

AMERICAN COUNCIL ON EDUCATION



OFFICE OF THE PRESIDENT

February 16, 2011

Secretary Arne Duncan  
U.S. Department of Education  
LBJ Education Building, Room 7W311  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Secretary Duncan:

On behalf of the more than 70 higher education associations and accrediting organizations listed below, I write to express grave concerns with the creation of a federal definition of credit hour in Section 600.2 of the Oct. 29, 2010, program integrity regulations. We request that you immediately rescind this definition from the final regulations.

Over the past year, we have followed the department's efforts to develop new regulations to enhance the integrity of the Title IV student financial aid programs, and we support many of the regulations contained in the final rule. However, after close examination, we find the rule fails to address serious concerns we raised during the rulemaking process in several key areas, most notably credit hour, state authorization and misrepresentation. This letter focuses solely on the regulations pertaining to credit hour; we will communicate our views regarding state authorization and misrepresentation to the department separately.

In discussions with our respective members, the strongest objections to the credit hour regulation have consistently centered on the inclusion of a federal definition of credit hour in Section 600.2. With this language, the Department of Education has federalized a basic academic concept and, at the same time, developed a complex, ambiguous and unworkable definition.

The concern is not that accreditors are expected to examine institutional policies with respect to credit hours. They have and will continue to do so. Rather, the issue is that with little evidence of a problem and no evidence that Congress wants the federal government to intervene in this area, the department intends to use accreditors to extend federal authority over academic decision-making on local campuses.

We are familiar with the inspector general's report that was sharply critical of one accreditation agency's handling of a credit hour issue for some courses at one online

university. What is often overlooked, however, is that the accreditor's peer review team identified the problem and brought it to the attention of school officials, who corrected it within a matter of months. Institutional accreditation has always been designed to be a self-regulating system and in this instance, it worked exactly as intended. Moreover, had a federal definition of credit hour been in place, it would not have changed the outcome of this case.

A single instance such as this is not a good basis for imposing a one-size-fits-all federal regulation on fundamental academic considerations at more than 6,000 institutions. We believe this is particularly true with respect to a federal standard for credit hour for the following reasons:

- 1) A credit hour is the most basic building block of any academic program at any institution of higher education. Federalizing this definition will allow the Department of Education—through staff interpretations and the National Advisory Committee on Institutional Quality and Integrity—to micro-manage campus academic programs.
- 2) A federal standard imposed on all institutions will inevitably homogenize academic programs and sharply limit curricular innovations. Given the pace of curricular change and the widespread desire to develop new models to deliver postsecondary education effectively and efficiently, a federal definition represents a giant step in the wrong direction.
- 3) The definition of credit hour in Section 600.2 is ambiguous. It combines, for example, two very different concepts—seat time and student learning outcomes. While the goal is more consistent consideration and evaluation across campuses, blending such fundamentally different ideas guarantees that this goal will not be reached. Vastly different interpretations will inevitably emerge. Confusion will reign.
- 4) This confusion will impose enormous burdens on institutions as they attempt to interpret and apply the definition to all courses and on accreditors as they attempt to review these interpretations and their application within many diverse institutions. These tasks will require new levels of highly detailed and labor-intensive compilation and evaluation. They will divert time and money from productive academic investment to detailed compliance reporting. Moreover, this effort will inevitably draw attention away from broader considerations of academic content and effectiveness.
- 5) The preamble discussion suggests the possibility that an institution could create two separate credit hour systems—one for federal purposes and one to meet institutional needs. This is a false dichotomy that can exist on paper but not in practice. In reality, when looking at academic matters on a campus, an accreditor cannot enforce a credit hour definition that is detached from or different than the academic measure used by the institution. Thus, the suggestion is unworkable for

two basic reasons: It would pose insurmountable record-keeping, evaluation and credit-mobility problems; and it would confuse current and prospective students, thereby failing to meet long-standing academic integrity requirements and new federal regulations on misrepresentation in Section 668.71.


As we noted earlier, reviewing institutional policies regarding the assignment of academic credit remains an appropriate function for accreditors. However, we vigorously oppose the creation of a federal definition of this term in Section 600.2 because it will have extensive and negative impact on academic programs.

During the negotiated rulemaking session that preceded this regulation, the Department of Education and non-federal negotiators agreed on language to address the government's concern. The federal definition of a credit hour was deliberately excluded from this agreement. The department abandoned this consensus in the draft regulation it published on June 18, 2010. In ACE's Aug. 2, 2010, letter to the department on behalf of over 70 higher education organizations and accreditors, we indicated grave reservations about the unanticipated consequences of the department's proposal. In response, rather than address our concerns, the final regulations simply advanced yet another definition. Unfortunately, the latest version is as flawed as the one that preceded it.

We strongly support the Department of Education's goal to reduce abuses in student aid programs that harm students and waste federal student aid dollars. However, the department's apparent desire to impose a federal definition on a central academic concept threatens to set us on a collision course that will dramatically undermine our support for these regulations.

In light of these concerns, we request that you rescind the regulation containing the credit hour definition in Section 600.2.

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 State Colleges and Universities  
American Association of University Professors  
American Council on Education  
American Dental Education Association  
American Indian Higher Education Consortium

American Psychological Association  
APPA, “Leadership in Educational Facilities”  
Appalachian College Association  
Association of American Universities  
Association of Chiropractic Colleges  
Association of Community College Trustees  
Association of Governing Boards of Universities and Colleges  
Association of Independent Colleges of Art & Design  
Association of Jesuit Colleges and Universities  
Association of Public and Land-grant Universities  
Council for Christian Colleges & Universities  
Council for Higher Education Accreditation  
Council of Graduate Schools  
Council of Independent Colleges  
EDUCAUSE  
Hispanic Association of Colleges and Universities  
International Association of Baptist Colleges and Universities  
NASPA - Student Affairs Administrators in Higher Education  
National Association of Independent Colleges and Universities  
National Association of Student Financial Aid Administrators  
National Collegiate Athletic Association  
The New American Colleges & Universities  
UNCF  
Work Colleges Consortium  
Women’s College Coalition

**Accreditation Organizations**

Accreditation Council for Pharmacy Education  
Accreditation Review Commission on Education for the Physician Assistant  
Accrediting Commission of Career Schools and Colleges  
Accrediting Council for Continuing Education & Training  
Accrediting Council on Education in Journalism and Mass Communications  
American Board for Accreditation in Psychoanalysis  
American Board of Funeral Service Education  
American Council for Construction Education  
American Dental Association Commission on Dental Accreditation  
Association for Biblical Higher Education  
Association of Advanced Rabbinical and Talmudic Schools  
Association of Specialized & Professional Accreditors  
Association to Advance Collegiate Schools of Business  
Commission on Accreditation for Health Informatics and Information Management Education  
Commission on Accreditation for Marriage and Family Therapy Education  
Commission on Accreditation of Allied Health Education Programs  
Commission on Accreditation of Athletic Training Education  
Commission on Accrediting of the Association of Theological Schools  
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 Rehabilitation Education

Council on Social Work Education

Distance Education and Training Council

The Higher Learning Commission of the North Central Association of Colleges and Schools

Landscape Architectural Accreditation Board

Middle States Commission on Higher Education

Montessori Accreditation Council for Teacher Education

National Accrediting Agency for Clinical Laboratory Sciences

New England Association of Schools and Colleges, Commission on Institutions of Higher Education

Northwest Commission on Colleges and Universities

Society of American Foresters

Southern Association of Colleges and Schools Commission on Colleges

The Joint Review Committee on Educational Programs in Nuclear Medicine Technology

Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities

Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges