SARA Overview and Update

State Authorization Reciprocity Agreements for Distance Education

History of State Authorization and Federal Rules

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National Council for State Authorization Reciprocity Agreements

A voluntary, regional approach to state oversight of distance education
Presenters

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Agenda

• State Authorization – Basic Principles
• State Authorization
• Federal Regulations: A Brief History
• Questions/Discussion
State Authorization – Basic Principles

Basic Principle 1:
If your institution is in one state and you are serving a student residing in another state, then you should check authorization regulations.
Basic Principle 2: There are two types of authorization in each state:

**Institutional** – all activities you do in a state

**Licensure** – professional programs
State Authorization – Basic Principles

Basic Principle 3: The answer to nearly every question is: IT DEPENDS!!!!!
Oversight of education is a function of the State.

- States have the authority to regulate institutions offering education within the state's boundaries.

- The approval process is part of consumer protection for learners in the state.

- Regardless of modality.
State Authorization

Institutions must follow the state laws of the state where an institution's activity takes place.
State Authorization

There is no list of “easy” or “hard” states in terms of state authorization:

• For profit / not-for profit / public / private

• Offering distance education vs. clinicals/internships vs. on the ground facilities

• Number of students (Maryland example)

This is why it is important for institutions to know where their students are and what they are doing...
State Authorization

What does it cost?

• The fee for authorization varies widely among agencies, from $0 to $10,000+ per agency.

• Some agencies require a fee for a waiver/exemption.

• There can be other fees involved:
  • Site visit
  • Tuition recovery fund

• Some agencies require a fee for renewal.
State Authorization

What to do:

- Determine whether the activity is regulated in the states in which the institutions wishes to participate.
- Seek authorization from the state (exemptions).
- Keep on top of state changes, renewals, and data reporting.
Federal Regulations: A Brief History

Department of Education Regulation Chapter 34, §600.9(c)

• 2010 – New regulation released
• 2011 – Federal court vacates regulation
• 2012 – Appeals court rules
• 2014 – Negotiated Rulemaking
• 2016 – New regulation released
• 2018 – Delay until 2020
Federal Regulations: A Brief History

What will happen to the Federal Regulations?
But wait... There is more!

- Pieces of Federal Regulation still exist
  - From 2010 and 2016
- Licensure Programs
- Misrepresentation-34 CFR 668.71
- Accreditation
- Department of Defense
- Title IV
Questions?
Resources

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