What is New with State Authorization? Webcast

Responses to Questions

Q: Is Maine requiring some questions to be answered from SARA institutes? Do you have that link?

Cheryl: The link to the Maine website page that addresses SARA Approved Out-of-State Institutions is: http://www.maine.gov/doe/highered/sara/. The questionnaire is hyperlinked on that webpage. This questionnaire was created prior to the first NC-SARA data reporting period which was Spring 2016. NC-SARA encourages institutions to comply with these small additional requests from states as we work together to implement SARA nationwide.

NEBHE: Until enrollment reporting is completed at NC-SARA, Maine is asking that SARA institutions complete a brief questionnaire, and that they also email a copy of NC-SARA approval to Angel Loredo, Higher Education Specialist.

Q: What is the status of Puerto Rico joining SARA?

NEBHE: Our colleagues are currently in Puerto Rico meeting to discuss SARA and their alignment with SREB. More information will be available next week, but the best contact moving forward would be Mary Larson at mary.larson@sreb.org

Q: Any information about supplemental information required by DC in their SARA application for DC institutions?

NEBHE: At this time there is nothing posted about supplemental information required by DC in their SARA application for DC institutions. Mary Larson at SREB may have more information about this within the next few weeks now that the district has officially joined SARA. mary.larson@sreb.org.

Q: Again, same question (Does this mean that only online programs must still seek specific authorization?) re DC.

NEBHE: Please refer to above.

Q: Are there any updates re Guam or FSM?

Cheryl: With the exception of the recent article about Guam shared by Russ Poulin, there has been little information about these territories.

NEBHE: The Territory of Guam is a member of the US Pacific Territories and Freely Associated States and thereby eligible to participate in SARA through WICHE. To this point, there has not been a huge focus on SARA since most institutions there are not engaged in significant amounts of distance education. However, as
more students from the territories there access programs from mainland providers, SARA increasingly is becoming a topic and the WICHE SARA director, John Lopez, will be working with these territories.

Q: For new SARA states, where application to the portal is not yet open, any recommendations of what to do during the "gap" period between the state (only) as a SARA member but institutions in that state not yet approved by the state portal. Must we initiate state authorization to SARA states, even though home state itself is approved?

Cheryl: Several states have recently set a date in the future to open the portal for institutions in those states to seek SARA approval by their state. The institutions in those states are operating and will continue to operate as Non-SARA institutions until their state portal agency approves their institution's application and the membership fees are received and acknowledged by NC-SARA. Only upon acknowledgement of approval by NC-SARA is an institution considered eligible to apply the SARA standards and policies for compliance in other SARA states. However, an institution may inquire with a state for guidance about state authorization during this few month timeframe. The decision will be up to the states for which you inquire.

NEBHE: Some states are thoroughly developing their portal agency. Institutions are not participants of SARA until their institutional applications are approved by the State Portal Agency, and we would recommend that institutions in this “gap” period initiate state authorization to SARA states in order to remain in compliance.

Q: What information is available for American Samoa, Guam, N. Marianas Islands?

Cheryl: With the exception of the recent article about Guam shared by Russ Poulin, there has been little information about these territories.

NEBHE: See answer above, John Lopez from WICHE will be working with these territories.

Q: Have heard the term a lot about things that apply to those who offer "online only" Can you define what is meant by online only?

Cheryl: When the phrase “online only” is used, the intention is to be speaking about the only activity of the institution is the offering of courses that are 100% online. This is to be distinguished from other activities such as marketing, faculty teaching from another state, or field experiences/internships/clinical, etc. A course that requires a field experience/internship/clinical is not 100% online and therefore not “online only”.

Joel: There are some states where the simple fact of enrolling students in online or distance education courses, or programs of study, amounts to a physical presence trigger. This means that your institution’s only contact with X state (a state beyond the one where its main campus is located) is through such enrollment, and could require authorization. State regulations are always in flux, and the federal rule seems to be reentering the picture, so this is a moving target. You might start here for some guidance (see #1); although this list is from 2012, it should be helpful.


Q: What about traditional campus students who go home for the summer but take a course online while home? Do we need to worry about them....

Cheryl: That is a good question..... We talk about these things and wonder if the legislative intention was to regulate this situation; however, the bottom line is that there is no language in any legislation that says, “except for summer”. Therefore, the point is made again that tracking the location of the learning by the student is important. You would then need to work with those states to determine if this limited timeframe will require authorization in that state. One of the plusses of SARA is that as a SARA institution, compliance is covered for a student taking a course online while at home for the summer in a SARA state.
If you are not a SARA institution or the student is returning to a non-SARA state, we have talked to regulators and they typically are not interested in regulating such a situation. However, they will not put it in writing. If the student experiences a problem while at home, you are may technically be in violation of that state’s laws.

**Joel:** As with the answers to so many questions about state authorization . . . it depends! Assuming that you’re talking about your institution’s students taking its own online courses while temporarily residing in their home – or another – state, the answer here varies: how many students are taking such courses in a particular state? Does this vary significantly from summer to summer? If you have fewer than five students taking online courses in Oregon (and your institution is located in Texas), this is probably not a significant concern. If you have 30 students taking courses in Oregon, the answer could be different.

Recommended course of action: ask your enrollment management or data warehouse folks to run a report that shows enrollment in online courses by traditional campus students for the last two or three summers. This will give you a sense of the scale of such activities, and might point toward your next move. You’ll certainly want to check with the state regulator if you discover that the second scenario (30 students in a state) is taking place with any regularity.

**Q:** I visited the SARA site and do not see any information about the status of PA. Do you have any information about them joining SARA?

**Cheryl:** The information about Pennsylvania is that they have just recently affiliated with SREB so that the state may join SARA. Pennsylvania had not previously belonged to a regional compact to be eligible to join SARA. It is expected that an application from Pennsylvania will be considered in the fall.