



**Universities of Wisconsin Office of Compliance & Risk Management:  
CHECKLIST OF COMPLIANCE REQUIREMENTS  
FOR SARA PARTICIPATION**

*Prepared by Office of Compliance and Integrity*

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**I. ELIGIBILITY:**

Institutions may be eligible to apply for participation in State Authorization Reciprocity Agreement (SARA) in their “home state” if they meet the institutional eligibility requirements detailed in the [SARA Policy Manual](#), Section 3.1, including but not limited to:

- The institution is located in a SARA member state.
- The institution is a degree-granting institution, appropriately authorized (by Congress, a U.S. state, territory, or district, or a federally recognized Indian tribe) to award associate degrees or higher.
- The institution is institutionally accredited by an accrediting body recognized by the U.S. Department of Education and whose scope of recognition, as specified by the U.S. Department of Education, includes distance education.

Additional information regarding federal regulations related to state authorization for postsecondary education institutions under the Higher Education Act’s Program Integrity Rules (PIR) can be found at:

<https://www2.ed.gov/policy/highered/reg/hearulemaking/2009/sa.html>

**II. REQUIREMENTS FOR INSTITUTIONAL PARTICIPATION IN SARA:**

In order for an institution to participate in SARA, it must be located in a state that is a member of the National Council for State Authorization Reciprocity Agreements (NC-SARA), meet all of the minimum requirements listed below, and comply with all provisions under the SARA Manual. (NOTE: All states within the U.S. are currently members of SARA except for California). Participation is renewed on a yearly basis to provide state portal entities with the opportunity to review and affirm that institutions are complying with all SARA provisions.

A summary of the requirements is listed below:

### **A. Core Requirement**

In a SARA member state, the main campus or central administrative unit is domiciled in a state, territory or district that has joined the SARA initiative and is authorized to operate in that state. Only distance education content originating in the United States, a U.S. territory, or district and provided from within a SARA state is eligible to be offered under SARA.

### **B. Consumer Protection**

In order to participate in SARA, the following student consumer protections must be met:

- All SARA institutions must be accredited.
- SARA institutions must have U.S. oversight.
- SARA institutions must demonstrate healthy finances.
- SARA institutions are accountable for third-party providers.
- SARA institutions must adhere to high standards.
- SARA institutions must uphold stringent reporting and accountability requirements.
- SARA institutions are required to have transparency around professional licensure.
- SARA institutions must find ways to meet obligations to students.
- Student complaints are taken seriously.

### **C. Accreditation**

An institution must be an U.S. degree-granting institution that is accredited by an accrediting body recognized by the U.S. Secretary of Education and whose scope of authority, as specified by the Department, includes distance education.

### **D. Federal Financial Responsibility Composite Score**

For **non-public institutions**, the institution's most recent financial responsibility composite score from the U.S. Department of Education must be 1.5 or above, or, if the score is between 1.0 and 1.49, the State Portal Entity (SPE) must affirm that documentation has been provided to demonstrate financial stability sufficient to justify institutional participation in SARA.

### **E. Abide by C-RAC Guidelines**

The institution must agree to abide by the Council of Regional Accrediting Commissions (C-RAC) Interregional Guidelines for the Evaluation of Distance Education and provisions of the SARA Policy Manual.

### **F. Responsible for Institution Activities**

The institution must agree to be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA.

### **G. Home State Requirements - Student Complaints**

The Home State SARA Portal Entity must create a complaint process under which students who are enrolled in a distance education program in an institution located in the Home State may file a complaint with the Home State Portal Entity. This complaint process must be published on the Home State Portal Entity's website. Notice and disclosure of the state portal entity's complaint process must also be published on the institution's website so that prospective and current students have knowledge and awareness of the complaint process. (See complaint process at: <https://heab.state.wi.us/dlab/students.html>.) NOTE: The Distance Learning Authorization Board (DLAB) has no statutory or lawful authority or responsibility to respond to complaints related to course grades, academic sanctions or discipline/conduct matters in regard to any institution within the State of Wisconsin.

### **H. Institution Requirements - Student Complaints**

According to [SARA Policy Manual Section 1](#), a "Complaint" is defined as a formal assertion in writing that a person, institution, state, agency or other organization or entity operating under the provisions of the SARA Policy Manual has violated the policies set forth in the SARA Policy Manual or of laws, standards or regulations incorporated in the SARA Policy Manual. (See details in Section 4 within the SARA Policy Manual.)

Some provisions to note:

- Only those complaints resulting from distance education courses, activities and operations provided by SARA-participating institutions to students in other SARA states come under the coverage of SARA. Complaints about a SARA institution's in-state operations are to be resolved under the state's normal provisions, not those of SARA.
- The institution should ensure that all concerns and complaints of students are addressed fairly and are resolved promptly. Student complaints relating to consumer protection laws offered under the terms and conditions of SARA must first be filed with the institution to seek resolution.
- Examples of issues that may arise regarding alleged fraudulent activity, violations of SARA policies, or more general complaints about improper activities include, but are not limited to:
  - Veracity of recruitment and marketing materials.
  - Accuracy of job placement data.
  - Accuracy of information about tuition, fees, and financial aid.
  - Complete and accurate admission requirements for courses and programs.
  - Accuracy of information about the institution's accreditation and/or any programmatic/specialized accreditation held by the institution's programs.
  - Accuracy of information about whether course work meets any relevant

- Professional Licensing requirements or the requirements of specialized Accrediting Agencies.
  - Accuracy of information about whether the institution's course work will transfer to other institutions.
  - Operation of distance education programs consistent with practices expected by institutional accreditors (and, if applicable, programmatic/specialized accreditors) and/or the C-RAC Guidelines for distance education.
- Complaints against an institution operating under SARA policies go first through the institution's own procedures for resolution of grievances. Complaints regarding student grades or student conduct violations are governed entirely by institutional policy and the laws of the SARA institution's home state.

## I. Professional Licensure Disclosures

The institution must agree to provide notifications to students related to professional licensure. Any institution approved to participate in SARA that offers courses or programs designed to lead to Professional Licensure or certification or advertised as leading to Licensure must satisfy all federal requirements for disclosures regarding such Professional Licensure programs under 34 §C.F.R. 668.43. For SARA purposes, these requirements will also apply to non-Title IV institutions.

### Steps to take:

- List of all programs: Determine state by state whether each program meets the educational requirements for licensure/certification in that state.
- Student Location Policy: Federal law requires that a university have a policy that determines a student's physical location at the time of initial enrollment for purposes of disclosure. SYS 121 (student location policy) provides that a student's location at time of enrollment is where they are physically located.

According to federal guidance, a student location policy is required in order for universities to determine which direct disclosures a prospective student and current student receives.

- Create an ongoing list of all students located in states other than Wisconsin.
- Review your institution's Student Location Policy (if you have one). It should be consistent with SYS 121 to determine student location at the time of initial enrollment into the program.
- If a prospective student is enrolling in a face to face (F2F) program, the campus may deem that student located in Wisconsin unless and until the student notifies the campus differently (updating location throughout program).
- If a current student in a F2F program is located in a state where the program does not meet the educational requirements for licensure, you must provide

the student with an **individual/direct disclosure** notifying the student of this information.

- For students who are located outside of the United States or its territories, current guidance is to attempt to determine whether there are licensing standards in their jurisdiction and if so, assess as you would for U.S. located students. If unable to determine, provide direct disclosure that they should be contacting any applicable licensing or certification board or agency to determine whether they will be able to be employed upon graduation in that jurisdiction.
- Disclosures: Ensure that your institution provides students or applicants with the appropriate disclosure information about programs leading to professional licensure.
  - **General disclosures** include information on the program's webpage (or other website) that indicates that each program "meets" or "does not meet" the educational requirements for the state in which a student is located.
  - **Direct disclosures** must be in writing (electronic is fine) directly to the student within 14 calendar days of learning that a student is located in a "does not meet" state.
- Attestations: In order to accept the application and enroll a prospective student who lives in a "does not meet" state, the institution must obtain a written attestation indicating that the person intends to seek employment in a "does meet" state upon graduation. This will require the institution to "verify" that the other state is a "does meet" state. Otherwise, the institution must deny admission into the program. This new requirement is only necessary at the time of initial enrollment (not during the term of the program). NOTE: There is an example of attestation form language provided at the end of this document in the Appendix.
- Advertising and Marketing of Programs: Institutions must ensure that they are marketing their programs only in states that the program "meets" the state's requirements for licensure. Please work with your program directors and marketing teams to ensure that steps are taken to avoid advertising that particular program in those "does not meet" states (this is another reason to have a list of those states per each program).
- Additional Best Practices:
  - Communicate with the colleges, departments, and/or faculty at your institution that offer programs leading to professional licensure and make them aware of the SARA policy.
  - Regularly monitor the location of all students in these programs to ensure your program directors are providing necessary disclosures AND stopping the enrollment of any prospective student who lives in a "does not meet" state (unless they provide a written attestation).

- Contact your state's SARA State Portal Entity (SPE) for specific guidance or directions regarding this requirement.

## **J. Institution Compliance with State Closure Laws**

On and after July 1, 2024, institutions will be required to affirmatively **"certify"** in their Title IV program participation agreement (PPA) the following:

- Determine each states' requirement for education-related consumer protection laws (e.g. tuition refund policy, teach-out requirements, surety bonds, etc.)
- Have written documentation to indicate "compliance" with applicable laws in those states where offer distance learning.

NOTE: There are only a small percentage of states that have these types of laws currently in place. Therefore, OCI will be working with other organizations to obtain a list of those states to which institutions can use to verify said compliance.

## **K. Instruction**

The institution must agree that in cases where the institution cannot fully deliver the instruction for which a student has contracted, it will provide a reasonable alternative for delivering the instruction or reasonable financial compensation for the education the student did not receive. This may include tuition assurance funds, surety bonds, irrevocable letter of credit, assistance with transfer, teach-out provisions or other practices deemed sufficient to protect consumers.

## **L. Catastrophic Events and Data Recovery Processes**

The institution must have well-documented policies and practices for addressing catastrophic events. The institution must agree to provide the catastrophic event policy and disaster recovery procedures to the State Portal Entity, if/when requested. Impacted students will receive the services for which they have paid or reasonable financial compensation for those not received. This may include tuition assurance funds, surety bonds, irrevocable letter of credit, assistance with transfer, teach-out provisions or other practices deemed sufficient to protect consumers. The institution and/or its home state must have adequate measures to protect student records in the event of closure.

## **M. Data Reporting**

The institution must agree to provide data necessary to monitor SARA activities, including annual reporting of distance education enrollments and out-of-state learning placements by state, in accordance with the NC-SARA Data Sharing Agreement and relevant reporting handbooks.

### **Steps to take:**

- Report your institution's data, as described in the [Data Reporting Handbook](#), annually. The data reporting period is May 15 - June 15 each year.
- Always refer to NC-SARA's *most recent version* of the [Data Reporting Handbook](#), available on the NC- SARA website. This handbook details the requirements and directions for data reporting. It is updated annually.
- Communicate with your Institutional Research (IR) Office to make sure staff are aware of the data reporting resources, requirements, and schedule.
- Communicate with the colleges, departments, and/or faculty at your institution that offer out-of-state learning placements (OOSLP) to inform them of the reporting requirements. Determine a methodology for capturing OOSLP data at your institution. See the [Data Reporting Handbook](#) for specific requirements.
- Watch NC-SARA's annual webinar, offered in early spring each year, about data reporting requirements. If you cannot attend it live, make sure to watch the recording, which is posted to the [NC-SARA website](#). Invite IR or departmental colleagues to watch it as well.
- Email any specific questions about data reporting to [data@nc-sara.org](mailto:data@nc-sara.org).

## **N. Reporting and Accountability Requirements**

SARA institutions *must* notify their state if there is ever a negative change to its accreditation so states and NC-SARA can increase scrutiny and monitoring. Additionally, SARA member states are expected, per NC-SARA policy, to investigate a variety of consumer protection issues, including:

- Truthfulness of recruitment and marketing materials.
- Accuracy of job placement data.
- Accuracy of information about tuition, fees, and financial aid.
- Complete and accurate admission requirements for courses and programs.
- Accuracy of information about the institution's accreditation and/or any programmatic or specialized accreditation held by the institution's programs.
- Accuracy of information about whether course work meets any relevant Professional Licensing requirements or the requirements of specialized accrediting agencies.

## O. Field Trips

### Section 5.3 Field trips and seasonal residential activity

SARA covers class field trips that do not involve multi-night residency across state lines among member states.

### Section 5.10 Physical Presence

Generally, an institution has physical presence when it operates a campus, branch instructional facility whether leased or owned, or administrative office within the boundaries of a state. However, because the specific definitions of physical presence currently vary greatly from state to state, especially with regard to out-of-state institutions that seek to conduct any activity within another state, SARA has established its own uniform standards for physical presence vs. distance education. For purposes of participation in SARA, these standards apply, but they do not affect the application of existing state laws to institutions that choose to operate outside of SARA, or which are based in states that are not SARA members.

An institution does not have physical presence and is therefore covered by SARA in SARA member states, if it is: ***Engaging in field trips to visit existing sites or facilities for academic purposes not involving the establishment of residential or instructional facilities.***

#### Steps to take:

- Communicate with the colleges, departments, and/or faculty at your institution that offer field trips and make them aware of the SARA policy related to field trips.
- Seek to monitor field trip locations and durations as applicable for your institution.
- Contact your state's SARA State Portal Entity for specific guidance or directions regarding this requirement.

## P. Students Located Overseas – Military or Non-Military

### Section 5.6 Offerings on military bases:

All distance education course offerings provided interstate by a SARA participant institution to active and reserve military personnel, their dependents, and civilian employees of the installation located on a U.S. military facility or vessel in a SARA member state are covered by SARA.

If such offerings are open to the general public for enrollment, SARA does not apply and state law where the facility or vessel is located applies.

Veterans Affairs facilities are not considered "military facilities" for purposes of SARA.



## **Q. Short Courses**

### Section 5.4 - SARA Policy Manual:

Physical presence under SARA is not triggered if the instruction provided for a short course or seminar takes no more than 20 classroom hours in one six-month period.

- Class meetings during a full-term course do not trigger physical presence if the instructor and students physically meet together for no more than two meetings, totaling six hours or fewer. Apparent abuses of these provisions may be brought to the attention of the home state by concerned institutions or others. Note: Physical presence under SARA is not triggered if the instruction provided for a short course or seminar takes no more than 20 classroom hours in one six-month period. The 20-hour rule provision only applies to short courses that are not offered in a traditional calendar term.
- Class meetings during a full-term course do not trigger physical presence if the instructor or students physically meet for no more than two meetings, totaling six hours or fewer. The six hour/two meeting provision only applies to full-term (semester or quarter length) courses.
- To provide potential benefits to students, this provision enables a modest amount of face-to-face student-institution interaction without triggering physical presence in SARA states. It does not allow institutions to offer a succession of short courses, seminars or other offerings and thereby effectively establish continuing physical presence.

## **R. Arbitration Agreements for SARA Issues**

SARA participating institutions are not permitted to enforce [these] arbitration agreements on students enrolled under SARA provisions, and such agreements must not be applied. Institutions that utilize mandatory arbitration agreements for the resolution of non-SARA complaints or disputes shall provide a disclosure that such agreements must not be applied towards a complaint or dispute that falls within the scope of the SARA Policy Manual.

### **2024 SARA Institution Renewal Application:**

For this year and forward, Institutions will be required to provide the contact information for the following positions: Primary Contact, Data Reporting Contact, Authorized Signatory (Chancellor/Provost). This includes contact information for branch campus locations, as applicable. Please be sure to send any changes or updates to your institution SARA contacts to Paige Smith ([paige.smith@wisconsin.edu](mailto:paige.smith@wisconsin.edu)) and or Amy Missinne ([amy.missinne@wisconsin.edu](mailto:amy.missinne@wisconsin.edu)). They will submit the updates to the NC-SARA Salesforce System upon receipt of your updates.

## APPENDIX

### **ATTESTATION REQUIREMENT**

As of July 1, 2024, a university shall not enroll any student in a certificate/licensure program that **does not meet** the state's requirements for certificate/licensure where the student currently lives/resides (based on SYS 121 definition) unless:

1. The student completes a signed attestation form at the time of enrollment; and
2. The student specifically names another state ("does meet") in which they plan to relocate for purposes of employment.

*NOTE: This only applies to prospective students as of July 1, 2024. Any student who is already enrolled in a program on July 1, 2024, will not have to submit an attestation form – however, they should receive an individual disclosure if they are living in a "does not meet" state.*

*If a student fails to submit an attestation form and/or names a state that the university's program "does not meet" state requirements, the university must not enroll that student AND must stop advertising the program in that state.*

### **SAMPLE Attestation Form/Statement:**

I am interested in enrolling in a professional licensure or certification program at UW-\_\_\_\_\_ (university). I have been informed by UW-\_\_\_\_\_ (university) that the program **does not meet** the state certification/licensure requirements in the state or territory in which I am currently living and physically located.

*Please initial each bullet point:*

- I acknowledge that, if I enroll in the program and complete the curriculum, I will not be eligible to become licensed in my current state, which may impact my career opportunities.
- I also understand that if I do not plan to relocate to another state to seek employment in the professional licensure program's area of practice, I am prohibited by federal rule from being admitted into this Certification/Licensure program unless I submit an attestation form.
- I hereby attest and confirm that I do not intend to remain in my current state upon completing the (university) program but, rather, intend to relocate to \_\_\_\_\_ (state or territory).
- I confirm I have reviewed the general licensure disclosures provided by UW-\_\_\_\_\_ (university) that can be found at this webpage (*add link to webpage*), and the program does meet the state licensure requirements in the state where I plan to relocate and, therefore, I intend to enroll in the program.
- I also acknowledge that I should contact any state in which I may be interested in becoming licensed upon graduation to ensure I fully understand my employment options in that state. The most reliable information comes directly from the applicable state licensure board or agency/entity.

I knowingly and voluntarily submit this attestation.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date