agency or other state body designated by each SARA member state to serve as the interstate point of contact for SARA questions, complaints and other communications.


26. “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.

27. “State” means: any state, commonwealth, district, or organized territory of the United States.

28. “Supervised field experience” means: a student learning experience comprised primarily of the practical application of previously studied theories and skills, 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. The supervised field experience is part of a program of study offered by the enrolling SARA institution. Examples include practica, student teaching, or internships. Independent off-campus study by individual students not engaged in supervised field experience is exempt from requirements of SARA and does not constitute a physical presence of a postsecondary institution in a SARA member state.
Section 2. States and Membership

2.1 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. The District of Columbia and U.S. Territories are also eligible to join SARA using the same methods as states. For additional information, refer to Section 8.4 of the Unified Agreement.

b. The state agency or entity 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.

c. A state that joins SARA as an Affiliate under the terms of the Unified Agreement shall operate in the same manner as a member state except as provided in the Unified Agreement.

2.2 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.

2.3 Member withdrawal

a. A member state may withdraw from SARA by providing 90 days written notice from the state portal entity to its Regional Compact and the appropriate regional steering committee.

b. Any institution operating under SARA from a withdrawing state may continue to do so until 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.

c. In the event that a state withdraws from SARA, the state portal entity shall notify all SARA participant institutions in that state of the state’s changed status.

2.4 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 Member Withdrawal in subsection 2.3 above.
2.5 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.

EXPLANATORY NOTES

N1 - Can a State Portal Entity (SPE) require a SARA applicant institution to provide additional evidence that it will meet the standards for operating under SARA before allowing it to participate in SARA?

No. A state must accept an institution’s self-certification that it will meet the standards required for operating under SARA once it is allowed to participate. However, as soon as an institution is accepted into SARA, the State Portal Entity has a right to evaluate whether the institution in its work through SARA meets the C-RAC norms or other SARA requirements and must investigate any claims that the institution does not meet these requirements. A state may, however, approve an institution on a provisional basis. See 3.2 below.

c. For private institutions, the state accepts an institutional federal financial responsibility rating of 1.5 (or 1.0 with justification acceptable to the state) 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 using the federal rules before allowing an institution to participate in SARA. For institutions owned by a corporate “parent,” in accord with current U.S. Department of Education policies and procedures, the relevant financial score is that provided by the Department for the corporate “parent.” (The Department no longer provides individual scores for such institutions.)

EXPLANATORY NOTES

N1 - Can a state require a higher federal responsibility score for its own institutions?

Yes. 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, all 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 in that state.

N2 - Are states obligated to use the published federal financial responsibility score when considering an institution’s eligibility for SARA?

Not always. A state can, if desired, require an applicant institution to provide the most recently calculated federal score, which may in some cases be newer than what has been published.

N3 - If an otherwise eligible institution has no federal responsibility score because it does not use Title IV aid, can a state allow it to participate in SARA?
Yes. The state may apply the same formula that is used to calculate the federal score and the institution may participate if it achieves an eligible score. The state may also use such a score generated by the formula applied by an independent auditing firm.

**N4 – Is a state required to follow Department of Education policy and practice with regard to calculation of composite scores?**

Yes. U.S. Department of Education rules and policies should be followed in determining and calculating the score to be used. In particular, if an institution is owned by a corporate parent, the consolidated financial score should be used consistent with federal policy.

d. The state has a clearly articulated comprehensive state process for consumer protection in regard to SARA activities, both with respect to initial institutional approval and ongoing oversight, including the resolution of consumer complaints in all sectors.

**EXPLANATORY NOTES**

**N1** - 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 state “portal entity” to coordinate SARA matters for the state and provide a principal point of contact for resolution of student complaints and other issues arising at participating institutions. The portal entity has the following duties:

1. Serve as the point of contact for all other SARA member states and their agencies for questions about SARA within its state;
2. Serve as initial point of contact for institutions within its state that have questions about SARA;
3. Determine whether an institution in its state is eligible for participation in SARA;
4. Serve as the initial contact point for complaints about any institutions in the state that are operating under SARA and lead any investigations regarding whether an institution is in compliance with SARA rules and policies;
5. Collect and manage any in-state fees assessed on participating institutions for oversight of SARA.

**EXPLANATORY NOTES**

**N1** - The designated portal entity need not itself be responsible for all oversight activities of SARA providers inside the state, except that it is the final decision-maker for student complaints, 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, if it has requirements, standards, fees, or procedures for the approval and authorization of non-domestic institutions of higher education providing

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3 It does not collect the fees paid by institutions directly to the National Council for SARA.
distance education in the state, it will not apply those requirements, standards, fees or procedures to any non-domestic institution that participates in SARA; instead, the state will apply those specifically prescribed in or allowed by the SARA Policies and Standards.

h. Except as precluded by (g) above, SARA member states continue to have authority to enforce all their general-purpose laws against non-domestic institutions (including SARA participating institutions) providing distance education in the state, including, but not limited to, those laws related to consumer protection and fraudulent activities.

EXPLANATORY NOTES

N1 - If a state joins SARA and SARA rules supersede state laws for purposes of oversight of SARA-member institutions enrolling students from the state, does the state lose its oversight laws completely?

No. States will need to retain all of their current oversight rules covering distance education offerings because some states may not join SARA, some institutions in SARA states may choose not to operate under SARA, SARA does not cover offerings by non-U.S. providers and to assure compliance with federal requirements.

N2 - If a physical campus offers a course or program, part of which is offered online and part of which is on the ground, does the state have jurisdiction over the entire program?

Yes. Whenever there is a physical campus, the entire program available at that site is under the jurisdiction of the state where the campus is located, subject to state law. SARA is designed to allow states to retain full oversight capacity over any on-ground campus. That must include the entire program offered by such a campus, including such portions as are delivered online, from any source. Therefore, SARA cannot be used to “screen” part of such a program from state oversight by outsourcing part of a program to an online provider operating under SARA. This does not prevent a campus from requiring part of its program to be completed online if state law allows, it simply doesn’t qualify as operating under SARA. It would be offered under normal state rules.

If a separate campus that operates under the accreditation of a main campus establishes physical presence (under SARA provisions) in a SARA state, the host state may regulate the online/distance education activities of the institution, as well as activities of the separate campus. The separate campus is not considered a separate institution for purposes of SARA.

N3 - If the state requires a nonpublic institution to accept state agency oversight for purposes of interstate activity under SARA, does the state also have authority over that college’s in-state activities?

No. SARA only applies to interstate distance education activity. Participation in SARA by any institution is voluntary.

N4 - Does SARA completely replace state authorization?

No. Any degree-granting institution in the U.S. must be authorized to issue degrees by a government. This is typically a state but it can also be Congress or an Indian tribe. SARA pertains to approval of

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4 A “general-purpose law” is one that applies to all entities doing business in the state, not just institutions of higher education.
distance education courses and programs offered across state lines by institutions that already have
degree authorization in at least one state. What SARA does is centralize the authorization process for
each institution in a single state called the institution’s “home state.” Colleges or universities in a SARA
state therefore only need their home state authorization to offer distance education to any other SARA
member state.

i. 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.

j. A state, at its discretion, may approve an institution to participate in SARA on
provisional status (See Subsection 3.2 below).

2.6 State renewal

a. **Eligibility.** States previously approved by their regional compact are eligible for renewal every
two years.

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 entities a notice of an 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 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 approval of a state’s renewal application, the compact shall immediately notify NC-
SARA to reaffirm the state’s continued listing on the NC-SARA website as a SARA member
state.

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**State Membership Renewal Process**

Regional compact notifies state and NC-SARA 90 days in advance of state membership renewal date

State submits its renewal application to the regional compact

Regional compact reviews and, if approved, indicates renewal and notifies state portal entity and NC-SARA

Regional compact reaffirms with NC-SARA the state’s continued listing as a SARA member
Section 3. Institutions and Participation

3.1 Eligibility

a. An institution is eligible to apply to its Home State to participate in SARA if that state is a SARA member.

b. In order to be eligible to participate in SARA, an institution must:

1. Be a degree-granting institution,
2. Be physically located in the United States (including its territories, districts or Indian reservations);
3. Hold proper authorization from Congress, a U.S. state or a federally recognized Indian tribe; and
4. Hold accreditation as a single entity from an accrediting association recognized by the U.S. Secretary of Education, and which has formal recognition to accredit distance education programs.

EXPLANATORY NOTES

N1 - What type of accreditation must an institution hold to participate in SARA?

SARA institutions must be accredited by an accrediting body “recognized” by the U.S. Department of Education and whose scope of authority, as specified by the Department, includes distance education. The Department recognizes accrediting bodies for different purposes and within different categories, and some of those purposes and categories overlap. To meet the accreditation requirement for participation in SARA, an institution must hold institutional accreditation from an accrediting body:

1) which is listed by the Department in one of two categories listed on the Department’s website at http://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html#NationallyRecognized (the two specific categories are Regional and National Institutional Accrediting Agencies, and Specialized Accrediting Agencies); and
2) whose scope of authority includes distance education (as listed after the name of the accrediting body on the website).

An institution must be fully accredited by a recognized accrediting body (not “pre-accredited,” or in “candidacy”) to qualify for participation in SARA.

c. Establishment of the Home State.

1. The home state is the state where the institution’s main campus or central unit holds its principal legal domicile as a degree-granting institution and its accreditation. See also subsection (d)(1) below.

2. In the event that an institution disagrees with SARA staff’s determination of its home state and the states under consideration are in the same region, the regional compact will make the final determination. If the states in question are in different compact regions and the regions disagree on the home state assignment, the National Council for SARA will make a final determination in consultation with the affected regions.
3. Institutions moving to a new Home State.

i. If a SARA institution changes its home state from one SARA state to another, to continue participation in SARA it must apply to and be approved for participation by the SARA portal entity in the new state.

ii. The institution shall work with the SARA entities in both states to ensure no lapse in its status as a SARA participant. Each affected state portal entity shall assist the institution in order to ensure that no currently enrolled students are adversely affected by the transition.

iii. For SARA purposes only, the effective date of the institution’s change of home state shall be the effective date of state authorization specified by the new state.

iv. The annual participation fee the institution pays to NC-SARA shall not be affected by the move. The institution, however, will pay whatever fees the SARA portal entity in its new home state requires of its SARA participant institutions.

v. The NC-SARA office will work with the institution, the states, and the regional compact(s) to coordinate recordkeeping.

d. Systems and institutional groups

1. Corporate “parents”. The location of a corporate office is irrelevant for SARA purposes. The corporate “parent” of a degree-granting institution is not eligible to participate in SARA unless it is a degree-granting institution in its own right.

EXPLANATORY NOTES

N1 - One corporate parent might own several degree-granting institutions that are domiciled in several different states, some of which participate in SARA and some of which do not; therefore, the institutions, not the parents, are the SARA participants.

2. Systems. Institutions in a state system, or nonpublic institutions with common ownership but which operate separately with separate accreditation, must apply separately to SARA. Any independently accredited entity must apply to SARA separately. A separate campus that operates under the accreditation of a main campus is not considered a separate institution for purposes of SARA.

EXPLANATORY NOTES

N1 - As a rule of thumb, if an institution holds its own accreditation and transcripts courses and degrees in its own name, it must apply separately to SARA. SARA recognizes that systems and other multi-campus entities are quite varied. There is some modest flexibility in the mechanics of processing SARA applications from systems and groups. Contact the regional compact’s SARA office with further questions and details about multiple institutions joining SARA.

N2 – Under Section 3.2 of the Unified Agreement, the home state is responsible for all interstate distance education activity that the institution offers under the auspices of SARA. Whether the activity originates in the home state is irrelevant. The home state determines whether a given activity meets SARA requirements. It may consult its region or other SARA staff.
The home state is not responsible for SARA institutions’ on-the-ground activities in other states or educational activities by SARA institutions that are not offered under SARA policies and standards.

e. To be eligible 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.

f. An institution approved by its Home State to operate under SARA provisions may not state or claim that it is “approved” by the authorization entities of any other SARA state in which it enrolls or seeks to enroll students. An institution operating under SARA may only state that it is operating in a host state under the terms and provisions of SARA.

3.2 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:

1. If the institution is on probationary status or the equivalent with its institutional accrediting association;
2. If the institution is currently using a letter of credit or is under a cash management agreement with the U.S. Department of Education;
3. 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
4. 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 and appropriate by the home state. The home state shall report to its regional SARA advisory 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.

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 (a), 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, shall notify its regional compact and NC-SARA, and:

1. Remove the institution from SARA participation, or
2. 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 not to 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.

3.3 Institution Application Process
3.4 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 NC-SARA. This annual fee\(^5\) is based on an institution’s total full-time equivalent (FTE) enrollment as submitted to the Integrated Postsecondary Education Data System (IPEDS) in the fall as 12-month FTE enrollment. The NC-SARA fee is assessed as follows:

<table>
<thead>
<tr>
<th>Enrolled FTE</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 2,500</td>
<td>$2,000</td>
</tr>
<tr>
<td>2,500-9,999</td>
<td>$4,000</td>
</tr>
<tr>
<td>10,000 or more</td>
<td>$6,000</td>
</tr>
</tbody>
</table>

2. Institutions not reporting to IPEDS would use the FTE count for the previous year.

3. An institution that has not paid its NC-SARA fee within 60 days of its state’s approval of the institution’s application to participate in SARA must submit a new application.

4. Institutions and portal entities will verify enrollments through an IPEDS link (or similar resource) provided by NC-SARA.

5. An institution that withdraws from SARA receives no fee refund from NC-SARA.

b. States have the option of charging SARA participant institutions a fee to cover the state’s costs in administering SARA.

EXPLANATORY NOTES

N1 - Does SARA mandate how states establish their in-state fee structures for SARA-related work?

No. States may use any fee structure that is rationally related to the state’s actual or projected workload.

N2 - Can a state bill a SARA participant school in order to recover the actual costs of investigating a complaint?

A state is obligated to investigate and resolve complaints arising from the operations of its own institutions under SARA. States may fund this investigative work in any reasonable way permitted by law. This is a local decision. The most common practice is to charge a SARA participation fee that reflects the state’s estimated costs to manage its responsibilities under SARA. SARA policies do not preclude a billable costs approach.

N3 - Can a state increase its bonding or reserve fund requirement on institutions for which it is the home state in order to cover the potentially greater risk owing to the state’s expanded responsibility for the institution’s multistate distance education offerings?

Yes. The state is allowed to establish necessary oversight of its own institutions that choose to operate under SARA. It may charge necessary fees to do this, including any necessary bonds, in accordance with state law.

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\(^5\) Fees are reconsidered by the National Council for SARA every two years. The fees set forth above are valid through June, 2018.
3.5 Renewals

a. **Eligibility.** Institutions previously approved by their home state portal entity as SARA participating institutions are eligible for renewal on a schedule established by SARA. During the review process, portal entities may pay particular attention to institutions operating under provisional admission, Subsection 3.2.

b. **Process.** State portal entities 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.

1. NC-SARA provides to institutions a notice of upcoming renewal no later than 90 days prior to the institutional renewal date, which is the date that fees are due to NC-SARA. The portal entity is also notified of the institutional renewal notice.

2. The chief executive officer or chief academic officer of the institution completes and submits the renewal application including any state-specific fees and special requirements permitted by SARA to the state portal entity within 30 days of receipt of such notice.

3. The portal entity 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.

4. 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 the 30-day grace period, a late fee of 25% of the institution’s renewal fee is applied and on NC-SARA’s list of participating institutions (available on www.nc-sara.org) the institution is designated "Approved;" those institutions are not current SARA institutions until payment is received.

5. In case of a renewal deemed provisional, 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 reason for the provisional renewal status as given by the portal entity 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 circumstances listed in SARA Manual, Subsection 3.2.a as rationale for determining provisional renewal. An institution may appeal the decision granting provisional renewal to its regional compact to ensure SARA policies and standards were upheld during the review process within 30 days of the notice.

6. 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 the original notice date of upcoming renewal.

7. If institutional membership renewal is denied, the portal entity 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.
8. Institutions not fully complying with all renewal processes and procedures within five business days after expiration of the 30-day grace period will no longer be listed as participating SARA institutions. Institutions denied renewal or not complying with renewal policies within specified timelines may reapply to become a SARA institution 180 days after removal from the SARA participant list. Students enrolled under SARA provisions may continue enrollment as governed by Subsection 3.6.

Institutional Renewal Process

3.6. Loss of institutional eligibility under SARA

a. An institution that does not renew its participation agreement with its home state under the terms of this agreement or pay its required SARA fees annually is no longer eligible to participate in SARA.

b. At the time of annual renewal, the state must determine whether the institution still meets SARA requirements.

c. An institution can also be removed at any time by its home state for violation of or noncompliance with SARA standards.

There is no "appeal" of this decision by the home state, though a school can always present new information and request reconsideration. An aggrieved school has the option of asking the region to determine whether the state continues to meet the requirements of SARA, but the region cannot direct the state to make a different determination regarding the specific case.

d. An institution that loses eligibility to participate in SARA:

1. receives no fee refund.

2. may continue to operate under SARA for currently enrolled students for 90 days or until each student enrolled under SARA in the current term has completed work, withdrawn or otherwise ceased enrollment, whichever is longer, but in any event not to exceed six months from the date that the home state notifies the institution of its loss of SARA eligibility.

e. The institution must meet appropriate state requirements for states where any new students are admitted after a determination of loss of SARA eligibility.

f. An institution that loses its eligibility to participate in SARA may reapply when it can demonstrate that it meets SARA requirements.
Section 4. Consumer Protection

4.1 Applicability

Provisions of the SARA Manual 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.

4.2 Role of Home State

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

4.3 Examples of Consumer Protection Issues

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.

4.4 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 entity, and other responsible agencies of the institution’s home state (see the following section: Complaint Resolution Processes).

The portal entity is responsible for staffing the investigation and resolution of complaints that are not resolved at the institutional level. (The portal entity may enlist the assistance of other responsible entities in the state in carrying out the work of complaint resolution.)

Institutions operating under SARA shall provide their and SARA’s complaint resolution policies and procedures to all students taking courses under SARA provisions.
EXPLANATORY NOTES

N1 - If a home state does not currently handle investigations and consumer protection for all of its distance education providers, will the home state need to start doing that?

Yes. SARA centralizes primary responsibility for problem-solving in the home state, therefore the home state needs to be prepared to handle a larger volume of communication and issues for its domiciled providers, even as its work with providers based in other states decreases. See federal rules for possible additional requirements.

N2 - Is the state portal entity ultimately responsible for ensuring that a valid complaint results in proper redress?

Yes. Although the portal entity can delegate responsibility to investigate and resolve such complaints to another government agency (e.g., a Board of Regents) or to a special body created to handle SARA complaints for a group of institutions, SARA requires that the portal entity have and retain the function of hearing any appeals from decisions made by other agencies. The portal entity cannot merely have advisory powers; it must have the formal authority to provide final resolution of complaints and ultimately to remove any institution, public or private, from the state's list of SARA-eligible providers if that institution fails to abide by SARA policies and standards.

N3 - If a state joins SARA, does the state give up its ability to investigate misrepresentation, fraud or other illegal activity by colleges based in other states?

No. A state retains the ability to use any of its general-purpose criminal or consumer protection laws against a college that violates those laws. What the state gives up is the ability to apply to SARA institutions laws specifically directed at colleges offering distance-education activity into the state; such oversight is centralized by SARA policy in the college's home state.

N4 - If a student signs an arbitration clause with an institution requiring that the student resolve complaints solely through that method, does that prevent a student from bringing a complaint to SARA?

No. Arbitration agreements generally do not pertain to SARA policy issues. Disputes between students and institutions are to be resolved by the portal entity or through other means. A student may, however, bring to SARA any issue that potentially involves a violation of SARA standards or policies. Institutions that choose to operate under SARA accept a student’s right to bring complaints about violation of SARA standards and policies through the SARA process.

4.5 Process for Resolving Complaints

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 entity in the home state of the institution against which the complaint has been lodged. That entity shall notify the SARA portal entity 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 entity, 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 entity in the home state of the institution against which the complaint has been lodged, the portal entity in the complainant’s location state may assist as needed. The final disposition of a complaint resolved by the Home State shall be communicated to the portal entity in the state where the student lived at the time of the incident leading to the complaint, if known to the institution’s Home State.

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 entity (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 portal entities shall report quarterly to NC-SARA 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.

4.6 Oversight of complaint investigation. Complaints handled under SARA must comply with procedures established in federal rules. Investigation of a SARA-related complaint against an institution requires that a state board, agency or entity 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 entity may serve that function.

4.7 Incorporation and use of C-RAC Guidelines

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 in such a way that a student is harmed. (The Interregional Guidelines for the Evaluation of Distance Education [Online Learning] are referred to as “C-RAC Guidelines” in this document). C-RAC Guidelines adopted by the Council of Regional Accrediting Commissions
are incorporated in the requirements of SARA as standards. States that join SARA need to base their oversight of SARA activity and their investigative actions on the following expectations. 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.

a. Online learning is appropriate to the institution’s mission and purposes.

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

c. Online learning is incorporated into the institution’s systems of governance and academic oversight.

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

e. 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.

f. 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.

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

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

i. The institution assures the integrity of its online offerings.

EXPLANATORY NOTES

N1 - Is the requirement under SARA that a state have a complaint process for all of its institutions something that SARA invented?

No. The requirement that states have such a complaint process is found in 34 CFR 600.9(a)(1) (as amended in 2010).

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6 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.
Section 5

Coverage and Limitations of SARA

5.1 Coverage of SARA

a. 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.

b. SARA does not affect the applicability of general-purpose state laws such as business registries, general-purpose consumer protection laws, worker’s compensation laws and the like.

5.2 Programs leading to Professional 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. For purposes of SARA, 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.

EXPLANATORY NOTES

N1 - Institutions may not be aware that similar provisions exist in federal law, as follows:

§ 668.72 Nature of educational program. Misrepresentation concerning the nature of an eligible institution’s educational program includes, but is not limited to, false, erroneous or misleading statements concerning—

* * *

(c) Whether successful completion of a course of instruction qualifies a student—

* * *

(2) To receive, to apply to take or to take the examination required to receive, a local, State, or Federal license, or a nongovernmental certification required as a precondition for employment, or to perform certain functions in the States in which the educational program is offered, or to meet additional conditions that the institution knows or reasonably should know are generally needed to secure employment in a recognized occupation for which the program is represented to prepare students * * *
Note that the definition of “misrepresentation” does not require intent: “A misleading statement includes any statement that has the likelihood or tendency to deceive.” 34 CFR 668.71(c).

N2 - If a program operates under SARA from another state and the program is intended to let a student become licensed to practice a profession (e.g. nursing, teaching, psychology), does the state in which the student lives have to let the student apply for licensure?

No. SARA has no effect on state professional licensing requirements. The National Council for SARA and the four regional compacts that administer SARA have an expectation, set forth in the reciprocity agreement, that any college that offers courses or programs potentially leading to professional licensure must keep all students informed as to whether such offerings actually meet state licensing requirements.

In some cases, an institution may not know whether the program meets state standards because the state will not provide sufficient information. In those cases, the institution must tell the student in writing that the institution does not know whether the program meets requirements in the student’s state of domicile and making any such determination is up to the student. A general statement included in material provided to all similarly situated students is acceptable under SARA.

N3 - If a program is purely online except for field placements such as clinicals, student teaching, practica, etc., do those placements fall under SARA or are they considered a "physical presence" that activates state law?

Almost all such field placements (with certain limitations, see Subsection 5.2) will fall under SARA, but many may also fall under the jurisdiction of state professional licensing boards. They do not constitute a physical presence for SARA purposes.

N4 - Does it matter whether the "parent" program for an interstate supervised field experience is traditional on-ground or offered by distance education?

No. SARA covers all interstate supervised field experiences except as noted in these rules.

N5 - Can an institution that does not offer distance education (online courses, interactive video, etc.) participate in SARA in order to obtain the benefits of SARA for purposes of placing students in supervised field experiences?

Yes. Supervised field experiences are considered distance education for purposes of SARA. Because SARA treats supervised field experiences as distance education under the agreements, an institution that meets SARA eligibility requirements and has any programs using such placements may participate in SARA even if it does not offer other kinds of distance education.

N6 - If the state agency responsible for degree program authorization is also the state agency that determines, or helps determine, whether a program meets requirements for professional licensure, is there a conflict?

No. Although SARA supersedes the degree authorization functions of such an agency for some purposes, it does not preclude that agency from performing other duties under state law, including determinations of whether a program meets requirements for state licensure in professional fields.

5.3 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.
5.4 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.

5.5 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 transcripts a course is considered the degree-granting institution for purposes of this section.

EXPLANATORY NOTES

N1 - 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 formal vehicle for contacting or working with a state.

N2 - Does SARA cover “test prep” and other similar training programs offered by entities that are not degree-granting institutions?

No. Although these business activities often claim to prepare students for exams offered by a degree-granting provider, they are not covered by SARA because they are not programs offered by a postsecondary institution. SARA does cover exam preparation activity offered by a SARA participant accredited degree-granting institution that is an integral component of a course or program offered by that institution among SARA member states.

5.6 Offerings on military bases

All distance education course offerings provided interstate by a SARA participant institution to 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.

N1 - Are Veterans Administration facilities considered “military” facilities for purposes of SARA?

No.

5.7 Participation by Tribal Colleges

Institutions 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 entity of the state where the principal campus of the institution is located.
5.8 Participation by federally owned or federally chartered institutions

a. For purposes of SARA, a college or university that is owned by the federal government, such as the Air Force Academy, has the authority to offer courses to residents of any state. SARA will not be involved in regulating such institutions.

b. A college or university that is chartered by the federal government has operational authority set forth in its charter. If the charter expressly grants authority to issue degrees in multiple jurisdictions, SARA will treat the institution as not requiring SARA participation to operate free of state authorization requirements in those jurisdictions.

c. If the charter does not specify authority to operate in multiple jurisdictions, SARA will treat federally chartered institutions as falling under the oversight of the government of the District of Columbia for SARA purposes unless the institution’s charter includes provisions to the contrary or the institution’s principal accredited campus is in another jurisdiction.

5.9 Hybrid Programs

a. Some programs or courses involve some on-ground and some online activity. SARA covers those portions of such a program that take place via distance education across state lines by participating providers in SARA member states, subject to the limitation in Section "b", below.

b. If distance education activity covered by SARA is part of a course or program that constitutes physical presence under SARA rules in the host state, the portal entity in the host state may require the institution to provide information about the entire activity, including the part that is offered under SARA. This is true because otherwise the host state could not effectively evaluate and oversee the on-ground portion of the program.

5.10 Dual-credit courses

Dual-credit courses offered by distance education by a SARA provider to a high school student in another SARA state are covered by SARA if they result in a direct award of college credit or some other kind of postsecondary award or certificate. They are not covered if they are alternative high school completion courses that don’t carry a postsecondary award, or classes such as Advanced Placement, for which award of credit is variable and discretionary upon future college enrollment.

EXPLANATORY NOTES

N1 - It is important to distinguish these activities because SARA only covers postsecondary work. K-12 level courses are not postsecondary. In addition, SARA does not supersede any state laws that cover the operation of institutions delivering instruction to K-12 students. In such cases, the state’s K-12 regulatory requirements still apply.

5.11 Tutoring

One-on-one in-person tutoring in an academic subject by a faculty member living in one SARA state on behalf of an institution operating under SARA from another SARA state is
covered by SARA unless more than one student is present in the same physical space at the same time. It does not constitute a physical presence.

5.12 Physical presence

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

a. 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:

1. Establishes a physical location for students to receive synchronous or asynchronous instruction;
2. 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;
3. Establishes an administrative office;
4. 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;
5. Offers a “short course” that requires more than 20 contact hours in one six-month period;
6. Provides office space to instructional or non-instructional staff;
7. Maintains a mailing address or phone exchange in a state.

EXPLANATORY NOTES

N1 - Casual use of a mobile phone by institutional representatives passing through a state and who are otherwise in compliance with SARA does not violate this section.

8. 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 Subsection 5.4 and which either bears academic credit or is a requirement for a course or program.
b. **An institution does not have physical presence, and is therefore covered by SARA in SARA member states, if it is only:**

1. 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;
2. Advertising to students whether through print, billboard, direct mail, internet, radio, television or other medium;
3. 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;
4. 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);
5. 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;
6. Holding proctored exams on behalf of the institution in the host state;
7. Having contractual arrangements in the home or host state, e.g. procurement contracts or course offerings through consortium agreements;
8. Operating limited supervised field experiences (See subsection 5.13);
9. 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.
10. Engaging in field trips to visit existing sites or facilities for academic purposes not involving the establishment of residential or instructional facilities.

5.13 **Supervised Field Experiences**

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.

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7 The term “supervised field experiences” is defined in Subsection 1.28 and is not repeated in this section of the document. Examples include practica, student teaching or internships.
d. A contract for supervised field experiences to be covered by SARA is limited as follows. Such a contract:

1. 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 entity.
2. May be objected to by the host state portal entity on grounds that the institution has:
   i. 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
   ii. an unreasonable number of valid, documented complaints about program operation or quality which have not been adequately resolved by the institution.
3. 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.
   i. 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.
   ii. An institution operating under SARA that owns a supervised field experience, clinical or practicum site is not subject to the limitations of subsection (d) on placement of its own students at such a site.
   iii. 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.

EXPLANATORY NOTES

N1 - If a college has a pre-existing contract for placement of students in clinical sites, and that contract allows for more students or a longer period of time than SARA allows, does participating in SARA invalidate the contract?

No. SARA has no effect on pre-existing contracts of this nature. However, such contracts must be in compliance with existing state law in the state where the clinicals take place at the time the institution begins operating under SARA. When such a contract is revised or renegotiated, and both states are SARA members, SARA rules apply to future contracts.
5.14 Student mobility

a. Location of student

1. Educational activity under SARA is deemed to occur where the student is physically located at the time the student is in contact with the educational provider or a contractor acting on behalf of the provider.

2. The student’s legal state of residence is not a factor in determining physical location for purposes of SARA.

3. The fact that the student moved involuntarily (for example owing to service in the military or incarceration) is irrelevant to a determination of location for purposes of subsection (1) above.

b. Independent study by students

Independent off-campus study, e.g. independent field work for a thesis or dissertation, by individual students not engaged in a supervised field experience or in direct contact with the student’s institution does not constitute a physical presence of a postsecondary institution in a SARA member state.

5.15 Location of teaching faculty

An institution may employ faculty who live outside the Home State, including faculty who live outside the United States, to teach in programs offered under the jurisdiction of the Home State.

Section 6.

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

6.1 Data submission by participating institutions.

a. 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.

b. This data shall be reported annually to NC-SARA in the spring following the due date for institutions to make their fall enrollment reports to the federal government’s Integrated Postsecondary Education Data System (IPEDS).

c. 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.
6.2 Data use by SARA

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

![Image showing enrollment report format](image_url)

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

c. In the future, institutions participating in SARA may be required to further disaggregate the above enrollment data by broad program of study.

d. 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

1. Duties of States

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:

a. The number of complaints from out-of-state students, by institution, appealed to the state’s SARA portal entity after the person making the complaint has completed the institution’s and/or governing board’s (if relevant) complaint resolution process;

b. 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.
2. Duties of NC-SARA

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

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

b. 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

8.1 Basic Procedure for Questions about SARA

Questions inside an institution

In general, questions from faculty, students or other interested people inside an institution should go first to the institution’s SARA liaison officer if one has been designated.

Questions from an institution’s SARA liaison staff regarding SARA

Questions from institutions, including questions about initial application for or renewal of SARA participation, should go first to the State Portal Entity (SPE), which can refer questions to the appropriate SARA regional director as needed.

State specific SARA Activities – direct question to State Portal Entity

State SARA Fees
Institution application status
Institution renewal status
Institution renewal defaults – deadlines missed and late fees
Institution Accreditation changes
Institution SARA status changes

Updated May 2017
SARA Policies and Procedures – direct question to REGIONAL COMPACT

- State application status
- State renewal status
- Questions about C-RAC Guidelines

National Reporting and SARA Oversight – to NC-SARA OFFICE

- NC-SARA Salesforce activity
- Complaint reporting
- Enrollment reporting
- NC-SARA payment activity
  - Initial NC-SARA payment
  - Renewal NC-SARA payment
- NC-SARA late fees

8.2 Minor modifications

a. Process

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 entity directors, regional and NC-SARA staff. The NC-SARA 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.

b. Minor Modifications

The Executive Director may approve and promulgate clarifications and minor modifications that do not substantively change SARA provisions, after concluding the consultative process described above.

8.3 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 SARA Documents

Revisions to the SARA Agreements

Revisions to the SARA Unified Agreement are documented in minutes of the National Council for SARA and are available from the NC-SARA office and on the NC-SARA.org website.

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.

SARA Policies and Standards were originally 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. Revisions are noted below. The Policies and Standards were renumbered and compiled into a section of the SARA Manual in July, 2016. Revisions
and corrections after June 15, 2016 are noted in their own section following the notes below.

**Record of Corrections and Revisions through June 15, 2016**

November 19, 2013.................. 1) Staff corrected section heading numbering, which was missing Section 4. We also adjusted FAQ references to match corrected headings.

2) Addition of commas to unify the format of the FTE and fee schedule.

November 3, 2015 ............... 1) Clarification of the continuing authority of boards of professional licensure. Section 5.3.a-b.

**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, 2015 .......... 1) 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

September 15, 2016.......... Policies and Standards recodified and integrated into SARA Manual

October 20, 2016............. SARA Manual 16.2 approved by the NC-SARA board with minor adjustments to later be made

December 8, 2016 ............ SARA Manual 16.3 placed on NC-SARA.org

May 24, 2017 .................. 1) Addition to Section 2.5, regarding affiliation fees for states, not a member of a regional compact
                              2) Addition to Section 2.5 regarding institutions that establish physical presence
                              3) Addition to Section 5.9, Hybrid programs
Section 10 – Index

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