



Resolution in Support of the State Role in the State Authorization Reciprocity Agreement

Adopted by:

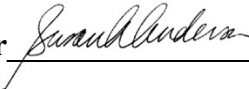
The Western Interstate Commission for Higher Education (WICHE)

November 4, 2021

Officers of the WICHE Commission:

David Lassner, Chair 

President, University of Hawai'i

Susan Anderson, Immediate Past Chair 

President/CEO, The CIRI Foundation

Matt Freeman, Vice Chair 

Executive Director, Office of the Idaho State Board of Education

Whereas, WICHE played a central role in developing a workable approach to interstate reciprocity for the purposes of postsecondary distance education with the creation of the WICHE State Authorization Reciprocity Agreement (W-SARA), which represents a substantial delegation of public authority by the states and territories in order to accomplish their objectives of consumer protection, access to postsecondary education, and efficiency; and

Whereas, WICHE and its regional compact partners, together with the National Council for State Authorization Reciprocity Agreements (NC-SARA), aligned W-SARA and the three other regional interstate reciprocity agreements with a Unified State Authorization Reciprocity Agreement (“Unified Agreement”) to form a uniform basis for reciprocity; and

Whereas, the Regional Compacts are formal, legislatively enacted interstate agreements in which participating states and territories are signatory members and statutorily committed; and through that relationship, states and territories may voluntarily join the Unified Agreement through their Regional Compact, at which time states and territories agree to a common set of standards for regulating distance education in which they have a strong voice in determining; and notably statutes and constitutional provisions of several states authorize them to join a state authorization reciprocity agreement only through the Western Compact; and

Whereas, NC-SARA’s coordinating authority is derived solely from the Regional Compacts pursuant to the terms of the Unified Agreement; and

Whereas, the attorneys-general of 24 states, including six of which are in the West, on August 21, 2021, called for NC-SARA’s board to be reconstituted with a majority of board member seats reserved for representatives of the states so that SARA “members, not regulated entities or other third-parties, set NC-SARA’s policies,” and raised concerns about the adequacy of NC-SARA consumer protection actions; and

Whereas, the chairs of the steering committees for each of the four Regional Compacts, on September 28, 2021, in an effort to preserve states’ and territories’ role and voice in SARA, called for a reaffirmation of the original Unified Agreement and to pause changes to SARA policy that have been undertaken without the assent of the Regional Compacts or the member states and territories; and

Now, therefore be it resolved on November 4, 2021, that as one of the five signatories to the Unified Agreement, the Western Interstate Commission for Higher Education:

1. Affirms that the Unified State Authorization Reciprocity Agreement as signed by the four Regional Compacts and NC-SARA, is the legal basis for the interregional state authorization reciprocity agreement and its coordinating governance;
2. Suspends all changes involving SARA policy and SARA applications until a revised policy modification process is developed and approved by each of the four regions so that all policy changes may be subject to this revised process;
3. Supports enhancing states' and territories' control of their delegated administrative agent by reserving a majority of NC-SARA board member seats for representatives of the states and territories, complementing the Regional Compact presidents' role in serving on the NC-SARA board and states' and territories' central position in the forthcoming policy revision process; and
4. Directs the WICHE president to continue to make all reasonable efforts to accomplish these objectives, including collaboration with the W-SARA Regional Steering Committee, other Regional Compacts, the NC-SARA Board, and other key partners, such as the attorneys-general.