

CALL TO ACTION: PROTECT SARA

March 14-18, 2022 Negotiated Rulemaking: Implications for SARA and Information about Action You Can Take

The final week of the [Department of Education's Negotiated Rulemaking](#) process for 2022 is March 14-18, 2022. Issue Paper #6 (Certification Procedures) includes language that would directly impact and drastically limit the application of SARA.

- March 8, 2022 Issue Paper 6: *Certification Procedures – Session 3* regarding § 668.14 Program Participation Agreement, Subsection (32)(iii) (see page 7) – we anticipate this will be posted soon on the [Neg Reg website](#)

If Subsection (32)(iii) is not withdrawn prior to finalization, NC-SARA has recommended the following edits to (32)(iii) in order to preserve the value and benefits of State Authorization Reciprocity Agreements (SARA):

(iii) Complies with all State consumer protection laws, including both generally applicable State laws and those specific to educational institutions, except where **State requirements for obtaining authorization are** inapplicable pursuant to a State authorization reciprocity agreement.

FIRST - UNDERSTAND THE PROBLEMATIC IMPLICATIONS FOR SARA

While the language as currently proposed would still allow institutions to submit a single application and pay a single fee to participate in reciprocity, the enhanced student consumer protections afforded by SARA – arguably the most important part of reciprocity through SARA – would go away. Furthermore, prior to SARA, uneven state requirements led to added costs and stress to students, institutions, and states. Should this proposed language be adopted, the outcome will be uneven and unequal, and will resurrect barriers to student access to learning opportunities that SARA ameliorated.

In a nutshell, this means that the gains of SARA would be nullified, and we would move backwards to the patchwork of state authorization distance education regulations that existed before SARA.







For SARA-participating institutions, this would mean:

- Each institution would need to monitor and respond to regulations for each individual state in which they enroll students.
- Each institution would lose the [cost-savings, reduced bureaucracy, and other benefits](#) associated with being SARA participants.
- Access to out-of-state distance education opportunities would likely be severely hampered for postsecondary students.

For states, this would mean:

- The consistent set of student consumer protections afforded by SARA would be nullified.
- Access to out-of-state distance education opportunities would likely be severely hampered for postsecondary students in your state, as well as those attending your state’s institutions from outside of your state.

BEFORE & AFTER NC-SARA

BEFORE		AFTER
EXPENSIVE: The process of compiling and processing applications to offer distance education across state lines imposed costs on both institutions and states – costs that could be passed on to students in the form of higher tuition or fees.	COST 	AFFORDABLE: NC-SARA has maintained low fees for states to become members and for institutions to participate in order to more easily offer distance education opportunities across state lines.
OVERWHELMING BUREAUCRACY: Adhering to varying state requirements and regulations created enormous bureaucracy for institutions.	PROCESS 	SIMPLIFIED PROCESS: Because NC-SARA streamlined the application process for all SARA member states, it is now easier for institutions and states to ensure adherence to state authorization requirements for distance education across the country.
LACK OF PROTECTIONS: Because states had varying degrees of accountability requirements for institutions, students could not rely on a consistent set of consumer protections to help assure quality distance education programs.	PROTECTIONS 	ENHANCED PROTECTIONS: SARA member states must adhere to a consistent set of requirements to help guarantee appropriate protections for students.
CONFUSING: Institutions struggled to understand and juggle varying state requirements for distance education regulations, fee structures, and data reporting on different annual calendars.	REGULATIONS 	STREAMLINED REGULATIONS: SARA establishes one uniform set of state distance education regulations, ensuring more efficient and effective oversight of distance learning programs.
LIMITED OPTIONS: Because institutions could not offer distance education programs across state lines without first obtaining specific approvals from each state, students' distance education programming options were limited.	OPTIONS 	CHOICE: Because 49 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands are SARA members, and more than 2,300 institutions participate in SARA, students now have a wide variety of interstate distance education programming options.
INCONSISTENT DATA: States collect different data sets about higher education programs and outcomes, leading to inconsistent reporting on distance education programs.	DATA 	BETTER DATA: NC-SARA requires institutions to annually report in-state and out-of-state online enrollments and out-of-state learning activities such as practice teaching, clinical work, etc., and compiles that information into a publicly accessible database.

Our colleagues at WCET/SAN have posted a fabulous summary of the Negotiated Rulemaking process and issues impacting SARA; we encourage you to read it [HERE](#).

SECOND - WE URGE YOU TO WRITE A LETTER AND SHARE YOUR CONCERNS WITH THE COMMITTEE
Time is of the essence to let the negotiators know where you stand regarding SARA.

To aid you in doing so, we have prepared information to help you make an informed case against this proposed language, as well as template letters you may download and modify. We have also shared names and email addresses of people to contact, as well as other information that may be helpful. Please visit our [SARA Neg Reg Call to Action](#) webpage for all of these resources.

Email your letters to:

- Federal Negotiator, Gregory Martin: Gregory.Martin@ed.gov
- General email: negreghearing@ed.gov

You may also wish to email your letters to the following Negotiated Rulemaking Institutional and Programmatic Eligibility Committee members, available at Negotiated Rulemaking for Higher Education 2021-22 website (See Institutional and Programmatic Eligibility Committee at bottom of page)

- [Complete Committee List with Names and Titles \(Revised January 18, 2022\)](#)

Please note: NC-SARA will not share individual email addresses of committee members.

THIRD – PARTICIPATE IN PUBLIC COMMENT AND/OR WATCH THE MEETINGS

Participate in Public Comment (from [Neg Reg website](#)):

At the end of each day (except for the final day of the last session), the committee will reserve time for public comment. To request time to comment, please send the name of the speaker, as well as the name of the organization, if applicable, to negreghearing@ed.gov no later than 12:00 p.m. Eastern time on the day of the meeting. We will provide information to commenters on how and when to log in to the meeting as a speaker. We will accommodate as many requests as possible.

TUNE IN: To watch the rulemaking meetings on March 14-18, 2022, [register for Session 3](#).

NEXT STEPS

If the negotiators do not reach consensus, ED will be able to write the language and present the proposed changes as regulations that will then be open to public comment. If consensus is reached, then the language will move forward sooner for public comment. We do not have an exact timeline for the posting of the new language for comment, but anticipate that it will be this summer.

Thank you for your support of SARA!

Sincerely,

A handwritten signature in blue ink that reads "Lori Williams". The signature is fluid and cursive, with a long horizontal flourish at the end.

Lori Williams, PhD
President and CEO, NC-SARA