

National Council for State Authorization Reciprocity Agreements (NC-SARA)

President

A Prospectus for the Search
December 13, 2018

Since their start in 2014, state authorization reciprocity agreements (SARA) have opened new doors for student access to higher-quality distance learning. The agreements link a remarkable confederation of member states, accreditors, regional compacts, and distance-learning providers, overseen by a National Council headquartered in Boulder, Colorado.

Marshall Hill, the founding CEO of NC-SARA, has announced his retirement. As the board celebrates his accomplishments, it launches a search for his successor. With this prospectus, it seeks to provide nominators and potential candidates with information about the organization, its presidency, and participation in the search.

An act of leadership

NC-SARA's founding purpose has been to establish an efficient and strengthened state-level approval process for distance-learning providers, one that permits colleges and universities to deliver distance education in states other than their own. To understand why and how this arrangement came about, recent history will be helpful.

In the United States, postsecondary quality assurance and consumer protection have long proceeded under an umbrella known as the "triad." At the federal level, the Department of Education sets rules for institutional eligibility to participate in its student aid programs; it posits financial and performance norms for institutions and their accreditors. The states charter institutions and set rules for operating within their individual borders. Accreditors, in turn, assume responsibility for institutional and program quality and improvement. It is a complicated system, but at a basic level it has served the nation well.

It was, though, a system set up with campus-based institutions in mind, one that has been challenged by the emergence of enterprises devoted to distance

learning (DL). These new providers---be they traditional institutions or for-profit ventures, public or private, local or multi-state, fully on-line or hybrid---have gone from the postsecondary margins to become major players on the postsecondary scene. In the United States, the number of DL providers now exceeds 2,000 with enrollments topping 3.5 million students.

For such providers, state borders have been at once irrelevant and daunting....irrelevant in the sense that distance learners might be located near or far, In state or out, daunting in the sense that enrolling students from out of state required state-by-state permission to operate. For a handful of the very largest providers, pursuing wildly varying state permissions was a major undertaking but a doable cost of business. But for most providers, getting state permissions---one at a time, across 54 states and territories---presented an insuperable barrier. The states, in turn, found themselves beset with requests to operate from providers unknown. For students, all this was beyond reckoning.

With funding from the Lumina and Gates foundations, a New York-based Presidents' Forum of distance learning leaders joined with the Council of State Governments (CSG) to work on the design of a solution. In January 2012, the project's "drafting team" proposed a "state authorization reciprocity agreement" (SARA), with multiple aims in mind. One was to address disparities among state regulatory practices and make state authorization more efficient, uniform, and less costly. Another was to reduce barriers to institutional provision of distance education. A third was to create an enhanced floor for approval that would safeguard student interests. A fourth was to promote best practices in distance learning and thereby advance postsecondary access and attainment.

A key part of the plan was its attempt to bolster state authorization procedures. To participate in SARA, a state had to adopt an approval process enforcing standards mirroring those "customarily used by accrediting bodies and states." Using such standards, a state would then approve its "home state" distance learning providers and verify to other states participating in SARA that an institution was so approved. To raise standards, institutions would have to meet all federal title IV requirements and a new norm of 1.5 on the Education department's financial responsibility scale; meet all of their state's requirements, including those for consumer protection; and embrace the accrediting community's recent C-RAC standards for "best practices" in distance education. Once so certified, a qualifying institution could operate in all member states.

It was (and is) an elegant solution to multiple problems. But the President's Forum/CSG proposal stopped short on issues of implementation; finding a way to

get so many parties---states, the federal government, accreditors, consumer advocates, a host of competing institutions---to agree on a way forward became the next task.

NC-SARA becomes a reality

The nation's four regional compacts (WICHE, NEBHE, SREB, MHEC) enjoy close ties with member states and institutions; two in particular, WICHE and SREB, had projects on distance education. Through 2012-13, the compacts convened meetings to build support for SARA and work out the politics of implementation. Building on that work, SHEEO and APLU set up a broader based, 21-person Commission on the Regulation of Postsecondary Distance Education, chaired by Gov. Richard Riley, with representation across sectors and interests. Its April 2013 report, "Advancing Access through Regulatory Reform," detailed state and institutional obligations, a governance structure involving the four regional compacts and a national office, plus definitions of contested terms such as "home state" and "physical presence."

That August, a "National Council for State Authorization and Reciprocity Agreements" was formally chartered, with a 22-person board that included the heads of the four regional compacts, four leaders from the Commission and the Presidents' Forum/CSG, and additional members representing a range of stakeholders. Nebraska SHEEO Marshall Hill, a key participant in the Forum and Commission, was appointed NC-SARA executive director (a title changed to "president" in 2018). That summer, the Lumina Foundation provided \$2.3 million to jump start implementation. In January 2014, NC-SARA and the four compacts began inviting states to participate in SARA. Indiana became first to be approved as a SARA state, joined by year's end by 16 sister states and, on a separate track, an initial 130 institutions. Today, 49 states (all but California), plus the District of Columbia, Puerto Rico, and the Virgin Islands, hold SARA membership, joined so far by 1,893 participating institutions.

SARA's creation is a remarkable achievement of educational leadership and diplomacy. Countless acts of convening, consultation, and negotiation went into its formation. Even so, there have been dissenters and controversy.... common state-approval standards are too rigid or too lax, accreditation can be an uncertain standard of quality, some federal requirements are too harsh or ill-fitting, couldn't more be done to improve distance learning itself or for veterans or to protect students?, and so on. Too, SARA does not deal with the separate, difficult matter of licensing board approval for programs leading to state licensing

in fields such as nursing, psychology, and teacher education. These critiques and issues of licensing remain potential future agendas for SARA.

NC-SARA: in the office

Marshall Hill oversees an office of seven people (soon to be eight) located in a Boulder, Colorado office complex next door to the offices of SHEEO, WICHE, and NCHEMS---a locational advantage. With Hill, the staff includes an associate director for student and institutional support and staff colleagues who oversee relations with the four compacts, member states and participating institutions, plus business operations, HR, IT, meeting planning, policy research, and surveys.

Beyond this office, a significant part of SARA's work goes forward within the four regional compacts. There are differences across them, but each has a director with staff support and its own board or steering committee. The compacts' SARA directors work directly with member states and participating institutions, handling issues of compliance and a formal renewal process (every two years for states, annually for provider institutions). Difficult issues of eligibility and standards interpretation are discussed among the regionals and with NC-SARA to assure uniform response to member concerns.

President Hill, in addition to managing the office, spends about a third of his time on relationship building, bringing problems to appropriate parties, making sure NC-SARA's purposes are widely understood, and participating in state-level and regional-compact SARA gatherings. Another third of his time is devoted to challenging issues of SARA eligibility---the institution with a unique circumstance related to SARA requirements, the provider in dispute with an accreditor or ED, or the appeal of an adverse ruling by a regional compact. A final third of his time has been devoted to establishing the office itself (leases, hiring, IT, insurance, audit, and so on); most such matters are now in place.

The NC-SARA president and board document all organizational policies, these covering definitional matters, criteria for state and institutional participation, consumer protection, complaint resolution, and the like. Findings from difficult cases are documented and can result in amendments to the SARA Manual, a document twice vetted by outside counsel, most recently in fall 2018.

NC-SARA staff conduct annual surveys of state and institutional members. Now in their third iteration, these surveys show the patterns and intensity of distance learning across the states, the rise of public institutions as providers, the

fact that 84% of public enrollments are in-state, and the further fact that DL enrollments are highly concentrated: ten institutions alone account for 46% of the student counts reported to SARA.

Financially, NC-SARA is now on solid ground. The founding board established a fee structure for institutional participation---\$2,000, \$4,000, or \$6,000 a year, depending on FTE---that brought solvency to NC-SARA as the number of member institutions rose to 1,900 (the renewal rate exceeds 99%). In the past fiscal year, income from member fees was \$5.7 million, sufficient to cover all office costs, subventions to the regional compacts, and build reserves.

A word might be said here about NC-SARA's Boulder location---one of the key attractors of the job. Most readers will know the city well: 100,000 people, at the foot of Rocky Mountain National Park, home to the University of Colorado, one of America's "brainiest" cities, a lively arts and foodie scene, a runner's, bicyclist's, and outdoor sports mecca. Boulder real estate is expensive but more affordable nearby. Thanks to major road projects, access to Denver (30 miles) and to its airport (via a new toll road) has been greatly improved, a boon to the travels of the NC-SARA president and staff.

Opportunities and Challenges

The next president of NC-SARA will enter an organization that is highly appreciated and well established, with a strong, supportive board and a capable staff. He or she will play a major role in charting the organization's next futures.

The alert reader will note that there has been no reference here to an NC-SARA strategic plan. In effect, the detailed planning behind its two founding reports---from the Presidents' Forum/CSG and the follow-on Commission---sketched out the new organization's founding principles and plan of operation. What the board, Marshall Hill, and the Boulder and compact staff did these past five years was make that vision a reality.

There is a sense in the board that the organization is at an inflection point: most early objectives have been met, but the world moves on. The changes in government, postsecondary education, distance learning, and consumer expectation, 2019 versus 2013, present challenges. What are the implications of the proliferation of distance learning providers? Of the emergence of dominant players in the marketplace? Or of the Department of Education's moves with respect to accreditation and for-profit companies? The board expects its next

president to track developments and know the organization's risk environment, then to bring forward ideas for NC-SARA strategic adaptation or initiative.

With state membership and institutional participation goals largely achieved, what become NC-SARA's next metrics for success? It enjoys the reputations and resources to tackle larger agendas. It might, for example, partner with others to take on the unresolved matter of professional licensing for distance programs in fields such as nursing, education, and psychology. It might ask what role it could play in helping distance learning become a larger factor in the nation's goals for access and attainment. It might seek to ratchet up expectations for consumer protection in state-level approval processes. It might bring a new emphasis to issues of quality and best practice in distance learning offerings. It might more directly serve students---not just states and institutions---by making itself a go-to source about such offerings.

Or, it might do none of these things. Some stakeholders have expressed concern about the possibility of SARA "mission creep." Others would welcome it doing more but there is no consensus about the what. A school of thought argues that SARA should stick to what it does best, that it needs to mature as a regulator and aspire to be a model for interstate and cross-sector cooperation. Then, its reputation more fully established, parties will come to it and next tasks will become apparent.

Preferred qualifications

In discussing this presidency, search committee members have emphasized deep knowledge of higher education, accreditation, the regional compacts, and the politics of state and federal decision-making; the need for a strategic leader, not a caretaker; high skills of diplomacy and communication; the resolve to uphold standards and tact to say "no" without offense; and qualities important to the management of an office and leadership of a board.

The next president of NC-SARA, then, will have all or most of the following qualifications:

- a breadth of experience in postsecondary education, with an advanced degree preferred
- a significant, substantive background in a triad entity charged with postsecondary oversight of distance education
- the stature and presence to represent NC-SARA effectively before diverse, senior-level bodies

- an understanding of membership organizations and experience working with a governing board in setting strategic priorities
- a nonpartisan, agenda-free approach to decision-making
- an ability to attract, manage, and collaborate with talented people in an office setting
- highly developed communication skills of listening, writing, and speaking
- habits of respect, consultation, good will, and humor and
- thoughtful perspectives on potential paths forward for the organization.

About the search

The NC-SARA board, chaired by Paul Lingenfelter, has appointed a six-person search committee, all board members:

---Teresa Lubbers, Commissioner, Indiana Commission for Higher Education (chair)

---Michael Thomas, President and CEO, New England Board of Higher Education (NEBHE)

---Kathleen Curry Santora, President & CEO, National Association of College and University Attorneys (NACUA)

---Peter Smith, Orkand Chair and Professor of Innovative Practices in Higher Education, University of Maryland University College

---Leroy Wade, Assistant Commissioner, Missouri Department of Higher Education

---Belle Wheelan, President, Southern Association of Colleges and Schools Commission on Colleges

Mary Larson of the staff meets with the committee as its search secretary.

Members of the search committee will be actively involved in recruiting a pool and reviewing candidacies. Nominators or potential candidates who know any of these parties may write or call them at any point in the process. The committee has decided that there will be no disclosure of applicant names or press releases; participation in the search will be on a confidential basis.

The search committee has engaged AGB Search to assist with its process. For further information about the search, NC-SARA, or this presidency, you may contact in confidence Dr. Ted Marchese via (703) 967-9760 or tjm@agbsearch.com.

Interested candidates should closely review this prospectus and the NC-SARA website at nc-sara.org. Application materials should include a letter of interest that addresses the stated qualifications and shows readiness to address the challenges and opportunities described herein; a current, functional resume, showing responsibilities and accomplishments; and the names of five professional references, including e-mail and phone contact information (these references will only be called at a later, semi-final stage, with candidate foreknowledge). Nominations and inquiries are welcome; formal letters of recommendation are not required. Application materials should be submitted electronically (Adobe PDF or MS Word) via nc-sarapresident@agbsearch.com addressed to:

Teresa Lubbers, Chair
Presidential Search Committee
National Council for State Authorization and Reciprocity Agreements
Boulder, Colorado

The search committee will commence review of applications February 28th. It anticipates conducting neutral-site interviews in Chicago, April 10-11 and bring the finalists to Boulder April 24-26 for further interviews and an office visit. It will bring its recommendation(s) to the full board May 8-9 in Denver, with hopes of welcoming a president-elect to office next summer.

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12/13/18