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Sequence Number: 11-10-20
Notice ID(s): 3208
File Date: 11/12/2020

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Higher Education Commission (THEC)
Division:	Division of Postsecondary State Authorization
Contact Person:	Julie Woodruff
Address:	312 Rosa L. Parks Avenue, 9 th Floor, Nashville, Tennessee
Zip:	37243
Phone:	(615) 253-8857
Email:	julie.woodruff@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	David Heithcock
Address:	312 Rosa L. Parks Avenue, 9 th Floor, Nashville, Tennessee 37243
Phone:	(615) 532-8251
Email:	David.Heithcock@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	William R. Snodgrass, Tennessee Tower 312 Rosa L. Parks Avenue		
Address 2:	Conference Room D (Please read the Additional Hearing Information below as this location or manner of attendance is subject to change.)		
City:	Nashville		
Zip:	37243		
Hearing Date:	01/05/2021		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> X <input type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

Please read this section in its entirety.

The meeting title is "Tennessee Higher Education Commission SARA Rulemaking Hearing." Attendees may enter William R. Snodgrass, Tennessee Tower from 7th Avenue North and should bring a state-issued identification card or driver's license. Attendees are encouraged to arrive early enough to allow sufficient time to go through security screening and obtain a visitor's pass. Note that building entry may require a temperature check in addition to answering pre-screening questions. Masks may be mandatory and required throughout the duration of the meeting. Adherence to all State and CDC Guidelines for COVID-19 are mandatory. In order to comply with social distancing guidelines, please notify THEC if you plan to attend the in-person meeting. To do so, send an email to julie.woodruff@tn.gov. All emails should contain "SARA Rulemaking Hearing" in the subject line. THEC expects no more than twelve (12) attendees. If additional attendees are expected, THEC will request a different room or exercise our option to proceed via WebEx (see below).

THEC reserves the right to conduct this hearing electronically using WebEx or a similar media if it determines that such is necessary as a result of the ongoing COVID-19 pandemic. Information required to access and participate in this meeting electronically will be available in advance of the hearing at:

<https://www.tn.gov/thec/bureaus/student-aid-and-compliance/postsecondary-state-authorization/dpsa-links-and-forms.html>.

Written comments may be submitted via email to julie.woodruff@tn.gov. All emails should contain "SARA Rulemaking Comments" in the subject line. Written comments must be submitted by 4:30 p.m. CST, January 8, 2021 to be considered.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1540-01-14	State Authorization Reciprocity Agreement (SARA)
Rule Number	Rule Title
1540-01-14-.01	Definitions
1540-01-14-.02	Applications
1540-01-14-.03	Review of Admission and Renewal Decisions

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

NEW RULE CHAPTER AND RULE NUMBERS

Chapter 1540-01-14, State Authorization Reciprocity Agreement (SARA), is added as a new Rule Chapter within the Rules of the Tennessee Higher Education Commission such that the new Rule Chapter shall read:

RULES OF THE TENNESSEE HIGHER EDUCATION COMMISSION CHAPTER 1540-01-14 State Authorization Reciprocity Agreement (SARA)

Table of Contents

1540-01-10-.01 Definitions
1540-01-10-.02 Applications
1540-01-10-.03 Review of Admission and Renewal Decisions

Rule 1540-01-14-.01 DEFINITIONS.

- (1) "Commission" means the Tennessee higher education commission, which has authority to serve as the portal agency;
- (2) "Institution" means an accredited postsecondary degree-granting school, college, university, or other organization;
- (3) "NC-SARA" means the National Council for State Authorization Reciprocity Agreements;
- (4) "Portal agency" means the single agency designated by Tennessee to serve as the interstate point of contact for SARA questions, complaints, and other communications;
- (5) "Provisional admission" or "provisional renewal" means conditional approval of an Institution's participation in SARA that carries additional monitoring conditions;
- (6) "State authorization reciprocity agreement" or "SARA" means the agreement overseen by NC-SARA;
- (7) "SARA governing documents" means the *SARA Manual* as updated periodically, including documents incorporated therein such as the Interregional Guidelines for the Evaluation of Distance Education and the Unified State Authorization Reciprocity Agreement; the *SREB-SARA Guidelines and Procedures* as updated periodically; and any document specifying SARA policies and practices that supersedes the *SARA Manual* or the *SREB-SARA Guidelines and Procedures*;
- (8) "SREB-SARA" means the Southern Regional Education Board SARA initiative, to include the SARA Director, staff, and Regional Steering Committee; and
- (9) "These rules" means all rules contained in Rule Chapter 1540-01-14.

Authority: TCA § 49-7-1503; 49-7-1504

Rule 1540-01-14-.02 APPLICATIONS.

- (1) Applications for initial SARA admission and applications for renewal of SARA participation shall be processed, reviewed, and acted upon by Commission staff.
- (2) Once received, Commission staff shall review an application and notify the institution of any required explanations or additional information.

- (3) Once the application file is complete, Commission staff shall either approve or deny the application based on the required standards as stated in the SARA governing documents.
 - (a) Commission staff must approve an application if all requirements as listed in the SARA governing documents are met.
 - (b) Unless discretion is permitted by the SARA governing documents, Commission staff must deny an application if the institution fails to meet the requirements as listed in the SARA governing documents.
 - (c) When discretion is permitted by the SARA governing documents, Commission staff may designate admission or renewal as provisional if it is determined that provisional designation is needed to protect the public interest or is likely to incent future compliance. The terms of provisional admission or renewal shall be consistent with the terms allowed for in the SARA governing documents.
- (4) Commission staff shall provide the institution with written notice of the decision, including the justification for the decision and notice of the review process in these rules.

Authority: TCA § 49-7-1504; 49-7-1507

Rule 1540-01-14-.03 REVIEW OF ADMISSION AND RENEWAL DECISIONS.

- (1) An institution admitted or renewed provisionally or denied admission may request that the Executive Director of the Commission review the decision of Commission Staff.
 - (a) The institution may seek review of the decision by submitting, in writing, specific justification for reversal or modification of Commission staff's decision within ten (10) business days of the decision as provided for in the notice of decision.
 - (b) The Executive Director of the Commission shall review the application file and basis offered for review and render a written notice of determination either upholding, amending, or reversing the decision of Commission staff.
- (2) An institution may appeal the determination of the Executive Director.
 - (a) The institution may appeal the determination by submitting in writing specific justification for reversal or modification of the determination within ten (10) business days of the determination as provided for in the notice of determination.
 - (b) The Commission staff shall request that the Office of the Secretary of State appoint a hearing officer who shall conduct an administrative hearing sitting alone consistent with the provisions of the Uniform Administrative Procedures Act.
- (3) Commission staff may extend the ten (10) business days as provided for in paragraphs (1) and (2) for good cause shown.

Authority: TCA § 49-7-1504; 49-7-1507

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: November 10, 2020

Signature: 
MIKE KRAUSE (Nov 10, 2020 2:22 CST)

Name of Officer: Mike Krause
Executive Director, Tennessee Higher Education
Title of Officer: Commission

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Filed with the Department of State on: 11/12/2020


Tre Hargett
Secretary of State

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