



# DLAB

Distance Learning Authorization Board

December 15, 2023

11:00 am

Virtual Meeting

## MEETING MINUTES

### Members present:

- President Morna Foy – Chair – Wisconsin Technical College System (WTCS)
- President Eric Fulcomer – Vice Chair – Wisconsin Association of Independent Colleges and Universities (WAICU)
- President Jay Rothman – Secretary – University of Wisconsin System (UWS)
- President Russell Swagger – Lac Courte Oreilles Ojibwe University

### Others Present:

- Johannes Britz, UWS
- Julie Drake, WTCS
- Joan Gage, DSPS
- Rebecca Larson, WAICU
- Paige Smith, UWS
- Megan Stritchko, WTCS
- Sonja Umberger, WAICU

### Call to Order, Roll Call and Open Meeting Statement

President Foy called the meeting to order at 11:00 am. Ms. Drake read the open meeting statement and roll call indicated that a quorum was present.

### Action Item. Approval of the September 29, 2023 meeting minutes.

It was moved by President Rothman, seconded by President Fulcomer to approve the September 29, 2023 meeting minutes. Motion carried unanimously.

### Report of the Chair

President Foy acknowledged how far this Board has come since its creation in 2016 and thanked the Board and its staff for their work to support high-quality distance education programs and activities and for their advocacy effort this year. NC-SARA's first-ever policy modification process provided an opportunity for this Board to continue to hold NC-SARA true to its mission and ensure that member states and institutions remain centered in that work. In addition, the Department of Education's far-reaching rulemaking impacting consumer protection and professional licensure provisions intersected with distance education and SARA and presented an opportunity for this Board to lend its voice on these important topics. As we look to 2024, many of these federal rulemaking discussions that intersect with distance education and SARA will continue and the insight from this Board and its staff will remain as important as ever.

### Action Item. Election of 2024 DLAB Officers

The following Board Members were elected to serve in the following board officers' roles for the 2024 term:

It was moved by President Rothman, seconded by President Swagger that President Fulcomer serves as Chair of DLAB for the 2024 term. Motion carried unanimously.

It was moved by President Fulcomer, seconded by President Swagger that President Rothman serve as Vice Chair of DLAB for the 2024 term. Motion carried unanimously.

It was moved by President Rothman, seconded by President Swagger that President Foy serve as Secretary of DLAB for the 2024 term. Motion carried unanimously.

### **Report: Review of Institutional Application Submissions, Renewals and Withdrawals**

- a. Wisconsin Association of Independent Colleges and Universities – Ms. Larson reported WAICU approvals for Alverno College, Lakeland University, Carthage College, Mount Mary University, Milwaukee Institute of Art and Design, Ripon College and Sacred Heart Seminary and School of Theology. Ms. Larson confirmed with NC-SARA that Nashotah House remains on provisional status until a new Federal Financial Responsibility (FFR) score is provided by the Department of Education or the renewal application is considered again. Nashotah House is up for renewal in the spring of 2024.
- b. Wisconsin Technical College System – Ms. Stritchko reported WTCS approvals for Mid-State, Moraine Park, Lakeshore and Waukesha County technical colleges.
- c. Wisconsin Department of Safety and Professional Services – Ms. Gage reported no renewals.
- d. Universities of Wisconsin – Ms. Smith reported no renewals.

### **Report: State Portal Entity Representative Updates**

- a. General Updates – Ms. Smith
  - i. Policy Modification Process – The first NC-SARA policy modification process was recently completed. It took 63 proposed policy modifications down to five that were approved by the NC-SARA Board. Two new policies take effect in January 2024 and three take effect in July 2024. In general, many of these proposals increase public disclosures and reporting requirements for states. DLAB staff will discuss how best to collect and track the information needed under these new policies. The policy modification process for 2024 is starting now and Ms. Smith is participating in those conversations with the goal of ensuring that proposed policies are consistent and not duplicative of federal regulations and that they do not create an added layer of compliance for institutions.
  - ii. Institution Fees – NC-SARA is proposing to raise fees on institutions. The fees have never been increased previously and the increase is nominal (approximately 10%). The fee proposal also includes a new fee category for institutions with enrollments higher than 30,000. This proposal was brought to the Board in October but was tabled to be taken up in February. Because this change is financial, the NC-SARA board is considering it under their own purview and do not plan to seek public comment. President Foy commented that NC-SARA has grown in size and structure beyond what was imagined and there are already concerns related to over-reach and therefore she is not supportive of the expansion of operations or scope of NC-SARA if that is what the fees will be used for. President Rothman added that he has concerns that this increase burdens institutions that are already struggling financially and that it sets a

precedent for future increases. Ms. Smith agreed to voice those concerns and try to get a better understanding of the purpose of the fee increase and what the funds will be used for. President Rothman added that it is troubling that the fee increase did not include a justification for what the additional fees would be used for.

- iii. Federal Regulations – Final federal regulations were published and will go into effect July 1, 2024. There are several provisions in the regulations, but DLAB has been monitoring professional licensure and state authorization provisions. Professional licensure provisions require institutions to affirm whether their program meets or does not meet professional licensure requirements in states from which students are enrolled and limits institutions from enrolling students from states for which the program does meet the state's professional licensure requirement. President Swagger asked if these changes were taking us back to a system where institutions must comply with each state's requirements and, if so, asked what the value of SARA is. Ms. Smith agreed that these changes are burdensome for institutions and outlined some of the helpful resources that the sectors have come together to share among institutions. President Foy reminded the Board that the Board opposed this change to professional licensure requirements and added that the two-year sector has been opposed to this and the related Gainful Employment changes for years. She remarked that the financial and administrative costs are not sustainable and suggested that student groups may have their own concerns related to attestation requirements. Ms. Smith commented that the rules also contain a state authorization provision that require institutions to comply with all State laws related to closure, including record retention, teach-out plans or agreements, and tuition recovery funds or surety bonds. The Department of Education does not think this provision impacts SARA, but it is possible that certain states might use this provision to enforce their own requirements and not comply with SARA or decide to step out of SARA altogether.
  - iv. Administrative Register/Executive Order – The administrative register was recently updated to reflect variations to institutional changes to SARA and an updated Executive Order was issued. This process is used to achieve compliance with federal program integrity regulations. Because this process must be completed annually, staff will begin working with HEAB again in January to make necessary updates.
- b. SARA Student Complaints – Ms. Gage reported no complaints for the last quarterly report.

### **Action Item. Review and Approval of the DLAB Annual Report for 2023**

Ms. Stritchko provided an overview of the draft DLAB Annual Activities Report for 2023. A motion was made by President Fulcomer to approve the draft report with the addition of the officers for 2024, seconded by President Rothman. Motion carried unanimously.

### **Other Business**

- Proposed meeting dates for 2024:
  - May 17, 2024
  - September 20, 2024
  - December 13, 2024

### **Adjournment**

It was moved by President Fulcomer, seconded by President Swagger to adjourn the meeting. Motion carried. The meeting adjourned at 11:51 am.