## TOPIC: DEGREE AUTHORIZATION ACT – PROPOSED AMENDMENTS TO CCHE APPROVED POLICY (SECTION I PART j)

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1. **SUMMARY**

This action item recommends approval for revisions to the Degree Authorization Act policy (CCHE policy Section I, Part J).

## BACKGROUND

The Degree Authorization Act (DAA) outlines the Department’s jurisdiction over private education programs available to the residents of the state of Colorado. The DAA establishes standards to prevent misrepresentation, fraud, and collusion in offering educational programs to the public and to protect, preserve, foster, and encourage the educational programs offered by private educational institutions which meet generally recognized criteria of quality and effectiveness as determined through voluntary accreditation.

The Colorado Commission on Higher Commission (CCHE) voted to join the State Authorization Reciprocity Agreements (SARA) in April 2014 and by doing so agreed to abide by the regulations established and published by SARA. As a member of SARA and pursuant to the published SARA manual, as adopted by the National Council for State Authorization Reciprocity Agreements (NC-SARA), by January 1, 2021 SARA Member States shall develop and implement a means to hear and internally resolve appeals from Institutions for which they deny initial participation or a renewal of participation in SARA.

The Commission voted to approve the addition of the Appeals Process language at its December 3, 2020 business meeting. Recently, the language has been executed as Department staff received its first appeal as the State Portal Entity regarding SARA participation. In doing so, Department staff have learned that the application of both CCHE and NC-SARA policy, some wording needs updated to reflect the process for institutions to appeal.

The proposed amendments to CCHE policy, Section I, Part J (Attachment A) highlights the language amendment in an attempt to clarify the process of appealing a decision made by the State Portal Entity.

1. **STAFF ANALYSIS**

The proposed changes discussed in this agenda item clarify an area that, through application, has been identified. The amended language replaces the word begin with the word continue to ensure the procedure does not conflate through which policy, NC-SARA or CCHE, the procedure to remove an institution from SARA participation occurs. As a State Portal Entity implementing the policy, the amendment will help align the two policies that must act in concert with each other rather than separately. The appeals council for the State Portal Entity (the Department) will continue to be comprised of the Executive Director of the Colorado Department of Higher Education, the Chair of the CCHE Subcommittee for Academic and Student Affairs, and the Academic Council member of the CCHE Advisory Committee.

The appeals process begins with an institution that has been denied or removed from SARA participation. The State Portal Entity must follow the NC-SARA policy until and unless the affected institution submits its intent to appeal. The appealing institution must do so based on the grounds that the state portal contact did not follow the NC-SARA published procedures or that the state portal contact erroneously denied or withdrew participation based on the institution’s inability to meet the NC-SARA stated criteria.

The SARA model defines the member state as the body for which participation approvals are decided, thereby determining that any avenue for an institution to appeal must be created by the state.

1. **STAFF RECOMMENDATIONS**

**Department staff recommends the approval of the amended language in CCHE Policy Section I, Part J.**

**STATUTORY AUTHORITY**

§23-2-103.1, C.R.S., Commission – department – duties – limitation – reciprocity

(1) The commission shall:

(a) Establish procedures for authorizing, reauthorizing, and revoking the authorization of private colleges and universities and seminaries and religious training institutions in accordance with the provisions of this article, including but not limited to procedures by which an institution may apply for authorization or reauthorization and the procedures the department shall follow in reviewing applications and making recommendations to the commission.

**ATTACHMENTS**

Attachment A: CCHE Policy Section I, Part J with proposed amendments.