

BOARD OF HIGHER EDUCATION
REQUEST FOR COMMITTEE AND BOARD ACTION

COMMITTEE: Academic Affairs

NO.: AAC 16-21

COMMITTEE DATE: March 1, 2016

BOARD DATE: March 8, 2016

**REVOCATION OF NEW ENGLAND SCHOOL OF ACUPUNCTURE DEGREE
GRANTING AUTHORITY**

MOVED: The Board hereby revokes the legal authority of **New England School of Acupuncture** to operate and grant degrees in the Commonwealth of Massachusetts effective March 31, 2016.

Authority: Massachusetts General Laws Chapter 69, Section 30 et seq.

Contact: Winifred M. Hagan, Ed.D.,
Associate Commissioner for Academic Affairs and Student Success

Background

Originally founded in 1975 and licensed as a vocational school by the Massachusetts Department of Education in 1976, the New England School of Acupuncture (NESA) became accredited in 1988 by the forerunner of today's Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM). The Board of Higher Education (BHE) approved NESA's Master of Acupuncture program on June 21, 1994 and approved its authority to include a Master of Acupuncture and Oriental Medicine on December 5, 2000.

In the fall of 2014 NESA's enrollment fell below its' target and in 2015 their Board of Trustees determined NESA's financial condition to be unsustainable and that future viability could be ensured through affiliation with another college. Massachusetts College of Pharmacy and Health Sciences University (MCPHS) was approached and on March 18, 2015 their Board of Trustees voted to approve a Memorandum of Understanding with NESA. On May 27, 2015 the MCPHS board voted to acquire NESA. The Department of Higher Education (DHE) received formal notification of the planned merger of NESA with and into MCPHS. DHE also received the required, completed Notice of Closure forms detailing the plan for the merger. The NESA entity will cease to separately exist when it merges with and into MCPHS.

On September 15, 2015 counsel for NESA and MCPHS met with BHE General Counsel to discussed the proposed merger as it relates to the BHE's jurisdictional authority. Although NESA is currently under the jurisdiction of the BHE, MCPHS, having been incorporated by an act of the Massachusetts Legislature in 1952, is not. On December 15, 2015 General Counsel provided a letter confirming that, based on its legislative charter, MCPHS could offer the two degrees currently offered by NESA without seeking BHE approval. The letter further ensured that BHE will not seek to exercise jurisdictional authority over MCPHS as a result of the merger.

In addition, ACAOM accreditation will transfer to MCPHS as part of the merger. In order to accomplish the merger and to avoid any interruption in federal financial aid to NESA students, NESA has requested that the Board of Higher Education revoke NESA's degree granting authority on Tuesday, March 8, 2016, with an effective date of March 31, 2016.

In compliance with M.G.L., c. 69, § 30A and 610 CMR 2.10, a public hearing regarding the closure of NESA was scheduled for February 22, 2016 at 10:30 AM Room 1401, One Ashburton Place, Boston, MA 02108. No member of the general public was in attendance.

Staff Recommendation

Staff recommends that the Board revoke the authority of the New England School of Acupuncture to operate and grant degrees in the Commonwealth of Massachusetts effective March 31, 2016.