

## **NC-SARA May 2024 Board Meeting Materials for Executive Session**

### **PMP24-0645: Remove the NC-SARA Board from PMP**

**Submitter Full Name**

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**Policy Modification Cycle**

Policy Cycle: 2024

**Organization Type**

Regional Compact / Steering Committee - WICHE

**Implementation Date**

The Date that these suggested changes will take effect following Board Approval

**Policy Modification Proposal Name**

PMP24-0645: Remove the NC-SARA Board from PMP

**Affected Sections**

8.2(a) SARA Policy Modification Process;8.2(c) SARA Policy Modification Process;8.2(d) SARA Policy Modification Process;8.2(f) SARA Policy Modification Process;8.2(g) SARA Policy Modification Process;8.2(j) SARA Policy Modification Process

**Suggested Language Modification**

8.2 SARA Policy Modification Process

a. Purpose. The purpose of this section is to provide a clear, consistent, and transparent process to amend the *SARA Policy Manual* in a manner that reflects the principles of SARA's foundational document, the *Unified Agreement*. Just as the *Unified Agreement* was signed by the four regional compacts and NC-SARA, this policy modification process is intended to provide each of those parties – as well as the many additional stakeholders to SARA – a reasonable and appropriate voice in the review and approval of SARA policy changes.

b. Guiding principles. Proposed policy modifications shall be introduced, reviewed, and approved in a manner that reflects the following guiding principles: transparency; collaboration; consistency; and clear and open communication among regional compacts, states, institutions, NC-SARA, and other stakeholders.

Proposed policy modifications shall be evaluated based on SARA's fundamental reliance on interstate reciprocity and trust, and on the fundamental purposes of SARA, which are to support high quality distance education, resolve problems encountered by students, and simplify and

support the interstate offering of distance education using a model under which an institution's home state is primarily responsible for what the institution offers under the aegis of SARA.

Other guiding principles for the review, clarification and modification of SARA policies include:

- Ensuring strong and appropriate consumer protections for students attending SARA participating institutions;
- Broad consultation with key stakeholders;
- Maintaining consistency in policy and procedures;
- Transparency and openness; and
- Responsiveness to stakeholders and emerging policy issues.

c. Requirement. Proposed modifications of the *SARA Policy Manual* shall require the approval of each of the four regional compacts ~~and the NC-SARA Board~~.

d. Basis for review. Proposed policy modifications shall be reviewed based on whether they are consistent with the purposes and governing principles of SARA, as established in the *Unified Agreement* and clarified in the *SARA Policy Manual*.

e. Policy review cycle calendar. NC-SARA shall annually publish a policy review calendar that clearly identifies the timeline for each step of the policy modification process. Amendments to the policy review calendar shall be approved by each regional compact.

f. Process. Modifications to the *SARA Policy Manual* shall adhere to the process described in this section.

1. Submission of proposals. Proposed policy modifications shall be submitted to NC-SARA by the deadline specified in the policy review cycle calendar.

i. NC-SARA shall maintain a process to collect all proposed policy modifications and make them publicly available. NC-SARA shall maintain transparency regarding the status of each proposed policy modification throughout the entirety of the policy review process.

ii. Information required. Proposed policy modifications shall clearly specify the following information: (i) section(s) of the *SARA Policy Manual* that will be amended or impacted by the proposal; (ii) specific amendatory language for each proposal; (iii) rationale for the proposal; and (iv) identification of the person or entity submitting the proposal.

iii. Proposed policy modifications may be submitted by any person or entity, including regional compacts, member states, participating institutions, NC-SARA staff, working groups established by the NC-SARA Board or regional compacts, or any other person or group with an interest in state authorization reciprocity.

2. First opportunity to amend proposals. Parties submitting proposed policy modifications shall have the opportunity to amend or withdraw proposals that were submitted prior to the submission deadline in accordance with the policy review cycle calendar.

i. The regional compacts shall conduct an inter-regional meeting during this period for the purpose of reviewing proposals submitted by states, regional compacts, or institutions and identifying opportunities for alignment.

ii. NC-SARA shall identify opportunities for alignment among proposals submitted by stakeholders other than institutions, states, and regional compacts.

iii. NC-SARA shall notify persons or entities who submitted proposed modifications of the same section(s) of the *SARA Policy Manual* for the purpose of identifying opportunities for alignment. Such notices shall be provided within seven days after the close of the submission deadline.

3. Public comment period.

i. NC-SARA shall invite public comments for all proposed policy modifications following the deadline to amend proposals. All public comments received shall be made publicly available within seven days of submission to NC-SARA. Following the conclusion of the public comment period, NC-SARA shall develop and make publicly available a summary of all comments regarding each proposed policy modification.

ii. NC-SARA, in collaboration with the four regional compacts, shall provide an impact analysis that assesses the potential legal and fiscal impact of each proposed policy modification prior to the regional review process.

4. Second opportunity to amend proposals. Parties submitting proposed policy modifications shall have the opportunity to amend or withdraw proposals after the public comment period ends in accordance with the policy review cycle calendar.

5. Regional compact review. Regional compacts shall review proposed policy modifications and approve or not approve each proposal.

i. Regional compact reviews shall include clear mechanisms for states and territories participating in SARA to engage in decisions regarding proposed policy modifications.

ii. Each regional compact shall adopt and publish a transparent process for reviewing proposed policy modifications that clarifies the delegation of authority for Regional Steering Committees to review and approve such proposals. These processes shall ensure that regional compact decisions regarding proposed policy modifications are consistent with the expressed interests of member states and territories.

iii. Decisions by regional compacts shall be provided to NC-SARA and made publicly available within seven days of such decisions. Regional compacts shall provide a rationale for any decision not to approve a proposed policy modification.

~~6. NC-SARA Board review. Proposed policy modifications approved by each of the four regional compacts shall be placed on the agenda of the next NC-SARA Board meeting. The NC-SARA Board shall review such proposals and vote to approve or not approve each proposal.~~

~~i. The NC-SARA Board shall provide a rationale for any decision not to approve a proposed policy modification.~~

~~ii. Proposed policy modifications not approved by each of the four regional compacts shall be provided to the NC-SARA Board for informational purposes but shall not be reviewed for approval.~~

g. Adoption of proposed policy modifications. Proposed policy modifications that have been approved by each regional compact ~~and the NC-SARA Board~~ shall be adopted and incorporated in the *SARA Policy Manual* within sixty days of such approval.

h. Notices. NC-SARA shall provide notice to persons or entities who submit proposed policy modifications summarizing any decisions to approve or not approve the proposed modification. The notice shall include a rationale for decisions not to approve.

i. Review of proposals that are not approved. The NC-SARA Board may approve the development of working groups to engage in the review of proposed policy modifications that are not approved. Working groups may develop findings, recommendations, or future proposals that may be submitted for consideration based on the policy modification process outlined in this section.

j. Exigent circumstances. Proposed policy modifications based on exigent circumstances may be considered and approved by each of the regional compacts ~~and NC-SARA's Board~~ outside of the schedule provided in this section. Such exigent circumstances may include, but are not limited to, any occasion or instance for which Federal or State assistance is needed to supplement local efforts to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

Reviews of proposed policy modifications based on exigent circumstances shall adhere to the guiding principles, requirements, and basis for review outlined in this policy modification process. Such reviews shall include engagement with stakeholders and a public notice, and they may involve a modified process and timeline necessary to address the exigent circumstances.

Rationale for Proposed Modification

What is the reason for the Proposed Change?

This proposal is intended to address concerns that the NC-SARA Board has veto power over policy modifications approved by SARA member states by removing their decision-making authority in the Policy Modification Process. It would also ensure that RSCs have access to impact analyses prior to the regional review process. The proposal also includes small formatting changes including italicizing *Unified Agreement* and *SARA Policy Manual* and adding a missing "s" in subsection j.