



State of Rhode Island and Providence Plantations  
Council on Postsecondary Education  
**OFFICE OF THE POSTSECONDARY COMMISSIONER**  
560 Jefferson Boulevard Suite 100  
Warwick, Rhode Island 02886-1304

Enclosure 7b3  
October 14, 2015

**Barbara S. Cottam**  
Chair

To: Council on Postsecondary Education

**Council on Elementary and  
Secondary Education**

From: Commissioner Jim Purcell, Ed.D.

Date: October 9, 2015

**Daniel P. McConaghy**  
Chair

Re: Discussion of Proposed Amendments to "Distance Learning Policy"

Amy Beretta, Esq.

**Background:**

Colleen A. Callahan, Ed.D.

The State Authorization Reciprocity Agreement (SARA) is an agreement among member states, D.C., and U.S. territories that establishes comparable national standards for interstate offerings of postsecondary distance education courses and programs. It is intended to make it easier for students to take online courses offered by postsecondary institutions based in another state. SARA is overseen by the National Council for State Authorization Reciprocity Agreements (NC-SARA) and administered by four regional education compacts, with the New England Board of Higher Education (NEBHE) being the regional entity for Rhode Island.

Karin Forbes

Jo Eva Gaines

Marta V. Martinez

Lawrence Purtill

Joyce L. Stevos, Ph.D.

**Council on Postsecondary  
Education**

Once approved as a SARA portal agency, the OPC/CPE will have the authority and responsibility to resolve student and other complaints involving Rhode Island's SARA-approved institutions. This Office will also have the authority to monitor any non-SARA- institution activity within Rhode Island.

**William Foulkes**  
Chair

**Summary of proposed SARA Distance Learning Policy:**

Michael Bernstein

The proposed SARA distance learning provision is a mandatory component for all SARA portal states and needs approval by the Council on Postsecondary Education in order for Rhode Island to become a SARA portal state.

Dennis Duffy, Esq.

The Honorable Thomas Izzo

Judy Ouellette

Kerry I. Rafanelli, Esq.

John J. Smith, Jr.

Dr. Jeffery A. Williams

Specific and wording of the revised policy can be found in the revised "Distance Learning Policy" (attached). Please note that the SARA requirements for distance learning administered by portal can be found on the NC-SARA website under "SARA and Physical Presence":  
<http://nc-sara.org/content/sara-and-physical-presence-standard>.

Following discussion of the proposed amendments to the "Distance Learning Policy" at the October 14<sup>th</sup> meeting, the Council may vote on the following proposed motion at the December 2<sup>nd</sup> meeting:

**Proposed Motion:**

THAT The Council on Postsecondary Education approve the proposed amendments to the "Distance Learning Policy," as presented.

DISTANCE LEARNING POLICY

Council on Postsecondary Education  
~~Board of Governors for Higher Education~~  
State of Rhode Island and Providence Plantations

Adopted: 08/07/97 (BG)

Legal Citation:

PURPOSE

This document delineates the policy regarding the offering in Rhode Island by way of distance learning of postsecondary-level for-credit courses, programs, degrees, or certificates.

PREMISE

With the expansion of telecommunications capabilities, the circumstances of learning in our society are witnessing profound changes, and the concept of distance learning is at the center of discussions about how those changes will affect postsecondary education. As distance education opportunities proliferate, it is prudent that the Rhode Island Council on Postsecondary Education ~~Board of Governors for Higher Education~~ promulgate a policy on distance learning that will encourage the development of quality courses and programs; however, it is essential that this policy be workable and enforceable.

DEFINITIONS

The following definitions pertain to this policy:<sup>1</sup>

1. Distance learning. Distance learning is a system and a process that connects learners with distributed learning resources. While distance learning takes a wide variety of forms, all distance learning is characterized by:
  - a. Separation of place and/or time between instructor and learner, among learners, and/or between learners and learning processes.
  - b. Interaction between the learner and the instructor, among learners, and/or between learners and learning resources conducted through one or more media; use of electronic media is not necessarily required.
2. Provider. The provider is the organization or entity that creates and facilitates the learning opportunity. Providers may include colleges and universities, schools, businesses and industries, professional organizations, labor unions, government agencies, the military, and other public and private organizations.

<sup>1</sup> Definitions for distance learning and provider are taken wholly or in part from: American Council on Education, *Guiding Principles for Distance Learning in a Learning Society*, Washington, D.C., 1996.

3. The National Council for State Authorization Reciprocity Agreement (NC-SARA). NC-SARA is an agreement among member states, districts, and territories that establishes comparable national standards for interstate offerings of postsecondary distance education courses and programs.

~~3. Physical presence. A provider has a physical presence if:~~

- ~~1. it is physically located within the borders of Rhode Island; or~~
- ~~2. it maintains or sends within the borders of Rhode Island employees or paid representatives whose purpose is to conduct any activities, including, but not limited to the following: recruitment of students, advising of students, offering courses or programs, administration of examinations.~~

**4. Physical presence**

**A. A provider has a physical presence if:**

- 1. It is physically located within the borders of Rhode Island; or**
- 2. It maintains or sends within the borders of Rhode Island employees or paid representatives whose purpose is to conduct any activities, including, but not limited to the following: advising of students, offering courses or programs, regular administration of examinations.**

**B. A Rhode Island State Authorization Reciprocity Agreement (RI-SARA)-eligible provider has a physical presence if:**

- 1. It is physically located within the borders of Rhode Island; or**
- 2. It maintains within the borders of Rhode Island employees or paid representatives whose purpose is to conduct any ongoing activities, including, but not limited to the following: on going advising of students in Rhode Island, offering courses or programs at a physical location inside of Rhode Island, ongoing administration of examinations at a physical location inside of Rhode Island."**

**3. All NC-SARA approved providers must adhere to the SARA Policies and Standards – Section 5. Physical presence standards.**

## POLICY

This Council on Postsecondary Education Board of Governors policy on distance learning applies in three cases:

- 1) Providers with a physical presence in Rhode Island, other than the three public institutions of higher education (RI-SARA eligible.)
  - 2) Institutions in the Rhode Island system of public higher education (RI-SARA eligible.)
  - 3) Providers who are NC-SARA approved.**
1. Providers with a Physical Presence in Rhode Island – Other than the Three Public Institutions of Higher Education  
If a provider has or seeks to establish a physical presence in Rhode Island, it shall be subject to the appropriate set of Council on Postsecondary Education regulations and Rhode Island Office the Postsecondary Commissioner ~~of Higher Education~~ standards. These regulations and standards are:

- Regulations Governing Institutions of Higher Education Operating in Rhode Island [name as of 6/18/98]
  - Regulations Governing Proprietary Schools in Rhode Island
  - Correspondence Schools: Standards for Approval for Solicitation in Rhode Island
2. Institutions in the Rhode Island system of public higher education (Community College of Rhode Island, Rhode Island College, and University of Rhode Island) are subject to the “Regulations Governing Academic Changes in Rhode Island Public Institutions of Higher Education” [name as of 6/18/98], and the following principles pertaining to the development and implementation of distance learning opportunities:
- The system and its institutions should strive to be leaders in the development and implementation of distance learning opportunities, building on established system and institutional missions and quality academic programs;
  - Distance learning should improve and increase student accessibility to education opportunities (e.g., by allowing for more flexible scheduling of class time or location);
  - Distance learning should enhance students educational opportunities (e.g., by providing courses and/or programs not otherwise available, by providing alternate modes of instruction to respond to different learning styles);
  - While distance learning should provide opportunities to use resources more efficiently, the maintenance of academic quality must remain paramount, and the institutions shall conduct the necessary oversight to guarantee the quality of the distance learning offerings;
  - Whenever possible, distance learning opportunities should promote collaboration across the system (e.g., the sharing of courses, programs, and faculty).
3. Institutions who are approved by the CPE and OPC as part of Rhode Island SARA (RI-SARA) are governed by the policies, regulations, and procedures of the CPE and OPC and laws of Rhode Island. RI-SARA Policies and Standards, including those for consumer protection and the resolution of complaints, apply to interstate distance education offered by participating NC-SARA institutions in other NC-SARA states.

ROLE OF THE COUNCIL ON POSTSECONDARY EDUCATION/OFFICE OF POSTSECONDARY EDUCATION COMMISSIONER AS NC-SARA PORTAL AGENCY

The National Council for State Authorization Reciprocity Agreement (NC-SARA) is intended to make it easier for students to take online courses offered by degree granting postsecondary institutions based in Rhode Island and other states.

NC-SARA is overseen by the National Council for State Authorization Reciprocity Agreements and administered by four regional education compacts, with the New England Board of Higher Education being the regional entity for Rhode Island.

The Rhode Island Council on Postsecondary Education (CPE) and the Office of the Postsecondary Commissioner (OPC) shall be the Rhode Island portal agency for NC-SARA, in accordance with the duties ascribed to the Commissioner of Postsecondary Education by R.I.G.L. § 16-59-6.

As a portal agency, the CPE and OPC have the responsibility and authority to enter into interstate reciprocity agreements regarding the provision of postsecondary distance education, to administer such agreements, and to approve or disapprove applications to voluntarily participate in such agreements from postsecondary institutions that have their principal place of business in Rhode Island, and to establish annual fees with the approval of the Council on Postsecondary Education for aforesaid applications to participate in an interstate postsecondary distance education reciprocity agreement.

The OPC will evaluate all applications for institutional participation in RI-SARA using the Council of Regional Accrediting Commissions (C-RAC) *Interregional Guidelines for the Evaluation of Distance Education* and the SARA policies and standards.