



DLAB

Distance Learning Authorization Board

January 12, 2024

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 2023 activities. The report was approved by the DLAB at its December 15, 2023 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 report, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Morna K. Foy', written in a cursive style.

Morna K. Foy, PhD
2023 Chair, Wisconsin Distance Learning Authorization Board
President, Wisconsin Technical College System



DLAB

Distance Learning Authorization Board

Report of 2023 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 15, 2023, meeting for submission under s. 39.87.

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 Agreement (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, make it simpler for states to acknowledge other states’ work and decisions about institutional authorization, and provide 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 2,300 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.

2023 Meetings

The DLAB Board met four times in 2023, with meetings in March, May, September, and December. All meetings were held virtually and followed open meeting requirements and procedures.

The business of the March meeting was for the Board to act upon an institution’s provisional renewal application. The provisional renewal application was unanimously approved.

At the May meeting, the Board acted upon an amendment to the Board’s Operating Procedures and acted upon an institution’s initial application for participation in SARA. The amendment and the application were each unanimously approved. The Board received reports on federal regulatory proposals and the NC-SARA policy modification process.

The primary business at the September meeting was to report updates to the Board on the NC-SARA policy modification process, federal regulatory proposals, and grant opportunities.

At the December meeting, the Board reviewed and acted upon this annual report and elected officers for the 2024 calendar year. The annual report was unanimously approved. The officers elected for the 2024 calendar year are as follows:

- Chair: Dr. Eric Fulcomer, WAICU President
- Vice Chair: Jay Rothman, UWS President
- Secretary: Dr. Morna Foy, WTCS President

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

Renewal of institution applications submitted for consideration to participate in SARA were reported to the Board at the May, September, and December meetings.

General Activities and Discussions

DLAB state portal representative staff continue to work closely with NC-SARA board members and staff, as well as Wisconsin's regional compact, MHEC (M-SARA), to identify and respond to SARA-related issues and regularly provide input, commentary, and recommendations. DLAB staff continue to attend a variety of NC-SARA and M-SARA meetings and training sessions ranging from national and regional annual conferences to quarterly meetings and webinars. These meetings and training sessions better prepare DLAB staff to assist institutions as they navigate SARA-related activities. 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.

In 2023, NC-SARA implemented a new policy modification process for the proposal, evaluation, and approval of SARA policy changes with the goal of increased transparency, collaboration, and communication among states and stakeholders. Through Wisconsin's membership on the M-SARA Regional Steering Committee, a DLAB representative voted on policies under consideration and ensured that deliberations on new policies centered states and institutions within the SARA framework. DLAB leadership and staff continue efforts to focus NC-SARA on its mission and voice objection to policies that are unnecessary or duplicative of activities that are regulated by other agencies or entities (such as federal regulations or accreditation requirements). DLAB similarly advocated on behalf of students and institutions during the 2023 federal rulemaking process that included provisions related to consumer protection and professional licensing.

Institutional Application Approvals, Renewals and Enrollment

As of November 2023, 51 Wisconsin-based higher education institutions are active participants 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 participating institutions. The list of approved participating 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 – Green Bay
University of Wisconsin – La Crosse
University of Wisconsin – Madison
University of Wisconsin – Milwaukee
University of Wisconsin – Oshkosh
University of Wisconsin – Parkside

University of Wisconsin – Platteville
University of Wisconsin – River Falls
University of Wisconsin – Stevens Point
University of Wisconsin – Stout
University of Wisconsin – Superior
University of Wisconsin – Whitewater

Private, Non-Profit:

Alverno College
Bellin College
Carroll University
Carthage College
Concordia University Wisconsin
Edgewood College
Herzing University
Lakeland University
Maranatha Baptist University
Marian University

Marquette University
Medical College of Wisconsin
Milwaukee Institute of Art & Design
Milwaukee School of Engineering
Mount Mary University
Nashotah House
Ripon College
Sacred Heart Seminary and School of Theology
Viterbo University
Wisconsin Lutheran College

WTCS:

Blackhawk Technical College
Chippewa Valley Technical College
Fox Valley Technical College
Gateway Technical College
Lakeshore Technical College
Madison Area Technical College
Mid-State Technical College
Milwaukee Area Technical College

Moraine Park Technical College
Nicolet Area Technical College
Northcentral Technical College
Northeast Wisconsin Technical College
Northwood Technical College
Southwest Wisconsin Technical College
Waukesha County Technical College
Western Technical College

Proprietary Institutions:

Midwest College of Oriental Medicine

Tribal Colleges:

Lac Courte Oreilles Ojibwe College

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. In Fall 2022 (the latest available data as reported by SARA-participating institutions), more than 4 million students were enrolled exclusively in distance education programs at SARA-participating institutions. While the total national enrollments decreased 5% compared to Fall 2021, the number of out-of-state enrollments increased 43% during the same period. In Wisconsin, SARA-participating institutions' exclusively distance education enrollments increased 9% between Fall 2021 and Fall 2022.

Table 1: Exclusively Distance Education Enrollments

National	2021	2022	% Change
National In-State Enrollments	2,591,853	1,659,309	-36%
National Out-of-State Enrollments ¹	1,666,953	2,380,158	43%
National Total	4,258,806	4,039,467	-5%
Wisconsin In-State Enrollments	28,731	31,987	11%
Wisconsin Out of-State Enrollments ¹	10,803	11,249	4%
Wisconsin Total	39,534	43,236	9%

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

More than 10,000 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. This excludes California, the only state yet to join SARA. Conversely, 21,856 Wisconsin residents were enrolled in a distance education program at an out-of-state SARA-participating institution. Table 2 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 2022. It should be noted that 658 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.

Table 2: Wisconsin Incoming and Outgoing Exclusively Distance Education Enrollments, 2022

Home State	Out-of-State Students Attending Wisconsin Institutions Under SARA	State of Attendance	Wisconsin Students Attending Out-of-State Institutions Under SARA
Minnesota	1,603	Arizona	3,602
Illinois	1,428	Minnesota	2,919
Florida	754	New Hampshire	1,849
Georgia	635	Illinois	1,635
Texas	535	Utah	1,635

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 (4,071 students), University of Wisconsin-Madison (623 students), University of Wisconsin-Milwaukee (609 students), Concordia University Wisconsin (469 students), and University of Wisconsin-Whitewater (418 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 #213 was issued by Governor Evers in October of 2023.

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 2023. 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.

2024 Anticipated Activities

For 2024, 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 DLAB's jurisdiction.
- Reviewing and acting upon institutional renewal applications and any new applications.
- Continuing the 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, Wisconsin's exclusively distance education enrollments increased between 2021 and 2022. While these increases were larger among in-state distance education enrollments, the increase in out-of-state distance education enrollment demonstrates that Wisconsin institutions are increasingly relying upon SARA to offer distance education to students in other states. 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 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.