



**Massachusetts Department of Higher Education**

Ashley Wisneski

If you need to leave to finish gathering your information, you may return here at any time.

**Application and Evaluation Form for State Membership in SARA**

Authoring

Accreditation & Quality

Financial Sustainability

Consumer Protection

Portal Agency

Finish

1. Is Massachusetts a member of one of the four interstate higher education regional compacts that administer SARA, or has it concluded an affiliation agreement with such a compact covering SARA activity?

Yes  No

2. Does the state entity responsible for joining SARA have the legal authority under state law to enter an interstate agreement on behalf of the Commonwealth of Massachusetts, and has provided a copy of the statutory or other legal authority documenting this?

Yes  No

Please submit legislative language or statute that grants authority by either:

- dragging your document to these boxes, or if you have trouble,
- right-clicking on the boxes and selecting *Insert into Container*



Attachment C Chapter 47 of Acts of 2017 Section 10.docx



Attachment C Chapter 47 of Acts of 2017 Section 36.docx

If you prefer to type or paste your legislative language or statute information, please do so below.

## Chapter 47 of the Acts of 2017

SECTION 10. Section 9 of chapter 15A of the General Laws, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, the board of higher education shall have the authority to enter into interstate reciprocity agreements that authorize an accredited, degree-granting institution of higher education located in the commonwealth to voluntarily participate in such an agreement and to provide distance education programs to students in other states in accordance with the agreement. The authority granted by this paragraph shall apply only to distance learning programs and shall not affect other approvals of institutions of higher education or programs required by law exemptions for institutions of higher education or programs. This section shall not prohibit an accredited, degree-granting institution of higher education located in the commonwealth that has been authorized to grant degrees by the board of higher education but that does not participate in such an agreement from offering a postsecondary distance education program in another state if the institution is duly authorized to do so by the other state. For purposes of online distance education programs, an accredited, degree-granting institution of higher education chartered, incorporated or organized in another state that is a party to the interstate reciprocity agreement entered into by the board shall be authorized by the board of higher education to conduct courses that lead to the award of a degree in the commonwealth in accordance with section 31A of chapter 69; provided, however, that the institution of higher education is approved to participate in and meets the requirements of the interstate reciprocity agreement. This section shall not affect the authority of the attorney general to enforce statutes or promulgate and enforce regulations that prohibit consumer fraud and unfair or deceptive business practices including, but not limited, those under chapter 93A, and to enforce section 1042 of the federal Consumer Financial Protection Act of 2010. Before the board of higher education enters into an interstate reciprocity agreement, the department of higher education and the attorney general shall execute a memorandum of understanding necessary to coordinate the enforcement of relevant requirements, statutes and regulations, including those related to consumer fraud and unfair or deceptive business practices.

## Chapter 47 of the Acts of 2017

SECTION 36. Chapter 69 of the General Laws is hereby amended by striking out section 31A, as appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

Section 31A. An educational institution chartered, located, offering courses or otherwise doing business within the commonwealth shall not award degrees within the commonwealth unless authorized or approved to do so by the commonwealth. An educational institution chartered, incorporated or organized in another state shall not conduct within the commonwealth courses available to residents of the commonwealth that lead to the award of a degree unless the educational institution has received the authorization of the commonwealth for such courses; provided, however, that authorization may be granted by the board of higher education through the board of higher education's participation in an interstate reciprocity agreement under section 9 of chapter 15A. The board of higher education shall be responsible for the implementation of this section.

**Massachusetts Department of Higher Education**  
Ashley Wisneski

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Finish

1. Does Massachusetts accept institutional accreditation by an accrediting body recognized by the U.S. Secretary of Education as sufficient, initial evidence of academic quality for approving institutions for participation in SARA?

Yes  No

2. Does Massachusetts consider applications from degree-granting institutions of all sectors (public, private non-profit, and private for-profit) on the same basis and approves institutions that meet SARA standards and agree to SARA processes and commitments without differentiating by sector?

Yes  No

3. Does Massachusetts agree to require each SARA applicant institution to apply for state approval using the standard SARA institutional application and agree to operate under the Interregional Guidelines for the Evaluation of Distance Education, summarized in SARA policy 4(7)?

Yes  No

[Go to Section 3: Financial Sustainability -->](#)



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**Application and Evaluation Form for State Membership in SARA**

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Portal Agency

Finish

1. For private institutions, does Massachusetts accept the U.S. Department of Education's institutional federal financial responsibility rating of 1.5 (or 1.0-1.49 with additional justification) as sufficient financial stability to qualify for participation in SARA?

Yes  No

Go to Section 4: Complaint Resolution & Consumer Protection -->

If you need to leave to finish gathering your information, you may return here at any time.

## Application and Evaluation Form for State Membership in SARA

Authoring

Accreditation & Quality

Financial Sustainability

**Consumer Protection**

Portal Agency

Finish

1. Has Massachusetts developed a clearly articulated and comprehensive state process for consumer protection in regard to SARA activities, both with respect to initial institutional approval and on-going oversight, including the resolution of consumer complaints in all sectors?

Yes  No

Please submit a copy of the complaint investigation and resolution process to be used to handle all complaints resulting from institutional operations (public and nonprofit) under SARA, by either:

- dragging your document to this box, or if you have trouble,
- right-clicking on this box and selecting *Insert into Container*



Attachment E DHE Complaint Policy.docx

If you prefer to type or paste your complaint investigation and resolution process, please do so below.

2. Has Massachusetts designated a "portal entity" as defined in SARA policies and standards to coordinate SARA matters for the commonwealth and provide a principal point of contact for resolution of student complaints?

Yes  No

Please enter the official name of this portal agency here:

Department of Higher Education

**Note:** The designated entity need not itself be responsible for all oversight activities of SARA providers inside Massachusetts, but will be the SARA portal for Massachusetts.

3. Does Massachusetts agree that it will work cooperatively with other SARA states, regional compacts and NC-SARA to enable success of the initiative? Will it follow up on requests for information or investigation from other SARA member states or any SARA regional or national office, and provide such data or reports as are required?

Yes  No

4. Does Massachusetts agree that, if it has requirements, standards, fees, or procedures for the approval and authorization of non-domestic institutions of higher education providing distance education in Massachusetts, it will not apply those standards, fees, or procedures to any non-domestic institution that participates in SARA; instead, Massachusetts will apply those specifically prescribed in or allowed by the *SARA Policies and Standards*?

Yes  No



# Massachusetts Department of Higher Education

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## DHE Complaint Policy and Process

The Department of Higher Education (DHE) is responsible for authorizing the operation of public and private independent institutions of higher education located in Massachusetts and managing the Commonwealth's student complaint process.

If you believe that an institution of higher education located in Massachusetts is not operating in compliance with its state requirements (as set forth in 610 CMR 2.00) or its own policies and procedures, or if you otherwise believe that the institution has not fulfilled its promises, you may file a complaint with the DHE. Generally, issues falling under the DHE's jurisdiction include academic quality and licensing; issues regarding student life (including, for example, student discipline, grading, and housing) typically fall within the purview of the institution itself. An institution of higher education's Board of Trustees is responsible for establishing and enforcing the policies necessary for the management of the institution under its authority. Please note that the DHE will only act upon complaints that were unable to be resolved through the institution's own internal dispute resolution process. Furthermore, our agency cannot and does not provide legal advice.

The DHE attempts to provide an avenue for **informal resolution** of matters concerning institutions and cannot require an institution to take any specific action in a matter.

### Filing a Complaint with the DHE

Before contacting the DHE, you must first exhaust the institution's internal grievance or complaint procedures. These policies are usually published in the institution's catalog, student handbook, and/or on the institution's website.

After you have pursued your concerns using the institution's dispute resolution procedures, and have not reached a mutually agreeable resolution, you may proceed with filing a formal complaint with the DHE.

### How Complaints are Handled

To initiate a complaint about a Massachusetts college or university, a student must complete the DHE complaint form. (<http://www.mass.edu/forstufam/complaints/complaintform.asp>)

After a student submits a complaint to the DHE, the complaint is reviewed by DHE staff for completeness. Where a student submits a complaint electronically and indicates that the student will be submitting supporting documentation separately, the DHE will hold the complaint until the supporting documentation is received. Once a complaint is considered complete, it will be referred to the relevant institution for response. The institution generally has 30 days from its

receipt of the complaint from the DHE to provide a response to the student and the DHE. If, after 30 days, the DHE has not received any response from institution, the DHE will follow up with the institution to request a response to the complaint.

Once the institution's response is received, DHE staff will review the information provided. If the institution's response satisfies the DHE, the DHE will consider the complaint to be closed. If the forthcoming response does not satisfy the DHE, the DHE will either review the complaint further, request clarification where necessary, or, in its discretion, send the complaint directly to another agency that is authorized to address the concern(s) raised in the complaint, including to the Consumer Protection Division and/or the Public Charities Division of the Massachusetts Attorney General's Office, for review and possible enforcement action.

If, after an institution has provided its response, a complainant submits a further response or supplementary information, the DHE will review the information to determine whether the complainant is making new allegations (in which case the complainant may be directed to file a new complaint or the institution may be asked to provide follow up information) or if the complainant is dissatisfied with the institution's response but has provided no new information or allegations (in which case the DHE may inform the complainant that the DHE is satisfied with the institution's response and that the matter is closed).

### **[Complaints Under SARA**

As the Massachusetts portal entity for the State Authorization Reciprocity Agreement (SARA), the DHE is empowered to investigate and resolve out-of-state students' complaints of violation of the terms and policies of SARA, the laws, standards, or regulations incorporated by SARA, and/or the provisions of 610 CMR 12.00 against all institutions of higher education located in Massachusetts and offering distance education programs through SARA.

Complaints by Massachusetts students against out-of-state SARA institutions should be submitted to the SARA portal entity in the state where the institution is located once the complaint process at that institution has been exhausted.]

### **Personally Identifiable Information Waiver**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records, including grades, judicial sanctions, financial records, and other personal information. All complainants will be asked to provide written consent for the institution to disclose to the DHE any relevant protected information, including FERPA information, from its student records in order to assist the DHE with evaluating the institution's response and making a determination on satisfaction.

### **Public Records**

Under most circumstances, the text of the complaint/inquiry and the institution's response will be considered public records, copies of which must be made available to any member of the public upon request. However, personally identifying information (e.g., name, address, phone number, etc.) will not be disclosed. Furthermore, no part of the complaint/inquiry or the institution's response will be provided in response to a request that asks specifically for a complaint/inquiry submitted by an individual.

5. Does Massachusetts agree to serve as the default forum for any SARA-related complaint filed against an institution approved by the commonwealth to participate in reciprocity?

The commonwealth's SARA portal agency is responsible for coordinating any such efforts and is empowered to investigate and resolve complaints that originate outside of the commonwealth. All other state agencies and governing boards of SARA participant institutions shall assist as necessary in such investigations and report as needed to the portal agency. State remedies, if any, including refunds or other corrective action, must be available to resolve complaints involving residents of other states.

Yes  No

6. Does Massachusetts agree to document the following and share information with NC-SARA?

All formal complaints received:

Yes  No

Complaint notifications provided to institutions and accrediting bodies:

Yes  No

Actions taken that are commensurate with the severity of violations:

Yes  No

The resolution of complaints:

Yes  No

7. Does Massachusetts agree to promptly report complaints and concerns to the institutions about where the complaint is lodged, the home state SARA portal entity responsible for any such institution and, if appropriate, the relevant accrediting bodies?

Yes  No

8. Has Massachusetts established clear and well-documented policies and practices for addressing catastrophic events, as follows:

- Massachusetts may request assistance from the institution's accreditor as the accreditor applies its standards under §602.24(c) of federal requirements for catastrophic events.

Yes  No

- The Commonwealth of Massachusetts has laws, regulations, policies and/or processes in place to deal with the unanticipated closure of an institution and will make every reasonable effort to assure that students receive the services for which they have paid or reasonable financial compensation for those not received. Such laws, regulations, policies and/or processes may include tuition assurance funds, surety bonds, teach-out provisions or other practices deemed sufficient to protect consumers.

Yes  No

- Massachusetts requires institutions to have adequate disaster recovery plans, including protection of student records, or that Massachusetts provides such a plan.

Yes  No

- Massachusetts agrees to apply its policies and practices for catastrophic events consistently and equally within each sector (public, private nonprofit, and private for-profit) to residents of any state.

Yes  No

Please submit policies, a description of practices, or statute that demonstrates ability to effectively deal with catastrophic events by either:

- dragging your document to this box, or if you have trouble,
- right-clicking on this box and selecting *Insert into Container*

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Yes  No

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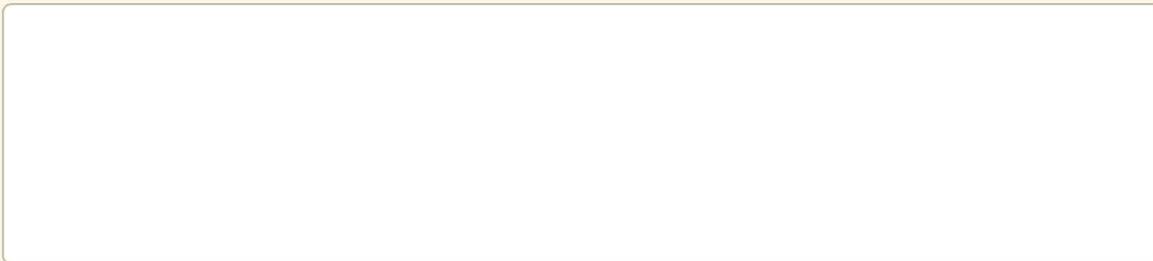
Yes  No

Please submit policies, a description of practices, or statute that demonstrates ability to effectively deal with catastrophic events by either:

- dragging your document to this box, or if you have trouble,
- right-clicking on this box and selecting *Insert into Container*



If you prefer to type or paste your legislative language or statute, please do so below.



**If you have trouble uploading documents, please send them in an email message to [dfollweiler \[at\] nebhe \[dot\] org](mailto:dfollweiler@nebhe.org)**

[Go to Section 5: Portal Agency -->](#)



# Massachusetts Department of Higher Education

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## **Policies and Practices for Addressing Catastrophic Events**

The Massachusetts Board of Higher Education (BHE) and the Department of Higher Education (DHE), under the broad powers and duties set forth in M.G.L. c. 15A and c. 69, employ a multi-tiered process for the purposes of addressing catastrophic events such as institutional closure.

In the event of the unanticipated closure of an institution, DHE provides the institution with the Notice of Closure Guidelines for Massachusetts Independent Institutions and Independent Institution Notice of Closure Submission Template (attached) and oversees the institution's orderly execution of the closure in accordance with the guidelines. In addition, DHE expects that the institution's closure process is fully compliant with the expectations of the institution's accreditor as it applies its standards under 34 CFR 602.24(c) of the federal requirements for catastrophic events.

In order to provide oversight of these processes and support for students, DHE utilizes its academic affairs/program review and legal staff members to assess, review, and manage the closure process, including teach-outs, transfer agreements, preservation of student records, and student complaints. Upon Massachusetts' membership in SARA, one additional full-time staff member will be hired at DHE to provide additional support for these processes, among other duties. Together with the closing institution, and the institution's accreditor, DHE endeavors to locate and make available educational programs that are of acceptable quality and reasonably similar in content, structure, and scheduling to those previously offered by the institution that is ceasing operations either entirely or at one of its locations.

In accordance with M.G.L. c. 69, s. 31B, 610 CMR 2.07(3)(f)(2), and 610 CMR 2.08(f), the institution must develop and implement plans for student academic records, including the designation of a permanent location and custodian of said records. If possible, subject to the approval of DHE, the institution works out an agreement with another Massachusetts institution for the protection of student records. In cases where an agreement with another institution may not be feasible or possible, DHE permits transcripts to be transferred to and held by an out-of-state institution and/or a third-party outside vendor. DHE maintains a dedicated web page to further assist consumers with locating their academic records from closed institutions:

<http://www.mass.edu/forstufam/diplomas/closedinst.asp>

All institutions applying to the DHE to participate in SARA are expected to affirm that they will follow New England Association of Schools and Colleges (NEASC)'s *Considerations When Closing an Institution of Higher Education* or the best practices of their national accrediting agency for addressing catastrophic events.



## Massachusetts Department of Higher Education

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Boston, MA 02108-1696

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FAX (617) 727-0955  
WEB [www.mass.edu](http://www.mass.edu)

Carlos E. Santiago, *Commissioner*  
Chris Gabrieli, *Chairman*  
*Massachusetts Board of Higher Education*

### **Notice of Closure Guidelines for Massachusetts Independent Institutions<sup>1</sup>**

As an increasing number of Massachusetts institutions of higher education are merging with other institutions or closing completely, the Department of Higher Education has developed a protocol to support the process and to help institutions meet the challenges of closing, such that students are protected and enabled to complete their degree programs via teach-out plan or transfer to another institution.

Massachusetts law requires a closing institution to notify the Board of Higher Education of its intention to close "as far as possible in advance" by contacting the Department of Higher Education (DHE). The following Notice of Closure Guidelines must be adhered to by a closing institution. These Guidelines are designed to ensure that students are supported and protected through the institution's final closure and termination date. As such, the DHE should be the first entity notified of an institution's decision to close and the institutional leadership should remain in close communication with DHE throughout the process. See 610 CMR 2.07(3)(f)(2).

#### **PART I: NOTICE OF INTENT TO CLOSE**

1. It is expected that DHE will be the first point of contact for the closing institution. The President or CEO should contact the DHE with the Notice of Intent to Close, sent to the Commissioner of Higher Education. The written notice should include:
  - a.) A statement of intent to close and the general rationale;
  - b.) An estimated timeline for the closure, the anticipated final termination date, and the approximate number of students currently enrolled; and
  - c.) Disclosure of any preliminary discussions or plans with other institutions that may offer the potential for articulation.
2. The DHE will work in consultation with the Office of the Attorney General to safeguard student, employee, and consumer protections and to ensure compliance with other state and federal laws.

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<sup>1</sup> Any institution, other than institutions within the public system of higher education as set forth in M.G.L. c. 15A, § 5, that offers or seeks to offer courses for credit or courses leading to an academic degree in Massachusetts (e.g. non-profit, for profit, religious, corporate, etc.).

## **PART II: NOTICE OF CLOSURE**

3. Institutional leadership must maintain ongoing and close communication with DHE staff members throughout the duration of the closing process. This includes, but is not limited to, forwarding copies of all communications to students, former students, alumni, and the media regarding the closure.
4. The closing institution must complete the Independent Institution Notice of Closure template. DHE staff members are available to support a closing institution by responding to questions and providing technical assistance as needed and requested. A closing institution must submit one hard copy (which can be a copy on a flash drive) and one electronic copy in MS Word format of the Independent Institution Notice of Closure to [awilliams@bhe.mass.edu](mailto:awilliams@bhe.mass.edu).
5. A closing institution must include a check for the \$500.00 closing fee for administrative costs per statute with its completed Notice of Closure. See 610 CMR 2.06(b)(f). The check should be made out to the Massachusetts Department of Higher Education Licensing Fee Trust Fund.

**Institution:**

**Proposed Closure:**

**Independent Institution Notice of Closure - Submission Template**

BHE regulations require closing institutions to notify the Board "as far as possible in advance" of intentions to close, to follow the appropriate procedures, such as responding to information requests, and to work with the Board in organizing educational transfer opportunities "to safeguard the needs of students". See 610 CMR 2.07(3)(f)(2).

Review guidelines prior to submitting materials. Required information should be typed directly into form rows. Boxes will expand. Submit one hard copy to Massachusetts Department of Higher Education Legal Division inclusive of a copy on flash drive. Submit one electronic copy in MS Word format to [awilliams@bhe.mass.edu](mailto:awilliams@bhe.mass.edu).

**Institution Name:**  
**Institution Address:**  
**Main Campus Location:**  
**Additional Campus Locations:**  
**(if applicable) Headquarters Location:**

**Is the institutional closure fee of \$500 included? Yes No (please circle)**

**Date of Trustee Board Vote to Confirm Closure:**

**Date Letter of Intent (attach copy) submitted to Commissioner:**

**President Name and Title:**

**Phone Number:            Email:**

**Chief Academic Officer (CAO) Name and Title:**

**Chief Financial Officer (CFO) Name and Title:**

**CAO Phone Number:            Email:**

**CFO Phone Number:            Email:**

**Has the President, CAO, and CFO reviewed this petition? Yes No (please circle)**

**A. Statement of Institutional Closure**

Provide detailed rationale for the closure.

Provide an anticipated closure date.

Identify the campus location(s) that is/are closing in the state of Massachusetts. Indicate if other campus locations will remain open and in what states.

**Institution:**

**Proposed Closure:**

**B. Teach-Out Plan and Academic Integrity**

**1. Teach Out.** Describe the teach-out plan for each currently operational program leading up to the final closure date.

**2. Transfer Agreements.** It is the DHE's expectation that the institution presents students with appropriate options during the teach-out period. To that end, the DHE highly recommends at least 1-2 opportunities for students to transfer to an alternative institution. Describe transfer or articulation agreements with other institutions that may be proposed for students. Explain the anticipated transferability of program participants' credits to other institutions. (attach agreements)

**C. Student Data and Student Services**

**1. Students.** Provide enrollment numbers by program, average credits earned, average credits remaining, and anticipated student completion and graduation dates. This information shall be reported to the DHE in a quarterly status report. See attachment A below.

**2. Student Services.** Describe the services that will be provided to students during the teach out period, leading up to the subsequent closure of the institution; including but not limited to career services, counseling and health services, financial aid, bursar, academic supports, Veterans Education Services, Residential Life, Library, etc. Please provide a timeline for the winding down of these services by department/service area. Explain how this information will be communicated to students.

**3. Financial Aid.** Confirm that financial aid eligibility and institutional scholarship aid will continue during the teach-out period. Explain how this will be communicated to students.

**4. Student Veterans.** Please provide a list of GI Bill beneficiaries currently enrolled at your institution in the state of Massachusetts.

**D. Administration**

**1. Faculty and Staff.** Please provide the current number of full-time faculty, the number of part-time faculty, the number of full-time support staff, the number of part-time support staff. This information shall be reported to the DHE in a quarterly status report.

**2. Employee Reduction Plan.** Provide a staffing timeline by semester/quarter that includes anticipated reductions for both faculty and administrative staff, noting that employee/student ratios should remain constant during the teach-out period. See attachment B below.

**E. Communication & Records**

*. BHE regulations require an institution's publications to be "comprehensive, accurate, unambiguous and up-to-date in presentation of the institution's mission, policies, resources, general environment, instructional offerings and other services. As a general guide, the institution's publications available to applicants and students should provide full, accurate and current information...." 610 CMR 2.07(3)(g)(1).*

**1. Current Communication** Describe any publications, communications and public disclosures and their location (e.g., institution's website, email communications, etc.) regarding the closure. Attach any specific communications that the institution has sent and anticipates sending to students, faculty, staff, and alumni regarding the proposed teach-out, closure, and potential transfer and articulation arrangements.

**Institution:**

**Proposed Closure:**

**2. Future Communication.** The institution shall send to the DHE, copies of all communications sent to students, former students, alumni, and media regarding the closure during the teach-out period.

**3. Records.** Provide specific information regarding how and where student records will be maintained, including the name, address, and contact information. Describe how this information will be communicated to current and former students.

**F. FISCAL**

**1. Refund Policy.** *BHE regulations require institutions to have refund policies, which are fair, equitable and available publicly. See 610 CMR 2.07(3)(e)(4).*

Provide the institution's refund policy and describe student eligibility for refunds during the teach-out period. How will this information be communicated to students?

**2. Physical Resources.** Indicate how courses and programs will continue to be supported by adequate physical resources during the teach-out period, including but not limited to instructional space, library assets, electronic databases, and the general campus environment.

**3. Fiscal Resources.** Provide a statement attesting to the fact that sufficient resources are available to support the described plan in sections A-F. Provide a budget indicating that the organization will have sufficient resources to support the obligations set-forth above throughout the teach-out period

**CEO/President Signature**

*By signing below, I understand and attest that all the foregoing statements are true and accurate. I agree to abide by the terms of the teach-out plan and all other applicable laws, regulations, and accreditation standards throughout the teach-out period.*

<b>Signature:</b>		<b>Date:</b>	
<b>Print Name:</b>			

**Institution:**

**Proposed Closure:**

**Attachment A: QUARTERLY STUDENT ENROLLMENT BY PROGRAM – SAMPLE**

<b>Program with CIP Code</b>	<b># of students currently enrolled</b>	<b>Average Credits Earned</b>	<b>Average Credits Remaining for Program Completion</b>	<b>Expected Graduation Date</b>
Example: BS Graphic Communications 500499B	8	81.1	8.9	6/28/2008
	14	68.8	21.2	9/27/2008
Example: Visual Arts	20	80.9	9.2	6/28/2008
	11	69.5	20.5	9/27/2008

**Institution:**

**Proposed Closure:**

**Attachment B: QUARTERLY REPORT OF EMPLOYEES BY PROGRAM/FUNCTIONAL AREA**

<b>Semester/Quarter &amp;Year</b>	<b>Program/Functional Area</b>	<b>Number of Fulltime Faculty</b>	<b>Number of Part-time Faculty</b>	<b>Number of Administrative Staff</b>

**QUARTERLY PROGRAM TEACH OUT / TRANSITION PROJECTIONS**

	<b>Teach Out Year 1</b>	<b>Transfer Year 1</b>	<b>Year 2 Teach Out</b>	<b>Year 2 Transfer</b>	<b>Year 3 Transfer</b>
Full Time					
Part Time					
<b>Totals</b>					

**APPENDICES TO BE ATTACHED**

Letter of Intent  
Communications to Students  
Massachusetts GI Bill Beneficiaries



Massachusetts Department of Higher Education Ashley Wisneski

If you need to leave to finish gathering your information, you may return here at any time.

Application and Evaluation Form for State Membership in SARA

Authoring Accreditation & Quality Financial Sustainability Consumer Protection Portal Agency Finish

State: Massachusetts

Portal agency name Department of Higher Education

Mailing address of portal agency

Address

1 Ashburton Place

Address2

Room 1401

City

Boston

State

MA

Zip code

02108

Website of portal agency www.mass.edu

Principal SARA staff contact at portal agency

Prefix First name\* Middle name Last name\* Suffix Alex Nally

Job title SARA Coordinator

Phone (617) 994-6910

Email address SARAIquiries@dhe.mass.edu

You may submit any additional documents below.

Please submit any additional files by either:

- dragging your document to this box, or if you have trouble, right-clicking on this box and selecting Insert into Container

Document upload box 1

Document upload box 2

Document upload box 3



# NEW ENGLAND BOARD OF HIGHER EDUCATION

45 Temple Place, Boston, Massachusetts 02111-1305 • Phone 617.357.9620 • Fax 617.338.1577 • www.nebhe.org

June 15, 2017

The Honorable Maura T. Healey  
Attorney General of Massachusetts  
One Ashburton Place  
Boston, MA 02108

Re: State Authorization Reciprocity Agreement (SARA)

Dear Attorney General Healey:

I have reviewed the Final Version of the Memorandum of Understanding Between the Office of the Attorney General (AGO) and the Department of Higher Education (DHE) and have also discussed it with NC-SARA. If the AGO agrees, as is set forth in that Memorandum of Understanding, to accept SARA-related institutional disclosures as an alternative to the affirmative disclosures required of for-profit schools and occupational programs under 940 CMR 31.05, that will remove any concerns that Massachusetts is enforcing state specific standards in violation of the SARA Policy and Operations Manual. NC-SARA and NEBHE understand and agree that all other existing regulations regarding consumer protections for students from unfair and deceptive business practices by for-profit and occupational schools, as promulgated under 940 CMR 31.00, will remain in effect and enforceable by the AGO should Massachusetts apply to and join SARA.

Please let me know if you have questions. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Sandra J. Doran". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Sandra J. Doran  
Director, New England State Authorization  
Reciprocity Agreement (SARA)

CC: James A. Peyser, Secretary of Education  
Carlos E. Santiago, Commissioner of Higher Education



# NEW ENGLAND BOARD OF HIGHER EDUCATION

45 Temple Place, Boston, Massachusetts 02111-1305 ♦ Phone 617.357.9620 ♦ Fax 617.338.1577 ♦ www.nebhe.org

September 15, 2017

The Honorable Maura T. Healey  
Attorney General of Massachusetts  
One Ashburton Place  
Boston, MA 02108

James Peyser, Secretary  
Massachusetts Executive Office of Education  
One Ashburton Place  
Boston, MA 02108

Carlos Santiago, Commissioner  
Massachusetts Department of Higher Education  
One Ashburton Place  
Boston, MA 02108

Christopher Gabrieli, Chair  
Massachusetts Board of Higher Education  
One Ashburton Place  
Boston, MA 02108

Re: State Authorization Reciprocity Agreement (SARA)

Dear General, Secretary, Commissioner and Chair:

I have reviewed your August 21, 2017 letter to Secretary Betsy DeVos and I am aware of your concerns regarding the August 11, 2017 letter from Paul Lingenfelter, Chair, NC-SARA Board, to Hilary Malawer, Assistant General Counsel at the U.S. Department of Education (the “Department”) regarding the Department’s amendments to the state authorization sections of the Institutional Eligibility regulations (the “August 11 Letter”).

I write to clarify that the August 11 Letter was not meant to suggest that the Department should allow a state authorization reciprocity agreement to undermine the authority of Massachusetts or any other state to enforce its consumer protection laws against all or a subgroup of participating educational institutions. Rather, the purpose was to urge the Department to clarify language in 34 CFR Section 600.2 that has been less than clear and is creating confusion among those impacted by it.



# NEW ENGLAND BOARD OF HIGHER EDUCATION

45 Temple Place, Boston, Massachusetts 02111-1305 ♦ Phone 617.357.9620 ♦ Fax 617.338.1577 ♦ www.nebhe.org

The New England Board of Higher Education and NC-SARA remain committed to working with member states to resolve any inconsistencies between a joining state's statutes and regulations, both existing and future, and the terms and conditions of the membership agreement. I noted in my June 15, 2017 letter to General Healey that:

*If the AGO agrees, as is set forth in that Final Version of the Memorandum of Understanding Between the Office of the Attorney General (AGO) and the Department of Higher Education (DHE), to accept SARA-related institutional disclosures as an alternative to the affirmative disclosures required of for-profit schools and occupational programs under 940 CMR 31.05, that will remove any concerns that Massachusetts is enforcing state specific standards in violation of the SARA Policy and Operations Manual. NC-SARA and NEBHE understand and agree that all other existing regulations regarding consumer protections for students from unfair and deceptive business practices by for-profit and occupational schools, as promulgated under 940 CMR 31.00, will remain in effect and enforceable by the AGO should Massachusetts apply to and join SARA.*

The New England Board of Higher Education and NC-SARA repeat and stand by the above representations made in my June 15, 2017 letter. NEBHE and NC-SARA will continue to honor this agreement regardless of whether 34 CFR Section 600.2 is amended.

Please let me know if you have questions or concerns. Thank you.

Sincerely,

Sandra J. Doran  
Director, New England State Authorization  
Reciprocity Agreement (SARA)

**Memorandum of Understanding  
Between the Office of the Attorney General  
and the Department of Higher Education**

**I. Purpose of Memorandum of Understanding**

The Purpose of this Memorandum of Understanding (the “Agreement”) is to document an agreement between the Office of the Attorney General (AGO) and the Department of Higher Education (DHE) to permit institutions of higher education (IHEs) located in Massachusetts to offer online courses to students in other states through the entry into a reciprocity agreement, while continuing to protect Massachusetts consumers from any unfair and deceptive trade practices conducted by for-profit and occupational schools.

**II. Background**

The State Authorization Reciprocity Agreement (SARA) is an agreement among member states to establish standards for interstate offering of online and other distance postsecondary education courses and programs. IHEs are not required to seek authorization in each state where they wish to offer distance education if their state of domicile has joined SARA, the IHE is approved by its state to participate in SARA, and the IHE has elected to join SARA. Massachusetts is not currently a member of SARA. In order to allow Massachusetts IHEs to more easily offer online education classes in other states, the DHE intends to recommend to the Board of Higher Education (the “Board”) that it submit an application to join SARA on behalf of the Commonwealth.

The AGO has promulgated regulations to protect Massachusetts consumers from certain unfair and deceptive business practices associated with for-profit and occupational schools. These regulations are intended to protect students from certain practices that unfairly harm consumers and frequently leave students with few career opportunities and significant student debt. This Agreement sets out the principles by which the AGO and DHE will work together to protect students from unfair and deceptive practices while facilitating the Commonwealth’s participation in SARA.

**III. Enabling Legislation**

The General Court recently enacted legislation that provides the Board with the authority to join interstate reciprocity agreements to allow IHEs in Massachusetts to provide distance education programs to students in other states. See 2017 Mass. Acts ch. 47, § 10. Any current or future statutory terms or conditions placed on the Commonwealth’s entry into interstate reciprocity agreements relating to distance education programs are hereby directly incorporated into this Agreement.

**IV. Principles**

The AGO and DHE agree on the following principles:

1. The Commonwealth’s participation in SARA shall not be construed to effect the authority of the AGO to enforce any statutes and promulgate or enforce any regulations

prohibiting consumer fraud and unfair or deceptive business practices, including but not limited to G.L. c. 93A;

2. Upon formal application and approval of the Commonwealth's participation in SARA, DHE shall act as the Commonwealth's SARA portal entity;
3. As the SARA portal entity, consistent with SARA, DHE will engage other state portal entities to address any consumer protection issues related to SARA-participating IHEs operating in Massachusetts under SARA;
4. For out-of-state SARA-participating IHEs, the AGO accepts SARA-related institutional disclosures as an alternative to those disclosures required of for-profit schools and occupational programs under 940 CMR 31.05;
5. All other existing regulations regarding consumer protections for students from unfair and deceptive business practices by for-profit and occupational schools, as promulgated under 940 CMR 31.00, are otherwise unaffected by this Agreement, as corroborated in the June 15, 2017 letter from Sandra Doran of the New England Board of Higher Education (NEBHE) to the AGO;
6. DHE shall inform the AGO of any consumer protection issues arising from, or related to, SARA-participating IHEs, including any possible violations of Massachusetts statutes or regulations; and
7. DHE shall periodically report to the AGO regarding SARA-participating IHEs enrolling Massachusetts students. These reports shall include but not be limited to enrollment and other data made available through the National Council for State Authorization Reciprocity Agreement (NC-SARA), as well as any unresolved issues or complaints related to Massachusetts consumers.

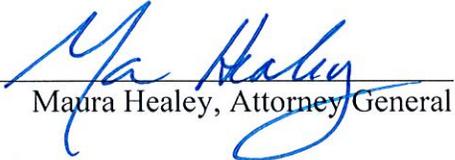
#### **V. Waiver**

It is specifically agreed between the parties that failure of either party to insist upon compliance with any provision herein at any time shall not waive performance of such provision at any other time. No waiver by either party of any default or breach hereunder by the other shall constitute a waiver of any subsequent default or breach.

**VI. Approval and Signatures**

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed by a duly authorized representative on the date and year written below.

FOR THE OFFICE OF THE ATTORNEY GENERAL

By:   
Maura Healey, Attorney General

Date: 10/2/17

FOR THE MASSACHUSETTS DEPARTMENT OF HIGHER EDUCATION

By:   
Carlos Santiago, Commissioner

Date: 10/4/17

## 610 CMR: BOARD OF HIGHER EDUCATION

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

#### Section

- 12.01: Scope and Purpose
- 12.02: Definitions
- 12.03: Institutional Eligibility Requirements for SARA
- 12.04: Initial Application for Approval to Operate under SARA
- 12.05: Application for Renewal of Approval to Operate under SARA
- 12.06: Loss of Eligibility and Removal
- 12.07: Complaints
- 12.08: Fees
- 12.09: Withdrawal
- 12.10: Non-SARA Reciprocity Agreements

#### 12.01: Scope and Purpose

(1) 610 CMR 12.00 governs the entry of the Commonwealth into the State Authorization Reciprocity Agreement (SARA), a higher education interstate reciprocity agreement that permits institutions of higher education in Massachusetts to offer distance education programs in other participating states without needing to obtain degree-granting authorization separately from each state and that, in return, permits duly authorized institutions of higher education in other participating states to offer distance education programs to Massachusetts students without needing to obtain degree-granting authority from the Commonwealth pursuant to 610 CMR 2.00: *Degree-granting Regulations for Independent Institutions of Higher Education* and consistent with 34 CFR Part 600. 610 CMR 12.00 establishes minimum standards for Massachusetts institutions that voluntarily apply to join SARA and sets forth the requirements for initial institutional applications, renewals, removals, and consumer complaints.

(2) 610 CMR 12.00 does not affect the existing obligations of in-state institutions to seek and obtain institutional and programmatic reviews and approvals for degree-granting programs from the Board for all programs, including distance and online programs, as set forth in 610 CMR 2.00: *Degree-granting Regulations for Independent Institutions of Higher Education*. 610 CMR 12.00 does not affect the existing jurisdictional exemptions from 610 CMR 2.00 for in-state institutions chartered prior to 1943 that are authorized by the legislature or state constitution to offer degree programs and confer post-secondary degrees in Massachusetts; except that such institutions which seek to offer distance education programs under SARA shall be subject to 610 CMR 12.00 for the purpose of SARA participation. It also does not apply to:

- (a) out-of-state institutions that are not members of SARA which seek to offer distance education to Massachusetts residents; and
- (b) out-of-state institutions that are not members of SARA which establish a physical presence in Massachusetts pursuant to the Department's physical presence policy and/or regulations.

#### 12.02: Definitions

As used in 610 CMR 12.00:

Accreditation. Accreditation as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education.

Board. The Board of Higher Education, a state agency established pursuant to applicable provisions of M.G.L. c. 15A.

Commissioner. The chief executive and administrative officer of the Department of Higher Education and the Board of Higher Education, pursuant to M.G.L. c. 15A, § 6.

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12.02: continued

Complaint. A formal written submission to the Department asserting that the terms and policies of SARA, the laws, standards, or regulations incorporated by SARA, and/or the provisions of 610 CMR 12.00 are being violated by a person, institution, state, agency, or other organization or entity operating under SARA.

C-RAC Guidelines. *The Interregional Guidelines for the Evaluation of Distance Education (Online Learning)* for best practices in postsecondary distance education developed by leading practitioners of distance education and adopted by the Council of Regional Accrediting Commissions (C-RAC) in 2011.

Department. The Department of Higher Education, a state agency established pursuant to applicable provisions of M.G.L. c. 15A, § 6 and which shall serve as the portal entity for SARA in Massachusetts.

Distance Learning or Distance Education. Instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video, or correspondence courses or programs. It does not include intrastate distance education activity.

Home State. The SARA member state in which an institution holds its legal domicile.

IPEDS. The Integrated Postsecondary Education Data System, the federal postsecondary education data collection program.

Legal Domicile. The state in which the institution's principal campus holds its institutional accreditation and, if applicable, its Federal Office of Postsecondary Education Identifier (OPEID) number.

Member State. Any state, commonwealth, district, or territory of the United States that is a participant in good standing in SARA.

National Council for SARA or NC-SARA. The National Council for State Authorization Reciprocity Agreements, the central coordinating body for SARA participation.

New England Board of Higher Education or NEBHE. The regional compact as established in the SARA Policy and Operations Manual that administers SARA for Massachusetts.

Operating Under SARA. Offering distance education courses or programs in a state other than Massachusetts under the purview of SARA, pursuant to 610 CMR 12.00 and the requirements of the *SARA Policy and Operations Manual*.

Portal Entity. The single entity designated by the Commonwealth to serve as the interstate point of contact for institutional applications, questions, complaints, and other communications relating to a reciprocity agreement.

Postsecondary Institution or Institution. An institution of higher education located within Massachusetts legally authorized to award degrees at the associate level or above.

Reciprocity Agreement. A voluntary agreement that establishes reciprocity between willing states for approval of postsecondary educational services delivered by distance learning beyond state boundaries and that is consistent with the requirements set forth in 34 CFR Part 600.

State Authorization Reciprocity Agreement or SARA. The state authorization reciprocity agreement or the voluntary program which implements reciprocity agreements among states, districts, or territories, institutions, and NC-SARA.

SARA Policy and Operations Manual. Version 16.3 of the document adopted and periodically updated by NC-SARA to administer the voluntary regional approach to state oversight of distance education.

12.03: Institutional Eligibility Requirements for SARA

- (1) To be eligible for approval to operate under SARA, a Massachusetts institution shall:
- (a) be legally domiciled in Massachusetts;
  - (b) be authorized by the Board or, for institutions chartered prior to 1943, authorized by the Massachusetts legislature or state constitution to offer degree programs in Massachusetts and confer post-secondary degrees in Massachusetts;
  - (c) be in compliance with the requirements of 610 CMR 2.00: *Degree-granting Regulations for Independent Institutions of Higher Education*, where applicable;
  - (d) meet and agree to comply with the C-RAC Guidelines;
  - (e) possess and maintain institutional accreditation from an accrediting body recognized by the U.S. Secretary of Education;
  - (f) for non-public institutions only, demonstrate financial stability and responsibility by meeting the following criteria:
    1. for federal Title IV participating institutions, having an institutional federal financial responsibility score of at least 1.5 (or 1.0 with justification acceptable to the Commissioner in his or her sole discretion);
    2. in the event that an institution does not participate in federal Title IV financial aid and therefore has no federal responsibility rating, providing sufficient financial evidence to the Department to allow the calculation of this rating using the federal rules; or
    3. for institutions owned by a corporate parent, in accord with current U.S. Department of Education policies and procedures, providing the financial score for the corporate parent and said score being at least 1.5 (or 1.0 with justification acceptable to the Commissioner in his or her sole discretion).
  - (g) agree to be bound by and comply with the current version of the *SARA Policy and Operations Manual* and to be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA;
  - (h) make its SARA-related complaint policies and procedures readily available to students by posting them on its website and distributing copies to students upon enrollment, and inform students that they may appeal SARA-related complaints to the Department after exhausting the institution's own complaint resolution procedures;
  - (i) agree to provide the Department with any information requested that is relevant to a student's complaint, including data, to the extent permitted by applicable law, in order to assist the Department with resolving the student complaint;
  - (j) upon submission of an initial or renewal application, pay to the Department the state fees as required by 610 CMR 12.08 and as set forth in Board policy;
  - (k) pay an annual SARA participation fee to NC-SARA as required by the *SARA Policy and Operations Manual*; and
  - (l) report any other information required by the *SARA Policy and Operations Manual*, the Department, and/or 610 CMR 12.03 that may enable the Department to determine the suitability of the institution's operation under SARA.
- (2) For any course or program potentially leading to professional licensure or certification, an institution must notify, in writing, all students and potential students in said program whether or not the course or program meets requirements for licensure or certification in the state where the student resides. If, after making a reasonable effort, an institution is unable to determine whether the course or program meets licensure or certification requirements in the state where the student resides, the institution must notify, in writing, all students and potential students that it cannot confirm that the course or program meets the licensure or certification requirements of the state where the student resides; provide students and potential students with current contact information for applicable licensing boards; and advise students and potential students to determine whether the course or program meets state licensure or certification requirements.
- (3) An institution seeking initial approval or renewal of its approval to operate under SARA must notify the Department of any adverse actions by its accreditor or of any negative changes to its accreditation status within 30 days of the institution's knowledge of said adverse action or negative change.

12.03: continued

(4) An institution seeking initial approval or renewal of its approval to operate under SARA must notify the Department, within 30 days of the institution's knowledge of said investigation or adverse action, of any of the circumstances that could lead to provisional status set forth in 610 CMR 12.05(5)(c).

(5) An institution seeking initial approval or renewal of its approval to operate under SARA must notify the Department of any changes in its federal financial responsibility score, in the federal financial responsibility score of its corporate parent, or, for an institution that does not participate in Title IV financial aid, in its financial status that would result in its federal financial responsibility score being less than 1.5 within 30 days of the institution's knowledge of said changes.

(6) Institutions approved to operate under SARA pursuant to 610 CMR 12.04 must maintain eligibility requirements throughout the participation period. Any institution that fails to maintain eligibility under these requirements may lose its eligibility to operate under SARA and be removed by the Board pursuant to 610 CMR 12.06.

12.04: Initial Application for Approval to Operate under SARA

(1) The Department shall be the SARA portal entity for the Commonwealth and shall provide the services required to implement SARA.

(2) An institution meeting the eligibility requirements set forth in 610 CMR 12.03 may apply to the Department for approval to operate under SARA. The Department shall make application forms available on its website.

(3) An institution should submit its complete application, along with the fee required by 610 CMR 12.08 and set forth in Board policy, to the Department. The Department will conduct an initial review of the application for completeness. All incomplete applications will be returned to the institution along with the remitted fee. No action aside from a review for completeness will be taken on an institution's application until it is deemed by the Department to be complete and the required fee has been processed.

(4) All properly submitted and complete applications will be reviewed by the Department to determine whether the institution meets the eligibility requirements set forth in 610 CMR 12.03 and whether the institution is in compliance with the *SARA Policy and Operations Manual*, Version 16.3.

(5) At the conclusion of the Department's review of an institution's application, the Department shall take one of the following actions:

(a) Approval. The Department shall approve all institutions that meet the requirements set forth in 610 CMR 12.03. The term of approval shall be one year from the date of notification of approval and may be renewed annually thereafter pursuant to 610 CMR 12.05. Upon approval by the Department to operate under SARA, the institution will be sent an electronic link to make payment to NC-SARA, and the Department will notify NC-SARA when an institution has completed the application process.

(b) Disapproval. The Department shall disapprove all institutions that do not meet one or more of the requirements set forth in 610 CMR 12.03. If an institution's application to operate under SARA is not approved, the Department will provide the institution with a written explanation of such disapproval. The institution may appeal any disapproval to the Commissioner or his or her designee in a timeframe and manner to be prescribed by the Commissioner and it may submit additional information in support of its position. An institution that has been disapproved is not prohibited from reapplying to the Department for approval to operate under SARA.

(c) Provisional Approval. The Department may, at its discretion, provisionally approve institutions for participation in SARA in any of the following circumstances:

1. If the institution is on probationary status or the equivalent with its institutional accrediting association;

## 12.04: continued

2. If the institution is currently using a letter of credit or is under a cash management agreement with the U.S. Department of Education;
3. If the institution is the subject of a publicly announced investigation by a government agency, and the investigation is related to the institution's academic quality, financial stability or student consumer protection; or
4. If the institution is the subject of a current investigation by an entity in the Commonwealth related to the institution's academic quality, financial stability or student consumer protection.

An institution admitted to or renewed for SARA participation in provisional status will be subject to the oversight measures that the Department deems necessary for purposes of ensuring SARA requirements are met regarding program quality, financial stability and consumer protection. The length of the provisional status of an institution shall be determined by the Department and may not exceed one year.

During or at the end of the provisional status period, if an institution approved to operate under SARA in provisional status is no longer subject to any of the conditions listed above, it may apply in writing to the Commissioner to remove its provisional status designation. The Commissioner or his or her designee shall grant the application if the criteria justifying provisional status no longer apply.

During or at the end of the provisional status period, if the Commissioner determines that the institution approved to operate under SARA in provisional status does not meet the requirements of SARA, the Department will disallow any further enrollments under SARA, notify the institution, NEBHE, and NC-SARA, and remove the institution from SARA participation. The Department will allow any students enrolled in the institution under SARA at the time of the finding of noncompliance a period of six months from the date the Department notifies the institution of its ineligibility in which to conclude their work at the institution.

The Commissioner may, in his or her sole discretion, allow the institution a period of time not to exceed 12 months from the date of his or her determination that the institution in provisional status does not meet the requirements of SARA in which to come into compliance with SARA standards under the supervision of the Department. Only one such grace period is allowed in any three-year period.

12.05: Application for Renewal of Approval to Operate under SARA

(1) Approval for participation in SARA is valid for one year from the date of notification of the Board's approval of an institution's initial or renewal application. An institution is required to annually submit an application for renewal of participation in SARA.

(2) An institution will receive a reminder that it must submit an application for renewal of its approval to operate under SARA 90 days prior to the expiration of its existing term of approval.

(3) An institution applying for renewal must submit its complete application, along with the fee required by 610 CMR 12.08 and set forth in Board policy, to the Department no later than 60 days prior to the expiration of its existing term of approval. The Department shall make renewal application forms available on its website. An institution should submit its renewal application, along with the fee required by 610 CMR 12.08 and set forth in Board policy, to the Department.

If an institution does not submit its application 60 days prior to the expiration of its existing term of approval, the Commissioner may charge the institution a late fee in the amount of \$25.00 per day for up to 60 days, until the expiration of the existing term of approval.

No action will be taken on an institution's renewal application until it is deemed by the Department to be complete and all required fees have been processed.

(4) All properly submitted and complete renewal applications will be reviewed by the Department to determine whether the institution continues to meet the eligibility requirements set forth in 610 CMR 12.03 and whether the institution is in compliance with the *SARA Policy and Operations Manual*, including a review of the history of complaints received regarding an institution and its compliance with the requirements of 610 CMR 2.00: *Degree-granting Regulations for Independent Institutions of Higher Education*, if applicable. Following its review, the Department will make a determination on the renewal of an institution's approval to operate under SARA consistent with the procedures set forth in 610 CMR 12.04(5).

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### 12.05: continued

(5) If an institution knows that it will not be applying for renewal to operate under SARA, it should provide the Department with written notice to that effect 30 days prior to the expiration of its approval to operate under SARA.

(6) An institution that does not apply for renewal prior to the expiration of its approval is no longer approved to operate under SARA and may reapply to the Department for approval no earlier than 180 days from the date of the expiration of its approval.

### 12.06: Loss of Eligibility and Removal

The Department may revoke an institution's approval to operate under SARA if it makes a finding that the institution is no longer eligible, that the institution is not in compliance with the *SARA Policy and Operations Manual*, or that the institution otherwise fails to meet the requirements of 610 CMR 12.00. The Department shall notify an institution of the revocation in writing. An institution may appeal a revocation of its approval to operate under SARA to the Commissioner or his or her designee in a timeframe and manner prescribed by the Commissioner. It may submit additional information in support of its position, and it may request that a public hearing on its removal from SARA be held.

### 12.07: Complaints

(1) 610 CMR 12.07 applies only to complaints which pertain to distance education provided by institutions approved by the Board to operate under SARA to students residing in other states pursuant to SARA. Complaints about a SARA institution's in-state operations, including intrastate distance education, are to be resolved pursuant to 610 CMR 2.00: *Degree-granting Regulations for Independent Institutions of Higher Education Standards*, where applicable, or otherwise in accordance with the institution's policies.

(2) A student who receives SARA distance education from an institution approved by the Board to operate under SARA may, after exhausting the institution's procedures for resolution of grievances, file a written complaint regarding the institution with the Department. The Department shall make complaint forms available on its website: [www.mass.edu](http://www.mass.edu).

(3) The Department shall review and attempt to resolve complaints which pertain to SARA distance education provided by institutions approved by the Board to operate under SARA as follows:

(a) The Department shall send a copy of the complaint to the institution that is the subject of the complaint;

(b) Within 30 days of the date that the Department sends a copy of the complaint to the institution, the institution must provide a written response to the student and the Department;

(c) Within 30 days of the date the Department received the institution's response, or if the Department receives no response, the Commissioner or his or her designee shall issue a notice to the institution containing the Commissioner's findings regarding the complaint; any corrective actions that the institution shall take to comply with the requirements of this regulation; and that, should the institution fail to take those corrective actions, the complaint shall be referred to the Office of the Attorney General for review and, if the Office of the Attorney General deems it appropriate, enforcement action.

(d) The Department may review and consider an institution's history of complaints received under this section and under 610 CMR 2.00: *Degree-granting Regulations for Independent Institutions of Higher Education* to determine if an institution's application should be denied, if an institution's renewal application should be denied, if an institution should be moved to provisional status, or if an institution should be disapproved to operate under SARA.

(e) Nothing in 610 CMR 12.07 precludes the Commonwealth, including the Office of the Attorney General, from simultaneously enforcing its laws and regulations, including laws of consumer protection and fraud prevention, such as 940 CMR 31.00: *For-profit and Occupational Schools*, against an institution approved by the Department to operate under SARA.

## 610 CMR: BOARD OF HIGHER EDUCATION

### 12.08: Fees

- (1) Massachusetts institutions seeking approval to operate under SARA shall be subject to annual fees to be paid to the Department to obtain and/or maintain their participation in SARA. The Department annual fee is separate from and in addition to the annual fee charged by NC-SARA.
- (2) The annual fee schedule shall be established by the Board through policy and shall be periodically reviewed and revised as needed. Factors that the Board may take into account in setting fee levels may include, but not be limited to: the number of Massachusetts institutions participating in SARA; the full-time equivalent enrollment at institutions as reported to IPEDS; the cost to the Commonwealth to administer SARA; distance learning revenue; and industry norms, such as average fees charged by similarly situated SARA states.
- (3) All fees required under these regulations shall be paid to the Board's Licensing Fee Trust Fund and shall be used solely for the purposes of the Licensing Fee Trust Fund.
- (4) The annual fees for approval to operate under SARA shall be due upon an institution's submission of an application for initial approval (pursuant to 610 CMR 12.04) or an application for renewal (pursuant to 610 CMR 12.05). Applications, both initial and renewal, will not be reviewed by the Department until the required fee has been processed.
- (5) In addition to the fees required by 610 CMR 12.08(1) and set forth in Board policy, institutions that have been approved by the Department to participate in SARA shall be subject to the annual fees required by NC-SARA as provided in the *SARA Policy and Operations Manual*. All institutions, regardless of the Department's fee schedule, must remit fees to NC-SARA.
- (6) If the Department disapproves an institution's application, the institution will be eligible for a partial refund of its annual fee, minus an amount to be determined by the Board which represents the costs to the Department for application review. If NC-SARA disapproves an institution's application after the Department has approved it, no refund will be made.
- (7) No refund shall be made to an institution that is removed from eligibility pursuant to 610 CMR 12.06 during an approval period.

### 12.09: Withdrawal

- (1) Should Massachusetts withdraw from SARA, the Department will notify all SARA participating institutions in Massachusetts of the Commonwealth's changed status.
- (2) An institution operating under SARA through Massachusetts may continue to do so until the conclusion of its current academic term or 90 days after the date of receipt of notice of withdrawal, whichever is later, but not to exceed six months from the date the withdrawal notice was received by the NEBHE.

### 12.10: Non-SARA Reciprocity Agreements

Nothing in this regulation shall preclude the Commonwealth from pursuing and entering into any other reciprocity agreement with any other state, commonwealth, district, or territory, including those states, commonwealths, districts, or territories that are not members of SARA.

## REGULATORY AUTHORITY

610 CMR 12.00: M.G.L. c. 15A, § 9; M.G.L. c. 69, § 31A; and M.G.L. c. 15A, § 41.



I, the undersigned representative of the Commonwealth of Massachusetts, having the authority to commit the state to the SARA interstate agreement, agree that the state will abide by SARA requirements as stated above; have provided proof of those requirements needing documentation; and hereby apply for the commonwealth's admission to the SARA interstate agreement.

**Signature (submit in box below)**

Name of signatory officer

Title of signatory officer

Date signed

- Please submit a signature file by either:
- dragging your document to this box, or if you have trouble,
  - right-clicking on this box and selecting *Insert into Container*



**If you have trouble uploading documents, please send them in an email message to [dfollweiler \[at\] nebhe \[dot\] org](mailto:dfollweiler@nebhe.org)**

[Complete your Registration -->](#)



**Massachusetts Department of Higher Education**  
Ashley Wisneski

If you need to leave to finish gathering your information, you may return here at any time.

## Application and Evaluation Form for State Membership in SARA

Authoring

Accreditation & Quality

Financial Sustainability

Consumer Protection

Portal Agency

**Finish**

### Thank you for your registration.

We will send an email message to the address you provided when we have processed your application.

**If you need to leave and return later to finish filling in information, please save a bookmark of this page now, and use it to return here at any time.**

**Save my information and log out**