

## Program Approval for Private Higher Education Institutions

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November 15, 2017 | 2017-R-0209

### Issue

This report describes the six New England states' regulatory frameworks for approving new programs at private, independent colleges and universities. It updates OLR Report [2009-R-0466](#).

### Summary

All New England states require new degree programs in private colleges and universities to be approved by a state entity. Typically, the states require detailed information about (1) demand for the program, (2) admissions criteria and projected enrollment, (3) faculty expertise, (4) course offerings, (5) how the program fits with the institution's mission, and (6) financial and physical resources. Connecticut's approval process for new programs in private colleges and universities is comparable to the process in neighboring states. However, all the states exempt some schools from the approval requirement. In most cases, the requirement does not apply to schools that predate state regulation of higher education.

For each state, Table 1 provides the regulating body for higher education program approval, the approval process, and any exemptions from the process established in state law, regulation, or policy.

**Table 1: Academic Program Approval for Independent Colleges in New England States**

<i>State</i>	<i>Regulating Body</i>	<i>Approval Process</i>	<i>Exemptions</i>
<b>Connecticut</b>	Office of Higher Education (OHE)	<p>OHE reviews all applications for program modifications using academic standards established in state regulation (<a href="#">CGS § 10a-34(d)</a>).</p> <p>The institution must circulate details of its program proposal to all other colleges and universities in the state for review and comment, then submit application materials to OHE at least nine months before the program's intended start date. The application must describe the program and include details about: (1) accreditation, (2) purpose and objectives, (3) administration, (4) program admissions and special requirements, (5) enrollment, (6) faculty, (7) resources, and (8) online delivery (if applicable).</p> <p>The approval process includes (1) a planning assessment to evaluate the need for the program and the adequacy of resources; (2) a quality assessment, based on either a review of written material or a site visit, and which may be concurrent with the planning assessment; (3) review by the Advisory Committee on Accreditation; and (4) review and action by OHE (Conn Agencies Regs. §§ <a href="#">10a-34-4</a> to <a href="#">10a-34-7</a>).</p> <p>Certain proposals require some additional review (focused or on-site). These involve the participation of out-of-state experts in the field.</p>	<p>From July 1, 2016 to July 1, 2018, certain independent institutions are exempt from the OHE approval process for new academic programs and program modifications. Exempt institutions are those that:</p> <ul style="list-style-type: none"> <li>• are eligible to participate in the Federal Family Education Loan program,</li> <li>• have a financial responsibility score of at least 1.5 for the most recent fiscal year available, and</li> <li>• have been located in-state as accredited, degree-granting institutions in good standing for 10 years or more by a regional accrediting association (<a href="#">CGS § 10a-34(l)</a>).</li> </ul> <p>Also, the following institutions classified by OHE as “national independents” (i.e., longstanding institutions that predate the state’s regulation of postsecondary academic programs) are exempt from the approval process:</p> <ul style="list-style-type: none"> <li>• Yale University</li> <li>• Wesleyan University</li> <li>• Trinity College</li> <li>• Connecticut College</li> </ul> <p>(Also, the above institutions’ charters give them the power to decide which degrees to confer and do not require state approval for additional degrees.)</p>

Table 1 (continued)

State	Regulating Body	Approval Process	Exemptions
Maine	State Board of Education (SBE)	<p>SBE approves applications to offer additional degrees at the associate degree level or higher beyond those initially authorized by the state legislature, using standards established in state regulation (<a href="#">ME Rev. Stat. tit. 20-A, § 10704-A</a>).</p> <p>Applications must provide information to the education commissioner about the applying institutions' (1) organization and governance, (2) institutional objectives, (3) degree requirements, (4) admission requirements, (5) academic programs, (6) faculty, (7) student services, (8) library and learning resources, (9) facilities, and (10) financial resources. The commissioner notifies presidents of all Maine higher education institutions upon receipt.</p> <p>A review committee comprised of five representatives of the state's higher education institutions, plus other SBE-appointees, reviews the application and conducts on-site visits when applicable; it prepares a report to share with the applicant institution and education commissioner within four weeks of the visit, which the commissioner transmits to SBE for a final decision at its next regular meeting (<a href="#">ME ADC 05-071 Ch. 149, § 2(B)</a>).</p>	<p>The following institutions are exempt from the approval process:</p> <ul style="list-style-type: none"> <li>• Institutions authorized by the legislature prior to September 18, 1981</li> <li>• Institutions offering programs/courses conducted solely on a federal reservation</li> <li>• Institutions offering non-credit courses/programs</li> <li>• Certain religious, nonpublic, educational institutions (<a href="#">ME Rev. Stat. tit. 20-A, § 10708</a>)</li> </ul>

Table 1 (continued)

State	Regulating Body	Approval Process	Exemptions
Massachusetts	Board of Higher Education (BHE)	<p>BHE has the authority to decide whether independent higher educational institutions may award new degrees and offer new credit-bearing courses (<a href="#">Mass. Gen. Laws ch. 69, §§ 30-31A; 610 Mass. Code Regs. 2.01 &amp; 2.02</a>). The approval process follows either state regulations or a BHE-established streamlined process.</p> <p><b>Traditional Process under State Regulations</b>            Petitions to grant new degrees must contain the proposed program’s (1) description; (2) projected enrollment; (3) faculty credentials; (4) equipment, materials, and space needed; (5) library resources needed; and (6) projected human, physical, and fiscal impact.</p> <p>Board staff decides whether to conduct an external review (when a petition seeks to grant a degree significantly different from the institution’s exiting charter authority) or an internal review (when a petition seeks to grant a degree closely related to charter authority). External review requires a visiting committee evaluation, in addition to internal review requirements for public hearing prior to board decision.</p> <p>Petition review is guided by New England Association of Schools and Colleges (NEASC) standards (<a href="#">610 Mass. Code Regs. 2.08</a>).</p>	<p>Institutions chartered before 1944 are exempt from the program approval process.</p>

Table 1 (continued)

State	Regulating Body	Approval Process	Exemptions
Massachusetts (continued)	Board of Higher Education (BHE)	<p><b>Streamlined Review Process under Board Policy</b></p> <p>BHE policy also allows a streamlined review and approval process with two paths for approval: (1) notice of intent process or (2) expedited external review process.</p> <p><b>Notice of intent process</b> consists only of a review by Department of Higher Education (DHE) staff. It requires no public hearing, no review by outside experts, and no BHE vote. Only the following institutions and programs are eligible:</p> <ul style="list-style-type: none"> <li>• Institutions: for six prior years, must (1) be NEASC-accredited without sanction, (2) have maintained physical in-state presence, and (3) have been operated continuously by the same governing entity.</li> <li>• Programs: proposed degrees must be closely related to an existing program, as defined by the policy.</li> </ul> <p><b>Expedited external review process</b> allows the petitioning institution, rather than DHE, to lead the review; and requires no public hearing or BHE vote. Review is conducted by two external evaluators proposed by the petitioning institution and DHE. In some cases, DHE will accept program-specific accreditation in lieu of the external evaluation. Institutions must meet the same eligibility standards used in the notice of intent process and have been free of any investigation or corrective action by the state or federal government related to academic program/quality for the past six years.</p>	(see above)

Table 1 (continued)

<i>State</i>	<i>Regulating Body</i>	<i>Approval Process</i>	<i>Exemptions</i>
<b>New Hampshire</b>	Higher Education Commission (within the Division of Higher Education under the state's Department of Education)	<p>The commission grants approval to issue new degrees or new degree levels to in-state institutions using standards established in state regulation (<a href="#">N.H. Code Admin. R. Ann. Hdc 404</a>).</p> <p>The institution initiates the process by discussing the proposed plan with the director of higher education. An expedited review is conducted by either the director or an evaluation team, and it requires the institution's written plan to address the following factors, among others:</p> <ul style="list-style-type: none"> <li>• rationale for developing the new program;</li> <li>• planning and development process used;</li> <li>• proposed course, program, or degree offering; syllabi; and faculty credentials;</li> <li>• demographics of students to be served;</li> <li>• new resources needed for implementation;</li> <li>• changes to organization and governance needed; and</li> <li>• anticipated benefits to students and the state.</li> </ul> <p>Upon receiving the evaluation report, the commission votes to accept, amend, or reject its recommendations (<a href="#">N.H. Code Admin. R. Ann. Hdc 404</a>).</p>	Institutions that have been in continuous operation since before 1775 are exempt from the approval process ( <a href="#">N.H. Rev. Stat. Ann. § 292:8-h</a> ).

Table 1 (continued)

<i>State</i>	<i>Regulating Body</i>	<i>Approval Process</i>	<i>Exemptions</i>
<b>Rhode Island</b>	Council on Postsecondary Education	Institutions that seek to amend their charter or articles of incorporation to add the granting of degrees must submit the proposal to the secretary of state, which must submit it to the council. The council must approve the changes and issue a certificate to the secretary of state that authorizes those changes ( <a href="#">R.I. Gen. Laws § 16-40-3</a> ).	The following institutions are exempt from the approval process: <ul style="list-style-type: none"> <li>• institutions established between April 13, 1922 and April 13, 1932;</li> <li>• institutions established by special act of the state legislature prior to January 1, 1987; and</li> <li>• Roger Williams University (<a href="#">R.I. Gen. Laws § 16-40-10</a>).</li> </ul>
<b>Vermont</b>	State Board of Education (SBE)	<p>SBE has the authority under state law to issue certificates of degree-granting authority to independent higher education institutions. The certificate's term cannot exceed five years (<a href="#">Vt. Stat. Ann. tit. 16, § 176</a>).</p> <p>State regulations outline the approval process for certificates of degree-granting authority. The Vermont Higher Education Council reviews applications and may visit the school to determine its accuracy. Independent reviewers appointed by the education secretary may also visit. The council submits written recommendations to the secretary, and the independent reviewers may join in or present their own. SBE receives a copy of the council's recommendations to assist in making the decision (<a href="#">7-1-3 Vt. Code R. § 2243.2</a>).</p>	Accredited postsecondary schools are exempt from the approval process: <ul style="list-style-type: none"> <li>• Bennington College,</li> <li>• Champlain College,</li> <li>• College of St. Joseph,</li> <li>• Goddard College,</li> <li>• Green Mountain College,</li> <li>• Landmark College,</li> <li>• Marlboro College,</li> <li>• Middlebury College,</li> <li>• New England Culinary Institute,</li> <li>• Norwich University,</li> <li>• Saint Michael's College,</li> <li>• SIT Graduate Institute,</li> <li>• Southern Vermont College,</li> <li>• Sterling College,</li> <li>• Vermont College of Fine Arts, and</li> <li>• Vermont Law School (<a href="#">Vt. Stat. Ann. tit. 16, § 176(d)(4)</a>).</li> </ul>

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