

Commonwealth of Virginia Policy on the Reciprocal Authorization of Distance Education and Related Activities

Adopted: July 22, 2014

Revised: [September 25, 2017]

- I. Pursuant to Code of Virginia § 23.1-211, Code of Virginia §23.1-213 to 23.1-229, and Virginia Administrative Code 8VAC40-31 (esp. 8VAC40-31-290), this policy describes authorities, responsibilities, perquisites, and obligations that pertain to SCHEV, Virginia in-state institutions, and out-of-state institutions according to terms of the State Authorization Reciprocity Agreement (SARA) as administered by the Southern Regional Education Board (SREB) and the National Council on State Authorization Reciprocity Agreements (NC-SARA). The purpose of SARA is to afford an efficient system for institutions offering distance education to receive authorization from states other than their home state, by placing the responsibility for regulation, quality assurance, and student protection on the institution's home state. To that end, and in accord with its authority under Code of Virginia § 23.1-211, SCHEV pledges:
- to oversee the participation of eligible Virginia institutions in SARA according to all applicable standards of quality and student protection; and
 - to respect the authorization and oversight provided by the home states of out of state members of SARA, and to allow such institutions to operate in Virginia according to the terms of SARA.
- II. The Director of SCHEV is authorized to act on behalf of the Commonwealth of Virginia, its higher education institutions, and the students of its institutions in all matters related to Virginia's participation in SARA, including—but not necessarily limited to—any regional or national agreements and processes established by SREB and/or NC-SARA. The authority of the Director shall include—but not necessarily be limited to—the following functions and activities:
- to apply for Virginia to be a member of SARA, through procedures administered by SREB;
 - to establish administrative processes necessary for SCHEV to satisfy terms of Virginia's membership in SARA;

- to delegate to SCHEV staff whatever responsibilities, obligations, or authorities s/he judges necessary for the administration of Virginia's participation in SARA;
- to set fees to be paid by Virginia SARA institutions to cover direct and indirect costs incurred by SCHEV in the administration of SARA;
- to establish the State Reciprocity Advisory Council (SRAC), composed of a representative from each Virginia SARA institution, and to consult with it on all aspects of Virginia's participation in SARA; and
- to make revisions to this policy that may be necessary to maintain Virginia's participation in SARA in good standing, and to report such revisions to Council as "Delegated Items." (Any revisions that would significantly alter the terms of this policy, and/or require other changes to Virginia regulation or law, shall be approved by Council action.)

III. Membership in SARA for Virginia institutions.

SCHEV shall be responsible for approving Virginia institutions for membership in SARA, and overseeing their ongoing compliance with terms of membership.

A. Eligibility. In order to be eligible to apply to SCHEV for SARA membership, an institution must:

- be accredited as a degree-granting institution of higher education by an accreditor recognized by the U.S. Department of Education (USED);
- be authorized to operate in Virginia as an in-state institution; and
- if not a public institution, document a composite score of at least 1.5 out of 3.0 on the USED financial stability scale.

Any institution not satisfying all three of the above conditions shall be deemed ineligible to apply to SCHEV for SARA membership.

B. Approvability. In addition to basic eligibility criteria listed above, in order to be approved for SARA membership, each applicant institution must document to SCHEV in accord with guidelines developed for the purpose by NC-SARA, SREB, and/or SCHEV:

- that the institution accepts and adheres to the *Interregional Guidelines for the Evaluation of Distance Education (Online Learning)* adopted by the Council of Regional Accrediting Commissions;
- that the institution has an appropriate student complaint resolution process, which includes acceptance of SCHEV oversight in resolving

complaints from students taking distance education under the aegis of SARA; and

- that the institution understands and accepts the scope of authorization provided under SARA according to the most current version of the NC-SARA document *NC-SARA State Authorization Reciprocity Agreements Policy and Operations Manual*.

C. Reporting Obligation. A Virginia SARA institution experiencing a change to any of the criteria for eligibility or approvability shall report such to the SCHEV SARA administrator immediately. Relevant changes may include, but not necessarily be limited to:

- adverse actions by an institutional accreditor (e.g., probation or revocation);
- adverse financial circumstances affecting the institution's financial stability score;
- changes in authorization status (e.g., planned changes in ownership, "in-state" status, or institutional name).

D. A Virginia SARA institution found to be non-compliant with one or more terms of SARA membership standards will be notified by SCHEV staff and given opportunity to come into compliance. Repeated and/or chronic instances of non-compliance shall result in removal of the institution from SARA. Such removal shall be accomplished by action of Council, and shall not be subject to further appeal.

IV. Authorization and Privileges/Obligations of Out of State Institutions Operating in Virginia under the aegis of SARA.

A. In accord with its authority under above-cited sections of the Code of Virginia and Virginia Administrative Code, SCHEV grants to SARA institutions from other states/territories authorization to engage in any and all of the activities enumerated in the *NC-SARA State Authorization Reciprocity Agreements Policy and Operations Manual*, section 5, "Coverage and Limitations of SARA," subject to qualifications described in IV.B below.

B. The enablements referenced in IV.A above are not intended to, and do not in fact, supersede, override, or otherwise replace any regulation or provision of law that may apply to any licensure-qualifying programs in the

Commonwealth of Virginia. Any SARA institution from another state/territory intending to offer programming to residents of Virginia in a licensure-qualifying discipline is entirely responsible for determining from the relevant board or agency its requirements for operating in Virginia. In the case of conflict, requirements of any such Virginia board or agency shall take precedence over any and all enablements covered by SARA membership.