



Tab 6

## State Authorization Reciprocity Agreement (SARA) Administrative Rule Revision

Coordinating Board for Higher Education  
March 9, 2022

### BACKGROUND

The State Authorization Reciprocity Agreement (SARA) is an agreement among states, districts, and territories for the oversight of distance education. The goal of SARA is to provide a more efficient, effective, and uniform system for the approval and delivery of distance education. The SARA member states and participating institutions are organized through the National Council for State Authorization Reciprocity Agreements (NC-SARA), and the Department of Higher Education and Workforce Development (DHEWD) is the designated portal entity for Missouri. Missouri was accepted as a member of SARA in 2014, and the administrative rule became effective in 2015.

NC-SARA maintains a SARA Policy Manual to coordinate the procedures by which states and institutions implement the agreement. The Policy Manual has been updated with regular frequency since its development. As a consequence, Missouri's rule has sections that are out of date and is missing regulations on newer procedures. This item is to request approval from the Coordinating Board for Higher Education (CBHE) to proceed with filing revisions to the administrative rule to come into compliance with the SARA Policy Manual.

### CURRENT STATUS

A draft of the rule revisions was sent for initial feedback to the primary and secondary SARA contacts at each SARA participating institution in Missouri. Key revisions include clarifications on physical presence triggers, financial stability procedures for non-Title IV institutions, best practices guidelines for distance education, and procedures for complaint resolution. No comments were submitted based on the proposed changes.

### NEXT STEPS

Upon approval by the CBHE, department staff will file a Proposed Amendment with the Secretary of State's Office.

### RECOMMENDATION

Staff recommend the Coordinating Board approve the attached draft administrative rule and direct the Commissioner to begin the rule revision process with the Secretary of State so the changes may become effective at the earliest possible date.

### ATTACHMENTS

- A. Red-line Edits of State Authorization Reciprocity Agreement Administrative Rule
- B. Clean Copy of revised State Authorization Reciprocity Agreement Administrative Rule

**Tab 6 Attachment A**  
**Redline Edits SARA Administrative Rule**

**Title 6—DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE  
DEVELOPMENT**  
**Division 10—Commissioner of Higher Education**  
**Chapter 12—Interstate Reciprocity**

**6 CSR 10-12.010 State Authorization Reciprocity Agreement**

*PURPOSE: This rule sets forth the standards and procedures through which schools may be approved to participate in the State Authorization Reciprocity Agreement (SARA) and that students enrolling in SARA schools have financial and educational safeguards as provided in the rule.*

(1) Definitions.

(A) “Accredited” means holding institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education and whose scope of recognition includes distance education.

(B) “Approve” or “Approval” in the context of an institutional application to operate under State Authorization Reciprocity Agreement (SARA) means a written statement by a home state that an institution meets the standards required by SARA and is eligible to operate under SARA.

(C) “Authorized” means holding a current valid charter, license, or other written document issued by a state, the federal government, or a recognized Indian tribe, granting the named entity the authority to issue degrees and operate within a state or jurisdiction as a postsecondary education institution.

(D) “Charter” means a document bearing the word Charter issued by proper governmental authority that names a college or university as a degree-granting institution authorized to operate under the laws of the issuing jurisdiction.

(E) “Clinical” means a supervised field experience through which students earn academic credit through observation, treatment, and interaction with actual patients.

(F) “Complaint” means a formal assertion in writing that the terms of this agreement, or of laws, standards, or regulations incorporated by this agreement, are being violated by a person, institution, state, agency, or other organization or entity operating under the terms of this agreement.

(G) “C-RAC Guidelines” or “Council of Regional Accrediting Commissions (C-RAC)” refers to the *Interregional Guidelines for the Evaluation of Distance Education Programs (Online Learning)* for best practices in postsecondary distance education developed by leading practitioners of distance education and adopted by the C-RAC.

(H) “Credits” means numeric descriptors of completion of academic work applicable toward a degree, including the Carnegie unit system and competency units.

(I) “Degree” means an award conferred at the associate level or higher by an institution as official recognition for the successful completion of a program of studies.

(J) “Distance education” means instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video, or correspondence courses or programs. To be eligible for delivery under SARA policies, distance education must be offered under the oversight and authority of a SARA member state from a facility located in a SARA member state.

(K) “Faculty” means a professional individual employed by or contracting with an institution primarily to teach, conduct research, or provide related professional education services.

(L) “Home state” means a SARA-member state where the institution holds its legal domicile, state authorization, and ~~for purposes of~~ accreditation. To operate under SARA an institution must have a single home state.

(M) “Host state” means a member state in which an institution operates under the terms of ~~this agreement~~ SARA, other than the home state.

(N) “Hybrid” means an educational program or course that includes both face-to-face and distance education. Also known by the name “blended” and, sometimes, other terms.

(O) “Institution” means a degree-granting, postsecondary entity holding recognized accreditation for purposes of participation in SARA.

(P) “Internship” means a supervised field experience through which students earn academic credit and practical experience through training, observation, and interaction with employees and customers in an ongoing organizational or business setting. The term “internship” may be interchangeable with “externship” based on state or institutional definitions.

(Q) “Member state” means any state, district, or territory that has joined a SARA agreement through a regional compact.

(R) “NC-SARA” is the National Council for State Authorization Reciprocity Agreements, which exists to coordinate the SARA work of the regional compacts, member states, and participating institutions and to maximize the efficiency of the SARA initiative.

~~(SR)~~ “Non-degree award” means a formal postsecondary award that does not carry the designation of Associate degree or higher.

~~(TS)~~ “Operate” means activities conducted by an institution in support of offering distance education degree or non-degree courses or programs in a state, including, but not limited to, instruction, marketing, recruiting, tutoring, field experiences, and other student support services.

~~(UF)~~ “Physical presence” means a measure by which a state defines the status of an educational institution’s presence within the state. A SARA-participating institution’s ~~institution or an institution’s~~ program meeting one (1) or more of the criteria for physical presence must meet the non-SARA requirements to operate legally in the state of Missouri.

1. Physical presence includes—

A. A physical location for groups of ~~five (5) or more~~ than ten (10) students to receive synchronous or asynchronous instruction;

B. A requirement for students to meet in a location for instructional purposes more than twice per quarter or semester for a total of more than six (6) contact or clock hours;

- C. Administrative office spaces for instructional and non-instructional staff;
  - D. A physical site on behalf of an institution from which prospective students may receive information regarding enrollment or students may receive support services;
  - E. Short courses or seminars that require more than twenty (20) contact hours in a six-month period; or
  - F. A mailing address or phone exchange within the state.
2. An institution is not considered to have a physical presence and therefore eligible for purposes of participation in SARA if it only—
- A. Advertises via print, billboard, mail, or electronic media;
  - B. Offers courses of programs on military bases and enrollment is restricted to federal employees and their family members;
  - C. Maintains a server, router, or similar device in a facility that otherwise would not constitute a physical presence;
  - D. Employs faculty or other academic personnel who reside in the state;
  - E. Holds proctored exams at a Missouri location on behalf of the institution;
  - F. Recruits for a distance education program;
  - G. Participates in a consortia agreement to offer academic programs among SARA institutions and approved by each participating institution;
  - H. Has a contractual arrangement with the home or host state; or
  - I. Offers students educational field experiences or limited supervised field experiences in Missouri. Field experiences originating from campus-based programs are considered distance education for the purposes of participation in SARA if they place fewer no more than ten (10) students per program cohort from an academic program simultaneously at one clinical or practicum site and do not involve multi-year contracts between the institution and a location within the host state.

(~~VU~~) “Portal agency” or “portal entity” means the single agency designated by each SARA member state to serve as the interstate point of contact for SARA questions, complaints, and other communications. The Missouri Department of Higher Education and Workforce Development is the portal agency for the state of Missouri.

(~~WV~~) “Regional compact” means the New England Board of Higher Education, Midwestern Higher Education Compact, Southern Regional Education Board, or Western Interstate Commission for Higher Education. The Midwestern Higher Education Compact is the regional compact to which Missouri is a signatory.

(~~XW~~) “SARA” means the State Authorization Reciprocity Agreement, which is an agreement among member states, districts, and territories that establishes comparable national standards for interstate offering of postsecondary distance education courses and programs.

(~~YX~~) “State” means any state, commonwealth, district, or organized territory of the United States.

(~~ZY~~) “Supervised field experience” means a student learning experience under the oversight of a supervisor, mentor, faculty member, or other qualified professional, located in the host state, who has a direct or indirect reporting responsibility to the institution where the student is enrolled, whether or not credit is granted. Examples include practica, student teaching, or internships. Independent off-campus study by individual students not engaged in a supervised field experience does not constitute a physical presence of a postsecondary institution in a SARA member state.

(AA) “Unified Agreement” or “Unified State Authorization Reciprocity Agreement” means the document adopted by the four regional compacts and affirmed by NC-SARA on December 1, 2015. The Unified Agreement is the foundational basis for the operation of SARA.

(2) Responsibilities of the Missouri Department of Higher Education and Workforce Development (MDHEWD).

(A) Consistent with Midwest State Authorization Reciprocity Agreement (M-SARA) requirements, MDHEWD shall—

1. Serve as the primary point of contact for Missouri institutions participating in SARA for any issues that may arise between the institution and other SARA member states or SARA participating schools;

2. Serve as the point of contact for all other SARA member states and their agencies for questions about SARA within Missouri;

3. Determine whether a Missouri institution is eligible for participation in SARA, and lead any investigations regarding whether an institution is in compliance with SARA ~~rules and~~ policies; and

4. Serve as the contact point for complaints about any institutions in the state that are operating under SARA.

(B) MDHEWD will require each Missouri applicant institution to apply for state approval ~~using the standard SARA institutional application including the agreement to operate under the C-RAC guidelines.~~

(C) MDHE ~~DHEWD~~ will review applications for renewal of approval to participate in SARA on an annual basis prior to expiration of current approval.

(D) MDHE ~~DHEWD~~ ~~will may~~ recommend, and the Coordinating Board for Higher Education (CBHE) ~~will may~~ approve, an annual fee schedule that provides sufficient funds to cover the administrative costs for oversight of SARA.

(E) MDHE ~~DHEWD~~ will verify institutional accreditation by an accrediting body recognized by the U.S. Department of Education. Such accreditation is considered by MDHE ~~DHEWD~~ to be sufficient initial evidence of academic quality for approving institutions for participation in SARA.

(F) MDHE ~~DHEWD~~ will accept applications from accredited degree-granting institutions of all sectors. ~~DHEWD will not accept institutions for participation that are pre-accredited or in a candidacy status. Applications are approved based on the same criteria regardless of sector.~~

(G) For non-public institutions participating in Title IV, MDHE ~~DHEWD~~ will accept ~~an a~~ USDE-calculated institutional federal financial responsibility rating of 1.5 or above as sufficient evidence of financial stability to qualify for participation in SARA.

(H) In the event an institution does not participate in federal Title IV financial aid, and therefore has no federal financial responsibility rating, MDHE ~~DHEWD~~ will accept a calculate—calculation of this rating from the institution’s most recently completed financial statements by a certified, independent accountant in order to—before allowing evaluate the ~~an~~ institution to participate in SARA.

1. For an institution with a financial responsibility rating of 1.0 to 1.4, but meeting all other criteria, MDHE ~~DHEWD~~ will consider the institution for participation in SARA if the institution provides one (1) of the following:

A. A performance bond or irrevocable letter of credit in an amount equivalent to the unearned tuition of SARA students; or

B. Evidence and commitment of sufficient financial resources available to the institution to meet the above requirement.

2. ~~MDHE-DHEWD~~ will not consider an initial or renewal application for participation in SARA from an institution with a financial responsibility rating less than 1.0.

(I) In the event of an unanticipated closure or natural disaster impacting a campus, ~~MDHE-DHEWD~~ will work with the institution to develop and approve a plan for the protection of student records. All Missouri institutions participating in SARA must agree to provide a comprehensive plan for providing students with opportunities to complete their education program and for preservation of student records upon request from the ~~MDHE-DHEWD~~.

(J) Institutions denied initial or renewal participation in SARA participation shall have thirty (30) days after receipt of the denial to send a written appeal to the Commissioner of Higher Education identifying the areas of non-compliance by the department with Missouri regulations and/or SARA policies. In the event the denial is upheld, the institution may appeal the denial within thirty (30) calendar days to the Midwestern Higher Education Compact SARA Regional Steering Committee. The decision of the Steering Committee will be final.

### (3) Institutional Responsibilities.

(A) Missouri institutions seeking participation in SARA must hold proper authorization from Missouri to offer postsecondary education, hold institutional accreditation from an accrediting association recognized by the U.S. Department of Education, and maintain minimally accepted financial responsibility scores. ~~(See Responsibilities of MDHE)~~

(B) Any Missouri institution operating under SARA that offers courses or programs potentially leading to professional licensure must satisfy all SARA and all federal requirements for disclosures. Missouri institutions must keep-inform all students and potential students enrolled or seeking enrollment in such programs informed as to whether such offerings actually meet ~~state~~ licensing requirements in the state in which the student is located. A dated e-mail dedicated solely to this purpose and sent to the student's best known e-mail address ~~meets this~~ meets the state requirement; ~~however, t-~~ The institution should use other means to notify the student if needed. DHEWD may require institutions to provide documentation of such notification. Loss of SARA eligibility of the course or program offered will result for failure to provide proper notice in one (1) of the two (2) ways listed below:

1. The institution will notify the applicant or student in writing that the institution has determined the course or program meets the requirements for professional licensure in the state where the applicant or student ~~resides~~ is located; or

2. The institution will notify the applicant or student in writing that the institution cannot confirm the course or program meets requirements for professional licensure in the ~~student's~~ state in which the student is located. The institution must provide the student with current contact information for any applicable licensing boards and advise the student to determine whether the program meets requirements for licensure in the state where the student ~~resides~~ is located. Such contact information may include, but is not limited to, the current, active website of the applicable licensing board.

(C) In order to maintain approval, an institution must agree to—

1. Abide by the ~~*Interregional Guidelines for the Evaluation of Distance Education*~~ C-RAC Guidelines or its successor documents, as summarized below:

~~A. Online learning is appropriate to the institution's mission and purposes;~~

~~B. The institution's plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes;~~

~~C. Online learning is incorporated into the institution's systems of governance and academic oversight;~~

~~D. Curricula for the institution's online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats;~~

~~E. The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals;~~

~~F. Faculty responsible for delivering the online learning curricula and evaluating students' success in achieving the online learning goals are appropriately qualified and effectively supported;~~

~~G. The institution provides effective student and academic services to support students enrolled in online learning offerings;~~

~~H. The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings; and~~

~~I. The institution assures the integrity of its online offerings;~~

2. Be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA;

3. Notify ~~MDHE~~ DHEWD of any negative changes to its accreditation status or financial stability;

4. Provide data necessary to monitor SARA activities, as determined by ~~MDHE~~ DHEWD;

5. Submit annual participation fees as appropriate to National Council for State Authorization Reciprocity Agreements (NC-SARA) and ~~MDHE~~ DHEWD;

6. Make the institution and ~~MDHE's~~ the department's complaint resolution policies readily available to applicants and students for coursework under SARA provisions. Readily available in this context means published as part of the institution's catalog or student handbook and/or published on the institution's website;

7. Work with ~~MDHE-DHEWD~~ to resolve any complaints arising from its students in SARA states and to abide by decisions of ~~MDHE-DHEWD~~. Complaints must follow the institution's customary resolution procedure prior to being referred to ~~MDHE-DHEWD~~ ~~under SARA procedures~~. Under SARA, ~~MDHE-DHEWD~~ will not accept complaints more than two (2) years after the incident, complaints regarding grade appeals, or appeals related to student conduct violations. Complaints concerning criminal misconduct should be filed directly with local law enforcement authorities. Complaints relating to violations of federal law should be filed directly with the federal agency having jurisdiction over the matter in question (e.g., complaints regarding federal financial aid should be filed with the U.S. Department of Education); and

8. Agree, in cases where the institution cannot fully deliver the instruction for which a student has contracted, to provide a reasonable alternative, as determined by ~~MDHE-DHEWD~~, for delivering the instruction or reasonable financial compensation, as determined by ~~MDHE-DHEWD~~, for the education the student did not receive.

#### (4) Complaint Process.

(A) If ~~MDHE-DHEWD~~ receives a complaint about a Missouri institution relating to SARA, the complainant will be contacted by ~~MDHE-DHEWD staff (Academic Affairs or Proprietary School Certification, as appropriate)~~ to determine if the complainant has exhausted the grievance process at the institution.

(B) If the institutional grievance process has been completed, ~~MDHE-DHEWD~~ will ~~provide-notify the complainant to submit appropriate forms to file~~ a formal written complaint against the institution. If the complainant has not utilized the institutional remedies available, the individual will be directed to contact the institution to seek resolution.

(C) The formal complaint must be submitted in writing using the form provided by ~~MDHE-DHEWD~~. The complaint may be mailed or ~~faxed-submitted electronically~~ and must include supporting materials as well as documentation verifying institutional remedies have been exhausted. ~~MDHE staff will acknowledge receipt of the formal complaint in writing.~~

(D) ~~DHEWD will investigate formal complaints of dishonest or fraudulent activity by the state's SARA-participating institutions regarding violations of state regulations, SARA policies, or any general purpose consumer protection laws in the state. SARA-related complaints that fall within the jurisdiction of the department will be investigated and resolved as appropriate by the relevant unit of MDHE. SARA applies solely to those complaints resulting from distance education courses offered by participating institutions to students in other SARA states. It does not apply to distance education activity inside Missouri or to on-ground campuses.~~ Complaints concerning criminal misconduct will be referred to local law enforcement authorities. Complaints relating to violations of federal law will be referred to the federal agency having jurisdiction over the matter in question.

(E) Institutions will provide a response to the complaint within ten (10) working days of official notification by ~~MDHE-DHEWD~~.

(F) All parties to the complaint will be notified of its resolution ~~by mail~~. The decision of the DHEWD is final.

(G) ~~MDHE-DHEWD~~ will keep a log of all formal complaints, record the date received, the name of the complainant, the institution against which the complaint is made, a brief description of the complaint, and the date and nature of its disposition.

*AUTHORITY: section 173.030, RSMo Supp. 2014.\* Original rule filed Dec. 1, 2014, effective June 30, 2015.*

*\*Original authority: 173.030, RSMo 1963, amended 1988, 1990, 1995, 2014.*

**Tab 6 Attachment B**  
**Clean Copy of Revised SARA Administrative Rule**

**Title 6—DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE  
DEVELOPMENT**  
**Division 10—Commissioner of Higher Education**  
**Chapter 12—Interstate Reciprocity**

**6 CSR 10-12.010 State Authorization Reciprocity Agreement**

*PURPOSE: This rule sets forth the standards and procedures through which schools may be approved to participate in the State Authorization Reciprocity Agreement (SARA) and that students enrolling in SARA schools have financial and educational safeguards as provided in the rule.*

(1) Definitions.

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(M) “Host state” means a member state in which an institution operates under the terms of SARA, other than the home state.

(N) “Hybrid” means an educational program or course that includes both face-to-face and distance education. Also known by the name “blended” and, sometimes, other terms.

(O) “Institution” means a degree-granting, postsecondary entity holding recognized accreditation for purposes of participation in SARA.

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(T) “Operate” means activities conducted by an institution in support of offering distance education degree or non-degree courses or programs in a state, including, but not limited to, instruction, marketing, recruiting, tutoring, field experiences, and other student support services.

(U) “Physical presence” means a measure by which a state defines the status of an educational institution’s presence within the state. A SARA-participating institution’s program meeting one (1) or more of the criteria for physical presence must meet the non-SARA requirements to operate legally in the state of Missouri.

1. Physical presence includes—

A. A physical location for groups of more than ten (10) students to receive synchronous or asynchronous instruction;

B. A requirement for students to meet in a location for instructional purposes more than twice per quarter or semester for a total of more than six (6) contact or clock hours;

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F. A mailing address or phone exchange within the state.

2. An institution is not considered to have a physical presence and therefore eligible for purposes of participation in SARA if it only—

A. Advertises via print, billboard, mail, or electronic media;

B. Offers courses of programs on military bases and enrollment is restricted to federal employees and their family members;

C. Maintains a server, router, or similar device in a facility that otherwise would not constitute a physical presence;

D. Employs faculty or other academic personnel who reside in the state;

E. Holds proctored exams at a Missouri location on behalf of the institution;

F. Recruits for a distance education program;

G. Participates in a consortia agreement to offer academic programs among SARA institutions and approved by each participating institution;

H. Has a contractual arrangement with the home or host state; or

I. Offers students educational field experiences or limited supervised field experiences in Missouri. Field experiences originating from campus-based programs are considered distance education for the purposes of participation in SARA if they place no more than ten (10) students from an academic program simultaneously at one clinical or practicum site.

(V) “Portal agency” or “portal entity” means the single agency designated by each SARA member state to serve as the interstate point of contact for SARA questions, complaints, and other communications. The Missouri Department of Higher Education and Workforce Development is the portal agency for the state of Missouri.

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(Y) “State” means any state, commonwealth, district, or organized territory of the United States.

(Z) “Supervised field experience” means a student learning experience under the oversight of a supervisor, mentor, faculty member, or other qualified professional, located in the host state, who has a direct or indirect reporting responsibility to the institution where the student is enrolled, whether or not credit is granted. Examples include practica, student teaching, or internships. Independent off-campus study by individual students not engaged in a supervised field experience does not constitute a physical presence of a postsecondary institution in a SARA member state.

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(2) Responsibilities of the Missouri Department of Higher Education and Workforce Development (DHEWD).

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3. Determine whether a Missouri institution is eligible for participation in SARA, and lead any investigations regarding whether an institution is in compliance with SARA policies; and

4. Serve as the contact point for complaints about any institutions in the state that are operating under SARA.

(B) DHEWD will require each Missouri applicant institution to apply for state approval.

(C) DHEWD will review applications for renewal of approval to participate in SARA prior to expiration of current approval.

(D) DHEWD may recommend, and the Coordinating Board for Higher Education (CBHE) may approve, an annual fee schedule that provides sufficient funds to cover the administrative costs for oversight of SARA.

(E) DHEWD will verify institutional accreditation by an accrediting body recognized by the U.S. Department of Education. Such accreditation is considered by DHEWD to be sufficient initial evidence of academic quality for approving institutions for participation in SARA.

(F) DHEWD will accept applications from accredited degree-granting institutions of all sectors. DHEWD will not accept institutions for participation that are pre-accredited or in a candidacy status.

(G) For non-public institutions participating in Title IV, DHEWD will accept a USDE-calculated institutional federal financial responsibility rating of 1.5 or above as sufficient evidence of financial stability to qualify for participation in SARA.

(H) In the event an institution does not participate in federal Title IV financial aid, and therefore has no federal financial responsibility rating, DHEWD will accept a calculation of this rating from the institution's most recently completed financial statements by a certified, independent accountant in order to evaluate the institution to participate in SARA.

1. For an institution with a financial responsibility rating of 1.0 to 1.4, but meeting all other criteria, DHEWD will consider the institution for participation in SARA if the institution provides one (1) of the following:

A. A performance bond or irrevocable letter of credit in an amount equivalent to the unearned tuition of SARA students; or

B. Evidence and commitment of sufficient financial resources available to the institution to meet the above requirement.

2. DHEWD will not consider an initial or renewal application for participation in SARA from an institution with a financial responsibility rating less than 1.0.

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### (3) Institutional Responsibilities.

(A) Missouri institutions seeking participation in SARA must hold proper authorization from Missouri to offer postsecondary education, hold institutional accreditation from an accrediting association recognized by the U.S. Department of Education, and maintain minimally accepted financial responsibility scores.

(B) Any Missouri institution operating under SARA that offers courses or programs potentially leading to professional licensure must satisfy all SARA and all federal requirements for disclosures. Missouri institutions must inform all students and potential students enrolled or seeking enrollment in such programs as to whether such offerings actually meet licensing requirements in the state in which the student is located. A dated e-mail dedicated solely to this purpose and sent to the student's best known e-mail address meets the state requirement; however, the institution should use other means to notify the student if needed. DHEWD may require institutions to provide documentation of such notification. Loss of SARA eligibility of the course or program offered will result for failure to provide proper notice in one (1) of the two (2) ways listed below:

1. The institution will notify the applicant or student in writing that the institution has determined the course or program meets the requirements for professional licensure in the state where the applicant or student is located; or

2. The institution will notify the applicant or student in writing that the institution cannot confirm the course or program meets requirements for professional licensure in the state in which the student is located. The institution must provide the student with current contact information for any applicable licensing boards and advise the student to determine whether the program meets requirements for licensure in the state where the student is located. Such contact information may include, but is not limited to, the current, active website of the applicable licensing board.

(C) In order to maintain approval, an institution must agree to—

1. Abide by the C-RAC Guidelines or its successor documents;
2. Be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA;
3. Notify DHEWD of any negative changes to its accreditation status or financial stability;
4. Provide data necessary to monitor SARA activities, as determined by DHEWD;

5. Submit annual participation fees as appropriate to National Council for State Authorization Reciprocity Agreements (NC-SARA) and DHEWD;

6. Make the institution and the department's complaint resolution policies readily available to applicants and students for coursework under SARA provisions. Readily available in this context means published as part of the institution's catalog or student handbook and/or published on the institution's website;

7. Work with DHEWD to resolve any complaints arising from its students in SARA states and to abide by decisions of DHEWD. Complaints must follow the institution's customary resolution procedure prior to being referred to DHEWD. Under SARA, DHEWD will not accept complaints more than two (2) years after the incident, complaints regarding grade appeals, or appeals related to student conduct violations. Complaints concerning criminal misconduct should be filed directly with local law enforcement authorities. Complaints relating to violations of federal law should be filed directly with the federal agency having jurisdiction over the matter in question (e.g., complaints regarding federal financial aid should be filed with the U.S. Department of Education); and

8. Agree, in cases where the institution cannot fully deliver the instruction for which a student has contracted, to provide a reasonable alternative, as determined by DHEWD, for delivering the instruction or reasonable financial compensation, as determined by DHEWD, for the education the student did not receive.

#### (4) Complaint Process.

(A) If DHEWD receives a complaint about a Missouri institution relating to SARA, the complainant will be contacted by DHEWD to determine if the complainant has exhausted the grievance process at the institution.

(B) If the institutional grievance process has been completed, DHEWD will notify the complainant to submit a formal written complaint against the institution. If the complainant has not utilized the institutional remedies available, the individual will be directed to contact the institution to seek resolution.

(C) The formal complaint must be submitted in writing using the form provided by DHEWD. The complaint may be mailed or submitted electronically and must include supporting materials as well as documentation verifying institutional remedies have been exhausted.

(D) DHEWD will investigate formal complaints of dishonest or fraudulent activity by the state's SARA-participating institutions regarding violations of state regulations, SARA policies, or any general purpose consumer protection laws in the state. Complaints concerning criminal misconduct will be referred to local law enforcement authorities. Complaints relating to violations of federal law will be referred to the federal agency having jurisdiction over the matter in question.

(E) Institutions will provide a response to the complaint within ten (10) working days of official notification by DHEWD.

(F) All parties to the complaint will be notified of its resolution. The decision of the DHEWD is final.

(G) DHEWD will keep a log of all formal complaints, record the date received, the name of the complainant, the institution against which the complaint is made, a brief description of the complaint, and the date and nature of its disposition.

*AUTHORITY: section 173.030, RSMo Supp. 2014.\* Original rule filed Dec. 1, 2014, effective June 30, 2015.*

*\*Original authority: 173.030, RSMo 1963, amended 1988, 1990, 1995, 2014.*