



FIRST AMENDMENT TO THE

INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA BOARD OF REGENTS, ARIZONA COMMUNITY COLLEGE DISTRICTS AND ARIZONA STATE BOARD FOR PRIVATE POSTSECONDARY EDUCATION

The Arizona Board of Regents (ABOR), Arizona Community College Districts (AZCCD) and Arizona State Board for Private Postsecondary Education (AZPPSE) entered into an Intergovernmental Agreement with an effective date of October 9, 2014. This amendment restates and replaces that IGA.

The parties have entered into the IGA and this Amendment to facilitate the participation of Arizona and its postsecondary institutions in the national State Authorization Reciprocity Agreement (SARA) process.

RECITALS

- A. The State Authorization Reciprocity Agreement (SARA) is a voluntary agreement that establishes national standards and reciprocity for the interstate offering of postsecondary distance education courses and programs. It is overseen by the national SARA Council (NC-SARA) and administered by four regional compacts. The members of SARA are states and territories, not individual institutions. Each SARA state and territory (via its portal agency) is responsible for reviewing institutional applications within its home state and territory, and determining eligibility for participation as a SARA institution in accordance with the national standards.
- B. The provisions of SARA and its governing structure are designed to safeguard students who are enrolled online and in SARA covered distance education, as well as to protect state and institutional interests.
- C. Participation in SARA is voluntary.
- D. All four regional higher education compacts (the central administrators of SARA) approved foundational requirements and processes for SARA. As a member of the Western Interstate Commission for Higher Education (WICHE), Arizona is eligible to participate. (A.R.S. § 15-1742)
- E. The ABOR, AZCCD, and AZPPSE may enter into agreements with one another for joint or cooperative action, so long as each agency has been authorized by its legislative or other governing body. (A.R.S. § 11-952)
- F. Unlike some other states, Arizona does not have a single board or agency (portal agency) with the responsibility for overseeing all postsecondary education offered in the state. Because states (and not individual institutions or governing boards) are the parties to the SARA agreement, the Arizona legislature authorized ABOR, AZCCD, and AZPPSE to enter an IGA to act jointly to administer the SARA agreement on behalf of Arizona. (A.R.S. § 15-1747)
- G. Representatives of the ABOR, AZCCD, and AZPPSE will constitute the Arizona SARA Council (Arizona's portal agency), which will administer SARA for Arizona. One representative from an accredited degree-granting tribal college or university may also be included on the Council. The Arizona SARA Council comprises representatives of various entities in Arizona, each of which has

jurisdiction over a different sector of postsecondary education. The legislature authorized these entities through their representatives to enter an intergovernmental agreement (IGA), but the legislature did not create or authorize the creation of a new public body or a separate legal entity.

AGREEMENT

1. **Duration.** The term of this IGA shall be from the date executed by each party until one or more parties elect to withdraw or the Arizona SARA Council agrees to withdraw from SARA.
2. **Purpose.** The parties agree to create the Arizona SARA Council to facilitate Arizona's participation in SARA.
3. **Amendments.** Any amendments shall be in writing and shall be executed as an amendment to this IGA by all parties.
4. **Liability.** *Each party shall be responsible for its own acts and shall not be responsible for the acts of other parties.*
5. **Duties of the Parties.** The ABOR, AZCCD, and AZPPSE agree to provide three representatives each to form the Arizona SARA Council. One representative from an accredited degree-granting tribal college or university may also be included on the Council.
 - a. The Arizona SARA Council will serve as the portal to coordinate SARA matters for the state pursuant to the **Arizona SARA Council Operating Agreement (Attachment A)** and serve as the interstate point of contact for SARA questions, student complaint referrals, and other communications. *The Arizona SARA Council is not a separate legal entity or an agency under Arizona law. Although the parties to this IGA are public bodies, the Arizona SARA Council is not itself a public body.*
 - b. The Arizona SARA Council will serve as the default forum to resolve any SARA-related complaints filed against any institution that is a SARA participant, pursuant to the **Arizona SARA Council Complaint Review Policy and the SARA Policies and Standards (Attachment B)**. Materials reviewed by representatives of the parties on behalf of the Council, including complaints and financial data, will be deemed to be confidential to the extent permitted by Arizona law.
 - c. Each representative appointed by a party to this IGA is designated to act on behalf of that party. No representative will be deemed to be an employee or independent contractor of the Arizona SARA Council.
 - d. In the event an institution fails to comply with SARA policies and procedures, its participation in SARA may be withdrawn by the Arizona SARA Council and re-application may not be considered until all outstanding issues are resolved.
6. Each party agrees to provide the necessary and proper resources to fulfill its obligations and duties under this IGA.



For the ARIZONA BOARD OF REGENTS:

Printed Name: Eileen Klein, President- Arizona Board of Regents

Signature: Eileen Klein

Date: 14 June 2017

For the ARIZONA COMMUNITY COLLEGE DISTRICTS:

Printed Name: Chris Bustamante, President- Rio Salado College

Signature: Chris Bustamante

Date: 11 July 2017

For the ARIZONA STATE BOARD FOR PRIVATE AND POSTSECONDARY EDUCATION:

Printed Name: Terri Stanfill, Executive Director- Arizona State Board for Private

Postsecondary Education

Signature: Terri Stanfill

Date: 9/26/17



Approved as to form:

For the ARIZONA BOARD OF REGENTS:

Printed Name: Nancy Tribbensee, Sr. Vice President and General Counsel

Arizona Board of Regents

Signature: Nancy Tribbensee

Date: June 12, 2017

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For the ARIZONA COMMUNITY COLLEGE DISTRICTS:

Printed Name: Margaret E. McConnell, General Counsel- Maricopa County Community

College District representing the Arizona Community College Coordinating Council

Signature: Margaret E. McConnell

Date: 9-13-17

For the ARIZONA STATE BOARD FOR PRIVATE AND POSTSECONDARY EDUCATION:

Printed Name: Frankie Shinn-Eckberg, Assistant Attorney General- Arizona Attorney

General's Office

Signature: Frankie Shinn-Eckberg

Date: 9/28/17



AZ SARA
Council for State Authorization
Reciprocity Agreement