

**SENATE . . . . . No. 761**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael O. Moore***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to transparency in higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/28/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2019</i>

**SENATE . . . . . No. 761**

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 761) of Michael O. Moore, Jason M. Lewis, Brian W. Murray, James B. Eldridge and others for legislation relative to transparency in higher education. Higher Education.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to transparency in higher education.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 15A of the General Laws is hereby amended by inserting after  
2 section 31 the following section:-

3 Section 31A. (a) Any institution of higher education with power to grant degrees and  
4 located in the commonwealth which enters into discussions or written agreements to: (i) close;  
5 (ii) merge with another institution of higher education; (iii) acquire the facilities, resources or  
6 land of another institution of higher education; or (iv) to open a branch campus or additional  
7 instructional location on purchased or leased property shall provide the board of higher education  
8 with reasonable notice no less than 120 days in advance of the intended closure, merger,  
9 acquisition or opening. Notice shall not be a public record and shall be exempt from disclosure  
10 under clause Twenty sixth of section 7 of chapter 4 or section 10 of chapter 66.

11 The board of higher education shall establish standards and guidelines on notice required  
12 under this section which shall include, but not be limited to requirements on notice to current

13 students, employees and applicants of the institution of higher education. The board shall  
14 establish sanctions or fines, not to exceed \$1,000 per day, for institutions that fail to comply with  
15 the board's notification requirements.

16 (b) Notwithstanding any general or specific law to the contrary, any proposal by a public  
17 institution of higher education to (i) merge with another institution of higher education; (ii)  
18 acquire the facilities, resources or land of another institution; or (iii) open a branch campus or  
19 additional instructional location on purchased or leased property shall be subject to the notice  
20 requirements under subsection (a) and the review and approval of the board of higher education.

21 The board's review of such proposal shall include a determination as to whether the  
22 proposal is consistent with the institution of higher education's 5 year master plan, concurred by  
23 the Board and approved by the Secretary, as required by subsection (l) of section 22 and  
24 subsection (l) of section 1A of chapter 75.

25 (c) Any institution with power to grant degrees located in the commonwealth that may  
26 not have the financial resources to sustain the quality of its education programs, support  
27 institutional improvements, and graduate its entering class shall notify the board of higher  
28 education. Such notice shall not be a public record and shall be exempt from disclosure under  
29 clause Twenty sixth of section 7 of chapter 4 or section 10 of chapter 66.

30 The board of higher education shall establish standards and guidelines on notice required  
31 under this section. The board shall establish sanctions or fines, not to exceed \$1,000 per day, for  
32 institutions that fail to comply with the board's notification requirements.