



# DLAB

Distance Learning Authorization Board

January 10, 2023

Edward Blazel  
Chief Clerk, Wisconsin State Assembly

On behalf of the Wisconsin Distance Learning Authorization Board (DLAB), I am pleased to provide you with the attached report summarizing the Board's 2022 activities. The report was approved by the DLAB at its December 16, 2022 meeting for submission to the chief clerk of each house of the Legislature for distribution to the Legislature as required by s. 39.87(3), *Wis. Stats.*, and to the Governor.

If you have any questions about the DLAB or about the report, please contact me at (608) 204-5222.

Sincerely,

A handwritten signature in blue ink that reads "Eric W. Fulcomer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Eric W. Fulcomer, PhD  
Vice Chair, Wisconsin Distance Learning Authorization Board  
President, Wisconsin Association of Independent Colleges and Universities



# DLAB

## Distance Learning Authorization Board

### **Report of 2022 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 National Council of State Authorization Reciprocity Agreements, or NC 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.

Pers. 39.87(3), *Wis. Stats.*, the DLAB shall submit a report by January 30 "that summarizes the board's actions taken during the immediately preceding calendar year." This report was approved by the DLAB at its December 16, 2022, meeting for submission under s. 39.87.

### **2022 Meetings**

The DLAB Board met three times in 2022, 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 prepare for Wisconsin's NC SARA renewal application at the regional meeting of the Midwest State Authorization Reciprocity Agreement (M-SARA) coordinated by the Midwestern Higher Education Compact (MHEC). Wisconsin is a statutory member of the Midwestern Compact. Wisconsin's application for continued participation in NC-SARA was unanimously approved by MHEC. The Board also acknowledged the departures of Dr. Anny Morrobel-Sosa, Vice President of Academic and Student Affairs at

the UW System and Dr. Rolf Wegenke, long-time President of WAICU and thanked them for their service to the Board.

The focus of the September DLAB meeting was to review and discuss changes within the National Council of State Authorization Reciprocity Agreements (NC-SARA) organization and the new NC-SARA policy modification process approved by the NC-SARA Board in June 2022.

The December meeting involved the review and approval of the 2022 DLAB Annual Report as well as the election of officers for the 2023 calendar year. The officers elected to the DLAB for the 2023 calendar year are as follows:

- Chair: Dr. Morna Foy, President, Wisconsin Technical College System
- Vice-Chair: Dr. Eric Fulcomer, President, Wisconsin Association of Independent Colleges and Universities
- Secretary: Jay Rothman, President, University of Wisconsin System

Additional members of the Board include Dan Hereth, Secretary Designee, Department of Safety and Professional Services and Dr. Russell Swagger, President, Lac Courte Oreilles Ojibwe College.

Approval and/or renewal of institution applications submitted for consideration to participate in SARA were also voted on and/or updates provided during each of the three DLAB meetings in 2022.

## **HISTORY and OVERVIEW OF THE 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 the work of other states and decisions being made about institutional authorization. The reciprocity agreement also provides important consumer protections to support distance education students.

### **Eligible Institutions and Fees**

All accredited degree-granting institutions in NC - 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 2,300 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 2021, more than 1.5 million students attended out-of-state institutions exclusively via distance education through SARA. This is down from 1.7 million students in Fall 2020 (-12%), but up from 1.3 million students in Fall 2019 (+19%) Wisconsin saw an overall decline in enrollments from 2020 to 2021. The increased fall 2020 enrollments were unusual and enrollments for fall 2021 reverted back to the pre-Covid trend.

<b>National</b>	<b>2020</b>	<b>2021</b>	<b>% change</b>
In-state Enrollments	3,937,656	2,591,853	-34%
Out-of-state Enrollments	1,888,067	1,666,953	-12%
<b>Total</b>	<b>5,825,723</b>	<b>4,258,806</b>	<b>-27%</b>
<b>Wisconsin</b>			
In-state Enrollments	71,138	28,731	-60%
Out-of-state Enrollments	18,897	10,803	-43%
<b>Total</b>	<b>90,035</b>	<b>39,534</b>	<b>-56%</b>

### **General Activities and Discussions**

DLAB state portal representatives have worked closely with NC-SARA board members and staff, as well as our regional compact, MHEC, to identify and respond to SARA-related issues. DLAB staff have attended a multitude of NC-SARA national conferences and meetings, M-SARA regional meetings and a variety of training sessions to assist institutions in navigating SARA-related activities and fulfillment of SARA requirements. In addition, DLAB representatives remain in touch with NC-SARA and M-SARA staff on a regular basis to stay up to date on NC-SARA activities and priorities. DLAB staff provide regular input, commentary, and recommendations to NC-SARA board members and staff. DLAB leadership has also remained diligent in holding NC-SARA true to its mission, expressing its objection to NC-SARA when it considers unnecessary or duplicative SARA policies or procedures that are regulated by other agencies or entities (such as federal regulations or accreditation requirements), and remaining connected with Wisconsin state regulators and agencies to ensure that they have an accurate understanding of SARA, its purpose and protections.

In June 2022, the NC-SARA Board adopted a revised process for making changes to SARA Policy that will go into effect in January 2023. The new policy modification process provides a structure for the proposal, evaluation, and approval of SARA policy changes with the goal of increased transparency, collaboration, and communication among states and stakeholders. DLAB staff are directly involved in the drafting of further protocols and processes within the NC-SARA structure and will continue to provide input and feedback on this topic and others, as required.

**Institutional Application Approvals, Renewals and Enrollment**

As of December 2022, 52 Wisconsin-based higher education institutions have been approved by the DLAB to participate in SARA. This includes 13 UWS campuses, 21 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**

**UW System Public Institutions:**

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	Nashotah House
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	

**Wisconsin Technical Colleges:**

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 services are offered and fulfilled. 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. No SARA-related complaints were filed against any Wisconsin-based SARA-participating institutions in 2022. 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**

According to the data collected and reported by NC-SARA for Fall 2021 enrollment reporting, 10,217 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.

It should be noted that 586 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	1,630	Arizona	3,516
Illinois	1,422	Minnesota	2,770
Florida	685	Illinois	1,852
Georgia	601	New Hampshire	1,682
Louisiana	529	Utah	1,526

Among Wisconsin-based SARA-participating institutions, the top five institutions in terms of attracting out-of-state distance education students from SARA states are Herzing University (3,812 students), University of Wisconsin – Platteville (729 students), University of Wisconsin – Madison (612 students), Concordia University Wisconsin (450 students), and University of Wisconsin – Whitewater (444 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 #151 was issued by Governor Evers in December of 2021.

### **2023 Anticipated Activities**

For 2023, 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.
- Continuing to ensure that student consumer rights and protections are fulfilled under the SARA provisions for institutions within the DLAB’s jurisdiction and advocate through NC-SARA for all states to uphold said rights and protections for Wisconsin residents enrolled in distance education programs outside of Wisconsin.

- 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, SARA continues to offer students a standardized and consistent means under which they can seek and obtain distance education opportunities outside of their home state. It also provides Wisconsin institutions the opportunity to offer distance education beyond its borders to individuals in other states without being subject to inconsistent and costly state approval processes.

### **Conclusion**

On behalf of the State of Wisconsin, DLAB has and will continue to serve an important role in regulating SARA-related activities through which Wisconsin post-secondary higher education institutions and colleges serve students from out of state. DLAB will also continue to ensure that NC-SARA holds all non-Wisconsin institutions that participate in SARA accountable to SARA standards and student consumer protections when educating Wisconsin students.