

**PART XXIII. RECIPROCITY FOR DISTANCE
EDUCATION**

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CHAPTER 741. STATE AUTHORIZATION RECIPROCITY

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Authority

The provisions of this Chapter 741 issued under section 124(b) of the Public School Code of 1949 (24 P.S. § 1-124(b)), unless otherwise noted.

Source

The provisions of the Chapter 741 adopted June 2, 2017, effective June 3, 2017, expire on June 30, 2018, 47 Pa.B. 3093, unless otherwise noted.

DEFINITIONS

§ 741.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Calendar year—January 1—December 31.

Department—The Department of Education of the Commonwealth.

Distance education—

(i) Instruction offered by any means when the student and faculty member are in separate physical locations so that face-to-face communication is absent and communication is accomplished by one or more technological media. It includes real-time or delayed interaction using voice, video, data and/or text, including instruction provided online, by correspondence or by interactive video.

(ii) Instruction provided by synchronous video from an institution in this Commonwealth to additional campus sites of the same institution in this Commonwealth is not considered distance education.

(iii) Distance education is instructor-led and is not independent study.

Portal agency—The single entity designated to serve as the interstate point of contact for SARA questions, complaints and other communications.

Postsecondary institution—An institution legally authorized to award degrees at the associate level or above.

Regional compact—A nonprofit organization with member states dedicated to advancing education in a region. The four regional compacts are the Midwestern Higher Education Compact, the New England Board of Higher Education, the Southern Regional Education Board and the Western Interstate Commission for Higher Education.

SARA—State Authorization Reciprocity Agreement—A voluntary agreement adopted by the regional compacts to establish National standards for interstate delivery of postsecondary education through distance education.

Tuition—

(i) Moneys charged by the institution for instruction.

(ii) The term does not include moneys charged as fees, such as technology fees, student services fees or activities fees if those fees are noted on the invoice and in publications as fees that are separated from tuition.

SARA MEMBERSHIP

§ 741.11. State membership in a regional compact.

The Department, consistent with section 124(b) of the Public School Code of 1949 (24 P.S. § 1-124(b)), has affiliated with the Southern Regional Education Board for the sole purpose of being able to participate in SARA and facilitate interested postsecondary institutions in this Commonwealth offering distance education to students in other SARA member states.

§ 741.12. State membership in SARA.

(a) The Department will be the SARA portal agency for the Commonwealth and will employ staff as necessary to provide the services required to implement SARA.

(b) The Department's staffing and other costs related to SARA membership and responsibilities will be covered by fees paid by postsecondary institutions in accordance with §§ 741.21 and 741.22 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA; and fees nonrefundable).

§ 741.13. Institutional participation in SARA.

(a) Postsecondary institutions will apply annually to the Department for authorization to participate in SARA in a manner and on forms as prescribed by the Department. If the fee submitted with the application does not correspond to the distance education enrollment data in the Federal Integrated Postsecondary Education Data System database for the most recent reporting year, the institution will be required to provide evidence to support the calculation of the fee amount.

(b) The required fees in §§ 741.21 and 741.22 (relating to fee for postsecondary institutions in this Commonwealth to participate in SARA; and fees nonrefundable) must accompany the application. The Department will not process an application until the fees are received.

(c) The fees established by this chapter cover the administrative costs of the Department and do not cover other fees due to other organizations.

Cross References

This section cited in 22 Pa. Code § 741.23 (relating to institutional renewal to participate in SARA).

FEES

§ 741.21. Fee for postsecondary institutions in this Commonwealth to participate in SARA.

Postsecondary institutions in this Commonwealth shall pay a fee to the Department based on tuition revenue from distance education in the most recently completed calendar year for the initial application fee and for each annual renewal to the Department to participate in SARA.

<i>Distance Tuition Revenue</i>	<i>Fee</i>
\$0—9,999	\$1,000
\$10,000—999,999	\$2,000
\$1,000,000—4,999,999	\$5,000
\$5,000,000—9,999,999	\$10,000
\$10,000,000—19,999,999	\$20,000
\$20,000,000—29,999,999	\$30,000
\$30,000,000—39,999,999	\$40,000

<i>Distance Tuition Revenue</i>	<i>Fee</i>
\$40,000,000—49,999,999	\$50,000
\$50,000,000 and over	\$60,000

Cross References

This section cited in 22 Pa. Code § 741.12 (relating to State membership in SARA); and 22 Pa. Code § 741.13 (relating to institutional participation in SARA).

§ 741.22. Fees nonrefundable.

(a) The fee submitted with an application is not refundable if the registration or participation is denied or if the postsecondary institution withdraws its application.

(b) No portion of the fee will be refunded upon suspension or revocation of participation or optional termination of participation.

Cross References

This section cited in 22 Pa. Code § 741.12 (relating to State membership in SARA); and 22 Pa. Code § 741.13 (relating to institutional participation in SARA).

§ 741.23. Institutional renewal to participate in SARA.

(a) Approval for participation in SARA is valid for 1 calendar year.

(b) An application for renewal of participation is required annually in accordance with § 741.13 (relating to institutional participation in SARA).