

**BOARD OF HIGHER EDUCATION
REQUEST FOR BOARD ACTION**

NO.: BHE 20-13

BOARD DATE: May 5, 2020

APPROVAL AND ADOPTION 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, in accordance with M.G.L. c. 15A, § 9 and c. 69 § 31A, and having solicited and reviewed public comment in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, hereby adopts the following 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 BHE 5/5/2020.

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

The Commonwealth must re-apply biannually to renew its participation in SARA through the New England Board of Higher Education (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 by May 29, 2020 (the Department received an extension from the original April 2020 deadline due to impacts from COVID-19), changes to 610 CMR 12.00 are necessary to align the Commonwealth's SARA Regulations with policy changes implemented by NC-SARA.¹

At its January 10, 2020 meeting, the Board voted (AAC 20-09) to submit proposed amendments to 610 CMR 12.00 for public comment that would bring 610 CMR 12.00 into alignment with recent changes to NC-SARA policy.

On January 23, 2020, the regulations were submitted to the Secretary of the Commonwealth's office to be put out for public comment. On February 7, 2020, notice of the February 7, 2020 – February 28, 2020 public comment period regarding the proposed amendments was published in the *Massachusetts Register* (the Secretary of the Commonwealth's official regulatory publication) and the *Boston Globe*.

During the public comment period, the Department did not receive any comments. However, the Secretary of the Commonwealth's office did make minor revisions to the proposed amendments, specifically to the definitions of "Operating Under SARA" and "SARA Manual" in 610 CMR 12.02, to align the regulations with the Secretary of the Commonwealth's regulatory drafting conventions.

On March 12, 2020, the Department received notice that NC-SARA is proposing amendments to its professional licensure disclosure requirements so that SARA's required disclosures (found in §5.2 of the SARA Manual) align with new federal regulations (34 C.F.R. §668.43) set to go into effect on July 1, 2020.² (All institutions that participate in Title IV federal financial aid programs, which includes all of the current MA SARA institutions, will be required to comply with the new federal regulations.) The new federal regulations and, accordingly, NC-SARA's proposed manual changes will streamline how SARA institutions are required to notify students whether the institution's courses or programs that lead to professional licensure meet the student's home state's requirements for licensure. The Department made additional amendments to 610 CMR 12.00 to align Massachusetts' requirements with the proposed changes to the SARA Manual and

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

² NC-SARA, Draft Documents for May 2020 NC-SARA Board Meeting, March 12, 2020, <https://nc-sara.org/resources/draft-documents-may-2020-nc-sara-board-meeting>.

to the federal regulations. While the Department is not required to put those changes out for public comment again, the final revised regulations were circulated to both current MA SARA institutions and to the leadership of AICUM for informal comment; no comments were received.

Attached is a redline version of the regulations which clearly identifies the revisions made to the proposed amendments to 610 CMR 12.00 since the Board reviewed the initial regulatory changes in January: changes made by the Secretary of the Commonwealth's office are in **violet**; and changes made by the Department to the professional licensure disclosure amendments are in **orange (Attachment A)**.

Recommendation

Staff recommends that the Board approve and adopt the amendments to 610 CMR 12.00 as attached to be submitted to the Secretary of the Commonwealth's office for final promulgation in accordance with M.G.L. c. 30A. As set forth in the attached timeline, if the final regulations are approved, they will be final on May 29, 2020.

Regulatory Promulgation Timeline (Updated)

DATE	TASK/OCCURENCE
<i>January 23, 2020</i>	<ul style="list-style-type: none"> • Draft regulations, small business impact/fiscal effect statements, and notice of public comment period brought to the Secretary of the Commonwealth's office for publication in the February 7, 2020 edition of the <i>Massachusetts Register</i> • Letters sent to DHCD/MMA per E.O. 145
<i>January 31, 2020</i>	<ul style="list-style-type: none"> • Notices of public hearing sent to the <i>Boston Globe</i> for publication on February 7, 2020
<i>February 7, 2020</i>	<ul style="list-style-type: none"> • Publication of draft amendments to 610 CMR 12.00 and notice of public comment period published in the <i>Massachusetts Register & Boston Globe</i>
<i>February 7, 2020 – February 28, 2020</i>	<ul style="list-style-type: none"> • Public comment period
<i>April 21, 2020</i>	<ul style="list-style-type: none"> • Final amendments to 610 CMR 12.00 distributed to BHE for review
April 28, 2020	<ul style="list-style-type: none"> • AAC meeting (final amendments to 610 CMR 12.00 up for approval)
May 5, 2020	<ul style="list-style-type: none"> • BHE meeting (final amendments to 610 CMR 12.00 up for approval)
May 14, 2020	<ul style="list-style-type: none"> • Submit final small business impact statement to Secretary of the Commonwealth's Office
May 15, 2020	<ul style="list-style-type: none"> • Submit final amendments to 610 CMR 12.00 to Secretary of the Commonwealth's office for publication in the April 17, 2020 edition of the <i>Massachusetts Register</i>
May 29, 2020	<ul style="list-style-type: none"> • Publication of the final amendments to 610 CMR 12.00 in the <i>Massachusetts Register</i> • Amendments to 610 CMR 12.00 will be final
May 29, 2020	<ul style="list-style-type: none"> • Massachusetts SARA Renewal Application due

Italicized dates indicate the event has already taken place.