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AGENDA

Welcome and introductions – Paul Lingenfelter, Chair

Action Item I: Approval of minutes of the December 2, 2014 meeting

Action Item II: Update on progress of the SARA initiative
   a) Marshall Hill, National Council for State Authorization Reciprocity Agreements (NC-SARA)
   b) Larry Isaak, Midwestern Higher Education Compact (MHEC)
   c) Michael Thomas, New England Board of Higher Education (NEBHE)
   d) David Spence, Southern Regional Education Board (SREB)
   e) David Longanecker, Western Interstate Commission for Higher Education (WICHE)

Action Item III: Finance report – Larry Isaak, Treasurer

Action Item IV: Approval of FY 2016 SARA budget

Action Item V: Additions and modifications to NC-SARA Policies and Standards
   a) Proposed policy regarding the participation of Native American tribal colleges in SARA
   b) Modification process for NC-SARA Policies and Standards
   c) Clarification of how a SARA institution may be denied further participation
   d) Notification of appealed complaints

Information Items:
   a) Progress report on obtaining 501(c)3 status for NC-SARA
   b) Liability insurance for members of NC-SARA
   c) Renewal form for SARA institutions
   d) First reporting of appealed complaints by SARA portal agencies
   e) Coming FAQs
      i. Must an institution offer distance education to participate in SARA?
      ii. Does SARA cover dual enrollment courses taken by high school students?
   f) U.S. Department of Education actions affecting state authorization
   g) FAQs added since last NC-SARA Board Meeting
      i. hybrid programs
      ii. aviation programs
      iii. state authority to bill for costs of investigating institutions
   h) NC-SARA staff work plan for FY 2016

Questions, comments, reflections from council members

Adjourn
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NC-SARA AGENDA ITEM

Action Item I: Approval of minutes of the December 2, 2014 meeting

Action Item: ☑ Yes ☐ No

Background: n/a

Staff Recommendation: Approve the minutes.
MINUTES — NC-SARA Board Meeting
December 2, 2014
Renaissance Concourse Atlanta Airport Hotel • One Hartsfield Center Parkway • Atlanta, GA 30354

NOTICE OF MEETING
Notice of the time and place of the NC-SARA board meeting was given to board members, regional directors, Lumina Foundation, the Bill & Melinda Gates Foundation, and other interested parties.

An agenda is maintained in the NC-SARA offices at 3005 Center Green Drive, Suite 130, Boulder, CO 80301 and online at www.nc-sara.org

CALL TO ORDER AND INTRODUCTIONS
Chair Paul Lingenfelter called the meeting to order at 8:54 a.m. (EST)

Board Members present:
Barbara Ballard
Chris Bustamante
Kathryn Dodge
Dianne Harrison
Larry Isaak
Arthur Kirk, Jr.
Paul Lingenfelter
David Longanecker
Teresa Lubbers
M. Peter McPherson
Patricia O’Brien
Pamela Quinn
George Ross
Paul Shiffman
David Spence
Helena Stangle
Michael Thomas
Leroy Wade
Belle Wheelan

Council staff present:
Marshall Hill
Alan Contreras
Lisa Greco
Michelle Perez-Robles

Regional Compact SARA Directors present:
Sandra Doran, NEBHE-SARA
Mary Larson, SREB-SARA
John Lopez, WICHE-SARA
Jennifer Parks, MHEC-SARA

Gates Foundation staff present:
Travis Reindl

Guest attendee:
Steven Clark, Liberty University

Board Members absent:
Crady deGolian
Terry Hartle

ACTION ITEM I:
APPROVAL OF THE MINUTES OF THE MAY 14, 2014 NC-SARA BOARD MEETING

Paul Lingenfelter, Chair, asked for a motion to approve the May 14, 2014, NC-SARA Board Meeting Minutes. Dianne Harrison made a motion to approve. Belle Wheelan seconded the motion. The minutes were approved unanimously by all present.
ACTION ITEM II
UPDATE ON PROGRESS OF THE SARA INITIATIVE
Executive director and regional compact director reports

Marshall Hill, NC-SARA executive director, provided an overview on the number of states and institutions that have joined SARA, institutional payments received, and the types of questions received from states and institutions regarding SARA. Alan Contreras provided several additional examples of questions NC-SARA staff receive.

Larry Isaak, MHEC president, updated the board on the progress of SARA in the Midwest. The MHEC region is on pace for several more states to join in 2015. A detailed report was included in the agenda materials and is on file with the NC-SARA office.

David Longanecker, WICHE president, updated the board on progress in the western region. Longanecker noted that good working relationships between western states and higher education institutions, as well as unified higher education governance structures in several western states, made it possible for W-SARA states to join SARA early in the process. A detailed report was included with the agenda materials and is on file with the NC-SARA office.

Sandy Doran, SARA director for NEBHE, updated the board on the progress of SARA in the Northeast. Doran noted that funding issues in the NEBHE region have created obstacles for many states, but that N-SARA now is identifying broader opportunities to work directly with institutions. A detailed report was included in the agenda materials and is on file with the NC-SARA office.

Mary Larson, SARA director for SREB, updated the board on progress in the SREB region. Larson reported that institutions in SREB states will have to move from their current reciprocity scheme – SECRRA (SREB’s Electronic Campus Regional Reciprocity Agreement) to SARA. Until that process is complete, SREB states and institutions may participate in both SECRRA and SARA. When a majority of SREB states have joined SARA, SREB will begin to phase out SECRRA. A detailed report was included in the agenda materials and is on file with the NC-SARA office.

ACTION ITEM III
FINANCE REPORT

Larry Isaak, Treasurer, provided the finance report to the board, noting that SARA is about a $2-2.5 million per year initiative. He summarized the details in the financial report, including current fiscal year revenues of $720,000 in funding from Lumina Foundation, $200,000 from the Bill and Melinda Gates Foundation, and institutional fees collected to date in the amount of approximately $300,000. Isaak asked for a motion to approve the financial report. Pam Quinn made and Belle Wheelan seconded the motion. The motion passed with all members present voting “yes.”
ACTION ITEM IV
METHODOLOGY FOR ALLOCATING FEE REVENUE PAID BY SARA INSTITUTIONS

Hill began the discussion by explaining the rationale behind the proposed fee revenue allocation model, noting that the regional compact presidents all support it. He pointed out that while SARA must collect sufficient revenue to support itself, it is necessary to ensure that SARA is not perceived negatively by collecting excess revenue. To identify the amount of funding needed to support the SARA initiative, the proposed model calls for NC-SARA to conduct a cost study. Results of that study will be available by December 1, 2015; those results can inform both the next iteration of the allocation model as well as the reconsideration of the amounts charged institutions that participate in SARA.

The proposed allocation model builds on the funding background of the original Lumina Foundation and Bill and Melinda Gates Foundations grants. Institutional fees will be collected by NC-SARA and distributed quarterly to the five SARA entities (the four regional compacts and NC-SARA) in the proportions identified in those grants. Those percentages are: MHEC—16%, NEBHE—15%, SREB—16%, WICHE—17% and NC-SARA—36%.

If revenue allows, SARA will by fiscal year 2017 or earlier begin to set aside 10% of collected fees to establish a reserve fund for operational/strategic objectives. At that same time, each regional compact will begin to receive 10% of the fees paid by the institutions within its region. Details of the allocation model are provided in the agenda materials. NC-SARA will review the allocation model every two years, with the next review coming in the spring of 2016.

The first allocation of fee revenue will be disbursed to the regional compacts and NC-SARA within the first 10 business days of January 2015. After extensive discussion by the board, Larry Isaak moved to approve the fee allocation methodology. Michael Thomas seconded the motion. The motion was passed with all members present voting “yes.”

ACTION ITEM V
ADDITIONS AND MODIFICATIONS TO NC-SARA POLICIES AND STANDARDS

Hill opened the discussion with a summary of the proposed modifications to the NC-SARA Policies and Standards, noting that two of the policies on the agenda are continued from the May 2014 board meeting: data collection and the reporting of appealed complaints. Lingenfelter asked for a motion to approve the items in Action Item V. Kathryn Dodge moved to approve the items and Dianne Harrison seconded the motion. The board then discussed each item individually. The motion was approved by all members present voting “yes.”

Item V (a): Policy on data to be submitted by SARA institutions (modification)
Responding to the board’s request for NC-SARA to work with a group of experts that would provide guidance and feedback on data collection and complaint resolution, an advisory committee was assembled and met in September 2014.

The advisory committee specifically addressed how SARA institutions will report the numbers of students they enroll via distance education in states other than their own,
as well as how SARA would report that data. The committee recommended that SARA shift from asking institutions to report FTE enrollments to having them report 12-month unduplicated headcount.

Hill discussed progress on the search tool originally discussed at the May meeting (a tool that would allow students to search for a particular academic program offered by SARA institutions), stating that while the concept is simple and straightforward, it is debatable whether the work to gather that information is an efficient use of time and effort. The advisory committee suggested instead that institutions provide SARA with a direct link to their web page indicating which distance education programs they offer.

Lastly, the committee recommended the national office report aggregated data for total enrollment and eventually disaggregate enrollment data into broad academic program areas, based on a two-digit CIP code. Hill will seek legal and other advice in developing a data sharing agreement and will share the results with the board at the next board meeting.

**Item V(b): Policy on reporting of complaints (modification)**

Hill stated this item addresses the expectations for the state portal agency (SPA) to report the number of appealed complaints they have received regarding SARA institutions. He explained that this data will be reported to NC-SARA quarterly by the SARA portal agencies; quarterly reporting will allow early identification of institutions (if any) against which numerous complaints are made. He reminded the board that these complaints must have already gone through the full institutional complaint resolution process. After a lengthy discussion, the board moved on to the next agenda item with no further questions.

**Item V(c): Clarification of “legal domicile” (new)**

Alan Contreras provided a summary to the board explaining that this topic required further clarification which is being presented to the board for approval. Contreras asked the board for feedback on the wording or clarity of the definition. The board had no further comment or questions.

**V (d): Probationary status for some institutions (new)**

Hill provided background information on what prompted this new policy. He said that a number of inquiries from states have come to NC-SARA staff regarding how states can deal with institutions they know to be problematic, but who nevertheless meet the requirements for membership in SARA. The proposed policy has been developed in response to those questions. It allows states to admit institutions on a probationary status. An institution’s probationary status would be indicated on the NC-SARA website with an asterisk; a link to the probationary status policy would provide particular information about probationary status.

Much discussion followed. Several modifications to the proposed policy were discussed and adopted by straw vote. The staff was directed to make the agreed upon modifications to the language in this policy and re-submit it to the executive committee and full board via email prior to the Christmas break. The following modifications
were agreed upon: (Section 3: various) A state, at its discretion, may approve an institution applying for initial participation in SARA to participate on provisional status in any of the following circumstances; An institution admitted to SARA in provisional status shall remain in that status for a period not to exceed one year. Section 4 notwithstanding; and Allow the institution a period of time not to exceed 12 months in which to come into compliance with SARA standards under state supervision. Lingenfelter asked for a motion for a straw vote on this action item: Wheelan moved to approve re-drafting the policy and Thomas seconded the motion. The motion was approved by all members present voting “yes.”

V (e): Clinical placements (modification)
Hill introduced this action item, stating that the principal differences in the new version of this policy are that SARA originally prohibited multi-year clinical placements, based on regulator concerns. Hill asked Contreras to speak more in-depth about this policy modification.

Contreras assembled an advisory group to review this policy, as well as informally sought legal input. Contreras provided in-depth analysis, identifying complicated areas about the policy and described how the clinical placement group reached their decisions. During the review of the policy, it was learned the industry norm is to have multi-year contracts in place, therefore the group recommends modification of the policy to reflect this fact.

The board discussed the policy at length, making several revision suggestions. Wheelan moved to approve the following amendment to section C (1) – Cannot exceed ten students “from each program” placed simultaneously at one clinical or practicum site “without the approval of the host state portal agency.” Dodge seconded the motion. With this modification, the motion was approved with all members present voting “yes.”

V (f): Recruiting
Hill explained that this policy modification is recommended to bring NC-SARA’s Policies and Standards document into conformance with the regional SARA agreements.

Isaak moved to approve items V (a-f), including the agreed-upon mechanism of reviewing modifications to item V (d) and the proposed modifications to item V (e). After additional discussion, Shiffman moved to approve. The motion was approved by all present voting “yes.”

INFORMATION ITEMS

501(c) 3
Hill stated he will complete the 501(c) 3 questionnaire and EducationCounsel, LLC will prepare and submit to the Internal Revenue Service NC-SARA’s application for non-profit status. The timeline for obtaining approval is approximately 4-6 months. Funding for pursuing non-profit status has been budgeted and has been previously approved.

Next meeting dates
NC-SARA staff will contact board members regarding dates and times for the 2015 meetings. The meeting concluded at: 1:27 p.m.
NC-SARA AGENDA ITEM 5/7/2015

Action Item II: Update on progress of the SARA initiative

Action Item:  ✔ Yes  ☐ No

Background: The SARA initiative has made a great deal of progress since the NC-SARA meeting on December 2, 2014. Marshall Hill will provide an overall assessment. Representatives of the regional compacts will focus more closely on developments within their regions.

a) Marshall Hill, National Council for State Authorization Reciprocity Agreements (NC-SARA)
b) Larry Isaak, Midwestern Higher Education Compact (MHEC)
c) Michael Thomas, New England Board of Higher Education (NEBHE)
d) David Spence, Southern Regional Education Board (SREB)
e) David Longanecker, Western Interstate Commission for Higher Education (WICHE)

Staff Recommendation: Accept and approve reports on progress of the SARA initiative.

As of April 15, 2015

Legislation introduced
Legislation passed or n/a
Approved as SARA state
## STATE ACTIONS REGARDING SARA

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<td>Utah (WICHE)</td>
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n/a: State has determined new legislation is not needed to enable participation in SARA.
North Dakota & South Dakota are members of both MHEC & WICHE; chart indicates SARA affiliation.

April 13, 2015
**Illinois**
M-SARA staff anticipates receiving state application in summer 2015 and that SPA will open before the end of 2015. The Illinois Board of Higher Education (IBHE) is the SARA portal agency with the Illinois Community College Board playing a significant role in the institutional approval process as well.

**Indiana » Member**
Approved as first SARA state in February 2014. Has the largest number of participating institutions in the nation. The Indiana Commission for Higher Education (ICHE) is the SARA portal agency. No state fees.

**Iowa**
Iowa SARA-enabling legislation passed in 2014 but requires fine tuning. Talks about subsequent legislation are ongoing but will take some time.

**Kansas » Member**
Kansas was approved November 16, 2014. Kansas has the first on-line, interactive institutional application process in the nation. The Kansas Board of Regents is the designated SARA portal agency. No state fees.

**Michigan**
SARA-enabling legislation has been introduced in the 2015 legislative session. The Office of Licensing and Regulatory Affairs is the designated SARA portal agency and has a goal to open for institutional applications July 1, 2015.

**Minnesota » Member**
Minnesota was approved January 26, 2015. MN is the first "highly regulated" state to join SARA. The Minnesota Office of Higher Education (MOHE) is the SARA portal agency.

**Missouri » Member**
Missouri was approved November 16, 2014. The Missouri Department of Higher Education (MDHE) is the SARA portal agency, and it started taking institutional applications in December 2014. State institutional participation fee is $500/annually.

**Nebraska » Member**
Nebraska was approved in August 2014. The Nebraska Coordinating Commission for Postsecondary Education (NCCPE) is the SARA portal agency. The state fee for institutions to participate is $300/year.

Midwestern Higher Education Compact
MHEC State Authorization Reciprocity Agreement (M-SARA)
SARA STATUS FOR MHEC STATES

Midwestern Higher Education Compact
MHEC State Authorization Reciprocity Agreement (M-SARA)

North Dakota » Member
Approved as second SARA state in April 2014. North Dakota is the only state in which all eligible institutions in the state have joined. The North Dakota University System (NDUS) is the SARA portal agency. No state fees.

Ohio
The Ohio state application was approved by the M-SARA regional steering committee on February 20, 2015. The portal agency should be able to open by late spring or summer 2015. The Ohio Board of Regents will be the designated SARA portal agency.

South Dakota » Member
Approved by WICHE November 11, 2014.

Wisconsin
M-SARA staff continues to support and provide information to WI educational sector leadership.

NOT AFFILIATED WITH REGIONAL COMPACT

Pennsylvania
SARA-enabling legislation has been introduced in the 2015 legislative session. SB 108 and HB 762. The Pennsylvania Department of Higher Education will be the portal agency.
New England Board of Higher Education
NEBHE State Authorization Reciprocity Agreement (N-SARA)

Connecticut
House Bill 6715 was introduced in the 2015 legislative session. Institutions from all sectors of education support the bill. N-SARA collected information from state portal agencies across the country in order to provide the CT legislature with cost data to support future SARA implementation.

Maine
Legislative Document 428 was introduced in Maine by Sen. Brian Langley, Chair of the Education and Cultural Affairs Committee. After meeting with members of the DOE, state Board of Education and the University of Maine System, SARA has full support in Maine. Working closely with the NEBHE Legislative Advisory Committee members in Maine, N-SARA has developed a network of support across the state. The newly appointed Higher Education Specialist will help move the initiative forward.

Massachusetts
Massachusetts’ higher education sectors have expressed great interest in joining SARA. There are ongoing discussions with the Department of Education and with all stakeholders across the state, culminating with the SARA legislative briefing at the State House sponsored by CSG, Presidents’ Forum, NC-SARA and N-SARA. All interested stakeholders are working together and within their respective networks to move SARA forward.

New Hampshire » Member
New Hampshire became the first NEBHE SARA state in December 2014. NH is currently accepting institutional applications.
SARA STATUS FOR NEBHE STATES

New England Board of Higher Education
NEBHE State Authorization Reciprocity Agreement (N-SARA)

Rhode Island
Representative Joe McNamara submitted HB 5578, and Senator Hanna Gallo submitted SB 455 jointly in the 2015 legislative session. SARA also has full support from Rhode Island institutions, as N-SARA worked closely with AICURI to educate and disseminate information. In January, the Council of Postsecondary education voted unanimously to support SARA.

Vermont
Legislation was passed in the 2014 legislative session. N-SARA has received and is reviewing the Vermont state application. The Vermont Agency of Education will serve as the SARA portal agency.

NOT AFFILIATED WITH REGIONAL COMPACT

New Jersey
New Jersey’s higher education sectors have expressed interest in joining SARA and have engaged in conversations with WICHE & NEBHE. N-SARA is working closely with the NJ Secretary of Education and the President of Thomas Edison State College. N-SARA reviewed their current legislation, and provided sample legislation for the 2015 session.

New York
The Board of Regents voted to move forward with this initiative. N-SARA is working with all sectors and individual institutions to develop a strategy in New York.
Alabama
SARA participation discussions are ongoing with stakeholders. Legal Authority: Legislative action required prior to participation. The SARA portal agency has not been determined.

Arkansas
State SARA application has been submitted. Institution applications accepted: summer 2015. Legal Authority: Regulatory. Statewide meeting held April 3, 2014. The Arkansas Department of Higher Education is the SARA portal agency.

Delaware
SARA participation discussions are ongoing with stakeholders. Legal Authority: Legislative action required prior to participation. A statewide meeting is anticipated July 26, 2015. The Delaware Department of Education is expected to be the SARA portal agency.

Florida
SARA participation discussions are ongoing with stakeholders. Legal Authority: Legislative action required prior to participation. The SARA portal agency has not been determined.

Georgia
SARA participation discussions are ongoing with stakeholders. Legal Authority: Regulatory. A statewide stakeholder meeting was held April 2014 to explore potential issues. The Georgia Nonpublic Postsecondary Education Commission is expected to be the SARA portal agency.

Kentucky
SARA participation discussions are ongoing with stakeholders. Legal Authority: Legislative action required prior to participation. A stakeholder meeting was held October 17, 2014. The Kentucky Council on Postsecondary Education is expected to be the SARA portal agency.

Louisiana » Member
Louisiana approved as SARA state October 17, 2014. Institution applications are being accepted. A statewide meeting was held December 3, 2014. The Louisiana Board of Regents is the SARA portal agency.

Maryland
Legislation has been introduced. SARA participation discussions are ongoing with stakeholders. Legal Authority: Legislative action required prior to participation. A statewide meeting was held May 6, 2014. The Maryland Higher Education Commission is expected to be the SARA portal agency.
Mississippi
SARA participation discussions are ongoing with stakeholders. Legal Authority: Legislative action required prior to participation. The SARA portal agency has not been determined.

North Carolina
SARA participation discussions are ongoing with stakeholders. Legal Authority: North Carolina Board of Governors. Additional MOUs between agencies. A statewide meeting was held March 31, 2015. The University of North Carolina, General Administration will be the SARA portal agency.

Oklahoma
S-SARA staff anticipates receiving state application May 2015. Institution applications accepted: Summer 2015. Legal Authority: Oklahoma Statute Title 70 Chapter 50 Section 3206. A statewide meeting is anticipated early summer 2015. The Oklahoma State Regents for Higher Education is the SARA portal agency.

South Carolina
SARA participation discussions are ongoing with stakeholders. Legal Authority: Legislative action required prior to participation. The South Carolina Commission on Higher Education is expected to be the SARA portal agency.

Tennessee
Legislation has been introduced (HB 217/ SB299). A stakeholder meeting was held October 7, 2014. The Tennessee Higher Education Commission is expected to be the SARA portal agency.

Texas
Legislation has been introduced. SARA participation discussions are ongoing with stakeholders. Legal Authority: Legislative action required prior to participation. The Texas Higher Education Coordinating Board is expected to be the SARA portal agency.

Virginia » Member
Virginia approved as SARA state October 17, 2014. Institution applications are being accepted. Legal Authority: Legislation has passed. The State Council of Higher Education for Virginia is the SARA portal agency.

West Virginia » Member
West Virginia approved as SARA state October 17, 2014. Institution applications are being accepted. Legal Authority: Statutory. Statewide meeting was May 22, 2014. The West Virginia Higher Education Policy Commission is the SARA Portal Agency.

NON-AFFILIATED DISTRICT

District of Columbia
S-SARA staff anticipates receiving state application spring 2015. Legal Authority: Affiliating with SREB for participation in SARA. Institution applications accepted: Anticipated summer 2015. A statewide meeting was held April 2015. The Office of the State Superintendent of Education (OSSE) is expected to be the SARA portal agency.
<table>
<thead>
<tr>
<th>State</th>
<th>Status</th>
<th>Approval Date</th>
<th>Legal Authority</th>
<th>Portal Agency</th>
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<td>Arizona</td>
<td>Member</td>
<td>November 11, 2014</td>
<td>Arizona Revised Statutes 15-1747. (2014). An Interagency Governmental Agreement led to creation of the Arizona SARA Council which is the SARA portal agency.</td>
<td>Arizona SARA Council</td>
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<td>California</td>
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<td>Legislation bill SB 634 was introduced in February 2015. W-SARA staff anticipates receiving the state’s application in early 2016.</td>
<td></td>
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<td>Hawai‘i</td>
<td></td>
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<td>W-SARA staff anticipates receiving the state’s application in 2015. Legal Authority: Hawai‘i Revised Statutes 26-9, 446E-1.5 (2013). The Department of Commerce and Consumer Affairs is likely to be the SARA portal agency.</td>
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<td>Idaho</td>
<td>Member</td>
<td>May 13, 2014</td>
<td>Article IX of the Constitution of the State of ID; Idaho Statutes 33-107.</td>
<td>Idaho State Board of Education</td>
</tr>
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</table>
**New Mexico**  
Legal Authority: Legislation bill SB 446 passed March 2015. W-SARA staff received state application in April 2015. The New Mexico Higher Education Department will be the SARA portal agency.

**North Dakota » Member**  

**Oregon » Member**  
Approved by WICHE November 11, 2014. Legal Authority: OR Revised Statutes 351.735, 351.755, 351.758 and section 168a, chapter 768. (2014). The Oregon Higher Education Coordinating Commission is the SARA portal agency.

**Pacific Territories**  
Expected application date: unknown.

**South Dakota » Member**  
Approved by WICHE November 11, 2014. Legal Authority: Executive Order 2014-09 (Appendix I) and section 1, chapter 96 of the 2014 Session Laws, codified as SDCL §13-48-42. The South Dakota Board of Regents is the designated SARA portal agency.

**Utah**  
Legal Authority: Utah Code 13-2-1, 13-34-(103-113), 13-34a-(101-103), 13-34a-(201-207), 13-34a-(301-306) (2014). State agencies currently are discussing SARA implementation and the Utah Division of Consumer Protection is likely to be the SARA portal agency.

**Washington » Member**  

**Wyoming**  
Legal Authority: Legislation bill HB 0010 passed February 2015. W-SARA staff received state application in April 2015. The Wyoming Community College Commission will be the SARA portal agency.
NC-SARA AGENDA ITEM

**Action Item III:** Finance report – Larry Isaak, Treasurer

**Action Item:** ✓ Yes ☐ No

The finance report will be provided prior to the meeting under separate cover.

**Staff Recommendation:** Approve the report.
NC-SARA AGENDA ITEM

Action Item IV: Approval of FY 2016 SARA budget

Action Item: ☑ Yes ☐ No

The FY 2016 SARA budget will be provided prior to the meeting under separate cover.

Staff Recommendation: Approve the budget.
NC-SARA AGENDA ITEM

Action Item V: Additions and modifications to NC-SARA Policies and Standards

Action Item: ☑ Yes  ☐ No

Item V: (A) Proposed policy regarding the participation of Native American tribal colleges in SARA

Item V: (B) Modification process for NC-SARA Policies and Standards

Item V: (C) Clarification of how a SARA institution may be denied further participation

Item V: (D) Notification of appealed complaints

Staff Recommendation: Approve the recommended additions and modifications to NC-SARA Policies and Standards.
ITEM V (A): PROPOSED POLICY REGARDING THE PARTICIPATION OF NATIVE AMERICAN TRIBAL COLLEGES IN SARA

From the beginning of SARA discussions, and at various stages of SARA implementation, working groups and staff have considered the best way to enable tribally controlled colleges to participate in SARA. (This topic was discussed at the November 1, 2013 NC-SARA board meeting; it was referred back to staff for further research.) There are 36 such colleges in the U.S., and some of them operate very significant distance education operations, particularly in the Great Lakes region and in the west. In the Dakotas, two reservations cross state lines, while the Greater Navajo reservation encompasses lands in four states.

NC-SARA staff asked Rick Masters, a national expert in the law of interstate compacts, about the process of bringing tribal colleges into an interstate agreement. His view is that the tribe cannot join an interstate agreement the same way a state can because of the tribal relationship to the federal government. However, he thinks that a tribal college has a legally plausible route to participation using the same kind of in-state agreement that a private college would. (His analysis is included herein, pages 32-34.)

The situation, and the solution, is so perfectly set forth by Jim Shekleton, General Counsel for the South Dakota Board of Regents, that we will simply share his words:

“Tribal colleges have the same issues as those that drive other public and private institutions to join SARA. They join, not as sovereign entities, but rather as institutions of higher education.”
The agreed-upon reports and cooperation between institutions and State SARA agencies do not essentially involve sovereign control, any more than would arrangements for participation in generally available state-administered student financial aid programs or in state-sponsored cooperative research programming. Substitute faith-based or consortium-based for state-based and the analysis would be the same; the tribal institution enters into an agreement to obtain access to services or opportunities that enhance its ability to reach students or to expand their access to programs. “The compliance and reporting requirements built into the SARA agreement structures differ little from the compliance and reporting requirements that a tribal institution would need to accept to issue tax favored public obligations or to operate a clinical healthcare program.”

Staff Recommendation:

Although the NC-SARA Policies and Standards does list tribally chartered colleges as eligible to participate in the agreement – see NC 3(1) – staff recommends that a specific section be devoted to setting forth their right to participate and the procedure for doing so. We therefore recommend that the following policy be added to the SARA Policies and Standards.

Section 3
(New Subsection) 11. Participation by Tribal Colleges

Colleges otherwise eligible to participate in SARA that are chartered and/or controlled by federally recognized Indian tribal governments may participate in SARA by signing an agreement to do so with the appropriate SARA portal agency of the state where the principal campus of the college is located.
MEMORANDUM

To: Alan Contreras, Counsel,
   National Council for State Authorization Reciprocity Agreements

From: Rick Masters, Special Counsel,
   National Center for Interstate Compacts

Re: Participation of Native American Tribes in Interstate Compacts & Agreements

Date: September 11, 2014

You have asked whether tribal colleges may participate in the State Authorization Reciprocity Agreements (“SARA”). In considering this question we must obviously begin by reviewing the “Compact Clause” of the U.S. Constitution found in Article I., §10, Clause 3, which provides, in relevant part, that "No state shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State, or with a foreign power . . ." Based upon the wording, the uninformed reader of the Compact Clause might be led to conclude that all agreements between two or more states require congressional consent. However the Supreme Court has long held that not all interstate agreements constitute formal compacts requiring Article I, Section 10 consent.1 In Virginia v. Tennessee, the Court concluded that the Compact Clause requires congressional consent only with respect to those joint state agreements that intrude upon the power of the federal government or alter the political balance between the states and the national government.2

However in considering whether agreements or compacts are authorized by and between states, such as the signatories to SARA and tribal governments, which for some purposes have been equated with sovereign nations, the “Treaty Clause” of the Constitution must also be examined. While it is clear that, under the Compact Clause, the states may enter

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1 See United States Steel Corp. v. Multistate Tax Comm’n, 434 U.S. 452 (1978).
2 The Supreme Court in Virginia v. Tennessee not only affirmed the notion that only those compacts affecting the “political balance” of the federal system need consent, but the Court also stated that consent can be implied after the fact. Thus, the Court concluded that Congress consented to the Virginia-Tennessee boundary compact by setting up judicial districts and taking a number of other actions acknowledging the boundary determined by the compact. See generally, Virginia v. Tennessee, 148 U.S. 503 (1893). This distinction between those compacts requiring congressional consent and others for which consent is not required was reaffirmed in U.S. Steel Corp. v. Multistate Tax Commission, 434 U.S. 452, 471 and Northeast Bancorp, Inc. v. Board of Governors of the Federal Reserve System, 472 U.S. 159, 175-176 (1985).
into some interstate compacts and agreements without the necessity of seeking congressional approval, by contrast, the ‘Treaty Clause’ set forth in Article I, §10, Clause 1 of the Constitution declares unequivocally that “No State, shall enter into Any Treaty, Alliance or Confederation.”

A careful comparison of the ‘Compact Clause’ and the ‘Treaty Clause’ reveals that “Art. I, §10, Cl. 1 (treaty clause) and Cl. 3 (compact clause), delineate the power of the states to deal with foreign powers, completely prohibiting the states from making ‘treaties’ with foreign nations, but permitting states to enter into ‘agreements or compacts’ with a foreign power with the consent of Congress.” 3

While a Native American Tribe is clearly not a State, the Supreme Court has equated the attributes of sovereignty possessed by tribes to that of a foreign power. “The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights . . . The very term ‘nation,’ so generally applied to them, means a ‘people distinct from others.’ The Constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties.”4 As such, tribal participation in interstate compacts has been recognized and congressional consent given to various activities such as gaming as evidenced by federal legislation such as the Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq. which, among its extensive regulatory provisions, grants congressional consent to states to individually, upon request of a tribe, enter into compacts for the purposes of conducting gaming activities in states which wish to do so.

While the U.S. Supreme Court has clearly determined that not all interstate compacts or agreements between states requires the consent of congress, it has not clarified the extent to which the compact clause of the Constitution authorizes states to enter into agreements with foreign powers (such as tribes), which are not classified as treaties, without the consent of Congress. At least one circuit court of appeals has suggested “A State may make some agreements with foreign governments without the consent of Congress so long as they do not impinge upon the authority or the foreign relations of the United States.”5 Such a distinction is reminiscent of the U.S. Supreme Court’s distinction in Virginia v. Tennessee, supra. as reiterated in U.S. Steel Corp. v. Multistate Tax Commission, supra. and Northeast Bancorp, Inc. v Board of Governors of the Federal Reserve System, supra.6

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3 See Made in the USA Foundation v. U.S., 242 F.3d 1300, 1312 (11th Cir. 2001).
6 “The application of the Compact Clause is limited to agreements that are ‘directed to the formation of any combination tending to increase the power of the States, which may encroach upon or interfere with the just supremacy of the United States.”
Notwithstanding this possible ‘exception,’ caution is advised, this distinction does not appear to have been adopted (or rejected) by the Supreme Court and to the extent that any such agreement could also be subject to being classified as a ‘treaty’ (or limitations imposed under the Indian Commerce Clause) suggests that the better (safer) practice to avoid a potential constitutional infirmity would be to obtain congressional consent for interstate compacts, or agreements in which full participation by tribal governments is anticipated.7

Having said that, it is important to note that none of the Regional Higher Education Compact Commissions which have entered into SARA, have received, nor do they appear to require, the consent of Congress because their purposes, “to provide greater access to higher education, services, and facilities covered under the Compact,” do not appear to give the member states any powers which they don’t already possess individually, nor do those compacts intrude upon a federal interest.8 Therefore, one could certainly make a case, based on the above analysis, that agreements with tribal colleges would also be permissible.9

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7 See Bracker, supra. at 142
8 United States Steel Corp. supra. at 471
ITEM V (B): MODIFICATION PROCESS FOR NC-SARA POLICIES AND STANDARDS

SARA is a new initiative, and it is inevitable that questions, concerns, and suggested modifications will continue to be brought forward, as they were during SARA’s development. To keep faith with the broad constituencies that participated in and supported that development, and with the 20 states and more than 200 institutions that have joined SARA thus far, those questions, concerns and suggestions must be considered in a broadly consultative manner.

The decisions reached through that process must maintain a consistent nationwide response to the problems and shortcomings SARA was designed to solve. And finally, the continuing evolution of distance education practices, and the benefits of experience gained as more states and institutions join SARA, will have to be addressed in ways that continue to support those commitments.

Such an approach has been practiced since the beginning of the implementation of SARA. Many questions have been raised by states and institutions and brought to the attention of SARA directors in the regional compacts and/or to the staff of NC-SARA. Regional and national staff share a commitment to the points presented above, and they have worked to ensure that a question asked in Oregon, for example, receives the same answer that it would receive if it had been asked in Virginia. That has taken a good deal of work.

Some questions have sought clarification of existing policies. Other questions or comments have revealed the need to develop additional policies. In both cases, regional and national staff have worked together to develop appropriate responses. Clarifications and minor adjustments, after this consultative process, have been approved by the executive director of NC-SARA and posted on the NC-SARA website as FAQs. New policies, or substantive modifications to existing policies, after a similar consultative process, have been brought to NC-SARA for its consideration and approval.

SARA was developed through the hard work of consensus building, rather than a process of voting. Various ideas were advanced, debated, and resolved by general consensus. Since SARA has many constituencies, maintaining that process is advisable.

Staff Recommendation:

To make this consensus-based approach more transparent, the executive director of NC-SARA recommends the following addition to the NC-SARA Policies and Standards:

New Section 8: Modification Process for SARA Policies and Standards

Questions, comments, or suggested modifications to SARA Policies and Standards may be brought to the attention of SARA portal agency directors in SARA states, SARA directors in the regional compacts, or the executive director of NC-SARA. Such communications shall be dealt with in as expedient a manner as possible, while
ensuring broad consultation and consistency across the SARA community. When the answers or responses to questions, concerns, or comments are not readily apparent to state SARA portal agency directors, regional and national SARA staff should be consulted. NC-SARA staff shall work with regional directors to develop responses. As appropriate, that process may include consultation with the SARA steering committees in the regional compacts and with NC-SARA. Clarifications and minor modifications which do not substantively change SARA provisions may be approved and promulgated by the executive director of NC-SARA, after concluding the consultative process mentioned above.

Ultimately, it is the responsibility of the executive director of NC-SARA to ensure broad consultation among the regional compacts, NC-SARA, and the SARA community at large. Requests for substantive changes to fundamental SARA provisions should be addressed to the executive director, who will work with the regional compacts and their steering committees, and with NC-SARA, to ensure consideration and resolution. Persons making such requests should provide a rationale supporting their request.

In acting on such requests, regional and national SARA staff and oversight committees shall evaluate proposed changes in light of SARA’s fundamental reliance on interstate reciprocity and trust, and on the fundamental purposes of SARA, which are to support high quality, resolve problems encountered by students, and simplify 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.
ITEM V (C): CLARIFICATION OF HOW A SARA INSTITUTION MAY BE DENIED FURTHER PARTICIPATION

**Background:** SARA staff have been asked to clarify how a SARA institution may be denied further participation; previous materials, and our own Policies and Standards document offered conflicting information. The following amendment would remove that conflict.

**Recommendation:** Make the indicated change.

Section 3. Institutions and Participation

4. Loss of institutional eligibility

An institution that does not renew its participation agreement with its home state or pay its required SARA fees annually is no longer eligible to participate in SARA. At the time of annual renewal, the state must determine whether the institution still meets SARA requirements. An institution can also be removed at any time by its home state or by the SARA Regional Compact under which it operates for violation of SARA standards. An institution that is removed from eligibility partway through a period of approval receives no fee refund.
ITEM V (D): NOTIFICATION OF APPEALED COMPLAINTS

Background: Several states have asked that they be notified if a student located in their state, enrolled in a SARA institution in another SARA state, appeals a complaint to that other state’s SARA portal agency. Existing language encourages states to work cooperatively in such cases; this addition would require notification.

Recommendation: Make the indicated changes to the complaint resolution process.

Section 4. Consumer protection
2. Complaint Resolution Processes

a. Complaints against an institution operating under SARA go first through the institution’s own procedures for resolution of grievances.

b. Complaints regarding student grades or student conduct violations are governed entirely by institutional policy and the laws of the SARA institution’s home state.

c. If a person bringing a complaint is not satisfied with the outcome of the institutional process for handling complaints, the complaint (except for complaints about grades or student conduct violations) may be appealed, within two years of the incident about which the complaint is made, to the SARA portal agency in the home state of the institution against which the complaint has been lodged. That agency shall notify the SARA portal agency for the state in which the student is located of receipt of that appealed complaint. The resolution of the complaint by that the institution’s home state SARA portal agency, through its SARA complaint resolution process, will be final, except for complaints that fall under the provisions of (g), below.

d. While the final resolution of the complaint rests with the SARA portal agency in the home state of the institution against which the complaint has been lodged, nothing precludes the state in which the complaining person is located from also working to resolve the complaint, preferably through that state’s SARA portal agency. Indeed, it is expected that SARA states will facilitate the resolution of any complaints brought to their attention.

e. While final resolution of complaints (for purposes of adjudication of the complaint and enforcement of any resultant remedies or redress) resides in certain cases with institutions (complaints about grades or student conduct violations), or more generally with the relevant institution’s home state SARA portal agency (all other complaints), the regional compact(s) administering SARA may consider a disputed complaint as a “case file” if concerns are raised against a participating state with regard to whether that state is abiding by SARA Policies and Standards. The regional compact may review such complaints in determining whether a state under its purview is abiding by the SARA standards. Similarly, a complaint “case file” may also be reviewed by NC-SARA in considering whether a regional compact is ensuring that its member states are abiding by the SARA standards required for their participation in the agreement.

f. SARA shall develop policies and procedures for reporting the number and disposition of complaints that are not resolved at the institutional level. Such data will create transparency and can be used in determining whether a regional compact is ensuring that its SARA member states and those states’ institutions are abiding by the standards required for participation in the agreement.

g. Nothing in SARA Policies and Standards precludes a state from using its laws of general application to pursue action against an institution that violates those laws.
NC-SARA AGENDA ITEM 5/7/2015

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ITEM (A): PROGRESS REPORT ON OBTAINING 501(C)3 STATUS FOR NC-SARA
Update will be provided at the meeting.

ITEM (B): LIABILITY INSURANCE FOR MEMBERS OF NC-SARA
Update will be provided at the meeting.
ITEM (C): RENEWAL FORM FOR SARA INSTITUTIONS

Section 8. Institutional Renewal

Fall 2015 marks the beginning of the period for which institutions become eligible for renewals to operate under SARA. Institutional applications will be submitted to portal agencies which shall review renewal applications on an annual basis.

1. Eligibility
Institutions previously approved by their home state portal agency as SARA participating institutions are eligible for renewal. During the review process portal agencies may pay particular attention to institutions operating under provisional admission (Section 3(2)).

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

a) NC-SARA provides to institutions a notice of upcoming renewal no later than 90 days prior to the institutional renewal date. The portal agency is also notified of the institutional renewal notice.
b) The chief executive officer or chief academic officer of the institution completes and submits the application to the state portal agency within 30 days of receipt of such notice.
c) The portal agency shall review the application, approve, deny or return the application for additional information, render a decision and notify the institution and NC-SARA no later than 30 days after receipt. State portal agencies have the option of charging institutions applying to participate in SARA a fee to cover the state's costs in administering SARA.
d) Upon notice of an approved renewal application, the institution shall submit the renewal fee to NC-SARA within 30 days. A 30-day grace period beyond the institutional renewal date may be granted upon request; however, if renewal is not complete after 30-day grace period, a late fee of 25% of the institution's renewal fee is applied and SARA status is indicated as "Pending Renewal" on the NC-SARA website. Institutions not fully complying with all renewal processes and procedures within five business days after expiration of 30-day grace period will no longer be listed as participating SARA institutions.
e) If institutional membership renewal is denied, the portal agency will provide to the applicant institution a written reason for the denial. The institution may appeal the denial of its renewal application to its regional compact to ensure SARA policies and standards were upheld during the review process.
RENEWAL APPLICATION FOR
INSTITUTIONAL PARTICIPATION IN SARA

An institution applying for renewal to operate under the State Authorization Reciprocity Agreement (SARA) must submit this form to its home state’s portal agency for SARA participation.

When a state checks “yes” on this form, the state affirms that the applicant institution has followed proper procedures and provided necessary documents to continue operating under SARA, but this affirmation does not necessarily represent state evaluation of the institution’s ability to perform under SARA policies. An institution seeking renewal must meet the following requirements:

1. The principal campus or central administrative unit remains domiciled in a state or district that has joined the State Authorization Reciprocity Agreement (SARA) initiative and is authorized to operate in that state.
2. The Institution retains its accreditation by an accrediting body recognized by the U.S. Secretary of Education.
3. If non-public, the institution shall maintain a financial responsibility index score of 1.5 or above; and in the case of a score between 1.0 and 1.5, the portal agency has affirmed that sufficient documentation has been provided to support continued institutional participation in SARA.
4. The institution agrees to abide by the Interregional Guidelines for the Evaluation of Distance Education as summarized in SARA policy 5(2)1-9 and current NC-SARA Policies and Standards.
5. The institution agrees to maintain responsibility for the actions of any third-party providers used by the institution to engage in operations under SARA.
6. The institution agrees to notify its home state’s portal agency of any negative changes to its accreditation status.
7. The institution agrees to provide data necessary to monitor SARA activities as requested by NC-SARA or the state portal agency.

Indicate Regional Compact:
- ☐ Midwestern Higher Education Compact
- ☐ New England Board of Higher Education
- ☐ Southern Regional Education Board
- ☐ Western Interstate Commission for Higher Education

APPLICANT
Institution affirms meeting the requirement (initial boxes)

STATE
Institution meets the requirement

☑ Yes ☐ No
8. The institution agrees to work with its home state’s portal agency to resolve any complaints arising from its students in SARA states, and to abide by decisions of that entity.

9. The institution applies to its home state’s portal agency for renewal over the signature of the institution’s CEO or chief academic officer.

10. The institution agrees to notify in writing all students in a course or program that customarily leads to professional licensure, or which a student could reasonably believe leads to such licensure, whether or not the course or program meets requirements for licensure in the state where the student resides. If an institution does not know whether the course or program meets licensure requirements in the student’s state of residence, the institution may meet this SARA requirement by informing the student in writing and providing the student the contact information for the appropriate state licensing board(s). An e-mail dedicated solely to this purpose and sent to the student’s best known e-mail address meets this requirement. The institution should use other means to notify the student if needed.

11. The institution agrees, in cases where the institution cannot fully deliver the instruction for which a student has contracted, to provide a reasonable alternative for delivering the instruction or reasonable financial compensation for the education they did not receive.

12. The institution agrees to pay to the state any state fees for SARA participation required by the home state for administering SARA.

13. The institution agrees to pay its annual SARA participation fee to the National Council for SARA (NC-SARA). This single annual fee replaces any fees that the institution would ordinarily pay to other SARA member states.
INSTITUTIONAL DESIGNATION AND AFFIRMATION

I, the undersigned representative of (institution name)___________________________________________, having the authority to commit the institution to continue operating under SARA, certify this institution meets all standards and requirements stated herein required to operate under the SARA agreement.

Mailing address of institution:  
Institution OPEID number:  
Institution FTE (latest IPEDS):  
Name of principal SARA contact:  
Email of principal SARA contact:  
Phone of principal SARA contact:  
Link to complaint system:  
Title of signatory institutional officer:  
Typed name of signatory officer:  
Signature:  
Date signed:  

STATE PORTAL AGENCY AFFIRMATION

Typed name of state portal agency:  
Typed name of state portal agency contact:  
Signature:  
Date signed:  
Title of state portal agency contact:  

If institutional renewal is denied by the home state’s portal agency, the portal agency will provide to the institution a written reason for the denial. The institution may appeal the denial of its renewal application to its regional compact to ensure SARA policies and standards were upheld during the review process.

4-7-2015
SARA STATE SUPPLEMENTAL SHEET FOR INSTITUTIONS

As institutions renew their participation in SARA, please feel free to provide comments or information about state-specific provisions, institutional characteristics or additional information specific to any item on this renewal application.

Significant institutional changes relevant to this renewal application:

State-specific topics (i.e., bonding, fee schedule):

Comments to improve efficiency and effectiveness of the SARA initiative:
ITEM (D): FIRST REPORTING OF APPEALED COMPLAINTS BY SARA PORTAL AGENCIES

SARA states were surveyed to determine the status of any appealed complaints. States are to reply by April 22, 2015. Staff will report at the May 7, 2015 meeting.

Sample state report:

<table>
<thead>
<tr>
<th>Student complaints appealed to SARA portal agencies (Date to Date)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>State: Alaska</td>
</tr>
<tr>
<td>Charter College</td>
</tr>
<tr>
<td>Number of complaints appealed to the portal agency: 0</td>
</tr>
<tr>
<td>Institutional out-of-state distance education enrollments: 0</td>
</tr>
<tr>
<td>Number resolved in favor of student: 0</td>
</tr>
<tr>
<td>Number resolved in favor of institution: 0</td>
</tr>
<tr>
<td>Number of negotiated resolutions: 0</td>
</tr>
<tr>
<td>Number still under consideration: 0</td>
</tr>
<tr>
<td>University of Alaska Fairbanks</td>
</tr>
<tr>
<td>Number of complaints appealed to the portal agency: 0</td>
</tr>
<tr>
<td>Institutional out-of-state distance education enrollments: 0</td>
</tr>
<tr>
<td>Number resolved in favor of student: 0</td>
</tr>
<tr>
<td>Number resolved in favor of institution: 0</td>
</tr>
<tr>
<td>Number of negotiated resolutions: 0</td>
</tr>
<tr>
<td>Number still under consideration: 0</td>
</tr>
<tr>
<td>University of Alaska Southeast</td>
</tr>
<tr>
<td>Number of complaints appealed to the portal agency: 0</td>
</tr>
<tr>
<td>Institutional out-of-state distance education enrollments: 0</td>
</tr>
<tr>
<td>Number resolved in favor of student: 0</td>
</tr>
<tr>
<td>Number resolved in favor of institution: 0</td>
</tr>
<tr>
<td>Number of negotiated resolutions: 0</td>
</tr>
<tr>
<td>Number still under consideration: 0</td>
</tr>
</tbody>
</table>

ITEM (E): COMING FAQS

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

Yes. Supervised field experiences are considered distance education for purposes of SARA.

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

Are dual-credit courses offered in high schools by SARA participant institutions covered by SARA?

Yes, if they carry college credit or some other kind of postsecondary award or certificate. They are not covered if they are alternative high school completion courses that don’t carry a postsecondary award.

NOTE: It is important to distinguish these activities because SARA only covers postsecondary work. K-12 level courses are not postsecondary. In addition, SARA does not supersede any state laws that cover the operation of colleges delivering instruction inside K-12 schools. The state’s K-12 regulatory requirements still apply.
ITEM (F): U.S. DEPARTMENT OF EDUCATION ACTIONS AFFECTING STATE AUTHORIZATION

Oral report at the meeting.

ITEM (G): FAQS ADDED SINCE LAST NC-SARA BOARD MEETING

i. hybrid programs
ii. aviation programs
iii. state authority to bill for costs of investigating institutions

Does SARA encompass hybrid programs in which some courses within a program are online while other components are residential at the host campus?

SARA covers those portions of such a program that take place via distance education across state lines among SARA member states. SARA covers single courses as well as programs. That includes courses that may not be credit-bearing, as long as they are offered by an accredited degree-granting institution. Whether the student is degree-seeking is irrelevant.

Note: If distance education activity covered by SARA is part of a course or program that is offered by an on-ground institution in the host state, the oversight agency in the host state may require the institution to provide information about the entire activity, including the part that is offered under SARA. This is true because otherwise the host state could not effectively evaluate and oversee the on-ground portion of the program.

Can the flight school component of an aviation program operating under SARA be considered a “supervised field experience” for purposes of SARA?

Yes, the flight school component may be considered a supervised field experience if the flight school training operator has a formal contract with and written reporting relationship to the SARA institution.

Note: A simple transfer agreement would not qualify as a supervised field experience because there is no professional oversight nexus between the SARA provider and the flight school. There has to be some supervisory connection or similar reporting relationship to and from the SARA provider. Also, a simple transfer agreement does not usually require state authorization at all, therefore is not covered by SARA. Finally, note that because the student is going to the other state to attend a school that is already licensed by that other state, many states will not consider that a field placement at all because the student will be treated as local upon enrollment at a physical site. This is not true of many other supervised field placements, e.g. for teachers, nurses and so on.

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

A state is obligated to investigate and resolve complaints arising from the operations of its own institutions under SARA. States may fund this investigative work in any reasonable way. This is a local decision. The most common practice is to charge a SARA participation fee that reflects the state’s estimated costs to manage its responsibilities under SARA. SARA policies do not preclude a billable costs approach.
ITEM (H): NC-SARA STAFF WORK PLAN FOR FY 2016

GOALS

Goal 1: Continue promoting state membership and institutional participation
Goal 2: Ensure financial self-sufficiency of SARA
Goal 3: Address operational maturation of the organization

ACTIVITIES

1. Identify strategies to increase state membership and institutional participation
2. Refine the process for substantive change to NC-SARA Policies and Standards
3. Ensure operational efficiency for membership of 35-40 states and 1,000+ institutions to include:
   a. One SARA agreement, rather than four
   b. Listserv for portal agency leaders
   c. SARA cost study
   d. SARA state portal agency annual meeting
   e. SARA operations or policy manual
   f. Facilitate document-sharing among senior SARA staff (i.e., Sharepoint)
   g. SARA effectiveness and efficiency metrics
   h. Regular SARA webinars hosted by different regional compacts
   i. Evaluate need for promising (rather than best) practices document
   j. NC-SARA Annual Report (2016)
4. Position NC-SARA as a 501(c)(3) entity
5. Publish initial data collection, reporting and analysis re:
   a. Complaint system
   b. Distance education enrollment
6. Review existing policies and standards with regard to:
   a. Tuition refunds
   b. Clinical placements/supervised field experiences
   c. Biannual rather than quarterly reporting of complaint data
   d. Links to institutional distance education pages or Classification of Instructional Program (CIP) codes
7. Collaborate on potential solutions to other higher education policy topics
   a. Coordinate updates to SHEEO complaint process site
   b. Professional licensure
8. Manage solicitation of new board members
EXECUTIVE DIRECTOR PRESENTATIONS DECEMBER 2014 – MAY 2015

Information Session: Louisiana Institutions of Higher Education
December 3, 2014
Baton Rouge, Louisiana

Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) 2014 Annual Meeting
December 8, 2014
Nashville, Tennessee

New England Association of Schools and Colleges (NEASC) Annual Conference
December 10-12, 2014
Boston, Massachusetts

Council of College and Military Educators Annual Symposium
January 29, 2015
Anaheim, California

Online Learning Consortium Collaborate
February 24, 2015
Kansas City, Missouri

Open SUNY Center for Online Teaching Excellence (COTE) Summit
February 27, 2015
Syracuse, New York

Competency-Based Education Network
March 3, 2015
Austin, Texas

The Council of University Chief Academic Officers (CUCAO) and the Alabama Community College System Instructional Officers Association
March 11, 2015
Montgomery, Alabama

Association of Schools of Allied Health Professions (ASAHP)
Spring Meeting
March 19, 2015
Myrtle Beach, South Carolina

SARA Update Webinar
March 24, 2015

North Carolina State Authorization Workshop
March 31, 2015
Raleigh, North Carolina

DC Education Licensure Commission
April 2, 2015
Washington, DC

Texas Distance Learning Association (TXDLA) Conference
April 8, 2015
Dallas, Texas

Western Association of Schools and Colleges (WASC) Senior College & University Commission 2015 ARC
April 23, 2015
Oakland, California

U.S. Distance Learning Association National Conference
April 27, 2015
St. Louis, Missouri

National Association of State Administrators and Supervisors of Private Schools (NASASPS)
April 28-29, 2015
Savannah, Georgia