



## Executive Office of Education

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CHARLIE BAKER  
GOVERNOR

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KARYN POLITO  
LIEUTENANT GOVERNOR

### U.S. Department Of Education Adopts Massachusetts' Recommendations In Final State Authorization Rules For Distance Education

#### Media Contact

Laura Rigas,  
[Laura.Rigas@state.ma.us](mailto:Laura.Rigas@state.ma.us)

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**Boston** – On Friday, the U.S. Department of Education announced the final state authorization regulations for postsecondary distance education, incorporating recommendations from the Massachusetts Board and Department of Higher Education, the Office of the Attorney General, and the Executive Office of Education to ensure that the final regulations do not curtail a State's full authority to enforce its consumer protection laws. In the final rule, interstate reciprocity agreements cannot prohibit a state from enforcing its statutes and regulations, including those specific to all or a subset of educational institutions.

"We are thrilled that the U.S. Department of Education accepted our recommendations to strengthen online higher education programs while allowing the Commonwealth to continue protecting our students," **said Governor Charlie Baker**. "Massachusetts has the strongest consumer protection laws in the country, and we are thankful for the partnership with the Attorney General's office on these efforts."

"Per the unanimous recommendation of the Special Commission on Interstate Reciprocity Agreements, and as a result of this action, we look forward to having the Commonwealth submit an application to join the State Authorization Reciprocity Agreement," said Education Secretary Jim Peyser. "We thank the Special Commission members for their work on this important issue."

"The new rule is a win for students and quality higher education," said **Attorney General Maura Healey**. "In adopting our joint recommendations with Governor Baker and Secretary Peyser, the U.S. Department of Education has ensured that Massachusetts, and the Attorney General's Office in particular, retains our full authority to protect our students from the predatory practices of unscrupulous for-profit schools."

"As a state known for the exceptional quality of its higher education institutions, Massachusetts has always tried to strike an appropriate balance with a regulatory approach that supports our institutions without compromising consumer protection," said **Commissioner of Higher Education, Carlos E. Santiago**. "We are pleased that the determination by the U.S. Department of Education endorses the Massachusetts approach."

#### From the U.S. Department of Education

The U.S. Department of Education released final regulations on Friday to improve oversight and protect more than 5.5 million distance education students at degree-granting institutions including nearly 3 million exclusively online students by clarifying the state authorization requirements for postsecondary distance education. To ensure that institutions offering distance education are legally authorized and monitored by states, as required by the Higher Education Act, the final regulations clarify state authorization requirements for institutions to participate in the Department's federal student aid programs. The final regulations define "State authorization reciprocity agreements" and recognize such agreements as a vehicle to meet such authorization requirements.

#### Report by the Special Commission on Interstate Reciprocity Agreements

Earlier this year, the Massachusetts Legislature established the Special Commission on Interstate Reciprocity Agreements to examine and make recommendations to the General Court regarding the Board of Higher Education entering into interstate reciprocity agreements for state authorization of online postsecondary courses and programs. Per the enabling legislation, members included a cross-section of various perspectives, including the Commissioner of Higher Education, the Co-Chairs of the Joint Committee on Higher Education, and representatives from the Office of the Attorney General, public and private colleges and universities, consumer and student advocate organizations, and others. To meet its charge, the Special Commission met four times between August and October 2016, and submitted a final report at the end of October. The Special Commission members unanimously supported interstate reciprocity as an effective and compelling way to address state authorization of postsecondary institutions in an age of online education. And the members unanimously agreed that if the U.S. Department of Education "promulgates final regulations that embrace the recommendation made to USDE by the four Commonwealth officials, Massachusetts should join SARA." The report and list of members can be found here.

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