

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

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,



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

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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