


2024 SARA Policy Modification Process Public Forum

April 26, 2024

Countdown to Start:

10:00

Start Stop Reset mins: 10 secs: 0 type: None ▾

 Breaktime for PowerPoint by Flow Simulation Ltd. Pin controls when stopped





WELCOME!

**Marianne Boeke, Ph.D., President,
National Council for State Authorization
Reciprocity Agreements (NC-SARA)**



Forum Guidance

- The Closed Caption option is available
- The forum will be recorded
- The recording and slides will be posted on the NC-SARA website (Policy section)



FORUM AGENDA

- **Process Overview**
- **Proposal Presentations by Subsection of *SARA Policy Manual***
- **Q&A by Subsection of *SARA Policy Manual***
- **Closing Remarks & Next Steps**





2024 SARA Policy Modification Process Co-Chairs

Molly Hall-Martin, Ph.D., Director, W-SARA, Policy Analysis and Research, Western Interstate Commission for Higher Education (WICHE)

Julie Woodruff, Senior Compliance Counsel, Tennessee Higher Education Commission



The SARA Policy Modification Process

Brief History

- Approved by NC-SARA Board in June 2022
- New process developed by Regional Compacts and Regional Steering Committees

Who's Been Involved

More than 50 individuals -- including Regional Compact staff, Regional Steering Committee leadership, SARA State Portal Entities, and NC-SARA Board members -- were involved in the design and implementation of the new SARA Policy Modification Process.

Principles of the SARA Policy Modification Process

- Transparency
- Collaboration
- Consistency
- Communication



The SARA Policy Modification Process

Policy, Process, & Calendar of Dates

- **Details**: *SARA Policy Manual* Section 8.2, SARA Policy Modification Process (Version 23.1)
- **Overview**: *2024 SARA Policy Modification Process Calendar* and additional information about the process available on NC-SARA website under [Policy](#).

Review and Vote by Regional Compacts

- Per the *SARA Policy Manual* Section 8.2, each regional compact has adopted and published a transparent process for review and voting (with their respective Regional Steering Committees) on proposed SARA Policy modifications. These are available on each regional compact's SARA webpages.
- Regional compacts will review proposals and vote to approve or not approve each proposed SARA Policy modification by September 6, 2024.

NC-SARA Board Review and Vote

- NC-SARA's board shall review and vote to approve or not approve proposed policy modifications that were approved by each regional compact during its Fall Board Meeting (October 23-25, 2024).



SARA Policy Public Forum

2024 SARA Policy Proposals

50 SARA Policy proposals were submitted by February 2

- 17 from The Century Foundation
- 15 from Regional Steering Committees (RSC)/Regional Compacts
- 6 from WCET/SAN
- 6 from U. of North Carolina System Office (NCSEAA)
- 4 from Institutions
- 2 from NC-SARA Staff

7 proposals were withdrawn by April 5

31 proposals are being presented today



SARA Policy Public Forum

Structure of Today's Public Forum

Proposals are grouped by *SARA Policy Manual* section and subsection

- Not all proposals are being presented

Moderator will introduce each section and each proposal presenter in that group

Each presenter has a **maximum of 3 minutes** to present one or more proposals they submitted that affect the section / subsection

- Presenters may elect to share their contact information

Moderator will facilitate brief Q&A after presentations for the section are complete. Viewers may submit questions through the Q&A feature.



PROPOSAL PRESENTATIONS

A decorative graphic on the left side of the slide. It features a blue textured background that looks like a torn piece of paper or fabric. A red ribbon-like element is draped across the bottom of this blue area, looping and flowing from left to right.

- ***SARA Policy Manual Sections 1 & 2***
- **Q&A**
- ***SARA Policy Manual Section 3***
- **Q&A**
- ***SARA Policy Manual Sections 4 – 8***
- **Q&A**
- **Closing Remarks & Next Steps**



SARA Policy Manual Sections 1 & 2

10 SARA Policy proposals will be presented in this section



Sections 1 & 2: Proposals & Presenters

Policy Modification Proposal Name	Presenter Name
PMP24-0622: Removal of Definition "Rule"	Cheryl Dowd
PMP24-0621: Definition - SARA Policy	Cheryl Dowd
PMP24-0633: Timely Financial Responsibility Composite Scores	Andrea Richards
PMP24-0655: Remove references to all distance education guidelines	Anne Klingen
PMP24-0651: Requiring evidence of compliance at certification	Carolyn Fast
PMP24-0646: Clarifying which state laws are waived in member states	Carolyn Fast
PMP24-0647: Enforcement of state laws	Carolyn Fast
PMP24-0631: SPE ability to review new institution applicant	Alex Nally
PMP24-0625: State Renewal Options	Russ Poulin
PMP24-0648: Member Control of Standard-Setting	Carolyn Fast

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SAN & WCET Proposal #1

Cheryl Dowd: cdowd@wiche.edu & Russ Poulin: rpoulin@wiche.edu

PMP24-0622: Removal of Definition "Rule"

PMP24-0622: Removal of Definition "Rule" – Redlined Language

- ~~• “Rule” means: a written statement promulgated by NC-SARA that is of general applicability; implements, interprets or prescribes a policy of SARA or provides an organizational, procedural, or other requirement of NC-SARA, including policies contained in the SARA Policy Manual.~~

PMP24-0622: Removal of Definition "Rule" - Rationale

- SARA Policy Manual sections do not refer to compliance with “rules” about the reciprocity agreement.
- Requirements in the SARA Policy Manual reference “subject to SARA Policy”.
- The term “rule” is only used once in the SARA Policy Manual as defined, but is used several times in reference to the laws, regulations, and policies of other entities.
 - The more often-used reference outside of SARA confuses as to the meaning of the word.
- SARA Policy Manual is defined as the document “containing information about the operation and policies of SARA”.
- The definition of SARA Policy Manual does not reference rules.
- Need for the distinction between SARA Policy, which includes the legally binding requirements, and operations through guidance, visual aids, charts, FAQ’s, Explanatory Notes etc. is largely confused and further complicated by the term rule.

PMP24-0622: Removal of Definition "Rule" – Additional Supporting Elements

Examples as referenced in the rationale in bold for emphasis:

42. “*SARA Policy Manual*” means: the most current version of a document of that name, containing information about the operation and **policies of SARA**, as maintained on NC-SARA’s website at www.nc-sara.org.

2.6 State Renewal

b. Process. regional compacts shall review state membership renewal applications to confirm the state's past compliance **with SARA policies**, including its reporting of and responsiveness to student complaints, data reporting requirements, and affirm its willingness and ability for continued compliance. The following steps provide general guidelines for the state renewal process.

2.5 Functional Responsibilities of SARA States

m. Because some states may not join SARA, some institutions in SARA states may choose not to operate under SARA, and SARA does not cover offerings by non-U.S. providers, SARA states retain **their own oversight rules** covering distance education offerings of non-SARA institutions.



SAN & WCET Proposal #2

Cheryl Dowd: cdowd@wiche.edu & Russ Poulin: rpoulin@wiche.edu

PMP24-0621: Definition - SARA Policy

PMP24-0621: Definition - SARA Policy – Redlined Language

- **“SARA Policy” means: a written statement promulgated through the SARA Policy Modification Process that prescribes the requirements to implement the reciprocity agreement for all parties subject to the provisions of the agreement. Such policies are contained in the SARA Policy Manual.**

PMP24-0621: Definition - SARA Policy - Rationale

- Defining “SARA Policy” is more accurate than a definition of the term “rule” as is currently in **SARA Policy**.
- SARA Policy Manual is defined as the document “containing information about the operation and **policies** of SARA”.
- There is no clarification of the difference between “policies of SARA” or “SARA Policy”, which are the prescribed requirements for the reciprocity agreement, and “operation” providing direction and guidance to implement the prescribed requirements for the reciprocity agreement.
- This definition is important to clarify the requirements distinct from the operations that include guidance (visual aids, FAQ’s, Explanatory Notes) and information including reciprocity history etc., that are found in the SARA Policy Manual.
- One goal of this change is to delineate between the “SARA Policy” sections (which are subject to the SARA Policy Modification Process) and other contents of the SARA Policy Manual (e.g., explanatory notes, helpful graphics) that should not have to be subjected to the Modification Process to be updated.

PMP24-0621: Definition - SARA Policy – Additional Supporting Elements

3.1 Eligibility

f. Establishment and responsibilities of the home state.

4. 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**.

3.1 Eligibility

i. To be eligible for delivery **under SARA policies**, distance education must be offered under the oversight authority of a SARA member state from a facility located in a SARA member state.

3.2 Provisional admission or renewal of an Institution

a. 7. Lack of compliance **with SARA policies** related to data reporting.

3.7 Renewals

b. Process. SARA State Portal Entity staff shall review institutional renewal applications to confirm the institution's past compliance **with SARA policies** and affirm the institution's willingness and ability for continued future compliance. The following steps provide general guidelines that will govern the renewal process..

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PMP24-0633: Timely Financial Responsibility Composite Scores

Andrea Richards



PMP24-0633: Timely Financial Responsibility Composite Scores (NEBHE-SARA RSC)

2.5 Functional responsibilities of SARA States

c. For ~~independent non-public~~ institutions, the state accepts an institutional federal financial responsibility composite score (**Composite Score**) of 1.5 as indicative of sufficient minimum financial stability to qualify for participation in SARA. ~~An institution's financial status must be evaluated using the most recent Composite Score provided in writing by the U.S. Department of Education (ED) whether published online or provided in written form to the institution by a responsible Department of Education official.~~ For institutions with a composite score between 1.0 and 1.5, the state shall consider additional information regarding financial stability. 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 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, as identified by the U.S. Department of Education.

~~States must accept Composite Scores provided in writing by the U.S. Department of Education (ED), whether published online or provided in written form to the institution by a responsible ED official. If the institution does not participate in Title IV, or if an ED issued Composite Score is not available for the most recent fiscal year for which financial statements are available, the state may calculate, or have calculated by a certified, independent accountant acceptable to the state, a comparable score using the methodology prescribed by the U.S. Department of Education in 34 CFR Section 668 Subpart L (see [Appendix A](#) and [Appendix B](#)).~~

SARA states are to monitor ~~the U.S. Department of Education's periodic publication of composite scores, review the scores assigned to the~~ Composite Scores of institutions they have approved to participate in SARA, determine whether those scores meet SARA requirements, and within 90 days of ~~notification determination~~ take appropriate action regarding the SARA participation of those institutions. **Implementation date of January 1, 2021.** ~~If a Composite Score calculated by the newly published composite score the state or its representative falls below 1.0 and the institution is unable to provide documentation from ED of a more recent calculated score of 1.0 or above, the state must act within 90 days of notification determination to remove the institution from SARA participation.~~ **[Implementation date January 1, 2024]**

~~In the event that an institution does not participate in federal Title IV financial aid programs and therefore has no ED-calculated composite score for Title IV purposes, the state must calculate, or have calculated by a certified, independent accountant acceptable to the state, a comparable score based on the institution's most recent audited financial statements and using the methodology prescribed by the U.S. Department of Education (see...). Alternately, the state may require institutions lacking a composite score calculated by the U.S. Department of Education to provide such calculation either as a part of the institution's most recent audited financial statements or as separately calculated and certified by a certified, independent accountant acceptable to the state. The state will then use such calculated scores to determine whether the institution meets SARA eligibility requirements regarding financial responsibility. In either case, the state is to use the Department-provided calculation methodology that matches the institution's sector, whether for-profit or not-for-profit.~~

Explanatory Notes:

N1 - Can a state require a higher federal financial responsibility composite score for initial or continuing authorization of its own institutions?

Yes. SARA policy does not preclude a state from requiring a higher minimum composite score for all or certain types of nonpublic institutions operating in the state as their home state. In that case, such institutions operating from that state under SARA would have to meet a higher required score, not because of SARA policies, but because of the home state's laws or rules applicable to all such institutions.

~~N2—Are states obligated to use the published federal financial responsibility composite score when considering an institution's eligibility for SARA?~~

~~Not always. A state can, if desired, require or allow an applicant institution to provide the most recent ED-calculated federal score, which may in some cases be more recent than what has been published online or in print by ED. This would be a recent Financial Responsibility composite score provided in writing by the Department of Education in letter form to the institution by a responsible Department of Education official.~~

PMP24-0633: Timely Financial Responsibility Composite Scores (NEBHE-SARA RSC)

Contact: Charlotte Ochs (cochs@nebhe.org)

- **Proposal:** Amend 2.5(c) to allow states to calculate Federal Financial Responsibility Composite (FRC) Scores using publicly available USDE methodology when timely scores are not available from USDE.
 - Current SARA policy requires this for non-Title IV institutions.
- **Purpose:** To permit states to base SARA participation determinations on an institution's most recently available financial audit.
- **Explanatory Notes:**
 - Keep N1, which does not relate to the proposal.
 - Remove N2, which is not consistent with the proposal.

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PMP 24-0655: REMOVE REFERENCES TO ALL DISTANCE EDUCATION GUIDELINES*

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Representing MS+

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*Includes the following sections:

2.5 (p) Functional responsibilities of SARA States

4.3 (h) Examples of Consumer Protection Issues

4.7 Incorporation and use of C-RAC Guidelines

8.1 Basic procedure for questions about SARA

Section 10

Appendix B

Proposed Redline language Change

SECTION 2. STATES AND MEMBERSHIP

2.5 FUNCTIONAL RESPONSIBILITIES OF SARA

P) THE STATE AGREES TO REQUIRE EACH SARA APPLICANT INSTITUTION TO APPLY FOR HOME STATE APPROVAL USING THE STANDARD SARA INSTITUTIONAL APPLICATION.

~~**, INCLUDING THE INSTITUTION'S AGREEMENT TO OPERATE UNDER THE C-RAC GUIDELINES. (SEE APPENDIX B)**~~

Proposed Redline language Change

SECTION 4. CONSUMER PROTECTION

4.3 EXAMPLES OF CONSUMER PROTECTION ISSUES

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."~~

SECTION 4. CONSUMER PROTECTION

4.7 INCORPORATION AND USE OF C-RAC *GUIDELINES*

H) 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 CONSISTENT WITH PRACTICES EXPECTED BY INSTITUTIONAL ACCREDITORS (AND, IF APPLICABLE, PROGRAMMATIC/ SPECIALIZED ACCREDITORS). REMOVE REST OF PARAGRAPH

RATIONALE FOR PROPOSED CHANGES

- NOT A REFLECTION OF THE UNIFIED AGREEMENT

The requirement of compliance with C-RAC guidelines is not in line with the Unified Agreement which indicated that *accreditation* would be the primary means of quality assurance.

- GUIDELINES SHOULD REFLECT THE NEEDS OF THE SPES & OTHER SARA STAKEHOLDERS

C-RAC is out of date, and 21st Century was created by outside groups without input from NC-SARA stakeholders. NC-SARA policy should have a small set of clear-cut requirements for initial reviews and continued monitoring. Since SARA is a state-by-state agreement this initiative should be driven by SARA stakeholders.

- C-RAC WAS NOT INTENDED TO BE A STANDARD

Purpose of the C-RAC Guidelines was to provide *guidelines* for reviewers to use when conducting institutional accrediting reviews.

- OUT OF DATE

The guidelines were created in the 1990s and *have not been updated* since 2011, making them outdated in light of evolving federal regulations aimed at addressing the areas referenced within C-RAC.

- IMPOSING A STANDARD OF REVIEW ON ACCREDITATING BODIES and STATES

Not all accrediting bodies use C-CRAC, and some developed their own guidelines or have established different approaches in reviewing distance education activities.

- C-RAC GUIDELINES ARE CONFUSING

Much of the leadership involved with NC-SARA continuously receive questions from institutions, accreditors and SPES, as to how to interpret the different elements of the Guidelines.



THANK YOU

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Requiring Evidence of Compliance at Certification

PMP24-0651

Carolyn Fast

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Requiring Evidence of Compliance at Certification

EXPLANATORY NOTES

N1 - Can a SARA State Portal Entity (SPE) require a SARA applicant institution to provide additional evidence that it will meet policies 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 policies set forth in the SARA Policy Manual and commitments contained in the institutional application to participate in SARA once it is allowed to participate. However, as soon as an institution is accepted into SARA,~~ Yes, the state portal entity has a right to evaluate whether the institution in its work through SARA meets the C-RAC Guidelines or other SARA requirements and must investigate any claims that the institution does not meet these requirements.



Rationale:

- Current policy prohibits states from asking for evidence beyond self-certification.
- However, SARA policy *requires* SPEs to investigate claims that institutions do not meet SARA requirements *after* the institution is accepted into SARA.
- States should not be forced to wait until after authorizing a school to investigate a potential problem.
- Permitting states to request evidence of compliance beyond self-certification would enable states to be more effective regulators from the outset and would help states protect students.



Clarifying which State Laws are Waived by Member States

PMP24-0646

Carolyn Fast

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Clarifying which state laws are waived by member states

§ 2.5 Functional responsibilities of SARA States

...

k. 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 distance education in the state, it will not apply those requirements, standards, fees or procedures to any Non-domestic (out-of-state) institution that participates in SARA; instead, the state will apply those specifically prescribed in or allowed by SARA policies. The state must publicly identify which state laws are waived or not applied pursuant to this section.



Rationale:

- SARA policy permits member states to enforce “general purpose” laws, but prohibits enforcement of education-specific state laws to protect students in their state enrolled in SARA schools located outside of the state.
- Uncertainty about which state laws fall into each category can prevent state regulators/state law enforcement agencies from taking action to protect students.
- SARA institutions also may not know what they can expect from each state.
- To avoid this confusion, SARA states should publicly list which state laws are waived with respect to out-of-state SARA schools.



Enforcement of State Laws

PMP24-0647

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Enforcement of State Laws

§ 2.5(1) Functional responsibilities of SARA States

1. Except as precluded by Section 2.5(k) above, SARA member states continue to have authority to enforce all their ~~general-purpose~~ laws⁶ against Non-domestic, out-of-state 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.

~~6 A "general-purpose law" is one that is not limited to entities delivering postsecondary education in the state but applies to a larger category of entities is one [sic] that applies to all entities doing business of any type in the state, not just institutions of higher education.~~



Rationale:

- Prohibition on enforcement of state laws undermines states' ability to protect online students in their state.
- In states with strong consumer protection laws, in-state schools are at a disadvantage because they have to compete with out-of-state SARA schools that don't have to comply with the same rules.
- Predatory schools have an incentive to locate in states with weaker laws and use SARA to reach into states with stronger laws.
- States are forced to waive enforcement of critical state laws including laws:
 - that prohibit specific types of **deceptive marketing and recruiting**;
 - that provide **cancellation or refund** requirements;
 - that require **record retention**;
 - that require reporting of **student outcomes** or that set outcome requirements;
 - that provide for **tuition reimbursement** and other student relief.



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PMP24-0631: SPE ability to review new institution applicant (NEBHE-SARA RSC)

2.5 Functional responsibilities of SARA States

- c. A state should apply the same standard for review to the initial application for participation as is done for the renewal application. Under certain conditions, a state may approve an institution's participation in SARA on a Provisional basis (see 3.2 and 3.3 below).
- ~~EXPLANATORY NOTES~~
- ~~N1 - Can a SARA State Portal Entity (SPE) require a SARA applicant institution to provide additional evidence that it will meet policies 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 policies set forth in the SARA Policy Manual and commitments contained in the institutional application to participate in 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 Guidelines or other SARA requirements and must investigate any claims that the institution does not meet these requirements. Under certain conditions, a state may approve an institution's participation in SARA on a Provisional basis. See 3.2 and 3.3 below.~~

PMP24-0631: SPE ability to review new institution applicant (NEBHE-SARA RSC)

Contact: Charlotte Ochs (cochs@nebhe.org)

Summary and Rationale:

- Removes “Explanatory Notes” that a state must accept an institution’s “self-certification” at time of SARA application.
- Establish consistent standard for review of initial application
- Removal of “explanatory notes” at least affirms state ability to review institution at point of application
- *Note* - similar proposal was submitted last cycle

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SAN & WCET Proposal #3

Cheryl Dowd: cdowd@wiche.edu & Russ Poulin: rpoulin@wiche.edu
and Carolyn Fast: fast@tcf.org

PMP24-0625: State Renewal Options

PMP24-0625: State Renewal: #1 detail options/add provisional

2.6 State Renewal

3. Application Review and Actions. The regional compact shall review the application and ~~approve, return for additional data or information, or deny the application~~ act no later than 45 days after receipt. Action options include:

(i) Return. The regional compact may return the application for additional data or information if compact staff deem it is necessary prior to forwarding it through the review process.

(ii) Provisional Approval. The current approval is extended with Full Approval pending the satisfactory response to requests or inquiries regarding the application renewal.

(iii) Full Approval. The application is deemed to be in compliance with SARA policies.

(iv) Denial. The State Portal Entity (SPE) has been given the opportunity to respond to application concerns, but the regional compact does not envision a path for the state to be in compliance with SARA policies.

PMP24-0625: State Renewal: #1 detail options/add provisional RATIONALE

- Add details – the original language gave the options of “approve, return for additional data or information, or deny the application..” The added language provides some additional detail as to the meaning of each option.
- Add “provisional approval” option –
 - A couple compacts had members states that raised concern during the renewal process over the practices of the applicant state.
 - The “return” option was insufficient and the “deny” option seemed too harsh.
 - Provisional status mirrors what happens with institutions that are in question.
 - This allows for compact states to raise concerns and have them addressed.

PMP24-0625: State Renewal: #2 provisional status details

2.6 State Renewal

4. Provisional Approval. A state's regional compact may place a state on Provisional Approval at any time in the event that the state is determined to be deficient in one or more of the functional responsibilities of SARA states, as indicated in SARA Policy Manual, subsection Section 2.5. For states on Provisional Approval:

(i) The state shall remain in that status for a period not to exceed two years.

(ii) The state must provide an implementation plan to address deficiencies and to report progress according to a process and timeline as determined by the regional compact.

(iii) The state retains all the benefits of participating in SARA while it is on Provisional Approval status.

(iv) Based upon the state's actions to address deficiencies, the regional compact may decide to approve, deny, or seek a further extension of Provisional Approval status.

PMP24-0625: State Renewal: #2 provisional status details RATIONALE

- A compact might determine that a state is deficient in one or more of its SARA functional responsibilities.
- Provisional status allows for a state to come into compliance without having to remove its SARA membership.
- The state and its institutions maintain SARA benefits while on provisional status.
- It is hoped that the provisional status is used to invoke improvement.
- Also, the provisional status may be proof to state leadership or legislators that action is needed or SARA membership is in jeopardy.
- Some asked if a state that loses its SARA membership should have additional steps to take to be reinstated. That is not an issue that we addressed as a state on provisional status does not lose its membership.

PMP24-0625: State Renewal: #3 denials of state renewals

2.6 State Renewal

5. Denial. The regional compact may deny an application upon specific evidence-based reasoning that the state ceased to abide by the functional responsibilities for SARA states as indicated in SARA Policy Manual, subsection 2.5. The effect of removal on students and institutions will follow the same policies as set forth for Member removal in the SARA Policy Manual, subsection 2.4.

PMP24-0625: State Renewal: #3 denials of state renewals RATIONALE

- We believe that the denial of any state's application, should be tied to specific instances of it not meeting SARA functional responsibilities.
- Any action should be backed by evidence.
- This is based upon an action being proposed against a state where evidence was not provided.

PMP24-0625: State Renewal: #4 complaints & warnings

7. Complaints About States. Member states may submit a complaint to the state's regional compacts related to another member state's noncompliance with SARA requirements. Regional compacts that receive a complaint about a state that is a member of a different regional compact will share the complaint with the regional compact of the state that is the subject of the complaint.

8. Warning. At any time, a regional compact may issue a warning notice to a state identifying a deficiency in the state's adherence to the responsibilities of a SARA state and setting a timeline for the state to resolve the issue that led to the warning notice.

PMP24-0625: State Renewal: #4 complaints & warnings RATIONALE

- Complaints. There have been times when a state has questioned the SARA actions of another state.
 - A complaint may be made to the offending state's regional compact, so that it is aware of a possible deficiency in meeting SARA functional responsibilities.
- Warning. A state may become non-compliant with SARA functional responsibilities outside of the application process.
 - A compact may issue a warning of suspected non-compliance.
 - It is hoped that the warning used to settle a misunderstanding or invoke improvement.

PMP24-0625: State Renewal: #4 keeping other states informed

9. Notifying All SARA States. Notices of the action taken on each state application or warning notice shall be distributed to all SARA member states by the regional compact. The notice will include any deficiencies cited and the timeline for addressing those deficiencies.

10. Deficiency Timeline Elapsed. If a state has been cited for a deficiency and the timeline for addressing the deficiency has not been met, the regional compact will notify all SARA member states of the failure to meet the deadline and proposed next steps by the compact.

PMP24-0625: State Renewal: #4 keeping other states informed RATIONALE

- States need to be updated on the actions taken by regional compacts on states.
- Whether it is action on an application, a warning being issued, or if the timeline has elapsed for a state to address a deficiency...the other SARA member states are to be notified.

Sections 1 & 2: Proposals & Presenters

Policy Modification Proposal Name	Presenter Name
PMP24-0622: Removal of Definition "Rule"	Cheryl Dowd
PMP24-0621: Definition - SARA Policy	Cheryl Dowd
PMP24-0633: Timely Financial Responsibility Composite Scores	Andrea Richards
PMP24-0655: Remove references to all distance education guidelines	Anne Klingen
PMP24-0651: Requiring evidence of compliance at certification	Carolyn Fast
PMP24-0646: Clarifying which state laws are waived in member states	Carolyn Fast
PMP24-0647: Enforcement of state laws	Carolyn Fast
PMP24-0631: SPE ability to review new institution applicant	Alex Nally
PMP24-0625: State Renewal Options	Russ Poulin
PMP24-0648: Member Control of Standard-Setting	Carolyn Fast

Member Control of Standing Setting

PMP24-0648

Carolyn Fast

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Member Control of Standard Setting

§ 2.7 Member State Control of Standard-Setting

All decisions related to establishing and/or implementing state or institutional eligibility standards or consumer protection standards and all determinations regarding an in-state institution's SARA status shall be carried out exclusively by member states and member state representatives. Such decision-making authority shall not be delegated to any entity that is not exclusively composed of representatives of member states, nor to any individual who is not a representative of a member state.



Rationale:

- Consumer protection standards for SARA schools should be established and implemented by SARA states, not by regulated institutions or other non-state actors that are not accountable to any member state.
- Similarly, institutional eligibility and state eligibility standards should be established and implemented by SARA member states.
- No non-state entity or individual should have the authority to overturn a SARA state's regulatory determination concerning an in-state school.



Questions

SARA Policy Manual Sections 1 & 2



SARA Policy Manual Section 3

17 SARA Policy proposals will be presented in this section



Section 3: Proposals & Presenters

Policy Modification Proposal Name	Presenter Name
PMP24-0653: Refund Policy	Carolyn Fast
PMP24-0629: Changes to Institutional Eligibility Requirements	Sam Loftin
PMP24-0628: Changes to Provisional Status	Sam Loftin
PMP24-0656: Don't force states to wait for a school's renewal date	Carolyn Fast
PMP24-0657: Provisional Status - Accreditor Sanction	Carolyn Fast
PMP24-0658: Provisional Status - Actions by Government Agencies	Carolyn Fast
PMP24-0659: Provisional Status - Private Lawsuits	Carolyn Fast
PMP24-0660: Provisional Status - Evidence of Illegal Conduct	Carolyn Fast
PMP24-0661: Provisional Status - Contractor Subject to Gov. Action	Carolyn Fast
PMP24-0663: Provisional Status - Additional Oversight Measures	Carolyn Fast
PMP24-0649: State Authority Over In-State Schools	Carolyn Fast

Section 3: Proposals & Presenters, Cont'd.

Policy Modification Proposal Name	Presenter Name
PMP24-0632: Off-Ramp from Provisional Status	Alex Nally
PMP24-0612: Provisional Status Reason and Disclosure	Alex Nally
PMP24-0654: Authority to Revoke Participation for Illegal Conduct	Carolyn Fast
PMP24-0650: State Authority Over In-State Schools	Carolyn Fast
PMP24-0618: Institutional Renewal Grace Periods	Julie Woodruff
PMP24-0627: Change to Loss of Institutional Eligibility	Sam Loftin

Section 3: Proposals & Presenters

Policy Modification Proposal Name	Presenter Name
PMP24-0653: Refund Policy	Carolyn Fast
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PMP24-0660: Provisional Status - Evidence of Illegal Conduct	Carolyn Fast
PMP24-0661: Provisional Status - Contractor Subject to Gov. Action	Carolyn Fast
PMP24-0663: Provisional Status - Additional Oversight Measures	Carolyn Fast
PMP24-0649: State Authority Over In-State Schools	Carolyn Fast

Refund Policy

PMP24-0653

Carolyn Fast

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Refund Policy

§ 3.1 Eligibility

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

...

7. Have a withdrawal, cancellation, and refund policy that applies to any student enrolled at a SARA participating school who is not protected by a substantially similar, or stronger, state refund requirement, as follows:

a. The institution shall advise each student that a notice of cancellation shall be in writing, and that a withdrawal may be effectuated by the student's written notice or by the student's conduct, including, but not necessarily limited to, a student's lack of attendance.

b. The institution shall refund 100 percent of the amount paid for institutional charges (where "institutional charges" mean charges for an educational program paid directly to an institution), less a reasonable deposit or application fee not to exceed two hundred fifty dollars (\$250), if notice of cancellation is made through attendance at the first class session, or the seventh day after enrollment, whichever is later.

c. The institution shall have a refund policy for the return of unearned institutional charges if the student cancels an enrollment agreement or withdraws during a period of attendance. The refund policy for students who have completed 60 percent or less of the period of attendance shall be a pro rata refund.

d. The institution shall pay or credit refunds within 45 days of a student's cancellation or withdrawal.



Rationale:

- The Unified State Authorization Reciprocity Agreement” prohibits states from applying any state refund requirements to out-of-state SARA schools.
- However, SARA does not establish any alternative, SARA-wide refund requirement.
- In addition, SARA does not require member states to have refund policies for in-state SARA schools.
- This leaves many SARA students unprotected by any refund or cancellation policy.



Section 3: Proposals & Presenters

Policy Modification Proposal Name	Presenter Name
PMP24-0653: Refund Policy	Carolyn Fast
PMP24-0629: Changes to Institutional Eligibility Requirements	Sam Loftin
PMP24-0628: Changes to Provisional Status	Sam Loftin
PMP24-0656: Don't force states to wait for a school's renewal date	Carolyn Fast
PMP24-0657: Provisional Status - Accreditor Sanction	Carolyn Fast
PMP24-0658: Provisional Status - Actions by Government Agencies	Carolyn Fast
PMP24-0659: Provisional Status - Private Lawsuits	Carolyn Fast
PMP24-0660: Provisional Status - Evidence of Illegal Conduct	Carolyn Fast
PMP24-0661: Provisional Status - Contractor Subject to Gov. Action	Carolyn Fast
PMP24-0663: Provisional Status - Additional Oversight Measures	Carolyn Fast
PMP24-0649: State Authority Over In-State Schools	Carolyn Fast

PMP24-0629: Changes to Institutional Eligibility Requirements

- **Submitted by** the W-SARA RSC
- **Purpose:** To raise the standards for institutional participation in SARA.
- **Feedback** to W-SARA Director Dr. Molly Hall-Martin at mhmartin@wiche.edu.

3.1 Eligibility

- a. An eligible institution may apply to its home state to participate in SARA if that state is a SARA member state.
- b. ~~In order to be eligible to participate in SARA, an institution must~~ An institution applying for initial participation in SARA shall meet each of the following requirements:
 1. Be a degree-granting institution, awarding associate degrees or higher;
 2. Be physically located in a SARA member state;
 3. Hold proper Authorization from Congress, a U.S. state, territory or district, or a federally recognized Indian tribe to award degrees, and **not be under a written notice that the institution is currently non-compliant with one or more state authorization requirements;**
 4. Hold accreditation as a single entity from an accrediting agency recognized by the U.S. Department of Education and whose scope of recognition, as specified by the U.S. Department of Education, includes distance education. (See https://www2.ed.gov/admins/finaid/accred/accreditation_pg10.html)
 5. Not be under a sanction or a probationary status with its institutional accrediting agency or under a requirement to take corrective action in order to maintain its accreditation status;
 6. If a non-public institution, meet the institutional financial responsibility requirements for SARA participation set forth in Section 2.5(c and d) herein.
 7. Not currently be under a requirement by the U.S. Department of Education to post a letter of credit or be under a cash management agreement with the U.S. Department of Education;
 8. Agree that, in cases where the institution cannot fully deliver the instruction for which a student has contracted, it will provide a reasonable alternative for delivering the instruction or reasonable financial compensation for the education the student did not receive.

c. An institution applying for renewal of participation in SARA shall meet each of the following requirements:

1. Be a degree-granting institution, awarding associate degrees or higher;

2. Be physically located in a SARA member state;

3. Hold proper authorization from Congress, a U.S. state, territory or district, or a federally recognized Indian tribe to award degrees;

4. Hold accreditation as a single entity from an accrediting agency recognized by the U.S. Department of Education and whose scope of recognition, as specified by the U.S. Department of Education, includes distance education. (See https://www2.ed.gov/admins/finaid/accred/accreditation_pg10.html)

5. If a non-public institution, meet the institutional financial responsibility requirements for SARA participation set forth in Section 2.5(c and d) herein.

6. Agree that, in cases where the institution cannot fully deliver the instruction for which a student has contracted, it will provide a reasonable alternative for delivering the instruction or reasonable financial compensation for the education the student did not receive.

Note: If this proposal is approved, Section 3.1(c) of the current *Policy Manual* would become Section 3.1(d) and subsequent sections would be re-lettered accordingly.

- **Feedback** to W-SARA Director Molly Hall-Martin at mhmartin@wiche.edu

Section 3: Proposals & Presenters

Policy Modification Proposal Name	Presenter Name
PMP24-0653: Refund Policy	Carolyn Fast
PMP24-0629: Changes to Institutional Eligibility Requirements	Sam Loftin
PMP24-0628: Changes to Provisional Status	Sam Loftin
PMP24-0656: Don't force states to wait for a school's renewal date	Carolyn Fast
PMP24-0657: Provisional Status - Accreditor Sanction	Carolyn Fast
PMP24-0658: Provisional Status - Actions by Government Agencies	Carolyn Fast
PMP24-0659: Provisional Status - Private Lawsuits	Carolyn Fast
PMP24-0660: Provisional Status - Evidence of Illegal Conduct	Carolyn Fast
PMP24-0661: Provisional Status - Contractor Subject to Gov. Action	Carolyn Fast
PMP24-0663: Provisional Status - Additional Oversight Measures	Carolyn Fast
PMP24-0649: State Authority Over In-State Schools	Carolyn Fast

PMP24-0628: Changes to Provisional Status

- **Submitted by** the W-SARA RSC
- **Purpose:** To provide increased flexibility regarding the length of time an institution is placed on provisional status and to require public notice regarding institutions on provisional status.
- **Feedback** to W-SARA Director Dr. Molly Hall-Martin at mhmartin@wiche.edu

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~~ A state may place an institution on provisional status based on any of the following circumstances:

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 still 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. If such a third-party event results in an investigation by a government agency as set forth in subsections 3 and 4 above, these subsections become applicable. 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. Additional changes of ownership of the same institution constitute a separate basis for a state's determination of provisional status. Each such determination begins a new period of provisional status under Section 3.2(e).
9. The participating institution is in violation of, or noncompliance with one or more SARA policies.

b. States shall notify their regional compact and NC-SARA of their ~~admission or renewal designation~~ of an institution on provisional status . NC-SARA will provide indication of the institution's provisional status, as well as the reason(s) for provisional status, on the NC-SARA website. The NC-SARA institution Provisional Participation Form (AF3) should be completed and submitted to NC-SARA by the home state SARA State Portal Entity. (See Appendix C)

States may require an institution placed on provisional status to provide notice of such status to students and prospective students.

c. An institution placed on provisional status shall remain in that status until the state has determined that it has resolved the circumstance(s) leading to the provisional status designation or the institution has withdrawn, lost its eligibility to participate in, or been removed from SARA.

d. An institution ~~admitted to or renewed for SARA participation~~ placed 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 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.

~~e.—An institution admitted to or renewed for SARA participation on provisional status shall remain in that status for a period not to exceed one year unless all of the following are true:~~

- ~~1.—a home state or an external entity whose action has resulted in the institution's provisional status (see 3.2(a)) has not within the one-year period taken action to resolve the institution's status with that entity;~~
- ~~2.—The SARA State Portal Entity recommends extension;~~
- ~~3.—the President of the relevant regional compact approves extension; and~~
- ~~4.—to support comparable application of this policy across regions, the President of NC-SARA approves such action.~~

~~f.—An extension of Provisional Status shall not exceed one additional year unless a change in ownership has occurred during the current period of provisional status and additional time is needed to demonstrate compliance with federal requirements, or the institution is on provisional or probationary status or the equivalent with its institutional Accrediting Agency, or there is an ongoing investigation as described in Section 3.2(4) and (5).~~

Note: If this proposal is approved, Section 3.2(c) of the current *Policy Manual* would become Section 3.2(d) with the above revisions, Sections 3.2(d) and (e) of the current *Policy Manual* would be eliminated, Section 3.2(f) of the current *Policy Manual* would remain Section 3.2(e), and subsequent sections would be re-lettered accordingly.

3.3. Provisional status of an institution between renewal periods

A state, at its discretion, may place an institution on provisional status at any time if the institution is subject to any conditions set forth in Section 3.2(a) or if the institution's Federal Financial composite score falls between 1.0 and 1.5. (An institution with a score below 1.0 is not eligible for SARA participation.) ~~An institution placed on provisional status by its home state shall remain in that status until its next renewal date, at which time the state will determine if the institution will be removed from SARA participation, renewed for Provisional SARA participation for no longer than one year, (unless conditions of Section 3.2(d) are met), or renewed without such Provisional designation.~~

- **Feedback** to W-SARA Director Molly Hall-Martin at mhmartin@wiche.edu

Section 3: Proposals & Presenters

Policy Modification Proposal Name	Presenter Name
PMP24-0653: Refund Policy	Carolyn Fast
PMP24-0629: Changes to Institutional Eligibility Requirements	Sam Loftin
PMP24-0628: Changes to Provisional Status	Sam Loftin
PMP24-0656: Don't force states to wait for a school's renewal date	Carolyn Fast
PMP24-0657: Provisional Status - Accreditor Sanction	Carolyn Fast
PMP24-0658: Provisional Status - Actions by Government Agencies	Carolyn Fast
PMP24-0659: Provisional Status - Private Lawsuits	Carolyn Fast
PMP24-0660: Provisional Status - Evidence of Illegal Conduct	Carolyn Fast
PMP24-0661: Provisional Status - Contractor Subject to Gov. Action	Carolyn Fast
PMP24-0663: Provisional Status - Additional Oversight Measures	Carolyn Fast
PMP24-0649: State Authority Over In-State Schools	Carolyn Fast

Don't Force States to Wait for a School's Renewal Date

PMP24-0656

Carolyn Fast

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Don't force states to wait for a school's renewal date to put a school on provisional status

§ 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~~ place an institution on provisional status at any time where the state deems provisional designation appropriate to protect the public interest, including in any of the following circumstances:



Rationale:

- Current policy restricts states from putting schools into provisional status except for at the time the school is applying for initial or renewed participation in SARA.
- To protect students, states must be able to put an in-state school into provisional status **when the school's conduct puts students at risk.**
- States should not have to wait until the school comes up for renewal in order to take action to protect students in their state.



Overview of Proposals to strengthen Provisional Status:

- Several proposals are aimed at strengthening provisional status by expanding grounds for placing a school in provisional status, including:
 - When an accreditor takes a negative action against a school;
 - When a government agency takes an action against a school;
 - When there is a relevant private lawsuit against a school, in certain circumstances;
 - When there is evidence the school engaged in illegal conduct; and
 - When the school's contractor is subject to certain kinds of government actions.



Provisional Status - Accreditor Sanction

PMP24-0657

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Provisional Status - Accreditor Sanction

§ 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. The institution is on provisional or probationary status or the equivalent with its institutional accrediting agency or has been subject to other adverse or negative action by an accreditor, including but not limited to being placed on sanction or being subject to a "show-cause order" or similar action.



Rationale:

- States should have the ability to, where they deem appropriate, place an in-state school into provisional status if the school is subject to an adverse or negative action by an accreditor.
- Negative actions by accreditors indicate risks to students that may warrant limitations on a school's status.
- State regulators should not be constrained from imposing provisional status to protect students in such cases.



Provisional Status - Actions by Government Agencies

PMP24-0658

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Provisional Status - Actions by Government Agencies

§ 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:

4. The institution or its corporate parent or affiliate is the subject of an ~~publicly announced~~ investigation, enforcement action, judgment, or settlement by a government agency; and the investigation, enforcement action, judgment, or settlement is related to the institution's academic quality, financial stability or student consumer protection or the institution has been placed on temporary provisional certification status or provisional certification status for receipt of Title IV by the U.S. Department of Education;



Rationale:

- States should have the authority to place schools into provisional status if there is a government agency investigation, enforcement action, judgment, or settlement against the school.
- States should also have the authority to place schools into provisional status if a school is placed on provisional status for Title IV purposes by U.S. Dept of Education.
- These governmental actions are indicators of serious problems at the institution that pose risks to students.



Provisional Status - Private Lawsuits

PMP24-0659

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Provisional Status - Private Lawsuits

§ 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:

6. The institution is the subject of a private lawsuit that has survived a motion to dismiss and/or motion for summary judgment and/or has not been dismissed 120 days subsequent to the filing date and is related to the institution's academic quality, financial stability, or student consumer protection. ~~A third party action such as a private lawsuit or news story does not by itself establish a government investigation. If such a third party event results in an investigation by a government agency as set forth in subsections 3 and 4 above, these subsections become applicable. Lawsuits by government entities are considered to have resulted from a governmental investigation and can be the basis of a determination of provisional status.~~



Rationale:

- State should have the authority to place an in-state schools on provisional status if the school is the subject of a lawsuit related to academic quality, financial stability, or consumer protection, and that lawsuit survives motions to dismiss/summary judgment.
- Schools that are subject to such lawsuits may pose risks to students



Provisional Status - Evidence of Illegal Conduct

PMP24-0660

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Provisional Status - Evidence of Illegal Conduct

§ 3.2 Provisional admission or renewal of an institution

a.

6. The member state has information indicating that the participating institution is in violation of, or noncompliance with, SARA policies and/or is engaging in deceptive, abusive, fraudulent, or otherwise illegal conduct.



Rationale:

It is critical that states can take action to protect students in their state if there is information indicating that the institution is likely engaging in **deceptive, abusive, fraudulent, or otherwise illegal conduct.**



Provisional Status - Contractor Subject to Gov. Action

PMP24-0661

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Provisional Status - Contractor Subject to Gov. Action

§ 3.2 Provisional admission or renewal of an institution

a.

7. The institution's partner or contractor, including lead generators, online program managers (OPMs), and/or other third-parties providing marketing/recruiting services, is the subject of an enforcement action, judgment, or settlement by a government agency; and the enforcement action, judgment, or settlement is related to consumer protection violations.



Rationale:

- States should be able to take action to protect students when an in-state school's contractor is the subject of an enforcement action, judgment, or settlement by a government agency that is related to consumer protection violations.
- This is particularly relevant for Online Program Managers (OPMs). States should be able to protect students when an OPM has engaged in deceptive marketing or illegal recruiting practices.



Provisional Status - Additional Oversight Measures

PMP24-0663

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Provisional Status - Additional Oversight Measures

§ 3.2(c) Provisional admission or renewal of an Institution

c. 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, requirements to post a bond or surety, additional reporting or disclosure requirements, discontinuance of identified misconduct, remediation of harm to students caused by identified misconduct, submission of a teach-out plan or teach-out arrangement, or other conditions, if deemed necessary and appropriate by the home state. The home state shall report to its regional SARA steering committee and NC-SRA at least once a year on the status of any institution(s) admitted or renewed on provisional status.



Rationale:

- SARA policy permits states to place additional oversight measures on in-state institutions in provisional status.
- This proposed modification would provide additional clarity to states by providing examples of some of the additional oversight measures that a state could choose to place on a school in provisional status.



State Authority Over In-State Schools

PMP24-0649

Carolyn Fast

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State Authority Over In-State Schools

§ 3.2(d)(4)

d. An institution admitted to or renewed for SARA participation on provisional status shall remain in that status for a period not to exceed one year unless all of the following are true:

1. a home state or an external entity whose action has resulted in the institution's provisional status (see 3.2(a)) has not within the one-year period taken action to resolve the institution's status with that entity; and
2. The SARA State Portal Entity recommends extension.;
- ~~3. the President of the relevant regional compact approves extension; and~~
- ~~4. to support comparable application of this policy across regions, the President of NC-SARA approves such action.~~



Rationale:

- Member state oversight decisions, such as decisions regarding in-state institutions' SARA status, should not be subject to veto by non-state individuals or entities.
- Such individuals/entities are not accountable to that state's officials, legislators, or voters, and may have conflicts of interest.
- The NC-SARA Board President position may be held by any individual, including an individual who is not a representative of a member state, and in any case, should not supplant their judgement for that of the state responsible for oversight under the Agreement.
- The Board President should not be delegated authority to veto a member state's institutional oversight decision about an in-state school.



Section 3: Proposals & Presenters, Cont'd.

Policy Modification Proposal Name	Presenter Name
PMP24-0632: Off-Ramp from Provisional Status	Alex Nally
PMP24-0612: Provisional Status Reason and Disclosure	Alex Nally
PMP24-0654: Authority to Revoke Participation for Illegal Conduct	Carolyn Fast
PMP24-0650: State Authority Over In-State Schools	Carolyn Fast
PMP24-0618: Institutional Renewal Grace Periods	Julie Woodruff
PMP24-0627: Change to Loss of Institutional Eligibility	Sam Loftin

PMP24-0632: Off Ramp for Provisional (NEBHE-SARA RSC)

3.2 Provisional admission or renewal of an Institution

- d. An institution otherwise remaining subject to any provisional status conditions beyond a continuous two (2) year period may be removed from SARA participation at the discretion of the SARA State Portal Entity. Section 3.8 of this manual provides guidance for “loss of eligibility”. The NC-SARA Institution Non-Renewal form should be completed and submitted to NC-SARA by the Regional Compact, after first being completed by the home state SARA State Portal Entity.

PMP24-0632: Off Ramp for Provisional (NEBHE-SARA RSC)

Contact: Charlotte Ochs (cochs@nebhe.org)

Summary and Rationale:

- **Allow the home state to remove an institution which has been on SARA provisional status for more than two (2) continuous years**
- **State can remove an institution that not be able to return to “good” standing or to otherwise prevent potential harm to students remove before conditions worsen**
- ***Note* - similar proposal submitted last cycle**

Section 3: Proposals & Presenters, Cont'd.

Policy Modification Proposal Name	Presenter Name
PMP24-0632: Off-Ramp from Provisional Status	Alex Nally
PMP24-0612: Provisional Status Reason and Disclosure	Alex Nally
PMP24-0654: Authority to Revoke Participation for Illegal Conduct	Carolyn Fast
PMP24-0650: State Authority Over In-State Schools	Carolyn Fast
PMP24-0618: Institutional Renewal Grace Periods	Julie Woodruff
PMP24-0627: Change to Loss of Institutional Eligibility	Sam Loftin

PMP24-0612: Provisional Status Reason and Disclosure (NEBHE-SARA RSC)

3.2 Provisional admission or renewal of an Institution

- f. An institution admitted or renewed for participation in SARA on provisional status shall disclose such status on its website, including a reason for the status, in a format and manner acceptable to the State Portal Entity, within 10 days of the institution's notification. This information should also be reflected on the NC-SARA website including the reason. A list of common reasons with short descriptions for provisional status will be compiled between SPEs and NC-SARA for this purpose, and should be reviewed and updated annually as well as publicly available on the NC-SARA website. In unique circumstances, an alternate reason and description can be reflected. Any references to the institution's participation in SARA on its website shall include a disclaimer that such institution's participation is provisional (e.g., web pages that include SARA complaint information, state authorization pages that bear the NC-SARA approval mark, etc.) along with the reason category.

PMP24-0612: Provisional Status Reason and Disclosure (NEBHE-SARA RSC)

Contact: Charlotte Ochs (cochs@nebhe.org)

Summary and Rationale:

- **Require institutions to disclose on their website if they are on SARA provisional status and why**
- **NC-SARA's website would also reflect a reason for provisional status in their participation directory**
- **States would define and periodically update common provisional reason categories to ascribe to an institution, with flexibility for unique circumstances**
- ***Note* - submitted a version of this last cycle, in this version removed requirement for institution “direct notification” to all enrolled SARA students**

Section 3: Proposals & Presenters, Cont'd.

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Authority to Revoke Participation for Illegal Conduct

PMP24-0654

Carolyn Fast

Director of Higher Education Policy and Senior Fellow

fast@tcf.org



Authority to Revoke Participation for Illegal Conduct

§ 3.4 Authority to Revoke Participation

v. States may revoke SARA participation or deny renewal of an in-state institution's participation in SARA on the basis of the state's determination that the in-state school is not in compliance with [or] has violated state or federal laws or regulations related to misrepresentation, fraud, or other illegality.



Rationale:

- SARA schools that pose a risk to students must face tangible, mandatory consequences.
- SARA Policy Manual does not explicitly state that states may deny or revoke SARA participation based on a state's determination that the school has engaged in **deceptive, abusive, fraudulent, or otherwise illegal conduct.**
- SARA policy should make it explicit that schools that engage in illegal conduct may lose the privilege of participating in SARA.



Section 3: Proposals & Presenters, Cont'd.

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State Authority Over In-State Schools

PMP24-0650

Carolyn Fast

Director of Higher Education Policy and Senior Fellow

fast@tcf.org



State Authority Over In-State Schools

3.7. Renewals

b. Process. SARA State Portal Entity staff shall review institutional renewal applications to confirm the institution's past compliance with SARA policies and affirm the institution's willingness and ability for continued future compliance. The following steps provide general guidelines that will govern the renewal process.

7. The SARA State Portal Entity shall monitor the institution to ensure compliance with SARA policies and movement toward full renewal status. SARA State Portal Entities may only use the circumstances listed in SARA Policy Manual, Subsection 3.2(a) as rationale for determining provisional status. An institution may appeal, within 30 calendar days of notice of its home state's decision providing provisional status, ~~to its regional compact to ensure SARA policies were upheld during the review process.~~

9. If institutional participation renewal is denied, the SARA State 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 calendar days ~~to its regional compact to ensure SARA policies were upheld by its home state during the review process.~~



Rationale:

- Under SARA policy, a state's decision to deny or revoke an in-state school's approval to participate in SARA, or to place an in-state institution on provisional status, may be overturned by the Regional Compacts (RCs).
- The RCs' decision-making bodies sometimes include individuals who represent regulated institutions and other non-state individuals who may have conflicts of interest and are not accountable to state officials, state legislatures, or state voters in the relevant state.
- Accordingly, RCs should not be delegated the authority to overturn a member state's decisions concerning an in-state institution's SARA status.



Section 3: Proposals & Presenters, Cont'd.

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PMP24-0618: Institutional Renewal Grace Periods, Section 3.7(b)(5) and (c)

Submitted by:

SARA Regional Steering Committee of the Southern Regional
Education Board

Presented by:

Julie M. Woodruff

Senior Compliance Counsel

Tennessee Higher Education Commission

julie.woodruff@tn.gov

(615) 253-8857

Rationale and Comments

- The current policy language is convoluted and confusing.
- The current language should be modified to ensure that an institution has at least thirty (30) calendar days from the date of SPE approval to pay the NC-SARA renewal fee when a SPE approval occurs prior to the institution's participation end date. In some instances, the current language results in initial payment periods of less than thirty (30) calendar.
- Failure to pay the fee by the stated due date should result in the assessment of a late fee.
- A grace period is not needed and contributes to the confusion.

Current Proposed Modification

b.
5. Upon notice of an approved renewal application ~~prior to the institution participation end date~~, the institution shall submit its renewal fee to NC-SARA within 30 calendar days of the date ~~of SPE approval or the institution is approved as renewed, but not before~~ the participation end date, ~~whichever is later~~. ~~A 30-day (calendar) grace period beyond the institutional participation end is granted if the institution has been approved for SARA participation by the SARA State Portal Entity before the participation end date.~~ If ~~NC-SARA does not receive~~ payment ~~by the due date has not been received by NC-SARA within 30 calendar days of the participation end date~~, a late fee of 25% of the institution's renewal fee is applied, ~~and the institution receives an additional 14 calendar days to pay the renewal and late fees if payment is received within five business days~~. The institution remains listed on NC-SARA's list of participating institutions. The institution is designated "Approved." Institutions are not listed as ~~current active~~ SARA institutions until their payment is received by NC-SARA. ~~If the institution does not pay the required renewal and late fees by the expiration of the second due date, NC-SARA will notify the SPE and the SPE will remove the institution from SARA participation as provided for at 3.8.~~

c. [All language deleted, and the subsection reserved for future use.]

Post-Submission Concerns

- The current PMP language is not clear that the institution **will always** have an initial payment period of **at least** thirty (30) calendar days.
- There were questions as to how the thirty (30) calendar days should be counted. Is it approval date plus 30 or approval date plus 29?
- There were questions as to when is the late fee is assessed?

Possible Amendment to PMP 24-0618

b.

5. Upon notice of an approved renewal application prior to the institution participation end date, the institution shall submit its renewal fee to NC-SARA by a due date that is either the participation end date or within 30 calendar days of after the date of SPE approval ~~the institution is approved as renewed, but not before the participation end date~~, whichever is later. A 30-day (calendar) grace period beyond the institutional participation end is granted if the institution has been approved for SARA participation by the SARA State Portal Entity before the participation end date. If NC-SARA does not receive payment by the due date has not been received by NC-SARA within 30 calendar days of the participation end date, a late fee of 25% of the institution's renewal fee is applied, and the institution receives an additional 14 calendar days to pay the renewal and late fees if payment is received within five business days. The institution remains listed on NC-SARA's list of participating institutions. The institution is designated "Approved." Institutions are not listed as current active SARA institutions until their payment is received by NC-SARA. If the institution does not pay the required renewal and late fees by the expiration of the second due date, NC-SARA will notify the SPE and the SPE will remove the institution from SARA participation as provided for at 3.8.

c. [All language deleted, and the subsection reserved for future use.]

Section 3: Proposals & Presenters, Cont'd.

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PMP24-0627: Change to Loss of Institutional Eligibility	Sam Loftin

PMP24-0627: Change to Loss of Institutional Eligibility

- **Submitted by** the W-SARA RSC
- **Purpose:** To raise the standards for ongoing institutional participation in SARA.
- **Feedback** to W-SARA Director Dr. Molly Hall-Martin at mhmartin@wiche.edu

3.8. Loss of institutional eligibility or withdrawal under SARA

~~c. An institution can also be removed at any time by its home state for violation of, or noncompliance with SARA policies. A state shall be required to remove an institution from SARA participation for any of the following reasons:~~

- ~~1. The institution has failed to meet the requirements for financial stability in Section 2.5(c); or~~
- ~~2. The institution has failed to maintain any of the requirements for renewal of participation in Section 3.1(c).~~

~~d. A state, at its discretion, may remove an institution from SARA participation for any of the following reasons:~~

- ~~1. The institution has received a written final finding or decision by an oversight entity or a court of law that the institution engaged in a consumer protection violation;~~
- ~~2. The institution is in violation of, or noncompliance with, one or more SARA policies; or~~
- ~~3. The institution is in violation of, or noncompliance with, one or more requirements related to state authorization, accreditation, or participation in federal Title IV financial aid programs.~~

- e. An institution that withdraws or loses eligibility to participate in SARA:
1. Receives no fee refund from NC-SARA. (States may make their own decisions regarding refunds of any state fees).
 2. May no longer enroll additional students under SARA provisions.
 3. May no longer benefit from the coverage provisions in Section 5 and must meet each state's current non-SARA requirements based on the institution's operations.
 4. ~~May continue to operate under SARA for currently enrolled students for 90 days or until each student enrolled under SARA policies in the current term has completed work for that term, 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~~ allow any students enrolled in the institution under SARA policies at the time of withdrawal or loss of eligibility, as notified by their home state, a period of six months to conclude their work at the institution under SARA provisions.
 5. Shall remove all references to SARA and the SARA logo from its website, catalog, handbook and other related materials within 90 days of the notice of loss of eligibility from its home state.

- **Feedback** to W-SARA Director Molly Hall-Martin at mhmartin@wiche.edu

Questions

SARA Policy Manual Section 3



SARA Policy Manual Sections 4 - 8

4 SARA Policy proposals will be presented in this section



Sections 4 - 8: Proposals & Presenters

Policy Modification Proposal Name	Presenter Name
PMP24-0652: Ensuring States Have Discretion to Accept Complaints	Carolyn Fast
PMP24-0630: Aligning Professional Licensure Disclosure Requirements	Katie Hubbart
PMP24-0623: Offerings military, language clarification	Cheryl Dowd
PMP24-0624: Developing & Amending Operations	Cheryl Dowd

Sections 4 - 8: Proposals & Presenters

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Ensuring States Can Accept Complaints

PMP24-0652

Carolyn Fast

Director of Higher Education Policy and Senior Fellow

fast@tcf.org



Ensuring States Can Accept Complaints

§ 4.5 Process for Resolving Complaints

a. Complaints against an institution operating under SARA policies go first through the institution's own procedures for resolution of grievances, except that, consistent with state laws and regulations, the state agency that receives the complaint may accept the complaint without first requiring that the complaint go through the institution's own procedures for resolution of grievances. Allegations of criminal offenses or alleged violations of a state's general-purpose laws may be made directly to the relevant state agencies.

**This amended proposal is submitted on behalf of myself,
SAN & WCET, and WICHE**



Rationale:

- Prohibiting states from accepting complaints that have not already gone through a school's complaint process creates the risk that **important information will never get to regulators.**
- Consumer complaints tip regulators off about possible **deceptive, abusive, or otherwise illegal practices.**
- Where state law permits, states must be able to accept complaints to obtain timely information about misconduct that poses risks to students.



Sections 4 - 8: Proposals & Presenters

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Western Interstate Commission for Higher Education

PMP24-0630: Aligning Professional Licensure Disclosure Requirements

Submitted by: W-SARA RSC

Contact Information:

Katie Hubbart, W-SARA RSC Chair

Email: katie.hubbart@sdbor.edu

Proposed Revision

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.

~~For SARA purposes, institutions that are unable, after all reasonable efforts, to determine whether a program will meet state professional licensure requirements shall provide the student or applicant with current contact information for any applicable licensing boards, and advise the student or applicant to determine whether the program meets requirements for licensure in the state where the student is located.~~

Rationale for Proposed Changes

► Changes to Federal Regulations

- SARA policy does not align with current federal regulations regarding professional licensure notifications (§600.9(c)(2)(iii)).
- SARA policy will move further out of alignment federal regulations with the July 1 implementation of the rules published by ED on October 31, 2023 (§668.14(b)(32)).

► Inconsistent Application of Current Policy

- The policy manual lacks clear definitions in the second paragraph of Section 5.2.
 - “after all reasonable efforts”

Alignment Discussions

- ▶ **At the start of the 2024 PMP Cycle, there were four proposals addressing Section 5.2.**
 - These were submitted by: W-SARA RSC, M-SARA RSC, The University of Michigan, and MS+
- ▶ **Alignment discussions occurred, which led to the consensus to remove the second paragraph of Section 5.2.**
- ▶ **Two proposals were withdrawn during the first amendment period.**
- ▶ **Additional Rationale was added to the proposal on behalf of those participating in the alignment discussions.**

Sections 4 - 8: Proposals & Presenters

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PMP24-0624: Developing & Amending Operations	Cheryl Dowd



SAN & WCET Proposal #4

Cheryl Dowd: cdowd@wiche.edu & Russ Poulin: rpoulin@wiche.edu

PMP24-0623: Offerings military, language clarification

PMP24-0623: Offerings military, language clarification – Redlined Language

5.6 Offerings on military ~~bases~~ installations

- a. All distance education course offerings or additional activities subject to SARA Policy 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~~ installation 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.~~
- b. SARA participating institutions remain subject to state laws and the rules maintained by each military installation's education officer for all activities beyond SARA Policy.
- ~~b.c.~~ c. Veterans Affairs facilities are not considered “military” facilities for purposes of SARA

PMP24-0623: Offerings military, language clarification – Rationale

- Revises the term used for military locations – to indicate “installations” as is found in 10 USC 2801(c)(4).
- Removes language incorrectly addressing specific types of students rather than the types of activities that are subject to SARA Policy.
- Removes confusing language about the applicability of SARA Policy to correctly address that activities that are beyond SARA Policy are subject to the state laws where the installation is located and rules maintained by each military installation’s education officer.
 - An original author of this SARA Policy indicated that there had been interest in the possibility that SARA Policy to extend to face-to-face activities on an installation.
 - Face-to-face activities trigger physical presence and are therefore subject to state laws and regulations of the state where the activity occurs for which most states do not provide an exemption for military installations.
 - No exemption for a federal enclave. States have concurrent jurisdiction on all federal enclaves (i.e., state laws are also applicable). Therefore, state laws and regulations for oversight or exemption are applicable to a federal enclave.

PMP24-0623: Offerings military, language clarification – Additional Supporting Elements

- Federal law [10 USC 2801\(c\)\(4\)](#) defines military installation: *(4) The term “military installation” means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the Secretary of a military department or the Secretary of Defense, without regard to the duration of operational control.*
- Federal Enclave concurrent jurisdiction with states explained: <https://publiclandjurisdiction.com/wp-content/uploads/2019/10/1956-Part-1-Jurisdiction-over-Federal-areas-within-theStates.pdf>
- It is imperative that SARA Policy clarifies that activities subject to SARA Policy are covered on a military installation but that military installations do not carry any unique characteristics causing an extension or variation of oversight for activities occurring on the installation that are beyond SARA Policy.
- The state oversight regulations and the applicability of SARA policy do not change because of the military affiliation of the student.

Sections 4 - 8: Proposals & Presenters

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PMP24-0624: Developing & Amending Operations	Cheryl Dowd



SAN & WCET Proposal #5

Cheryl Dowd: cdowd@wiche.edu & Russ Poulin: rpoulin@wiche.edu

PMP24-0624: Developing & Amending Operations

PMP24-0624: Developing & Amending Operations – Redlined Language

8.3 SARA Operations Guidance Modification Process

- a. Purpose. The purpose of this section is to provide a clear, transparent, and distinctive process to develop and amend operations guidance including Explanatory Notes, charts, diagrams, and other advisory language containing information about the operation of SARA for inclusion in the SARA Policy Manual.
- b. Process. Operations guidance can be developed and changed outside the SARA Policy Modification Process, at the discretion of the NC-SARA staff.
 1. Operations guidance may be subject to review by the NC-SARA Board at the discretion of the Board Chair.
 2. Regional Steering Committee(s) may request the review of operations guidance by the NC-SARA Board.
 3. Notice must be provided for any changes to operations guidance within 7 days of the change.
- c. Review of Explanatory Notes developed before December 31, 2023. All explanatory notes must be reviewed and determined either to be submitted through the SARA Policy Modification Process to be incorporated as policy by January 1, 2028, transition to guidance, or allowed to expire and be removed.

PMP24-0624: Developing & Amending Operations – Rationale

- Creates a new Modification Process for operations outside of SARA Policy.
- Because the SARA Policy Manual is defined as containing information about the operation and policies of SARA, it is important to make a distinction to indicate that not all contents of the manual are actual SARA Policy requiring that any changes be submitted through the SARA Policy Modification Process found in Section 8.2.
- This new section identifies the operations aspects in the manual (FAQs, Charts, Diagrams, Explanatory Notes, etc.) and provides a more simplified structure for change but also provides for checks on the changes by other stakeholders.
- Additionally, the proposal provides a timeline to address current Explanatory Notes.

PMP24-0624: Developing & Amending Operations – Additional Supporting Elements

- Edits to the charts explaining SARA Approval & Renewal, SARA Complaint Process, and NC-SARA Administrative Forms Process.
- Edits to descriptions and narratives provided on pages 1-7 of the SARA Policy Manual.
- Explanatory notes - Page 2 of the SARA Policy Manual
 - *In the course of preparing the first SARA Policy 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 were retitled Explanatory Notes and placed in appropriate sections.*

Questions

SARA Policy Manual
Sections 4 - 8



Next Steps & Upcoming Dates

- May 17: Deadline for public comments
- June 3: Second period to amend or withdraw proposals opens
- July 19: Second period to amend or withdraw proposals closes
- Sept. 6: Deadline for regional compacts to vote on proposals
- Oct. 23-25: NC-SARA Board votes on proposals approved by regional compacts



The SARA Policy Modification Process

Review and Vote by Regional Compacts

- Per the *SARA Policy Manual* Section 8.2, each regional compact has adopted and published a transparent process for review and voting (with their respective Regional Steering Committees) on proposed SARA Policy modifications. These are available on each regional compact's SARA webpages.
- Regional compacts will review proposals and vote to approve or not approve each proposed SARA Policy modification by September 6, 2024.

NC-SARA Board Review and Vote

- NC-SARA's board shall review and vote to approve or not approve proposed policy modifications that were approved by each regional compact during its Fall Board Meeting (October 23-25, 2024).



Thank you!

Please complete the evaluation in your email; your feedback will help us shape the next public forum!

For questions please email:
info@nc-sara.org



<https://www.linkedin.com/company/nc-sara>



National Council for
State Authorization
Reciprocity Agreements

MHEC • NEBHE • SREB • WICHE