

Physical Presence Triggers

Presidents' Forum/CSG (8/30/12)	WICHE-SARA (9/25/12)	Commission (11/7/12)
<p>A. "Physical Presence" means:</p> <ol style="list-style-type: none"> 1. conducting the following operations in a member state: <ol style="list-style-type: none"> a. Establishing a physical location for students to receive synchronous or asynchronous instruction; or b. Requiring students to physically meet in a location for instructional purposes more than once during the course term; or c. For purposes of this agreement, interstate supervised field experiences originating from campus-based programs in a member state are considered to be distance education if they have: <ol style="list-style-type: none"> 1. fewer than five students from each campus-based program in a member state physically present simultaneously at a single facility or site in a host state, and 2. do not involve any multi-year contract between a sending institution and a field site. Such programs are treated as distance education for purposes of determining whether they are covered by the provisions of SARA. d. Establishing an administrative office, including: <ol style="list-style-type: none"> i. for purposes of enrolling students, providing information to students about the institution, or providing student support services; ii. Providing office space to instructional or non-instructional staff; or iii. Maintaining a mailing address or phone exchange. 	<p>For purposes of this agreement, any of the following activities in a host state are not covered by this agreement since they constitute a "physical presence." An institution would be subject to the laws and regulations of each individual state in which it conducts these activities:</p> <ol style="list-style-type: none"> 1. Establishing a physical location in a state for students to receive synchronous or asynchronous instruction; or 2. Requiring students to physically meet in a location in the state for instructional purposes as required for the course; or 3. Establishing an administrative office in the state, including: <p>Maintaining an administrative office in the state for purposes of providing information to prospective students or the general public about the institution, enrolling students, or providing services to enrolled students;</p> <p>b. Providing office space to instructional or non-instructional staff; or</p> <p>c. Establishing an institutional mailing address, street address or phone number</p>	<p>A. For purposes of interstate reciprocity, institutions delivering pure distance education courses (online or by mail) and conducting no other activities in a state should not be deemed to be physically present. These institutions, therefore, should have to seek authorization for purposes of interstate reciprocity only from the state in which they are physically present or have primary residence. Other institutional activities that should not trigger physical presence requirements include advertising, contractual arrangements in states (e.g., procurement contracts), experiential learning opportunities (e.g., clinical education, practicums, and internships), courses on military installations, faculty residing in the state but not meeting students in that state, field trips, proctored exams held in the state, operation of a server or</p>

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<p>2. Physical presence in any member state is not triggered by the following:</p> <ul style="list-style-type: none"> a. Offering courses via distance education. b. Advertising to students whether through print, billboard, direct mail, internet, radio, television or other medium; c. Student field experiences. Offering educational field experiences for students. d. An educational field trip arranged for a group of students that are normally in residence at an institution in another state; e. Face-to-face non-credit courses that are not a part of a degree or non-degree program that are less than 16 clock hours in length. f. Courses offered on a military installation; g. Maintaining a server, router or similar electronic service device housed in a facility that otherwise would not constitute physical presence; The presence of a server or similar pass-through switching device does not by itself constitute the offering of a course or program in that state. h. Having faculty, adjunct faculty, mentors, tutors, or other academic personnel residing in a member state; The presence of instructional faculty in a state, when those faculty teach entirely via distance-education and never meet their students in person, does not establish physical presence for purposes of this agreement. i. Proctored exams at a by the institution; j. Contractual arrangements in the home or host state. 	<p>in the state.</p> <p><u>Physical Presence Activities in a Host State Allowed by SARA</u></p> <p>If an institution is authorized by its home state and that home state is an approved participant in SARA, the institution is eligible to conduct the following activities in any of the SARA states. Physical presence (or “to operate”) is not triggered in a state participating in this agreement by any of the following activities:</p> <ul style="list-style-type: none"> 1. Courses offered at a distance (online, through the United States mail or similar delivery service) that do not require the physical meeting of a student with instructional staff in a host state. 2. Academic offerings among institutions from SARA states that are participating in a consortia agreement approved by each of those participating institutions. 	<p>other electronic service device, and short courses (20 classroom hours or less).</p>
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	<ol style="list-style-type: none">3. Advertising to students within a state, whether through print, billboard, direct mail, Internet, radio, television or other medium.4. An educational experience arranged for an individual student, such as a clinical, practicum, residency, or internship.5. An educational field experience arranged for a group of students that are participating in campus-based programs in another state.6. An offering in the nature of a short course or seminar, if instruction for the short course or seminar takes no more than 20 classroom hours.7. A portion of a full-term	
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	<p>course that comprises less than one-fourth of the requirements necessary to complete the course.</p> <p>8. Course offerings by an accredited institution on a U.S. military installation, limited to active and reserve military personnel, dependents of military personnel, and civilian employees working on the military installation.</p> <p>9. Operation of a server, router or similar electronic service device when such device is not housed in a facility that otherwise would constitute a physical presence; the presence of a server or similar pass-through switching device in a state.</p> <p>10. Having faculty, adjunct faculty, mentors, tutors, recruiters,</p>	
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	<p>or other academic personnel residing in a state. The presence of instructional faculty in a state, when those faculty offer entirely online or other distance-education instruction and never meet their students in person for educational purposes while in that state, does not establish a presence of the institution in that state or an offer of a course or program from that state for purposes of this agreement.</p> <p>11. Requiring a student to take a proctored exam at a location or with an entity in the host state prescribed by the institution.</p>	
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	12. Having a contractual arrangement in a state.	
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