



National Council for State Authorization Reciprocity Agreements

A voluntary, regional approach to state oversight of distance education

To: Connecticut Legislature
Higher Education and Employment Advancement Committee

From: Marshall A. Hill *Marshall A. Hill*
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Subject: H.B. No. 5361 H.B. No. 5361 (RAISED) AN ACT CONCERNING A STATE AUTHORIZATION RECIPROcity AGREEMENT REGARDING DISTANCE LEARNING PROGRAMS. (HED)

Date: March 3, 2014

In addition to the personal testimony that you will hear on the State Authorization Reciprocity Agreement (SARA), I offer the following information for your consideration.

Current Situation

In the United States, the regulation of education is largely a matter left to the states. States carry out their regulation of both K-12 and postsecondary education in remarkably different ways. That variance is particularly visible in the way in which states deal with out-of-state institutions that want to offer instruction within their borders.

Currently, institutions that offer distance education courses (through the Internet, through two-way interactive video, or through other means) to students in other states must determine and then comply with whatever conditions, or gain whatever approvals, those states require. That means that Connecticut institutions that offer postsecondary distance education to students in other states need to determine and then comply with the requirements of as many as 49 other states, and institutions in 49 other states need to comply with Connecticut's requirements. That process is inefficient, time-consuming, expensive, and ineffective in supporting the quality our country needs to gain the maximum benefits possible through distance education.

SARA as an alternative

Over the past three years, representatives of higher education institutions, state higher education agencies, regulatory bodies, and other affected groups have developed the State Authorization Reciprocity Agreement – SARA. The initiative is voluntary for both states and institutions.

I would like to comment on three particular aspects of SARA: first, the ways in which SARA will support quality in postsecondary distance education; second, how SARA and its adopting states deal with students complaints about institutions, and third, the flexibility states have to carry out SARA provisions.

Institutions operating under SARA must be accredited by an accrediting body “recognized” by the U.S. Secretary of Education, must meet federal financial responsibility standards, and must certify that they operate under the guidelines for distance education adopted by the nation’s regional accrediting associations – a *higher* standard than nationally accredited colleges must now meet. This is a substantial array of requirements to protect students.

SARA has its own internal requirements for institutional behavior. These are included in Section 4 of the SARA Policies and Standards, an entire section dealing with consumer protection. They require institutions to be truthful in recruitment and marketing materials, accurate in statements about job placement rates, provide correct information about tuition and fees, provide accurate information about accreditation, transferability of courses and professional licensing requirements and meet other standards.

In addition to the student complaint procedures that are a part of SARA, a state that joins SARA retains significant capacity to investigate and resolve problems originating from complaints by students, employers or other interested state residents. SARA does not in any way prevent the state from using its existing general-purpose consumer protection laws to pursue redress for a student who has been maltreated by a college. We have worked to ensure that states retain all of this authority because protecting students is one of the core values of SARA.

Implementation in a state that has decided to join SARA

States can organize themselves to carry out their obligations under SARA in various ways. In many states, there is an obvious agency to serve as the SARA “portal agency” (the agency charged to administer SARA with the state); in some, the choice is not so clear. Various sectors of higher education can be brought together for SARA purposes through inter-agency agreements to enable one particular agency to carry out two main state requirements of SARA: approving eligible institutions and resolving complaints that may emanate from the activities of those institutions in other SARA states. Many states are going to align that latter point with the way the state has chosen to implement the separate and pre-existing (October, 2010) U.S.

Department of Education requirement for a statewide student complaint resolution system. At least one or two states will be creating new entities for the sole purpose of administering SARA.

States are choosing to fund their SARA work in various ways. In some, cessation of some activities will allow staff attention elsewhere. In others, institutions will be asked to partially support the initiative through fees paid to their state's SARA portal agency.

Finally, in most states, legislative changes are necessary to enable the state to participate in SARA. We don't underestimate the difficulty of getting that done. But the attraction of SARA as an alternative to the cumbersome and inefficient system we now have is sufficient to have gained the interest of many states. Legislation enabling SARA has passed or is currently pending in the legislatures of at least 25 states.

Change is hard, as we all know. But sometimes it is necessary to attain important goals. Those of us working to support SARA are doing so because we believe that distance education is an important and necessary tool in increasing the educational attainment of our country's people; and SARA is a way to significantly sharpen that tool.

SARA is an evolving initiative. Latest information is available at www.nc-saara.org

Please let me know if you have questions or comments.

C: Michael Thomas, President, New England Board of Higher Education

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