



# DLAB

Distance Learning Authorization Board

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**May 17, 2024  
Virtual Meeting**

## **Minutes**

### Members present

Dr. Eric Fulcomer, Wisconsin Association of Independent Colleges and Universities (WAICU)  
Jay Rothman, Universities of Wisconsin (UW)  
Dr. Morna Foy, Wisconsin Technical College System (WTCS)  
Secretary Dan Hereth, Wisconsin Department of Safety and Professional Services (DSPS)

### Members absent

Dr. Russell Swagger, Wisconsin's Tribal Colleges

### Others present

Megan Stritchko, WTCS  
Paige Smith, UW  
Rebecca Larson, WAICU  
Sonja Umberger, WAICU

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### **Call to Order and Open Meeting Statement – Dr. Eric Fulcomer, DLAB Chair**

Dr. Fulcomer, DLAB Chair, called the meeting to order at 11:02 a.m.

Sonja Umberger called roll and a quorum was present. She read the following Open Meeting Statement: “The May 17, 2024 meeting of the Wisconsin Distance Learning Authorization Board and all other meetings of this board are open to the public in compliance with State Statute. Notice of the meeting has been sent to the press in an attempt to make the general public of Wisconsin aware of the time, place, and agenda of the meeting.”

### **Action: Approval of December 15, 2023 DLAB meeting minutes – Dr. Eric Fulcomer**

The minutes of the December 15, 2023 meeting was approved unanimously (Foy/Rothman motion). The minutes will be posted to the DLAB website.

### **Report of the Chair – Dr. Eric Fulcomer**

Dr. Fulcomer welcomed the board to the first meeting of 2024 and his first meeting as board chair. Higher education at present is facing significant uncertainty in the areas of distance education authorization and reciprocity itself given the anticipated regulatory changes

coming from the U.S. Department of Education (USDE). While no higher education intuition is immune from the regulatory and demographic challenges being faced, the cross collaboration between and among the DLAB sectors is a bright spot. The collective work of DLAB improves financial aid policy for low-income students, supports dual enrollment possibilities for foster youth, and expedites and improves professional licensure processes. Higher education continues to be a vital contributor to Wisconsin's workforce, economic prosperity, and democratic ideals.

Dr. Fulcomer then reviewed the agenda. On behalf of the board, Dr. Fulcomer congratulated Dr. Foy on her retirement and thanked her for her vocal and tireless advocacy for Wisconsin's higher education institutions.

Dr. Foy thanked the board and Dr. Fulcomer and confirmed that this was her last DLAB meeting. She said during her time on the board helpful structures were put in place with the state of Wisconsin. She encouraged DLAB and the higher education sectors to continue to discuss and engage with NC-SARA (National Council for State Authorization Reciprocity Agreements) on various issues related to its governance and mission so that it remains true to its original intent. Dr. Fulcomer said the board would miss Dr. Foy and her deep institutional knowledge.

### **Report: Review and Approval of Institutional Renewal Applications**

#### Universities of Wisconsin – Paige Smith

Paige Smith reported no renewals at this time. The renewal process for the Universities of Wisconsin occurs during the summer.

#### Wisconsin Association of Independent Colleges and Universities – Rebecca Larson

Rebecca Larson reported no renewals at this time. Nashotah House was most recently on provisional status and elected not to renew in NC-SARA.

#### Wisconsin Department of Safety and Professional Services – Joan Gage

Secretary Hereth is not aware of any renewals at this time.

#### Wisconsin Technical College System – Megan Stritchko

Megan Stritchko provided an update of the renewals in the Wisconsin technical colleges sector. Three colleges: Milwaukee Area Technical College, Blackhawk Technical College, and Gateway Technical College have submitted their renewals and have been approved.

**Action: Review and Approval of State of Wisconsin Renewal Application for NC-SARA Membership**

Rebecca Larson reviewed Wisconsin's renewal application to NC-SARA. She said states must submit a renewal application every two years. Wisconsin's renewal application is due June 1, 2024. It will then be considered for approval at the July M-SARA meeting. She reviewed the draft cover letter and walked through what information will be entered online for the renewal application. The list of attachments to the renewal application was discussed. The complete renewal application—cover letter, attachments, and application—will be submitted as a single PDF to M-SARA for approval at the Regional Steering Committee (RSC).

A brief discussion ensued. Dr. Foy suggested adding text to the cover letter taken from Wisconsin's original application that states Wisconsin's intent and purpose of creating DLAB.

Jay Rothman left the meeting at 11:35 a.m.

A motion was made to approve the state of Wisconsin renewal application for NC-SARA membership, with the addition of inserting text from its original application regarding Wisconsin's intent and purpose of creating DLAB to the current draft cover letter (Foy/Hereth). The motion carried unanimously.

**Report: Staff Updates**

**NC-SARA and Federal Regulations – Paige Smith**

Paige Smith provided an update on new federal regulatory rules effective on July 1, 2024, that relate to distance education and the SARA reciprocity agreement. She shared the history of SARA and how the federal regulatory landscape is changing the way in which distance education in higher education is offered across the nation.

Federal rules enhance requirements on professional licensure programs that are offered to students living outside of their home state to the point that institutions will be prohibited from enrolling students in licensure or certificate programs that fail to meet the student's state educational requirements for licensure or certification. Institutions are also prohibited from advertising said programs in those states.

Along with to the new rules effective July 1, 2024, new negotiated proposed rulemaking includes additional changes that would impact SARA institutions, such as requiring any institution to obtain additional state authorization to operate in any state where it enrolls

500 or more students in distance education programs; increasing a state's authority to review, investigate, and oversee the complaints filed by students in that state against a non-home institution; and requiring members of both NC-SARA and state portal entity boards to be employees of state regulators, governing bodies, or attorney generals' offices. Additionally, proposed federal rules would allow states to enforce educational-specific consumer protection laws which conflict with the terms of the SARA Manual regarding states agreeing not to enforce these rules against SARA-participating institutions.

In addition to the above regulatory issues, NC-SARA received forty-four new policy proposals during this year's Policy Modification Process (PMP). A number of proposals seek to increase state members' authority and discretion over the conditions under which institutions participate in SARA and were submitted by and/or supported by at least two regional compacts. It is important to note that the membership of all compacts, except for MHEC/M-SARA, is represented by state regulators. MHEC/M-SARA is the only regional compact that includes members from State Portal Entity boards and institution representatives. This creates the opportunity for an increase in regulation and restriction under the SARA Manual on distance education that may be considered contrary to the mission of NC-SARA. The NC-SARA board has agreed to waive its authority to vote on any policy if all four compacts vote to approve the policy. This places all authority to revise SARA at the regional compacts level.

These issues will be carefully monitored by DLAB staff.

#### Complaints Report – Joan Gage

Rebecca Larson reported on behalf of Joan Gage that there were no complaints.

#### NC-SARA State and Territory Grant Update – Megan Stritchko

Megan Stritchko reported that DLAB had applied for one of the grants from NC-SARA's annual funding opportunities and had received a \$7,500 award in January 2024. A portion of these funds will be used to join the State Authorization Network. This is an annual membership and will only cover DLAB portal staff. DLAB will share resources with institutions as appropriate. DLAB will be a member as of July 1, 2024, and will need to secure funds to renew each subsequent year.

To use the balance of the award, portal staff is exploring resources to navigate through regulatory changes and requirements. One option could be resources from HELP (Higher Education Licensure Pros LLC).

**Discussion: Other Items**

No other items were heard.

**Next meeting**

The next scheduled meeting of the board is September 20, 2024 at 11:00 a.m. and will be virtual.

**Adjournment**

There was no further discussion, and a motion was made to adjourn the meeting (Foy/Hereth). The motion carried unanimously, and the meeting adjourned at 12:00 p.m.