



**The Higher Learning Commission**

A Commission of the  
North Central Association  
of Colleges and Schools

**NCA**

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Serving the common good by assuring and advancing the quality of higher learning

**Statement of Steven D. Crow  
Executive Director  
The Higher Learning Commission**

**H.R. 4283, the College Access & Opportunity Act: Does Accreditation Provide Students  
and Parents Accountability and Quality?**

**Before the  
Committee on Education and the Workforce  
Subcommittee on 21st Century Competitiveness  
United States House of Representatives**

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Mr. Chairman and Members of the Committee, I appreciate the opportunity to be here today to discuss the potential impact of H.R. 4283, The College Access & Opportunity Act, on higher education accreditation. On behalf of my Executive Director colleagues, and myself I also want to express appreciation for the numerous opportunities we had over the past few months to meet with Representatives and their staffs on both sides of the aisle. Because we know that time is a precious commodity on the Hill, we are particularly grateful that so many made time to visit with us when we traveled to Washington, D.C.

I head The Higher Learning Commission of the North Central Association of Colleges and Schools. Recognized by both the United States Department of Education and the Council on Higher Education Accreditation, the Commission has a membership of 985 colleges and universities located in the 19 states of the north central region. We also are proud to count in that membership almost two dozen tribal colleges whose authority comes from sovereign nations located within those states. My Commission has accredited colleges and universities since 1913. I also serve as the vice-chair of the Council of Regional Accrediting Commissions (C-RAC). The seven regional accrediting associations accredit 3,022 institutions enrolling approximately 16,619,890 students.

The United States has a system for quality assurance for higher education unique in its ability to support the rich diversity of higher education institutions so vital to the strength and capacity of higher education in this nation. Regional accrediting agencies have assured the quality of higher education in the United States for over 100 years. For the past 50 years these agencies, originally established to provide self-regulation and shared assistance in stimulating institutional and education improvement, have also served a unique quasi-public role in that their accreditation decisions on institutions have been accepted by the federal government as sufficient evidence of educational quality to warrant disbursement to those institutions of federal student financial aid and other federal grants. For the past 15 years in particular, Congress, the Department of Education, and accrediting agencies have all been engaged in the very unique and very American effort to create an effective and trustworthy partnership through which privately held, voluntary self-regulation supports the broad public policy agenda for higher education as defined by the federal government.

During the decade since the Reauthorization of the Higher Education Act in 1992, regional accreditors have shown that they can serve as an effective shield against the types of fraud and abuse that concerned the Congress then. As part of the on-going discussions that have occurred every five years since the passage of the first Higher Education Act, today we review again how effectively accreditation generally, but regional institutional accreditation in particular, serves the public interest through its gate-keeping role for federal funds. Although deeply concerned by the new levels of federal oversight established in 1992, most federally recognized accrediting agencies have come to understand and accept the relationship we now have with the Department of Education.

Before responding directly to the new expectations of accreditation being proposed in H.R. 4283, I want to indicate for the record the hallmarks of a successful link between regional accreditation and Title IV gate keeping:

- *Effective Co-operation with Government:* Accreditation has proven to be an effective partner with the federal government over the decades, responding effectively to new federal requirements adopted in 1992 and continued in 1998.
- *Best Qualified to Assure Student Learning:* Accreditation has proven to be responsive to changing public policies for higher education through standards that emphasize access and equity and, most recently, assessment of student learning.
- *Necessary to Maintain Diverse Institutional Missions:* Accreditation honors and supports the multiple missions of U.S. institutions of higher education so essential to the success of higher education and to increased access for students.
- *Saves Taxes:* Accreditation through private, non-profit agencies provides exceptional service at no direct cost to taxpayers.
- *Support Institutional Improvement:* Most institutions support the claim that accreditation contributes value to their operations and supports them as they strive to improve the quality of education they provide.
- *Provides Expertise:* Self-regulation of the quality of higher education through recognized accrediting agencies is an effective tool because its reliance on expert peer review has credibility with the public and with institutions.

All of us who lead regional institutional accrediting agencies understood that legislators have expressed concerns about areas that affect regionally accredited institutions. To this end, we have spoken with legislators and staffs not only to explain how accreditation

currently addresses many of their concerns but also to suggest as well legislative language for those concerns that legislators might determine to need explicit attention in the law. H.R. 4283 does make new demands of all of us. I should note that many higher education organizations have registered reservations about the new requirements in H.R. 4283 on institutions as well as accrediting agencies. We share some of their concerns, particularly those about the extent of new institutional reporting and record keeping included within the bill. Therefore, we support continued discussions between higher education organizations and the Committee and its staff.

In this testimony I will focus on the new responsibilities H.R. 4283 proposes for accreditation. They include expectations that through our standards we will provide increased attention to student learning as well as review the capacity of board governance. We will need to provide strengthened evidence of our capacity to provide effective quality assurance for distance education. H.R. 4283 sets expectations for greater transparency in our processes and actions. It also calls for our focused attention on institutional compliance with new federal requirements regarding transfer. The bill sets new reporting requirements with the Secretary related to our site visitors as well as monitoring of the new Student Consumer Profile required of colleges and universities. Several of my Executive Director colleagues and I have recommended specific modifications of language to clarify the exact scope of the new responsibilities, and, understanding that the modifications will be made, have registered our support for the role of accreditation as stated in Section H of H.R. 4283.

I believe it fair to say that disagreements about accreditation and H.R. 4283 have less to do with what constitutes good and acceptable new activities by accrediting agencies than with whether it is appropriate for the federal government through law and subsequent regulations to require the new activities. Those of us who have worked closely with legislators on Section H of H.R. 4283 appreciate the need to show a somewhat skeptical public—and Congress—that we

intend to assure that higher education accreditation serves the common good. Now to some of the details and recommendations.

## **AGENCY ACCOUNTABILITY FOR STUDENT LEARNING**

Starting with the 1988 reauthorization that explicitly mentioned the expectation that a Department-recognized accrediting agency include within its standards measures of student learning, the federal call for increased accountability for educational performance has been heard. In fact, my Commission initiated its student academic achievement initiative that year, and we have been energetically pushing our institutions to conceptualize and implement assessment programs ever since. Each of the other regional associations, as well as our national counterparts, has made evaluation of student learning a central focal point of our work. Each of the five regional associations that rewrote their standards in the past four years placed achieved student learning at the center of those new standards.

In determining how best to measure and share documentation of student learning with current and prospective students and the public at large, the Committee appears to have taken into consideration the variety of learning goals and types of institutions in the United States. The fact is that a surprisingly large number of our colleges and universities have considerable amounts of outcome data that they use to evaluate their own educational effectiveness. For some types of institutions the data are fairly standard and provide grounds for comparison: graduation rates, job placement rates, licensing rates, and so forth. Each institution has data that are institutionally specific, testifying to an educational mission achieved but not allowing for easy benchmarking with other colleges and universities. We believe that the approach of H.R. 4283 to accountability is constructive to the extent that it:

- Continues the expectation that a federally recognized accrediting agency's standards include review of its institutions' programs to define and measure successful student learning. Moreover, H.R. 4283 appears to recognize the breadth of measures appropriate to the diverse types of institutions we accredit. We encourage legislative interpretation of this requirement that gives discretion to the Department to interpret the law to allow for qualitative standards instead of the bright-line performance standards being called for by the recent Office of the Inspector General report (ED-OIG/A09-C0014, July 2003). Therefore, we have proposed that broad language about threshold requirements for vocational and technical programs be narrowed to speak only to non-degree certificate programs. Even this change may involve such significant new institutional record-keeping that the Committee may want to consider whether the costs outweigh the benefits.
- Requires institutions receiving Title IV monies to provide public information about educational performance easily understood by prospective and current students. However, we would allow each institution to create its own report fitted to its educational objectives and drawing, as appropriate, on the variety of data it uses in determining its own effectiveness.
- Establishes for Department-recognized accrediting agencies (1) the responsibility to vouch for the effective distribution of this public information and (2) the expectation that within an accreditation visit the agency will consider the publicly-disclosed student learning data as part of the review.

## AGENCY ACCOUNTABILITY

Perhaps the most significant new responsibilities for accrediting agencies are captured in new reporting requirements to the Secretary of Education and a new requirement for new public disclosure of accrediting actions and the findings behind them. While we understand the goal of the bill to ensure greater access to a wide variety of information about colleges and universities, we are concerned about the scope of information gathering and dissemination that H.R. 4283 places on the Secretary of Education. We have proposed, for example, that instead of sending the Secretary hundreds if not thousands of names in our site visitor database, it makes more sense for each recognized agency to post to its web site the names of site visitors used by the agency in the previous year. We are pleased that the Committee has expressed their willingness to accept this recommendation.

Since most regional commissions currently have information about selection, training and evaluating site visitors on our web sites, we can readily provide the data to the Secretary. Perhaps the Department might be best served by simply using this information as well as the names of site visitors when posted to each agency's web site. We are somewhat concerned about the massive amount of consumer information the Department will need to collect and assure its currency.

Public disclosure of accrediting actions and the findings directly related to the actions is the largest single new responsibility in H.R. 4283 for accrediting agencies. All regional accrediting agencies disclose accreditation actions, and some of them also disclose required on-going monitoring. Because for decades we have considered our institutions to be our primary if not sole audience, disclosure of information specifically useful to students in particular and the public more generally will be a challenge. At this point, the regional commissions have not agreed on a consistent template that we all might use, but it is one of our highest priorities. We

will need some time to discuss among ourselves and with our members the components of a program of disclosure that will be fair as well as honest; therefore, we strongly urge that Congress signify to the Department that the template for public disclosure should not be narrowly defined in regulations.

## **STUDENT MOBILITY AND TRANSFER OF CREDIT**

Accrediting standards hold that the institution granting a degree must be accountable for the integrity of that degree. Although we also require that institutions have transfer policies that are clear to students, we appreciate the fact that transfer of credit continues to be a matter of public concern. Although none of the regional accrediting associations has policies that limit the variables an institution should consider in determining transfer, we have come to learn that many of our members act as though we expect them to limit transfer to credits coming from other regionally accredited institutions. In recent years we have all adopted the CHEA principles on transfer (November 2000), which mark a new consensus on good practices in transfer, and we have forwarded them to our institutions for study and implementation.

My colleagues and I support how H.R. 4283 reinforces the responsibility of accrediting agencies by encouraging greater transparency in transfer to the extent that it:

- Affirms that accreditors should continue to ensure that institutions have clear transfer policies, but adds the responsibility reviewing compliance with new federal requirements that Title IV institutions have in those clearly-stated transfer policies the commitment to weigh more than the accredited status of an institution in determining transferability of credits awarded by it.

- Affirms that the accrediting agency itself not have policies that would limit acceptable transfer policies and practices solely on the basis of what agency provides accreditation.
- States that a Department-recognized accrediting agency will have procedures through which it reviews transfer policies during each accreditation review to ensure that appropriate policies are in place.

The law proposes that an accrediting agency also will review the consistent application of transfer policies. We understand this can be achieved through a spot audit of a random set of transfer records to ensure that decisions are not made solely on the basis of the accreditation of the transferring institution. The accreditation process cannot be expected to judge the subjective decisions inevitably involved in many transfer decisions.

Several higher education organizations have expressed concerns about the significant new record keeping and reporting requirements on transfer alone. At a time when many students move some academic credits among institutions two or more times, we suggest that the Committee and its staff would be well served to hear from those organizations or institutions themselves their best estimates of the time and expense this record-keeping might entail.

## **DISTANCE EDUCATION AND ELEARNING**

Each regional Commission believes that it has been doing a sound job of evaluating distance education generally and eLearning specifically. We joined together just a few years ago to adopt a set of best practices that inform our institutions as they implement eLearning and our teams as they evaluate it. While we appreciate the concerns that many legislators have about this particular modality of providing education, we draw attention to the fact that on-line courses serve large numbers of campus-based students as well as students studying at a distance. In

short, legislation that classifies all eLearning as distance education and then calls for different regulation of it will inadvertently set expectations for what some institutions and their campus-based students now treat as a “scheduling option.” We support the approach of H.R. 4283 in avoiding such an approach, because we believe that it would seriously impair the constructive adoption of improved methods for teaching and for reaching underserved student populations.

The concern about eLearning appears to be directly related to the call to end the 50/50 rule that now disqualifies from eligibility for student financial aid certain types of institutions heavily involved in eLearning. Very few institutions accredited by regional agencies are disqualified by the 50/50 rule, and almost all of those that are have been participating in the Department of Education’s Distance Demonstration Project. We take no stand on the 50/50 rule, but we do not believe that the price for its abolition should be enhanced scrutiny of distance education (eLearning) currently provided by our member institutions. Moreover, we would argue that the quality of institutions accredited by us and now participating successfully in the Distance Demonstration Project is evidence that even in the new groups of virtual institutions, we can successfully recognize and encourage the quality the federal government should expect.

Therefore, my colleagues and I support the approach of H.R. 4283 to the extent that it recognizes that distance learning should be judged by the same standards as all learning. We were pleased to see that many of our views regarding distance education had been heard. H.R. 4283:

- sets a reasonable expectation that Department-recognized accrediting agencies document that their existing standards provide for effective evaluation of the quality of distance education, in the same way that is done for all types of learning. Instead of providing new or extra standards, it accepts the standard of comparability: namely,

that student learning in eLearning programs be comparable to that in campus-based programs.

- sets a reasonable expectation that a recognized agency create and implement processes that allow it to monitor when appropriate those institutions with dramatically increasing student enrollments in their eLearning programs; this seems to mirror appropriately current expectations that accreditors have set for ourselves for rapid expansion of site-based delivery.
- sets a reasonable expectation that our existing processes for selecting and/or training peer reviewers include their capacity to evaluate eLearning.
- sets a reasonable expectation that accreditors evaluate how institutions offering eLearning document the integrity of the student engaged in eLearning courses and programs. Our colleagues in the distance education field suggest that “authenticity” is a better word than “integrity” since we want to ensure that the person taking exams is the person who is receiving credit.

Mr. Chairman, thank you very much for the opportunity to testify today. We all know that good legislation involves discussion and compromise. All regional accrediting agencies would probably prefer that the Section H remain unchanged from what it is currently. But most of us have engaged in the discussions that help us understand why it will be changed. Where it deals directly with accreditation, H.R. 4283 reflects that our recommendations have been heard and, in many respects, honored.