Developing a State Authorization Reciprocity Agreement

The WICHE Commission authorized staff in November 2011 to draft a state authorization reciprocity agreement for the WICHE member states that want to participate. Once the agreement has been approved by each participating state, accredited colleges and universities that have approval to operate within their home states will be approved to operate distance-learning programs within all of the states participating in the reciprocity agreement. The Western Academic Leadership Forum, the WICHE Legislative Advisory Committee, and WCET encouraged the commission to pursue reciprocity.

WICHE’s intent is to streamline the state authorization process for institutions, systems, and states by developing a set of agreed-upon standards that strengthen the existing efforts of states, accrediting bodies, and the federal government to facilitate expanded access to high quality education. The agreement will establish common, high quality and consistently applied processes and standards endorsed by participating states, which are efficient and cost effective. It will rely on regional and national accreditation to ensure institutions’ academic quality and it will support states’ roles in providing consumer protection and a complaint resolution process. The regional agreement will enable institutions to be in compliance with existing state regulations and U.S. Department of Education program integrity regulations. It will facilitate expanded access to high quality e-learning opportunities for students by improving the policy and operational mechanisms in the state regulatory environments and will reduce barriers to innovation in educational delivery.

WICHE is working with a regional state authorization steering committee to develop the agreement. Committee members represent:

- An accrediting association (Teri Cannon, executive vice president, Western Association of Schools and Colleges).
- A community college system (Rhonda Epper, assistant provost, Colorado Community College System; and Chris Bustamante, president, Rio Salado College).
- A for-profit institution (John Lopez, vice president for state government affairs, Apollo Group).
- A state legislative body (California Senator Carol Liu, a member of WICHE’s Legislative Advisory Committee).
- A public university system (Sona Karentz Andrews, vice chancellor for academic strategies, Oregon University System).
- A state regulatory department that handles state authorization (Heather DeLange, academic policy officer, Colorado Department of Higher Education).
- The Western Academic Leadership Forum (Sona Andrews from Oregon University System; and Jane Sherman, vice provost for academic policy and evaluation, Washington State University – who formerly handled state authorization for the Higher Education Coordinating Board in Washington).
• The WICHE Commission (Chris Bustamante, WICHE commissioner representing Arizona, and president, Rio Salado College).

The Presidents’ Forum at Excelsior College and the Council of State Governments (CSG), with support from Lumina Foundation, has been working for nearly a year to draft a national model for reciprocal authorization across states. WICHE received a draft of their model in early February and was asked to provide feedback on it for a February 22 meeting at Lumina in Indianapolis. David Longanecker and the presidents of the other three regional higher education compacts – the Midwestern Higher Education Compact (MHEC), New England Board of Higher Education (NEBHE), and Southern Regional Education Board (SREB) – were invited to attend to comment on the draft. During his presentation Longanecker said that WICHE agrees with much of the substance of the model but disagrees with its proposal to create an entirely new interstate commission to administer state authorization. The proposed new entity would coordinate with state higher education and regulatory agencies and handle dispute resolution related to state authorization. The initial proposal was for the commission to collect fees from institutions operating in the member states to cover its annual operating costs. WICHE staff discussed this approach with the members of the regional state authorization steering committee prior to the February meeting, and their unanimous opinion was that this function would duplicate what the four regional higher education compacts can do in relation to state authorization.

Following the meeting in Indianapolis, the leaders of the CSG/Presidents’ Forum initiative asked WICHE to convene a meeting to resolve the issues around what entity or entities should have responsibility for state authorization going forward. That meeting was held on March 22 in Denver. David Longanecker, Jere Mock, and Russ Poulin, WCET’s deputy director of research and analysis (and a member of the President’s Forum/CSG drafting team), took part. The outcome: the Presidents’ Forum, CSG, and WICHE will work collaboratively on developing a state authorization reciprocity agreement (SARA) that provides a national solution. In addition, the four regional higher education compacts will collaborate to implement the agreement and provide a national umbrella. The four compacts’ membership covers 47 states (New Jersey, New York, and Pennsylvania do not belong to a regional compact, but they could affiliate with one if they wanted to participate in the reciprocity agreement).

The agreement will:
- Cover all sectors of higher education (public, private, and for-profit).
- Retain authorization authority with an institution’s home state; other states that sign on to the compact agree to accept that authorization.
- Grant reciprocity to institutions with regional or national accreditation to avoid duplicating the quality assurance function provided by the accreditors.
- Encourage the accrediting agencies to be more transparent by making their reports related to institutions’ distance learning programs public and sharing complaints regarding any of those programs.
- Assist states that may need to pass enabling legislation to participate in the agreement.
- Offer enhanced protection for consumers and complaint-handling channels.
- Be sustainable going forward.

Longanecker, Mock and Poulin also participated in an April 10 meeting hosted by CSG and the Presidents’ Forum along with representatives from several of the national and regional accrediting associations to seek the accreditors’ input and to further develop the principles and criteria of the model agreement.

WICHE’s state authorization steering committee will meet on May 2, July 18, and September 5, 2012, to further develop the agreement and an implementation plan. Representatives from CSG, the Presidents’ Forum, MHEC, NEBHE, and SREB will attend the WICHE steering committee meetings. Staff plans to present the steering committee’s draft reciprocity agreement for the WICHE Commission’s approval at its November 12 – 13, 2012, meeting.