

BOARD OF HIGHER EDUCATION
REQUEST FOR COMMITTEE AND BOARD ACTION

COMMITTEE: Academic Affairs

NO.: AAC 20-09

COMMITTEE DATE: December 10, 2019

BOARD DATE: January 10, 2020

APPROVAL OF AMENDMENTS TO 610 CMR 12.00: OPERATION OF MASSACHUSETTS DEGREE-GRANTING INSTITUTIONS UNDER THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA)

MOVED: The Board of Higher Education hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3 and solicit public comment on the proposed amendments to existing regulation 610 CMR 12.00: Operation of Massachusetts Degree-Granting Institutions Under the State Authorization Reciprocity Agreement (SARA).

VOTED: Motion adopted by AAC 12/10/2019; adopted by BHE 1/10/2020.

Authority: M.G.L. c. 15A, § 9, as amended by 2017 Mass. Acts ch. 47, § 10; M.G.L. c. 69, § 31A, as amended by 2017 Mass. Acts ch. 47, § 36; M.G.L. c. 15A, § 41; M.G.L. c. 30A; 950 CMR 20.00

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Massachusetts Board of Higher Education

Approval of Amendments to 610 CMR 12.00

Background

At its October 31, 2017 meeting, the Board voted (AAC 18-08) to approve the Department's participation in the State Authorization Reciprocity Agreement (SARA) and delegated to the Commissioner the authority to take the necessary steps to pursue Massachusetts' entry into SARA. Later that fiscal year, the Board finalized SARA Regulations (610 CMR 12.00) necessary to implement Massachusetts' participation in SARA which went into effect on March 23, 2018. Subsequently, the Department filed [Massachusetts' application to participate in SARA](#) with the New England Board of Higher Education (NEBHE), the regional education compact responsible for administering SARA. After receiving approvals at both the May 16, 2018 meeting of the NEBHE Regional Steering Committee and the June 7, 2018 meeting of the NEBHE Executive Committee, the Commonwealth became a member state in SARA. On June 18, 2018, the Department began accepting institutional initial applications to participate in SARA. Since then, the Department has approved 46 institutions to participate in SARA, including one provisional approval.

The Commonwealth must re-apply biannually to renew its participation in SARA through the NEBHE Steering Committee. The Commonwealth is required, as a condition of voluntary participation in SARA, to implement SARA in a manner consistent with NC-SARA policy, as set forth in the *SARA Manual*. In anticipation of and preparation for submitting a complete application in April 2020, changes to 610 CMR 12.00 are necessary to align the Commonwealth's SARA Regulations with policy changes implemented by NC-SARA.¹

A summary of the changes below will bring the Commonwealth's SARA Regulations into alignment with both authorities, ensuring the Commonwealth's continued participation in SARA.

- 610 CMR 12.02 re-defines the *SARA Manual* as the current, effective version of the document as adopted and periodically updated by NC-SARA.
- 610 CMR 12.03(1)(f)(2) enables the Department to retain an independent auditor for the purposes of calculating a financial responsibility rating.
- 610 CMR 12.03(2) ensures that SARA implementation in Massachusetts is consistent with new language from NC-SARA regarding professional licensure disclosures to students based on their location during enrollment instead of their state residency.
- 610 CMR 12.04(c) provides that the Department may keep an institution on provisional status for more than 1 year in accordance with the *SARA Manual*.

The proposed revisions are attached as **Attachment A**.

¹ NC-SARA, NC-SARA Board Meeting Booklet, October 30, 2019, <https://nc-sara.org/meeting-materials>.

Recommendation

Staff recommends that the Board approve the amendments to 610 CMR 12.00 as attached to be submitted to the Secretary of the Commonwealth's Office for publication in the Massachusetts Register, which will entail the presentment of the proposed revisions to the public for comment. As set forth in the attached timeline, if the final regulations are approved, they will go into effect on April 17, 2020, in time for the submission of the Commonwealth's SARA renewal application.

Comment Period and Regulatory Compliance Timeline

DATE	TASK/OCCURENCE
December 27, 2019	<ul style="list-style-type: none"> • Draft regulations, small business impact/fiscal effect statements, and notice of public hearing brought to the Secretary of the Commonwealth's Office for publication in the January 10, 2020 edition of the Massachusetts Register • Letters sent to DHCD/MMA per E.O. 145
January 3, 2020	<ul style="list-style-type: none"> • Notices of public hearing sent to the Boston Globe for publication on January 10, 2020
January 10, 2020	<ul style="list-style-type: none"> • Publication of draft regulations and notices of public hearing in the Massachusetts Register & Boston Globe
February 5, 2020	<ul style="list-style-type: none"> • Public Hearing, One Ashburton Place, Room 1401
January 10- February 7, 2020	<ul style="list-style-type: none"> • Public comment period
March 10, 2020	<ul style="list-style-type: none"> • Final regulations distributed to BHE for review
March 17, 2020	<ul style="list-style-type: none"> • AAC meeting (final regulations up for approval)
March 24, 2020	<ul style="list-style-type: none"> • BHE meeting (final regulations up for approval)
April 2, 2020	<ul style="list-style-type: none"> • Submit final small business impact statement to Secretary of the Commonwealth's Office
April 3, 2020	<ul style="list-style-type: none"> • Submit final regulations to Secretary of the Commonwealth's Office for publication in the April 17, 2020 edition of the Massachusetts Register
April 17, 2020	<ul style="list-style-type: none"> • Publication of the final Regulations in the Massachusetts Register • Regulations will be final
April 23, 2020	<ul style="list-style-type: none"> • Massachusetts SARA Renewal Application due