

Office of the President

February 27, 2012

Dear Representative:

On behalf of the higher education associations and accrediting organizations listed below, I urge you to vote for H.R. 2117, which would repeal two highly problematic and prescriptive regulations initiated by the Department of Education (ED).

The credit hour definition and state authorization regulations took effect on July 1, 2011. They are the product of a larger attempt by ED to curb abuse and bring greater integrity to the federal student aid programs. These efforts are laudable, and many portions of the regulatory package ED produced will be effective in achieving their intended goals. However, given the almost total lack of evidence of a problem in the context of credit hour or state authorization, these two portions of the package miss their mark. We see no justification for two regulations that so fundamentally alter the relationships among the federal government, states, accreditors and institutions. We believe the outcome of this unprecedented regulatory overreach will be inappropriate federal interference in campus-based decisions in which the faculty play a central role. The end result will be a curtailment of student access to high-quality education opportunities.

A federal credit hour definition opens the door to federal interference in the core academic decisions surrounding curriculum, which is the exact type of interference expressly prohibited in the act that created ED. It sets in motion the basis for perpetual regulatory intervention in multiple institutional and accreditation decisions associated with the credit hour. Moreover, the federal definition at issue poses serious challenges for institutions as they review tens of thousands of courses in an effort to ensure consistency with it. Accreditors face similar burdens as they attempt to develop or revise their own policies and practices to review institutions' credit policies for consistency with the definition. Finally, the definition places accreditors in the untenable position of being required to put aside the academic judgments of the traditional peer review process and instead substitute the federal government's judgment about a critical component of the academic enterprise.

The state authorization regulation intrudes upon prerogatives properly reserved to the states, potentially upsetting recognition and complaint resolution procedures that have functioned effectively for decades. It has also generated enormous confusion in the distance education arena and has created a market for definitive legal compilations of the extensive number of statutory requirements within each of the states with which institutions must comply. Having no way to accurately predict or control student mobility, most institutions will need to pursue authorization in all 50 states even before knowing from which states their students may ultimately enroll. State policies vary widely. They can be complex, are often ambiguous and may be accompanied by fees that may be cost-prohibitive for

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many public and nonprofit institutions. At the end of the day, the most pernicious consequence of the state authorization regulation might be that institutions that have been exploring the expansion of their online courses in order to lower the costs of tuition will not find it economically feasible to continue down this path.

It is important to note that neither of these regulations was developed in response to underlying legislation indicating a desire by Congress to regulate colleges and universities in these areas. To the contrary, as we have noted, the credit hour definition conflicts with ED's enabling legislation which prohibits interference in core academic matters.

We believe these regulations are misguided and will have far-reaching negative consequences for higher education. We strongly support H.R. 2117, and we ask you to vote in favor of its adoption.

Sincerely,

A handwritten signature in black ink, reading "Molly C. Broad". The signature is fluid and cursive, with the first name "Molly" and last name "Broad" clearly legible.

Molly Corbett Broad
President

MCB/ldw

On behalf of:

Higher Education Associations

ACPA-College Student Educators International
American Association of Colleges for Teacher Education
American Association of Colleges of Nursing
American Association of Colleges of Osteopathic Medicine
American Association of Community Colleges
American Council on Education
American Dental Education Association
American Indian Higher Education Consortium
American Psychological Association
Appalachian College Association
Association of American Medical Colleges
Association of American Universities
Association of Benedictine Colleges and Universities
Association of Catholic Colleges and Universities
Association of Chiropractic Colleges
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Independent Colleges and Universities in New Jersey

Association of Independent Colleges and Universities of Ohio
Association of Independent Colleges of Art & Design
Association of Independent Kentucky Colleges and Universities
Association of Jesuit Colleges and Universities
Association of Presbyterian Colleges and Universities
Commission on Independent Colleges and Universities in New York
Conference for Mercy Higher Education
Council for Christian Colleges & Universities
Council for Higher Education Accreditation
Council for Opportunity in Education
Council of Graduate Schools
Council of Independent Colleges
EDUCAUSE
Federation of Independent Illinois Colleges & Universities
Georgia Independent College Association
Hispanic Association of Colleges and Universities
Independent Colleges and Universities of Texas
Independent Colleges of Washington
Independent Colleges of Indiana
Kansas Independent College Association
Louisiana Association of Independent Colleges and Universities
NASPA-Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators
New American Colleges and Universities
South Carolina Independent Colleges and Universities
Tennessee Independent Colleges and Universities Association
University Professional & Continuing Education Association
Wisconsin Association of Independent Colleges and Universities
Women's College Coalition
Work Colleges Consortium

Regional Accreditation Organizations

Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges
Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges
Commission on Institutions of Higher Education, New England Association of Schools and Colleges
Middle States Commission on Higher Education
Northwest Commission on Colleges and Universities
Southern Association of Colleges and Schools Commission on Colleges
The Higher Learning Commission of the North Central Association of Colleges and Schools

Other Accreditation Organizations

ABET

Accreditation Council for Pharmacy Education

Accreditation Review Commission on Education for the Physician Assistant

Accrediting Commission of Career Schools and Colleges

Accrediting Council for Independent Colleges and Schools

Accrediting Council on Education in Journalism and Mass Communications

American Board for Accreditation in Psychoanalysis, Inc.

American Board of Funeral Services Education

American Dental Association Commission on Dental Accreditation

American Occupational Therapy Association – Accreditation Council for Occupational Therapy Education

American Speech-Language-Hearing Association

Association for Biblical Higher Education Commission on Accreditation

Association of Advanced Rabbinical and Talmudic Schools

Association of Specialized and Professional Accreditors

Commission on Accreditation for Marriage and Family Therapy Education

Commission on Accreditation in Physical Therapy Education/American Physical Therapy Association

Commission on Accreditation of Allied Health Education Programs

Commission on Accreditation of Healthcare Management Education

Commission on Accrediting of the Association of Theological Schools

Commission on Collegiate Nursing Education

Council for Accreditation of Counseling and Related Educational Programs

Council of Arts Accrediting Associations, including:

National Association of Schools of Art and Design

National Association of Schools of Dance

National Association of Schools of Music

National Association of Schools of Theatre

Council on Academic Accreditation in Audiology and Speech-Language Pathology

Council on Accreditation of Nurse Anesthesia Educational Programs

Council on Chiropractic Education

Council on Education for Public Health

Council on Naturopathic Medical Education

Council on Podiatric Medical Education

Council on Rehabilitation Education

Council on Social Work Education

Distance Education and Training Council

Joint Review Committee on Education in Radiologic Technology

Joint Review Committee on Educational Programs in Nuclear Medicine Technology

National Accrediting Agency for Clinical Laboratory Sciences

National League for Nursing Accrediting Commission

Teacher Education Accreditation Council

Transnational Association of Christian Colleges and Schools