

**EXH. 23**  
**DECL. OF TOM SANNICANDRO**  
**(MASSACHUSETTS ASSOCIATION OF COMMUNITY COLLEGES)**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS, et.  
al.,

*Plaintiffs,*

v.

Civil Action No. \_\_\_\_\_

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, et. al.,

*Defendants.*

**DECLARATION OF TOM SANNICANDRO**

I, Tom Sannicandro, pursuant to 28 U.S.C. § 1746, hereby declare and affirm,

1. I am the Director of the Massachusetts Association of Community Colleges (“MACC”), located in Boston, Massachusetts. Representing the 15 state-funded community colleges (the “Community Colleges”) and their Boards of Trustees, MACC’s purpose is to support and enhance the well-being of community colleges across Massachusetts. MACC is governed by a Council of Presidents, made up of the 15 community college presidents. I have been employed at MACC in this capacity since April 2, 2019.

2. I submit this declaration in support of the Commonwealth of Massachusetts’s litigation challenging the policies announced on July 6, 2020 by “Broadcast Message” and to be published as a Temporary Final Rule to amend requirements of the Student and Exchange Visitor Program (the “Rule”).

3. I have compiled the information in the statements set forth below through personal knowledge, through personnel from MACC and the Community Colleges who have assisted me in gathering this information from our institutions, and on the basis of documents that have been provided to and/or reviewed by me. I have also familiarized myself with the Rule in order to understand its immediate impact on the Community Colleges.

4. The Community College system is the largest segment of public higher education in the Commonwealth of Massachusetts and enrolls over 150,000 credit and non-credit students and offers 564 unique associate degree concentrations and 593 certificate programs. The Community College system also has more than 12,300 total employees and includes: Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, Northern Essex Community College, North Shore Community College, Quinsigamond Community College, Roxbury Community College, and Springfield Technical Community College.

5. Rooted in their local communities, the 15 community colleges play an integral role in regional economic development in all corners of the Commonwealth. Additionally, more than 90 percent of community college students remain in Massachusetts after they graduate or transfer.

6. The Community Colleges are public institutions of higher education and are supported in part by state legislative appropriation. In Fiscal Year 2020, the Community Colleges received a total of more than \$303 million from the state. The Community Colleges are

governed according to M.G.L. Chapter 15A, *et seq.*, which, in part, authorizes oversight by the state's Board of Higher Education, and by their Boards of Trustees and Presidents.

7. The Community Colleges currently have more than 801 enrolled students who have F-1 visas. These students come from across the world: South America, Asia, Africa, Europe, and the Middle East. These students contribute more than \$9,615,856 in tuition, fees, and other costs to the Community Colleges. Of students with F-1 and M-1 visas, 683 are currently in the United States.

8. The Community Colleges have more than 227 newly admitted students for enrollment in fall 2020 who will require F-1 or M-1 status. Of these students, at least 86 are currently in the United States and at least 134 are currently living outside the United States and require a visa to enter the country for study. These students are expected to contribute more than \$1,517,973 in tuition, fees, and other costs to the Community Colleges.

9. The Community Colleges will suffer economic harm as a result of the Rule.

10. Students with or seeking F-1 or M-1 visas may disenroll or defer for the upcoming semester or academic year for a variety of reasons, including not being able to study from within the United States, losing their ability to obtain applicable work visas, transferring to another college or university within the United States that allows in-person or hybrid instruction, or not being able to safely relocate to their home country to study remotely.

11. Based on the numbers of students not currently in the country and/or newly enrolled, the Community Colleges estimate that as many as 345 students with or seeking F-1 or M-1 visas could disenroll.

12. The Community Colleges estimate that they could lose as much as \$3,973,985 in revenue as a result of students with or seeking F-1 or M-1 visas disenrolling from their schools.

This revenue includes tuition, fees and income from other campus services. Bunker Hill Community College, which typically enrolls the vast majority of the Community College system's students with F-1 visas, estimates that it will lose more than \$1,350,000 in tuition, fees, and other costs.

13. Operational costs for items like personal protective equipment, signage, cleaning supplies, and technical equipment will increase if the Community Colleges are required to open up more fully than currently planned in response to the Rule so that they can prevent loss of students on F-1 visas. Additionally, the more students, faculty, and staff on campus, the more funding would be needed for costs of instruction given the need for physical distancing and public health protocols.

14. The Community Colleges will face particular harm because the Rule prohibits students in language study programs from counting any online courses toward their full course of study. Many students with F-1 visas at the Community Colleges are enrolled in language study programs. The Community Colleges will have to either accommodate fully in-person programming for these students, which comes with financial, administrative, and other costs, or risk them disenrolling all together and taking their tuition, fees, and talents with them.

15. To comply with and in reliance upon the SEVP guidance published in March 2020 (the "March 2020 SEVP Guidance"), the Community Colleges built a communication structure to constantly monitor student attendance by instructors for all F-1 visa holders. Additionally, the Colleges dedicated staff to check in regularly to support these students during this transition and assess their needs related to technology and other college services. The Community Colleges also completed SEVP forms regarding their operational changes due to COVID-19.

16. In accordance with state guidelines and in consultation with public health experts, each of the Community Colleges has developed campus-specific plans for fall 2020. The majority of programs at the Community Colleges will be fully online and remote. For those programs that will offer in-person and a mix of remote and in-person courses, measures must be taken to ensure adequate access to masks, personal protective equipment, and cleaning products for students, faculty and staff. Further, courses must be adjusted to ensure the necessary physical distancing for the learning environment. If the Community Colleges are forced to bring more students on campus in order to prevent them from losing their F-1 visa status and disenrolling, the Community Colleges will have to rework these plans and protocols, and administrative and other costs will increase to ensure proper health and safety measures. These plans for the fall also depend on the course of COVID-19, such that any in-person instruction may revert to online or remote at any moment depending on the public health situation in Massachusetts.

17. The Community Colleges are in the process of finalizing their current Fall 2020 reopening plans. The Colleges must finalize individual college-specific plans with a large group of community and internal stakeholders, consistent with guidelines laid out by the Governor of Massachusetts, the Massachusetts Department of Public Health, and the Center for Disease Control. This includes extensive work by College Emergency Response Teams to develop frameworks for faculty, staff, and students for access to the campus as well as plans in developing remote work policies. The Community Colleges have been working extensively with faculty to determine the best options of learning modalities for the fall that put health and wellness as the utmost highest priority. This has since caused a substantial financial impact to the institutions, which already diverted staff work hours to ensure adequate time for the development, communication, and feedback related to Fall 2020 reopening plans.

18. Implementing new plans and systems to comply with the Rule will be complex, challenging, and costly for the Community Colleges. The Community Colleges will have to commit time and resources to making individualized determinations to certify students with F-1 visas and re-issuing I-20s for each student. In addition, the Community Colleges will expend resources – and already have – to reevaluate fully online or hybrid learning to make sure that students with F-1 visas can meet the standards for hybrid learning. The plans and budgets of the Community Colleges have not accounted for the additional resources required to comply with the Rule, including but certainly not limited to new individualized I-20 certifications. The Community Colleges will incur additional costs if health and safety measures require them to move to fully online instruction during the semester.

19. The Rule's new mandates will impose additional burdens on the Community Colleges that were not present before the March 2020 SEVP Guidance. The exemption modification introduces specific additional burdens and responsibilities on the principal designated school official (PDSO), who will be working individually with each student to create and execute new plans. This modification would require at least nine hours of new processing per F-1 student, including updating the Student and Exchange Visitor Information System (or SEVIS) records, emails, phone calls, registration and advising appointments, as well as the continuous course compliance checking throughout the semester. This requires regularly reviewing the course schedules, issuing new I-20s for all international students, and submitting a new operational plan for fall 2020. In addition, the Community Colleges will be required to report operational changes due to COVID-19 within 10 days. Further, following the exemption modification, the Community Colleges and PDSOs have been inundated with questions from students, causing more confusion and uncertainty.

20. The administrative burden of complying with the Rule's mandates is also a significant financial burden for the Community Colleges. For example, a Community College with even a relatively small number of F-1 students would have to spend almost 300 additional hours of work, or rather nearly eight weeks of full time work above and beyond general duties for the PDSO and designated school official (or DSO). Further, costs would increase due to financial burden of increasing course sections and additional sanitation requirements necessary for a healthy, safe, in-person learning environment. The total costs have been conservatively estimated to be at least \$817,211 across the Community College system.

21. The disruption caused by the Rule not only affects students' immediate academic plans but has the potential to cause long-lasting disruption in each student's academic progress and personal well-being. A change in a student's F-1 visa status would create consequential adverse impacts for their academic progress. Some students may decide to disenroll all together. Students who opt to try participating from their home country would likely face challenges. For example, students who return home may be in time zones that require them to attend online classes in the middle of the night, which may in turn have negative impacts on their ability to focus and satisfactorily complete their work. Unreliable internet service would also hamper academic progress. Students who maintain their visa status but have to adjust their course loads to ensure that they are participating in hybrid instruction may be forced to enroll in classes that are not relevant to their course of study and may take them off track.

22. Because of the sudden uncertainty caused by the Rule, international students have expressed increased anxiety. This has resulted in significant logistical difficulties and financial burdens to students working to adhere to the change. Each student's program of study is unique, so this unexpected change makes the decision to attend a Community College more difficult.



23. International students bring a diversity of viewpoints, interests, and skills. They and their campus community will suffer harm because a change in their visa status would also impact learning with other students, loss of involvement in campus life, such as clubs, organizations, sports, and social interactions; and a loss of opportunity to improve English language fluency.

24. Students who are denied F-1 visas will likely face increased health risks. Students from the Community Colleges hail from countries such as China, Brazil, Egypt, Vietnam, Colombia, and Kenya. Traveling back to these countries could put students at risk of infection. Furthermore, several students are immunocompromised or have other documented medical conditions; traveling during the COVID-19 pandemic—or being forced to take in-person courses that are not necessary to their education—would put them at even greater risk. In addition, one F-1 student is currently under a doctor’s care. This student’s medical care would be disrupted if they were forced to leave the country.

25. The Rule may impose unnecessary health risk to campus communities and to the public health more broadly, as the Community Colleges are forced to balance the health and safety of students, faculty, and staff with instructional formats and programming that satisfy the Rule. For example, more students on campuses may lead to greater spread of infection.

26. Students who lose their F-1 visas will suffer economic harm. Some students with F-1 visas at the Community Colleges obtain work visas (e.g., Optional Practical Training (“OPT”) visas) – and employment opportunities – at the conclusion of the academic year. Without those opportunities, students will forfeit income. In addition, students who have to return home will need to pay for travel on short notice and possibly find short-term housing in their home country.

27. Important business sectors in Massachusetts will also suffer economic effects. Students of the Community Colleges with OPT visas often find employment in science, technology, engineering, math, and other in-demand fields. The Rule will create a loss of an important talent pool for these industries in Massachusetts.

28. Additionally, a loss of resources from the support of international students will hurt in-state students. Since international students pay out-of-state rates, they disproportionately aid campus operations. Overall, this helps defray the direct costs to in-state students and keep costs affordable – crucial for the open access mission of community colleges.

29. Further, a loss of student spending would have short- and long-term effects to state and local revenues, especially in the local communities served by the Community Colleges.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of July, 2020



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Tom Sannicandro  
Director  
Massachusetts Association of Community Colleges