State Authorization
Where Are We Now?

Department of Accreditation
American Physical Therapy Association

February 2015 – Indianapolis, IN

The Issue

• Consumer protection
  – States have the authority to regulate institutions offering education within their jurisdiction regardless of modality
  – Significant variation across states.
• Institutional Eligibility for federal funds requires that institutions be approved by the state in which the education is being provided.
• In 2010, Federal Regulations changed to be explicit regarding provision of distance education across state borders
Distance Education Defined

An educational activity characterized by separation of the faculty member from the student by either distance or time or both.

Clinical Education falls within this definition.

Brief History

- **October 2010**: USDE released regulatory change that required institutions to document that they have proper state approvals to serve students in other states
- **June 2012**: Regulation vacated (on procedural grounds)
- **July 2012**: USDE announced that it would not enforce the new FEDERAL requirement, but noted [that institutions remained responsible for adhering to state laws relative to Distance Education](https://www.capte.org/
- **2013-2014**: New regulations proposed;
- **May 2014**: Negotiate Rule-making failed; gives USDE opportunity to implement regulations as proposed
- **June 2014**: “Pause” in rulemaking announced
- **2015**: may see new proposed regulations
In the meantime...SARA

State Authorization Reciprocity Agreement

- Designed to eliminate the wide variation of state requirements by holding all members to the same policies
- Administered by four regional compacts which represent all but 3 states (NY, NJ, PA)
- Currently 19 states (and a few institutions) have become members

SARA: the good news

- If institution and state are members, then state approval of DE is not required
- This includes “supervised field experiences” [SFEs]...
  - a student learning experience under the oversight of a supervisor, mentor, faculty member or other qualified professional, located in the host state, who has a direct or indirect reporting responsibility to the institution where the student is enrolled, whether or not credit is granted. Examples include practica, student teaching, or internships. Independent off-campus study by individual students not engaged in a supervised field experience is exempt from requirements of this compact and does not constitute a physical presence of a postsecondary institution in a SARA member state.
- ...with a few caveats
b. Existing contracts among provider institutions and sites used for supervised field experiences as of the date that an institution begins participating in SARA are not impaired, revised or otherwise affected by SARA. At the time that any provision of such a contract is changed, the new contract must comply with SARA policies and standards set forth herein.

c. A contract for supervised field experiences to be covered by SARA is limited as follows. Such a contract:

1. Cannot provide for the placement of more than ten students from an individual academic program placed simultaneously at one clinical or practicum site, unless approval for a larger number is provided by the host state SARA portal agency.

2. May be objected to by the host state portal agency on grounds that the institution has:

   - A. a demonstrable failure to achieve an acceptable professional licensing rate in the host state if the program customarily leads to licensure, provided that the acceptable rate is not higher than the lower of (a) the lowest rate of a host state-based institution in good standing or (b) the average state licensure rate, or
   - B. an unreasonable number of valid, documented complaints about program operation or quality which have not been adequately resolved by the institution.
SARA & SFEs

3. If a host state objects to a supervised field experience or clinical placement under SARA on the grounds set forth in subsection (2) above, the affected regional compact(s) shall determine whether the placement is allowable under SARA, using procedures to be developed for that purpose.

- A. Any student enrolled in an academic program prior to the time the institution begins operations under SARA may remain in any supervised field experience site to which the student is assigned, irrespective of SARA policies.

- B. An institution operating under SARA that owns a supervised field experience, clinical or practicum site is not subject to the limitations of subsection (c) on placement of its own students at such a site.

- C. SARA policies and standards regarding supervised field experiences do not supersede, replace or modify any federal law that would affect students placed under SARA. SARA policies are subsidiary to any such federal laws covering the same subjects.

More Information

- National Council for State Authorization Reciprocity Agreements
  – http://www.nc-sara.org
  – http://www.nc-sara.org/content/sara-policies-and-standards

- WICHE Cooperative for Educational Technologies
  – http://wcet.wiche.edu/learn/issues/state-authorization