



DLAB

Distance Learning Authorization Board

Annual Report of 2021 Activities

The Wisconsin Distance Learning Authorization Board (DLAB) was established by 2015 Wisconsin Act 208, on March 1, 2016. The Board is attached to the Wisconsin Higher Educational Aids Board (HEAB) for administrative purposes, and HEAB hosts a DLAB-related webpage on its website. The DLAB website is available at <http://www.heab.state.wi.us/dlab/index.html>. The DLAB serves as Wisconsin's portal entity, making it possible for Wisconsin institutions of higher education, who serve out-of-state students through distance education, to participate in the State Authorization Reciprocity Agreement, or SARA. All U.S. states, except California are SARA member states. The District of Columbia (DC) and the territories of Puerto Rico and the U.S. Virgin Islands are also members of SARA.

The DLAB has membership from each higher education sector including the University of Wisconsin System (UWS), the Wisconsin Technical College System (WTCS), the Wisconsin Association of Independent Colleges and Universities (WAICU) for private, nonprofit institutions, Wisconsin's Tribal Colleges, and the Wisconsin Department of Safety and Professional Services for proprietary institutions.

As required by s. 39.87(3), *Wis. Stats*, annually by January 30, the DLAB shall submit a report "that summarizes the board's actions taken during the immediately preceding calendar year." This report was approved by the DLAB at its December 1, 2020, meeting for submission under s. 39.87.

2021 Meetings

The DLAB Board met three times in 2021, with meetings in May, September, and December. All meetings were held virtually and followed open meeting requirements and procedures.

The primary business of the May meeting was to discuss National Council of State Authorization Reciprocity Agreements' (NC-SARA) consideration of new Council of Regional Accrediting Commissions (C-RAC) guidelines, discussion of policies surrounding institutional financial responsibility scores and pandemic impacts on the scores, and institutional renewal approvals shared by sector staff representatives.

The focus of the September DLAB meeting was to review and discuss the policy changes to the SARA Manual and general activities of NC-SARA that occurred at its May 2021 board meeting.

More specifically, DLAB discussed some issues being raised by the SARA regional compacts and other state members in regard to NC-SARA's methods and processes used to propose and implement changes to the SARA Manual that impact states and institutions. DLAB also reviewed and approved initial and renewed institution applications for participation in SARA.

The December meeting involved the review and approval of this annual report as well as the election of officers for the 2022 calendar year. The officers elected for the 2022 calendar year are as follows:

- Chair: Dr. Anny Morrobel-Sosa, Vice-President, Academic and Student Affairs, University of Wisconsin System
- Vice Chair: Dr. Morna Foy, President, Wisconsin Technical College System
- Secretary: Dr. Rolf Wegenke, President, Wisconsin Association of Independent Colleges and Universities

Additional members of the Board include Dawn Crim, Secretary of the Department of Safety and Professional Services and Dr. Russell Swagger, President, Lac Courte Oreilles Ojibwe College. Dr. Swagger was appointed by Governor Tony Evers to serve as the tribal representative of the DLAB in 2019.

OVERVIEW OF STATE AUTHORIZATION RECIPROcity AGREEMENT

In 2013, the U.S. Department of Education, states and institutions joined together to develop and establish the State Authorization Reciprocity Agreements (SARA) in response to the growing demand for distance education opportunities as well as the complexity of seeking written authorization from each state in which the institution marketed, offered and/or enrolled its citizens in a distance education program, internship, or field trip. SARA was designed to streamline regulations around distance education programs and make it simpler for states to acknowledge other states' work and decisions about institutional authorization. It also provides important consumer protections to support distance education students.

Eligible Institutions and Fees

All accredited degree-granting institutions in SARA-member states (public, private, independent, non-profit, and for-profit) are eligible to apply to participate in SARA. Institutions pay between \$2,000-\$6,000 annually to NC-SARA, based on full-time equivalent enrollment of all students, not just distance education students. For many institutions, this fee is affordable and reasonable compared to the alternative which involves each institution applying for and paying applicable "state authorization" fees to each state where an institution offers distance learning education (or other related activities that would establish a physical presence in that state).

Participation Rate of Institutions

Currently, more than 2,200 U.S. postsecondary institutions that offer distance education programs voluntarily participate in these agreements across 49 member states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

Enrolled Students at SARA-Participating Institutions

In Fall 2020 (the latest available data as reported by SARA-participating institutions), nearly 6 million students were enrolled exclusively in distance education programs at SARA-participating institutions. This is a 93% increase over Fall 2019 enrollments and reflects not only the increase in distance education offerings throughout the country, but the temporary (and possible permanent) transition of more students choosing their education through online learning programs due to the pandemic. In Wisconsin, SARA-participating institutions reported a 184% increase over the same time period.

Change in Exclusively Distance Education Enrollments

National	2019	2020	% change
In-State Enrollments	1,621,188	3,937,656	143%
Out-of-State Enrollments ¹	1,395,756	1,888,067	35%
Total	3,016,944	5,825,723	93%
Wisconsin			
In-State Enrollments	24,183	71,138	194%
Out of-State Enrollments ¹	7,552	18,897	150%
Total	31,735	90,035	184%

1. Includes enrollments from non-SARA participating states (i.e., California) and U.S. Territories.

NC-SARA

With the ongoing development and governing board activities of NC-SARA, changes in policy as well as scope of the organization's mission and activity have developed. DLAB continues to encourage NC-SARA to remain true to its original mission and purpose to protect student consumers engaging in online education as well as to reduce the annual NC-SARA fees for institutions and students. The DLAB has provided input and feedback to NC-SARA leadership. In addition, the DLAB state portal representatives have worked closely with M-SARA regional staff as well as NC-SARA staff to provide input, commentary, and recommendations to NC-SARA's policies, procedures, and actions.

- During 2021, DLAB leadership has requested that the NC-SARA board ensure adequate state representation on its board and input from the four regional compacts. Wisconsin leadership also requested that NC-SARA improve its board activities and actions by creating a more transparent process as well as create a reasonable opportunity for states and regional compacts to provide input on any proposed changes to the SARA Manual or NC-SARA board activities that may impact state members or participating

institutions. Due to Wisconsin's advocacy, and that of other states, NC-SARA's most recent board appointments now include members representing two-year community colleges as well as private, non-profit institutions.

- DLAB leadership has requested that the NC-SARA organization remain focused on consumer protection and not engage in duplicative functions performed by other entities such as accreditation which ensures quality of academic programs. For example, NC-SARA staff proposed replacing the current C-RAC Guidelines in the SARA Manual with the 21st Century Distance Learning Guidelines that would create duplication and expansion of accreditation-like requirements.
- DLAB has also encouraged the NC-SARA board to be mindful of costs when determining new initiatives and setting new policies. Unlike many other states, Wisconsin does not charge a state fee for institutions to participate in SARA at the state level; institutions pay just one participation fee to NC-SARA. Wisconsin higher education sectors are all undertaking initiatives to control and reduce costs and have expressed that NC-SARA focus on efforts to support existing needs rather than create new and costly initiatives outside the scope of the organization's mission.

At its October 2021 meeting, the NC-SARA board discussed some recent concerns expressed by the four regional compact presidents in regard to NC-SARA's commitment to the original intent of SARA and the Unified Agreement. In response to these concerns, the board unanimously voted to approve the following statement and publish it on the official NC-SARA website:

"The four regional compact presidents and the president of NC-SARA agree that the Unified Agreement (UA) establishes the guiding principles of SARA and the framework for SARA's operational and administrative structure. The policy manual specifies procedures, policies, and guidance for implementation of the UA. The UA articulates the differing and complementary roles that underlie the peer partnership and emphasizes collaboration and the importance of continuing to work 'in concert.'"

This action is a positive response to the continuous involvement and collaboration between state members and regional compacts to hold NC-SARA accountable for its actions and activities that have a direct impact on the manner in which SARA is interpreted, revised and enforced.

Institutional Application Approvals, Renewals and Enrollment

As of December 2021, 51 Wisconsin-based higher education institutions have been approved by the DLAB to participate in SARA. This includes 13 UWS campuses, 20 private, nonprofit institutions, 16 WTCS institutions, one proprietary institution, and one tribal college.

As required by s. 39.86(3)(a)2., *Wis. Stats*, the following chart lists all the DLAB-approved SARA institutions. The list of approved institutions is also available on the NC-SARA website, and a link to this site is included on the DLAB website.

Wisconsin-Based Participating SARA Institutions

UWS:

University of Wisconsin – Eau Claire	University of Wisconsin – Platteville
University of Wisconsin – Green Bay	University of Wisconsin – River Falls
University of Wisconsin – La Crosse	University of Wisconsin – Stevens Point
University of Wisconsin – Madison	University of Wisconsin – Stout
University of Wisconsin – Milwaukee	University of Wisconsin – Superior
University of Wisconsin – Oshkosh	University of Wisconsin – Whitewater
University of Wisconsin – Parkside	

Private, Non-Profit:

Alverno College	Marquette University
Bellin College	Medical College of Wisconsin
Cardinal Stritch University	Milwaukee School of Engineering
Carroll University	Milwaukee Institute of Art & Design
Carthage College	Mount Mary University
Concordia University Wisconsin	
Edgewood College	Ripon College
Herzing University	Sacred Heart Seminary and School of Theology
Lakeland University	Viterbo University
Maranatha Baptist University	Wisconsin Lutheran College
Marian University	

WTCS:

Blackhawk Technical College	Moraine Park Technical College
Chippewa Valley Technical College	Nicolet Area Technical College
Fox Valley Technical College	Northcentral Technical College
Gateway Technical College	Northeast Wisconsin Technical College
Lakeshore Technical College	Northwood Technical College
Madison Area Technical College	Southwest Wisconsin Technical College
Mid-State Technical College	Waukesha County Technical College
Milwaukee Area Technical College	Western Technical College

Proprietary Institutions:

Wright Graduate University for the Realization of Human Potential	
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Tribal Colleges:

Lac Courte Oreilles Ojibwe College	
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Student Complaints and Consumer Protections

One of the important aspects of SARA is to ensure that students are protected from illegal, fraudulent and/or misrepresented information and activities in the manner, method and means for which distance education is conducted. As a part of SARA participation, institutions are required to have a state-level process for reviewing and acting on complaints filed by prospective and current students enrolled in distance education programs conducted across state lines. All Wisconsin institutions have such a complaint process which involves DLAB's review and action if not adequately addressed at the institutional level. To date, all institutions are in compliance with these provisions. No SARA-related complaints were filed against any Wisconsin-based SARA-participating institutions in 2021. This is due in large part to the collaborative design of the DLAB, and all sectors working together. The DLAB also relies on Wisconsin's existing strong consumer protection laws to ensure the protection of students and resolving consumer complaints.

Data Reporting/Enrollment

NC-SARA requires SARA-participating institutions to report distance education program enrollments on an annual basis. Institutions are required to report the number of students enrolled in the institution located outside the home state of the institution. Starting in 2019, institutions also reported their in-state enrollment. According to the data collected and reported by NC-SARA for Fall 2020 enrollment reporting, 17,640 out-of-state students representing all 48 SARA states (other than Wisconsin), District of Columbia, Puerto Rico and the U.S. Virgin Islands enrolled in distance education programs at Wisconsin-based SARA-participating institutions. Only California has yet to join SARA.

At the same time, other states reported 25,740 Wisconsin residents were enrolled in a distance education program at an out-of-state SARA-participating institution. Wisconsin students attended SARA-participating institutions in all 48 of the other SARA-participating states, District of Columbia, and Puerto Rico. The table below shows the top five home states of students attending Wisconsin-based SARA-participating institutions and the top five states where Wisconsin students attended SARA-participating institutions in Fall 2020. It should be noted that 1,257 non-SARA students (i.e., students located in California and certain U.S. Territories) attended Wisconsin institutions, but are not represented in the table below because California does not participate in SARA.

Home State	Out-of-State Students Attending Wisconsin Institutions Under SARA		State of Attendance	Wisconsin Students Attending Out-of-State Institutions Under SARA
Minnesota	4,351		Minnesota	4,531
Illinois	4,298		Arizona	3,618
Michigan	1,091		Illinois	2,437
New York	740		Utah	1,686
Texas	607		New Hampshire	1,543

Among Wisconsin-based SARA-participating institutions, the top five institutions in terms of attracting out-of-state distance education students from SARA states are University of Wisconsin – Madison (6,648 students), Herzing University (1,667 students), University of Wisconsin – Milwaukee (1,217 students), Concordia University Wisconsin (1,176 students), and University of Wisconsin - River Falls (1,039 students).

Exempt Institutions

Another statutory responsibility assigned to the DLAB is that the Board “create and maintain” a list of higher education institutions that are legally authorized to operate in Wisconsin. Under federal rules (34 C.F.R. §600.9), institutions that are legally authorized in a state may be exempt from additional state approval or licensure.

The Board is required to make this list available to the public and at least annually provide the list to the Wisconsin Legislative Reference Bureau for publication in the *Wisconsin Administrative Register*. The list of exempt institutions was provided by HEAB (as the administrative agency to which the DLAB is attached) to the Reference Bureau and is to be published in the *Wisconsin Administrative Register*. The listing of exempt institutions is available on the DLAB website.

Additionally, Wisconsin has, for many years, issued a Governor’s Executive Order to document compliance for institutions that are legally authorized in the state as required by Federal law. An updated Executive Order #37 was issued by Governor Evers in July of 2019.

2022 Anticipated Activities

For 2022, the DLAB priorities include:

- Continuing to be a source of information for SARA-participating Wisconsin institutions and stakeholders on SARA Manual and policy changes, procedures, and data requirements to ensure compliance with SARA requirements.
- Reviewing and acting on institutional renewal applications and any new applications.
- Continuing strong cross-sector collaboration that makes the DLAB unique in how states are complying with SARA requirements.
- Continuing to serve as a technical resource for Wisconsin-based higher education institutions participating in SARA or seeking to participate.
- Continuing to advocate on behalf of the State of Wisconsin for NC-SARA’s Board to remain true to the Unified Agreement and original mission of SARA.

In conclusion, the DLAB continues to serve an important role in facilitating the ability of Wisconsin-based higher education institutions to expand their distance education offerings across state borders and to reduce the associated regulatory burden on the institutions. Also, with the pandemic, online learning has become more important than ever and highlighted the need to ensure all students have access to high-quality postsecondary education. Distance education increases that access, making the DLAB’s work more important, now more than ever before.