

List of May Board Proposals

Three New Process Docs:

- Branch Campuses
- Provisional Status
- Complaints

SARA Manual Modifications

Modifications to Align with Federal Regulations

1. Section 2.5(h.1.) was adjusted to align with Federal Regulations that were inadvertently left out of the SARA Manual.
2. Section 5.2 Programs leading to Professional Licensure adjusted to correlate to new Federal Regulations.

Modifications to Clarify Processes

1. Section 2.5(c) clarification on the need for all states to have a process to review institutions with a Federal Financial Responsibility Composite score between 1.0 and 1.5.
2. Section 2.5(e) clarification of language regarding to which agency or body an institution may appeal a decision regarding participation in SARA.
3. Section 2.5(i)(7) clarification of SARA student complaints attending an out-of-state branch campus.
4. Section 2.5(o) clarification of regulation of online/Distance Education activities by the Host State.
5. Section 2.5 (q), addition of this sentence. "States shall have a process for considering applications for provisional status."
6. Section 4.4(d) treatment of SARA student complaints from a branch campus.
7. Section 5.3 Field trips and seasonal residential activity, clarification of policy with adjustment of words in Explanatory Note: SARA covers class field trips that do not involve multi-night residency
8. Section 5.7(a), to align with SARA Policy, add, "and the provisions of section 2.5, subsections n and o."
9. Section 6.1 (b) and (c) modify to reflect data policy and remove process information.
10. Section 6.2 modify to reflect data policy and remove process information.



National Council for State Authorization Reciprocity Agreements

A voluntary, regional approach to state oversight of distance education

Provisional Status Processes

Provisional admission or renewal of an Institution

A SARA State Portal Entity (SPE), may consider the following reasons to place an institution on Provisional Status (*SARA Manual* Section 3.2):

1. The Institution is on provisional or probationary status or the equivalent with its institutional Accrediting Agency;
2. The Institution is currently required by the U.S. Department of Education to post a letter of credit or is under a cash management agreement with the U.S. Department of Education (Such institutions must also have a Federal Financial Responsibility Composite Score of 1.0 or above);
3. The Institution has a Federal Financial Responsibility Composite Score between 1.0 and 1.5;
4. 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;
5. 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;
6. A third-party action such as a private lawsuit or news story does not by itself establish a government investigation. Lawsuits by government entities are considered to have resulted from a governmental investigation and can be the basis of a determination of Provisional Status.
7. Lack of compliance with SARA policies related to data reporting.
8. The Institution has a change of ownership as determined by the Home State.

If the institution is placed on Provisional Status, the SARA State Portal Entity (SPE) shall notify their Regional Compact and NC-SARA of their admission or renewal of an Institution on Provisional Status. SPEs notify Compacts and NC-SARA by completing the [NC-SARA Institution Provisional Participation Form \(AF3\) Administrative Form](#).

NC-SARA will provide indication of the institution's Provisional Status on the NC-SARA website.

An Institution admitted to or renewed for SARA participation on Provisional Status is subject to such additional 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 limits on its distance learning enrollments if deemed necessary and appropriate by the Home State. The Home State SARA Portal Entity shall report to its regional SARA steering committee and NC-SARA at least once a year on the status of any Institution(s) admitted or renewed on Provisional Status.



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Branch Campus Processes

“Branch Campus” means: a campus or site of an educational institution that is not temporary, is located in a community beyond a reasonable commuting distance from its parent institution, and offers full programs of study, not just courses. (Integrated Postsecondary Education Data System (IPEDS)). For SARA purposes, a Branch Campus that operates under the accreditation of a Main Campus is not considered a separate Institution for purposes of SARA (*SARA Manual* section 3.1(h)(2)).

This process document provides important clarification regarding recognition of the Home State as the entity authorized to make a determination about inclusion of an additional campus as a branch. It also provides a simplified framework for making a branch campus determination.

Branch Campus Determination:

- 1. Does the Home State recognize it as a branch?*
- 2. Does the accreditor recognize it as a branch?*

If yes to both, it is a branch campus for the purposes of SARA. If it is not considered a branch by both the Institution's Home State and its accreditor, it is not a branch for SARA purposes.

Branch Campus & Student Complaints

The complaint process for students enrolled in a branch campus is as follows: A student enrolled in a branch campus may complain to the SARA State Portal Entity where the branch campus is located or to the institution's Home State Portal Entity. The SARA State Portal Entity receiving the complaint shall inform the institution's Home State Portal Entity and other affected SARA State Portal Entities of the complaint.

The Home State SARA State Portal Entity is ultimately responsible to determine the disposition of a complaint against a branch campus of any of its SARA participant institutions.

NC-SARA has revised its branch campus complaint process to make it easier for students taking a course or a program at a branch campus to voice complaints to the State Portal Entity of their choice, either to the Home State Portal Entity or the State Portal Entity in the branch campus state. This will give the student an additional option, help avoid confusion when she may be enrolled at the branch campus and not the main campus, while still ensuring that the final determination is made by the Home State SARA State Portal Entity.



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Student Complaint Processes

SARA State Portal Entity Responsibility

SARA consumer protection provisions require the Home State through its SARA Portal Entity, to investigate and resolve allegations of dishonest or fraudulent activity by the state's SARA-participating institutions, including the provision of false or misleading information. (*SARA Manual* Section 4.2)

The SARA State Portal Entity is responsible for conducting the investigation and resolution of Complaints that are not resolved at the institutional level. The SARA State Portal Entity may enlist the assistance of other responsible entities in the State in carrying out the work of Complaint resolution. (*SARA Manual* Section 4.4)

SARA Institution Responsibility

Institutions operating under SARA policies shall provide their and SARA's Complaint resolution policies and procedures to all students taking courses under SARA policies. (*SARA Manual* Section 4.4)

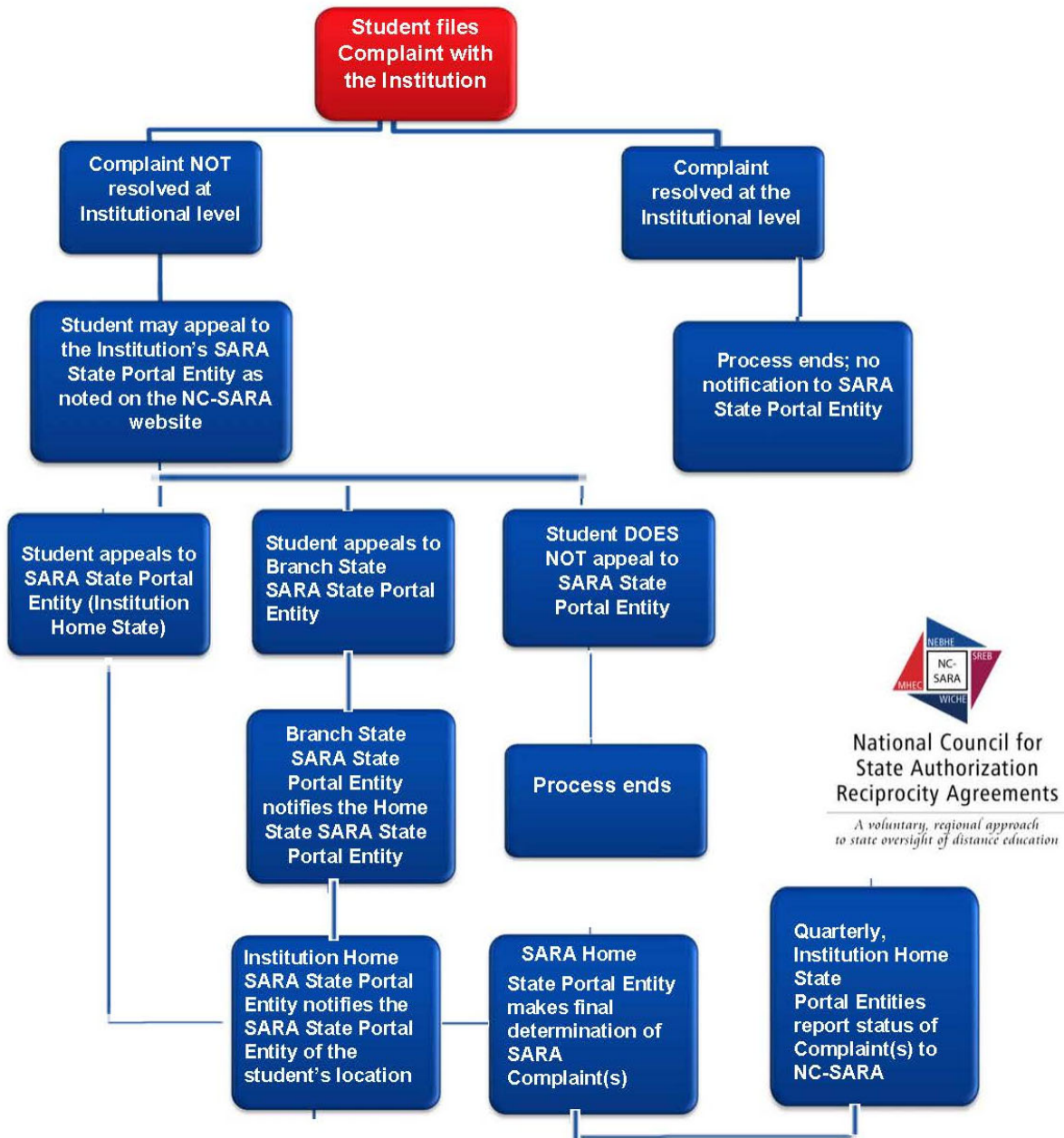
Initial responsibility for the investigation and resolution of Complaints resides with the Institution against which the Complaint is made. Further consideration and resolution, if necessary, is the responsibility of the SARA State Portal Entity and other responsible agencies of the Institution's Home State. (Section 4.4) Additional information can be found in the following *SARA Manual* sections: Complaint Resolution Processes and Section 2.5.

Branch Campus Complaints:

A student enrolled in a branch campus may complain to the SARA State Portal Entity where the branch campus is located or to the Institution's Home SARA State Portal Entity. The State Portal Entity receiving the complaint shall notify the other affected State Portal Entity of the complaint. The Home State Portal Entity is responsible to determine the disposition of a complaint against a branch campus of any of its SARA participant institutions.

NC-SARA has revised its branch campus complaint process to make it easier for students taking a course or a program at a branch campus to voice complaints to the State Portal Entity of their choice, either to the Home State Portal Entity or the State Portal Entity in the branch campus state. This will give the student an additional option, help avoid confusion when she may be enrolled at the branch campus and not the main campus, while still ensuring that the final determination is made by the Home State SARA State Portal Entity. (See diagram below.)

SARA Student Complaint Process



*Student complaints about grades or student conduct may not be appealed to the SARA State Portal Entity. Complaints about fraud or criminal activity should be reported to your state Attorney General or the Office of Inspector General or complaint unit of the Dept of Education.

Proposed Modifications to the *SARA Manual*

Proposed *SARA Manual* Modifications

Twelve minor proposed modifications are described below. Two are modifications to align with Federal Regulations and the remaining eleven to better clarify processes.

Recommendation: Approve the proposed modifications.

Modifications to Align with Federal Regulations

- a) ACTION: Modify the *SARA Manual* to align with revised Federal Regulations.

Background. The *SARA Manual* is issued periodically by NC-SARA; the current version is Version 20.1, issued January 1, 2020. Successive versions incorporate policy changes made by the NC-SARA Board and clarifications provided by the staff of NC-SARA. The recommended modifications that follow will result in a new Version 20.2. Federal Regulations that were announced in 2019 will go into effect July 1, 2020.

The first two proposed modifications below do not indicate any changes to NC-SARA policy and practice; the proposed modifications are merely to align our language with federal language. Therefore, no alternatives were considered as the rationale is to ensure appropriate alignment of language with the new Federal Regulations language.

See **redlined** modifications below.

- Version 20.2 in Section 2.5(h.1.) was adjusted to align with Federal Regulations that were inadvertently left out of the *SARA Manual*.

Previously reference to (c) was included in Section 2.5(h) but this section should have also included (d). It now reads, "The state may request assistance from the institution's accreditor as the accreditor applies its standards under §602.24(c) **and (d)**."

- h. The state has clear and well-documented policies and practices for addressing catastrophic events as follows:
 - 1. The state may request assistance from the institution's accreditor as the accreditor applies its standards under 34 CFR §602.24(c) **and (d)** of federal requirements for catastrophic events.

~~~~~

Version 20.2 in Section 5.2 Programs leading to Professional Licensure adjusted to correlate to new Federal Regulations.

**Background.** Since its inception, NC-SARA has required that its participating institutions provide professional licensure disclosures regarding whether or not programs will meet licensure requirements in states in which they enroll students. Although professional licensure programs are outside the core function of NC-SARA as related to state authorization and reciprocity across states, NC-SARA and its founders found this requirement to be an important aspect of consumer protection. On July 1, 2020 when new Federal Regulations go into effect, NC-SARA's participating institutions will confront a situation in which NC-SARA's requirements regarding professional licensure disclosure will differ slightly from new Federal Regulations that also now require institutions to disclose whether programs will lead to licensure in each state in which they enroll students. This presents a confusing burden for institutions that would mean having to comply with similar, yet slightly different requirements.

**Comparison of NC-SARA Current Requirements and New Federal Regulations.**

*SARA Manual* Section 5.2 (Direct Disclosures)

1. Notification in writing directly to students (email suffices) is required when offering courses or programs potentially leading to professional licensure or related to professional licensure activities.
  - a. Whether the course or program will meet the professional licensure requirements in the state where the student is located
  - b. If the institution cannot make the determination, then may notify in writing and provide contact information for any applicable licensing boards
2. Applies to students, applicants and potential students who have contacted the institution about the course or program

Federal Requirements 34 CFR § 668.43 (General and Direct Disclosures)

1. Notifications to all students in programs leading to professional licensure, regardless of modality whether completion of the program will meet educational licensure requirements in a State for that occupation.
  - a. Covers license or certification
  - b. Designed to meet educational requirements or advertised as meeting such requirements
2. General Disclosures:
  - a. To include all states
  - b. Separate lists to include in which states the licensure/certification requirements will be met, not met, or not yet determined
3. Direct Disclosures:
  - a. In writing (email will suffice)

- b. To prospective students when the curriculum does not meet the requirements for licensure or when the institution has not made a determination
  - c. To currently enrolled students within 14 calendar days if a determination is made that the program does not meet requirements
4. Applies to prospective, and enrolled students

Key differences:

- 1. Federal language requires general disclosures that NC-SARA does not. Federal Regulations cover direct disclosures when an institution knows that the program will not meet licensing requirements and when it does not know. NC-SARA requires direct disclosures in all instances.
- 2. NC-SARA requires institutions to provide contact information for professional licensing boards when the institution cannot determine whether their course or program will meet the licensing requirements.

**Please note:** NC-SARA also has additional consumer protection at Manual Section 4.3 (f).

Section 4.3: Examples of issues that may arise in regard to alleged fraudulent activity, violations of SARA policies or more general Complaints about improper activities include, but are not limited to:

(f): Accuracy of information about whether course work meets any **relevant Professional Licensing requirements** or the requirements of specialized Accrediting Agencies;

### **Alternatives Considered and Rationales**

1) Do Nothing Scenario – Not Recommended

To keep NC-SARA's requirements regarding professional licensure disclosures constant and not revise them to align with the new Federal Regulations, which impact all academic institutions and not just online, will only cause confusion for its participating institutions.

2) Drop the NC-SARA professional licensure disclosures – Not Recommended

Although keeping a professional licensure disclosure requirement in effect means a duplicative obligation for participating institutions, and NC-SARA does rely on other agencies like the U.S. Department of Education for its measure of financial stability, in the case of the federal financial composite score for example, or accreditors for measures of academic quality, this alternative is not recommended. This is because NC-SARA's six-year-old requirement of its institutions is considered a consumer protection measure and is applied equally to non-Title IV and Title IV participating institutions alike.

3) Align NC-SARA professional licensure disclosures with new Federal Regulations – Recommended



Staff recommends aligning NC-SARA professional licensure disclosures with the new federal requirements that go into effect July 1, 2020. The exception to this alignment is to require non-Title IV institutions to also comply as they do currently.

See ~~red lined~~ version of recommended modifications below.

## 5.2 Programs leading to Professional Licensure

SARA has no effect on State professional licensing requirements. ~~Any Institution approved to participate in SARA that offers courses or programs designed to lead to Professional Licensure or certification or advertised as leading to Licensure must satisfy all federal requirements for disclosures regarding such Professional Licensure programs under 34 C.F.R. 668.43. For SARA purposes, these requirements will also apply to non-Title IV institutions.~~

~~Any Institution operating under SARA policies that offers courses or programs potentially leading to Professional Licensure or related to post-licensure educational activities must keep all students, applicants and potential students who have contacted the Institution about the course or program informed as to whether successful completion of such offerings would actually meet state licensing or post-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 educational requirements for Professional Licensure in the State where the applicant or student is located and provide that information in writing to the applicant or student. If, after making all reasonable efforts, the Institution is unable to determine whether the program meets the educational requirements for Professional Licensure, or~~
- ~~b. After making all reasonable efforts to make such a determination, if unsuccessful, the Institution may notify the applicant or student in writing that the Institution cannot confirm whether the course or program meets educational requirements for Professional Licensure in the student's or applicant's State, provide the student or applicant 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 is located.~~

### **EXPLANATORY NOTES**

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

~~*Code of Federal Regulations (CFR) § 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 \*\*\*~~

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~~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 enable a student to become licensed to practice a profession (e.g., nursing, teaching, psychology), does the State in which the student is located 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 *SARA Manual*, that any Institution 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 the State in which the student is located, or other States, if requested by the student.~~

**N1** - 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 5.12 and 5.13) will fall under SARA, but many may also fall under the jurisdiction of State professional licensing boards. They generally do not constitute a Physical Presence for SARA purposes.

**N2** - Does it matter whether the "parent" program for an interstate Supervised Field Experience or Out-of-State Learning Placement is traditional on-ground or offered by Distance Education?

No. SARA covers all such interstate Supervised Field Experiences and Out-of-State Learning Placements except as noted in these policies.

**N3** - 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 or Out-of-State Learning Placements

Yes. Supervised Field Experiences and Out-of-State Learning Placements are considered Distance Education for purposes of SARA. Because SARA treats Supervised Field Experiences and Out-of-State Learning Placements as Distance Education 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.

**N4** - If the State entity responsible for Degree program authorization is also the State entity that determines, or helps determine, whether a program meets requirements for Professional Licensure, is there a conflict?

No. Although SARA policies replace the Degree authorization functions of such an entity for some purposes, it does not preclude that entity from performing other duties under State law, including determinations of whether a program meets requirements for State Licensure in professional fields.

*Modifications to Clarify Processes*

- Version 20.2 in Section 2.5(c) clarification on the need for all states to have a process to review institutions with a Federal Financial Responsibility Composite score between 1.0 and 1.5.

**Background.** Although NC-SARA requires its member states to review institutions with a Federal Financial Responsibility Composite score between 1.0 and 1.5, some have said they have no such process and therefore do not consider whether the SARA participating institutions within their states should go on provisional status when their Federal Financial Responsibility Composite score scores go below 1.5.

**Alternatives Considered and Rationales.**

1) Do Nothing Scenario – Not Recommended

When NC-SARA member states choose to engage in inconsistent treatment of institutions that demonstrate financial fragility, this results in inconsistent practice and risk to NC-SARA for possible legal action.

2) Add a new sentence to provide clarity about the need for states to have a process in place to consider institutions with a Federal Financial Responsibility Composite score between 1.0 and 1.5 - Recommended

This modification will provide clarity about the required process and will result in consistent practice across states and lower risk.

See **red lined** version of recommended modification below.

- a. For independent Institutions, the State accepts an institutional federal Financial Responsibility Composite Score of 1.5 as indicative of sufficient minimum financial stability to qualify for participation in SARA. ~~The State may, at its discretion, accept a Composite Score between 1.0 and 1.5 as indicative of minimum financial stability to qualify for participation in SARA if the Institution, in the State's opinion, has produced additional information demonstrating sufficient financial stability to justify the Institution's participation in SARA.~~ For Institutions with a Composite Score between 1.0 and 1.5, the State shall consider additional information regarding financial stability provided by the institution. The State may, at its discretion, determine if there is sufficient evidence of financial stability to justify the institution's participation in SARA. The State ~~may shall~~ not permit an Institution with a Composite Score below 1.0 to participate in SARA. For Institutions owned or controlled by another entity (i.e., a parent entity), the relevant Composite Score will be the Composite Score of the parent entity, in accord with current U.S. Department of Education (ED) practice. An Institution's financial status must be evaluated using the most recent Composite Score provided in writing by the Department of Education, whether published online or provided in written form to the Institution by a responsible Department of Education official. SARA States are to monitor the U.S. Department of Education's periodic publication of Composite Scores, review the scores assigned to the institutions they have approved to participate in SARA, determine whether those scores meet SARA requirements, and within 90 days of

notification take appropriate action regarding the SARA participation of those institutions. Implementation date of January 1, 2021.

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- Version 20.2 in Section 2.5(e) clarification of language regarding to which agency or body an institution may appeal a decision regarding participation in SARA.

**Background.** In October 2019 a change to the *SARA Manual* was included that required all states to have an appeals process when institutions wanted to appeal a negative decision about participation. Paige Smith, State Portal Entity in the State of Wisconsin, recommended a clarification about how states may implement their appeals processes, since previously there had been confusion about the specific process whereby appeals might take place.

**Alternatives Considered and Rationales.**

- 1) Do Nothing Scenario – Not Recommended

When NC-SARA member states choose to engage in inconsistent treatment of institutions, this results in inconsistent practice and risk to NC-SARA for possible legal action.

- 2) Add a new sentence to provide clarity about the need for states to have a process in place to consider appeals - Recommended

This modification will provide clarity about the required process and will result in consistent practice across states and lower risk.

See **red lined** version of recommended modification below.

- e. By January 1, 2021 SARA Member States shall develop and implement a means to hear and internally resolve appeals from Institutions for which they deny initial participation or renewal of participation in SARA. During any such appeal the Institution’s status as a SARA participating (or non-participating) Institution remains unchanged. **States must ensure that the agency designated with the responsibility for hearing appeals ensures consistent application of its process to all institutions.**
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- Version 20.2 in Section 2.5(i)(7) clarification of SARA student complaints attending an out-of-state branch campus.

**Background.** NC-SARA staff and compact staff often receive questions about whether it is the Home state or Host state that holds responsibility for complaint resolution in case of a complaint against a branch campus.

### **Alternatives Considered and Rationales.**

1) Do Nothing Scenario – Not Recommended

NC-SARA’s staff, compact staff, and state portal entities receive frequent questions regarding complaints against branch campuses and it is necessary to provide clarity that it is the responsibility of the Home state, where the institution’s main campus or office is located to receive and resolve such complaints.

2) Add a new sentence to provide clarity about complaints against branch campuses  
- Recommended

NC-SARA’s staff, compact staff, and state portal entities will be able to point to the new sentence in the *SARA Manual* to provide clarity that it is the responsibility of the Home state, where the institution’s main campus or office is located to receive and resolve complaints.

See **red lined** version of recommended modification below.

- i. 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 State Portal Entity need not have a governance role with any Institution and may work with entities that do have such a role. The State 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 policies;
  5. Serve as the final decision-maker on SARA-related Complaints lodged against the state’s SARA institutions; and
  6. Collect and manage any in-state fees assessed on participating Institutions to financially support State oversight of SARA.
  7. **The Home State Portal Entity is responsible to determine the disposition of a complaint against a branch campus of any of its SARA participant institutions.**

Version 20.2 in Section 2.5(o) clarification of regulation of online/Distance Education activities by the Host State.

**Background.** NC-SARA staff, compact staff, and state portal entities receive frequent questions regarding branch campuses.

**Alternatives Considered and Rationales.**

1) Do Nothing Scenario – Not Recommended

The current language is the source of confusion. Providing clarity is intended to relieve this confusion.

2) Add a new sentence to provide clarity about the ability of a Host State to regulate distance activities within its state - Recommended

This modification will provide clarity about the ability of a Host State to regulate online and distance education activity within its state, when physical presence is established. It will also clarify that the host state will not regulate distance activity outside the state.

See **red lined** version of recommended modification below.

- o. 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, **within its own boundaries. as well as activities of the separate campus.** The separate campus is not considered a separate Institution for purposes of SARA.
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- Version 20.2 in Section 2.5 (q), addition of this sentence. "States shall have a process for considering applications for provisional status."

**Background.** In October 2019 a change to the *SARA Manual* was included that required all states to consider provisional status for institutions when warranted, which requires having a process in place to do so.

The *SARA Manual* requirements include many references to provisional status. At least one state has indicated that it has no such process for considering provisional status. This results in inconsistent practice and application of policy across states.

### **Alternatives Considered and Rationales.**

1) Do Nothing Scenario – Not Recommended

When NC-SARA member states choose to engage in inconsistent treatment of institutions regarding provisional status, this results in inconsistent practice and risk to NC-SARA for possible legal action.

2) Add a new sentence to provide clarity about the need for states to have a process in place to consider provisional status of institutions - Recommended

This modification will provide clarity about the required process and will result in consistent practice across states and lower risk.

See **red lined** version of recommended modification below.

- q. **States shall have a process for considering applications for provisional status.** A State, at its discretion, may approve an Institution to participate in SARA on Provisional Status (See Subsections 3.2 and 3.3 below).
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- Version 20.2 in Section 4.4(d) treatment of SARA student complaints from a branch campus.

**Background.** The consideration of how NC-SARA treats branch campuses has been the topic of a great deal of discussion. One aspect of this discussion is the treatment of student complaints and whether such complaints should be considered and resolved at the Host or Home state.

**Alternatives Considered and Rationales.**

- 1) Do Nothing Scenario – Not Recommended

The resulting confusion and lack of consistent practice will persist if no modification is made to the *SARA Manual*.

- 2) Add a section to provide clarity about the process for filing a complaint when a branch campus is involved - Recommended

This modification will provide clarity about the process, that a student may choose either the Home or Host state’s portal entity. Ultimately the state portal entity in the Home state is responsible, yet giving students the option to choose either state, will result in a fairer and more just practice for students. It is important to note that the Host state’s portal entity is required to inform the Home state for consideration and resolution.

See **red lined** version of recommended modification below.

- a. The State Portal Entity is ultimately responsible for ensuring that a valid complaint results in proper redress.

**A student enrolled in a branch campus may complain to the State Portal Entity where the branch campus is located or to the Institution’s Home State Portal Entity. The State Portal Entity receiving the complaint shall notify the other affected State Portal Entity of the complaint. The Home State Portal Entity is responsible to determine the disposition of a complaint against a branch campus of any of its SARA participant institutions.**

The State Portal Entity may 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, but must 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 SARA-related Complaints and ultimately to remove any Institution, public or independent, from the state’s list of SARA-eligible providers if that Institution fails to abide by SARA policies.



- Version 20.2 in Section 5.3 Field trips and seasonal residential activity, clarification of policy with adjustment of words in Explanatory Note: SARA covers class field trips that do not involve multi-night residency.

**Background.** The definition of a field trips and whether they are covered by SARA or not has been a source of confusion and much discussion. Some institutions attempt to use the reciprocity agreement to avoid having to engage in the process of seeking state authorization in states that require it owing to physical presence laws.

### **Alternatives Considered and Rationales.**

#### 1) Do Nothing Scenario – Not Recommended

Not modifying the language in 5.3 7(a) will mean for continued confusion and extra work on the part of NC-SARA staff, compact staff, and state portal entities.

#### 2) Modify the language in 5.7 regarding hybrid programs - Recommended

This modification is recommended to ensure institutions understand that residencies that require additional overnight stays may trigger physical presence and therefore are not covered under SARA. The additional language in this section, originally intended to provide more clarification, has only served to confuse and complicate matters for states and participating institutions. Instead of providing this additional information here, which has led to some institutions seeking loopholes, it is recommended that it be taken out altogether and provide a simple, clear, parsimonious solution such that multi-night residencies are not covered by SARA and may be subject to state authorization depending upon individual state regulations. The additional language that was here has created more confusion instead of helping and it was even somewhat contradictory. The intent is not to linger too long outside authorized states.

See **red lined** version of recommended modification below.

### 5.3 Field trips and seasonal residential activity

SARA covers class field trips **that do not involve multi-night residency** across State lines among member States. ~~but does not cover full-scale residency programs such as a summer session at a field station.~~

### **EXPLANATORY NOTES**

N1 - ~~SARA covers class field trips that do not involve multi-night residency. A field trip is an off-campus educational activity that does not involve multi-night residency at a specific educational site during the period of instruction. Educational activity at, for example, a specific archaeological site or museum, is not a field trip, even if residency is at a nearby motel or field station. Field instruction that takes place for all or a major part of a term qualifies as a field trip if the activity involves visiting multiple nonresidential sites. See also 5.10(a)(8).~~

- Version 20.2 in Section 5.7(a), to align with SARA Policy, add, “and the provisions of section 2.5, subsections n and o.

**Background.** This modification provides additional clarification to ensure that 2.5 (n) and (o) are considered.

#### **Alternatives Considered and Rationales.**

1) Do Nothing Scenario – Not Recommended

Not modifying the language in 5.7(a) will result in policy that is not aligned with other sections of the *SARA Manual* that pertain to hybrid programs and the jurisdiction of Home and Host states.

2) Modify the language in 5.7 regarding hybrid programs - Recommended

This modification is recommended to align the sections of the *SARA Manual* that pertain to the jurisdiction of states whether Home or Host states. See Section 2.5, subsections n and o below for reference.

- n. SARA Member States retain jurisdiction over the entirety of academic programs that are offered partly at a physical site in the State and partly by Distance Education. This is necessary to allow States to properly oversee complete programs, not just parts of programs.
- o. 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, **within its own boundaries. as well as activities of the separate campus.** The separate campus is not considered a separate Institution for purposes of SARA.

See **red lined** version of recommended modification below.

#### **5.7 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 subsection b, below **and the provisions of section 2.5, subsections n and o.**
-

- Version 20.2 in Section 6.1(b) and (c) modify to reflect data policy and remove process information.

**Background.** Processes for collection of data change over time with changes to technology. The *SARA Manual* should not reflect process, but rather policy, and therefore the recommended modifications to Sections 6.1 and 6.2 remove references to process.

### **Alternatives Considered and Rationales.**

#### 1) Do Nothing Scenario – Not Recommended

As the policy in the *SARA Manual* continues to include clarifications and modifications to align with Federal Regulations, the *Manual* is getting longer. The Data Reporting Handbook is the appropriate place to include process information about how to collect and report data on enrollments and out-of-state learning placements

#### 2) Modify the language in 5.7 regarding hybrid programs - Recommended

This modification is recommended to indicate policy only with process articulated in process instruction manuals including the Data Reporting Handbook.

See **red lined** version of recommended modification below.

### **6.1 Data submission by participating Institutions**

- a. Institutions participating in SARA shall annually report to NC-SARA the number of exclusively Distance Education students enrolled in the Institution engaged in Distance Education, disaggregated by State, territory, or district in which the students are located, including the Home state. This would include both Degree and non-degree for-credit courses. For details see annual issues of the *Data Reporting Handbook* provided by NC-SARA.
- b. Institutions participating in SARA shall also annually report to NC-SARA the numbers of their students engaged in certain experiential learning placements (rotations, internships, student teaching, etc.), disaggregated by State and two-digit Classification of Instructional Programs (CIP) codes as assigned by the U.S. Department of Education. For details, see annual issues of the Data Reporting Handbook provided by NC-SARA. ~~These data shall be reported annually to NC-SARA in the spring following the due date for institutions to make their previous fall enrollment reports to the federal government's Integrated Postsecondary Education Data System (IPEDS)~~
- c. These data shall be reported annually to NC-SARA. The window of institutional reporting will be May 15-June 15 of each year. ~~Beginning in spring, 2019, Institutions participating in SARA shall also annually report to NC-SARA the numbers of their students engaged in certain experiential learning placements (rotations, internships, student teaching, etc.), disaggregated by State and two-digit Classification of Instructional Programs (CIP) codes as assigned by the U.S. Department of Education. For details see annual issues of the Data Reporting Handbook provided by NC-SARA.~~

- Version 20.2 in Section 6.2 modify to reflect data policy and remove process information.

See Background, Alternatives Considered, and Rationales above.  
See **red lined** version of recommended modification below.

### 6.2 Data use by SARA

- a. NC-SARA on its website will report enrollment data, by Institution, in a manner similar to the following format:

Reporting Period: 2018 - 2019      Enrollment Report Type: Where Are My State's Instit

[Download Report CSV](#)

|          |
|----------|
| Alabama  |
| Alaska   |
| Arizona  |
| Arkansas |
| Colorado |