

Department of Education Considering Significant Steps to Increase Federal Control Over Accreditation¹ May 4, 2007

The Department of Education is developing new regulations that would give the government unprecedented control over accrediting agencies and institutions of higher education. We believe their plans would compromise the ability of colleges and universities to set and pursue their educational missions and would impose new federal mandates related to core academic matters.

The Department's plans have become more subtle and nuanced over time. But the agency has never abandoned its desire to impose more uniformity across institutions, increase reliance on standardized measurement, and enhance federal oversight of academic matters. While the development of the regulations will continue for several more months, we fear the final outcome will be unsatisfactory for most colleges. We encourage you to:

- familiarize yourself with the matters under consideration and the stakes for your institution,
- participate in the regulatory process when the Department asks for public comment, and
- discuss your specific concerns with your elected federal officials.

Questions of access, accountability and transparency are vitally important and should be addressed by accreditors and institutions. In fact, many such efforts are already underway and higher education has an impressive story to tell. But the current effort has minimized the concerns of colleges and universities. Moreover, these same topics are being considered in great detail as part of the reauthorization of the Higher Education Act. As a result, we do not believe it is appropriate or desirable for the Department of Education to fundamentally change the relationship among accreditors, institutions and the federal government in this fashion or at this time.

Accreditation and federal student aid – In order for students to receive federal student aid, an institution of higher education must be approved by an accrediting agency recognized by the Secretary of Education. By relying on accreditors, the federal government assures itself of the quality of institutions without directly regulating academic affairs. However, given the importance of accreditation to student aid, any federal requirements imposed on accreditors will quickly affect what happens on campuses. Indeed, we believe that the changes under consideration would inevitably have a deleterious effect on the academic programs of many institutions.

We have four central concerns with the regulatory package in its current form.

1) The proposed regulations would drive higher education toward a one-size fits all model of academic quality that emphasizes rigid indicators of academic performance. All institutions would be required to have performance indicators that are accepted by their accrediting agencies. Moreover, accreditors must collect data to ensure that campuses meet fixed, inflexible standards for all programs, including liberal arts. For any “pre-baccalaureate” vocational program or any other program that leads to licensure or certification (e.g. law, medicine or teaching), accrediting agencies would be required to approve expected levels of performance—that includes completion,

¹ White paper prepared by six major higher education associations: American Council on Education (ACE), the Association of American Universities (AAU), the American Association of Community Colleges (AACC), the American Association of State Colleges and Universities (AASCU), the National Association of Independent Colleges and Universities (NAICU), and the National Association of State Universities and Land Grant Colleges NASULGC).

job placement, and pass rates on examinations. For some community colleges and universities, such a requirement could easily mean 80 to 100 different sets of standards. Institutions that have multiple accreditors must repeat this process for each accrediting agency. Inevitably, this mandate will drive all institutions toward easily measurable outcomes. In the end, we think these simple quantitative measurements will prove undesirable, inappropriate and unworkable.

2) The Department of Education will assume a much greater role in dictating academic policies. The Department of Education's plans would, without statutory authority, limit the ability of colleges to establish their transfer of credit policies. The Department believes that they can do this because they have limited authority to address admissions practices such as recruiting and advertising. Admissions and transfer are separate, distinct activities: decisions about the former are made by the admissions office before enrollment. Transfer of credit actions are based on academic considerations and are made by academic departments, usually after enrollment. If the federal government can declare that transfer of credit is an admissions issue, we fear that a future administration will be emboldened to make similarly ill-considered decisions that further extend government control over institutions' academic affairs.

3) The regulations are vague in critically important areas, leaving the Department free to interpret them as they choose. The regulations under consideration are, in key areas, vague and make liberal use of undefined terms. To cite one example, the agency calls for the use of "external indicators" to measure student achievement. The meaning of this term is not self-evident and the Department has described it in many different ways. It could, of course, mean a standardized test. Given this ambiguity, the Department of Education will have carte blanche to impose its own definition of this and other terms.

4) Accreditation is likely to move from being an open and collegial activity designed to foster continuous improvement based on the academic goals and mission of each institution to a closed / adversarial process aimed at ensuring campuses are complying with externally imposed mandates. Accreditation has worked well because it is a nongovernmental, peer-based process that helps institutions achieve their unique educational missions. Under the new regulations, the emphasis will inevitably shift toward ensuring that schools have met a complex array of rigid standards. Indeed, we fear that under the current proposals, accreditors may become a regulatory arm of the federal government. If this happens, the impact—a loss of confidence and trust in accreditors' ability to assess institutions on the basis of their educational mission—will be considerable.

Process for revising the regulations is flawed. Our concerns about the proposed regulations are magnified because key elements of higher education have been excluded from the discussions. For example, registrars—who are central to the transfer of academic credit—were not included. Community colleges and private, four-year liberal arts colleges—which enroll 60 percent of all students and represent 60 percent of all colleges and universities—also were missing. Nor were students asked to participate.

In June, the Department of Education will publish their proposed regulations in the *Federal Register* and interested parties will be encouraged to comment. The Department will publish

final regulations by November 2007. At the appropriate time, we will encourage you comment on the regulations. At present, we encourage you to consider three actions.

First, assess what these regulations will likely mean for your campus. You can find the current proposals at <http://www.ed.gov/policy/highered/reg/hearulemaking/2007/accred.html>.

Second, the Department of Education plans to hold a series of regional summits across the country in the next few weeks to discuss accreditation and other higher education issues. If such a meeting is being held near your campus, we encourage you to attend and offer comments. We have appended the dates and times of the meetings.

Finally, we urge you to discuss this issue with your elected officials. To help you do so, we have attached a set of talking points that you may find helpful. We have also included (below) links to news stories about the process and the issues involved.

We believe that it would be a serious mistake for the Department of Education to implement these regulations and we will do everything we can to call attention to the negative impact that they will have on America's diverse array of colleges and universities. We appreciate your assistance in this effort.

This document was prepared by the American Council on Education (ACE), the Association of American Universities (AAU), the American Association of Community Colleges (AACC), the American Association of State Colleges and Universities (AASCU), the National Association of Independent Colleges and Universities (NAICU), and the National Association of State Universities and Land Grant Colleges (NASULGC).

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Links to News Articles and Other Background Materials

News Articles

- **Dissent and A Disputed Phone Call**
Inside Higher Ed (April 27, 2007)
<http://insidehighered.com/news/2007/04/27/accredit>
- **Heading for Disagreement**
Inside Higher Ed (April 25, 2007)
<http://www.insidehighered.com/news/2007/04/25/accredit>
- **Accreditors and Education Department at Impasse After 2nd Negotiating Round**
The Chronicle of Higher Education (March 29, 2007)
<http://chronicle.com/daily/2007/03/2007032901n.htm>
- **Explaining the Accreditation Debate**
Inside Higher Ed (March 29, 2007)
<http://www.insidehighered.com/news/2007/03/29/accredit>
- **Drawing a Hard Line**
Inside Higher Ed (March 28, 2007)
<http://insidehighered.com/news/2007/03/28/accredit>
- **When Is Student Learning 'Good Enough'?**
Inside Higher Ed (Feb. 23, 2007)
<http://www.insidehighered.com/news/2007/02/23/accredit>
- **Can You Say NACIQI**
Inside Higher Ed (December 5, 2006)
<http://insidehighered.com/news/2006/12/05/naciqi>
- **The Heat is Turned Up**
Inside Higher Ed (December 6, 2006)
<http://insidehighered.com/news/2006/12/06/aale>
- **Consensus (or Not) About Comparability**
Inside Higher Ed (Nov. 30, 2006)
<http://www.insidehighered.com/news/2006/11/30/accredit>

Other Materials

Board of Directors Resolution

Council for Higher Education Accreditation (May 1, 2007)

http://www.chea.org/pdf/CHEA_Board_of_Directors_Resolution.pdf