



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

JOHN ELIAS BALDACCI
GOVERNOR

SUSAN A. GENDRON
COMMISSIONER

EXHIBIT: IV.F.

TO: Members of the State Board of Education

FROM: Susan A. Gendron, Commissioner*

DATE: November 12, 2008

SUBJECT: Adoption of Maine State Board of Education Revised Rules for 05-071, CMR 149 "Procedures for Obtaining Authorization for Institutions of Higher Education to Confer Academic Degrees or to Offer Degree Courses/Programs in the State of Maine"

SUBJECT: Adoption of Maine State Board of Education Revised Rules for 05-071, CMR 149 "Procedures for Obtaining Authorization for Institutions of Higher Education to Confer Academic Degrees or to Offer Degree Courses/Programs in the State of Maine"

BACKGROUND: Rule 05-071, CMR 149 identifies the procedures to be followed by a postsecondary institution which seeks to offer within the boundaries of the State of Maine any course or program for which academic credit is granted or to confer within the boundaries of the State of Maine a degree at the Associate degree level or higher. This rule became effective July 6, 1980; was amended in 1981, 1984, 1988 and 1992; and underwent non-substantive corrections for typos and formatting in 2000. The rule serves to guide both in-state and out-of-state applicant postsecondary institutions as they prepare to seek State Board of Education authorization to operate in Maine. It also serves to inform State Board appointed review teams that are selected to evaluate such applications. Since the rule was last amended it had become apparent that some critical clarification of details were necessary.

It was earlier proposed that the Board amend Chapter 149 to enhance the rule's clarity by adding a definition for "physical presence"; by transferring and aligning language regarding the format for and the depth of topics to be addressed in an application for authorization from Rule 05-071 CMR 170 to Rule 05-071, CMR 149; and by adding three appendices to provide guidance concerning: the meaning, with examples, of "general education courses"; the topical areas to be addressed under "library and learning resources"; and the specifics to cover when responding to "financial resources" for both initial degree-granting applicants and for applications from existing degree-granting institutions. During the September 10, 2008 meeting the Board considered and provisionally adopted the proposed changes to Chapter 149 which served to initiate the APA process. Following postings in Maine's major newspapers, a public hearing concerning the proposed changes was conducted on Monday, October 20, 2008 from

9:00-10:00AM. No members of the public attended this hearing and since then there have been no public comments submitted for the Board's consideration.

RECOMMENDATION: That the State Board of Education adopt the proposed rules for 05-071, CMR 149 "Procedures for Obtaining Authorization for Institutions of Higher Education to Confer Academic Degrees or to Offer Degree Courses/Programs in the State of Maine" which supports 20-A MRSA, 409 "Degree-Granting Institution" §§10701-10714.

*Prepared by Harry Osgood, Higher Education Specialist