



Accrediting Commission of Career Schools and Colleges

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Susan D. Phillips, Chairperson
National Advisory Committee on Institutional Quality and Integrity
c/o Carol Griffiths
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1990 K Street NW, Room 8073
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Distinguished Committee Members:

The Accrediting Commission of Career Schools and Colleges (ACCSC) appreciates the opportunity to continue to participate in the dialogue with the National Advisory Committee on Institutional Quality and Integrity (NACIQI) as the Committee continues with its agenda to advise the Secretary of Education on accreditation policy and considers making recommendations for changes to the Higher Education Act (HEA). The question put forth in your invitation is “What issues are critical to consider in advancing quality assurance in higher education, going forward?”

In considering the *Higher Education Accreditation Reauthorization Policy Recommendations* advanced by NACIQI in 2012, many of the positions taken by NACIQI align with ACCSC’s views, including:

- The accreditation system serves as a critical element in providing information about academic quality to satisfy the federal interest in assuring the appropriate use of federal funds;
- Accreditors are the most experienced source of information about academic quality and should continue to establish and assure consistency with academic quality standards in the determination of eligibility;
- There is value in sustaining the determination of quality as a non-government function; and most critically,
- Underscoring ACCSC’s alignment with NACIQI in many areas is ACCSC’s fervent belief that American higher education is best served by **retaining accreditation** in the institutional eligibility process for Title IV federal student financial aid programs.

However, ACCSC does recognize that there are areas where improvements can be made for the sake of establishing a better quality assurance network for the many constituents that accreditation serves. Thus, the following are suggestions for NACIQI to consider along these lines.

Macro Areas:

1. **Outcomes:** Outcomes measures are an important part of the assessment paradigm for higher education institutions. But, outcomes measures are not a one-size-fits-all solution and as such one-size-fits all quantitative metrics should not be mandated by Congress or the U.S. Department of Education. Accreditors, working with their accredited institutions, should be required to find and define the right set of measures and metrics to evaluate institutional and student success based upon the primary characteristics of the institutions and type of education delivered. While program-level rates of graduation and employment work well for the types of career, technical and vocational institutions accredited by ACCSC, those same measurements may not be as appropriate in other types of institutions. In some areas a “satisfaction and employability metric” as opposed to an employment

rate could be considered as an indicator of institutional and student success. That is to say, based upon survey information, do graduates and employers believe that the level of education provided by an institution was of an acceptable level of quality and prepared the graduate for the world of work?

Moreover, outcomes measures by themselves are not a panacea and alone cannot provide a sole assessment of the quality of an institution or its programs. Input standards (e.g., faculty, equipment, library, etc.) are an equally important part of the assessment paradigm and serve to illustrate why accreditation is an important part of the higher education regulatory landscape. Generally, outcomes measures should be a reflection of how an institution performs relative to standards (i.e., best practices) and should minimally require institutions to assess learning and competency attainment as well as:

- Rates of retention or graduation;
- Rates of employment and certification/licensure exam pass rates in career and professional programs, and measures related to “employability” in other program areas;
- Measures of student and graduate satisfaction; and
- Measures of employer satisfaction.

These kinds of outcomes taken together with an assessment of an institution’s adherence to input standards provide the tools necessary to assess quality and value. Thus NACIQI should consider making a recommendation to the Secretary that institutions and accreditors be required to establish and enforce the right set of metrics, to show the effectiveness of the metrics, and that the Secretary hold accreditors accountable in this regard as a primary condition of recognition.

- 2. Transparency:** Accreditors should provide useful disclosures of the accreditation actions taken by the agency that can help the general public make informed decisions about an institution or program. ACCSC also believes that enhanced requirements for notification of accreditation actions, information sharing, and disclosures of institutional performance will continue to strengthen accreditation’s partnership in the regulatory triad, and add to the benefits for the general public. At a minimum, ACCSC believes that disclosures required by the HEA should include:
 - **Accreditation Actions:** Grants of accreditation, substantive change approvals (e.g., new program offerings, new branch campuses), probation and adverse actions; and
 - **Institutional Performance:** Student Graduation and Graduate Employment rates for every program offered.
- 3. Transfer-of-Credit:** Accreditors should have and enforce standards that prevent institutions from unfairly or unjustifiably denying credit transfer, particularly when the reason for denying credit is the “source” of accreditation (e.g., national accreditation). The fact that an institution is not “regionally” accredited is often used to deny the credits earned by graduates from that institution. Federal regulations under **34 CFR §602.1- §602.38** demand that recognized accrediting agencies’ standards, whether it be regional or national, be sufficiently rigorous to assure that high standards of educational quality and institutional integrity are maintained. In this sense, there is no distinction between a regional accrediting agency and a nationally recognized accrediting agency – all agencies are held to the same rigorous process and criteria. Thus, there is no basis for making distinctions on the antiquated notions of “regional” or “national” accreditation. When the source of accreditation (national vs. regional) is the sole determinant in transfer-of-credit decisions, it typically relies upon arbitrary assumptions and does not give students or non-regionally accredited institutions an opportunity to demonstrate equivalency of coursework. The Higher Education Act should once and

for all end the unfair practice of denying credit on the sole basis of an institution's source of accreditation. If an institution wishes to participate in the Title IV Student Federal Financial Aid Program, then that institution should have an open, fair, and consistently applied practice of assessing credit for the purpose of determining transferability.

4. **Credit Hour Definition and Clock Hour Conversions:** Seat-time requirements for funding programs neither preserve academic integrity nor do they promote competency assessment and as such the federal definition of a credit hour and the complex clock-hour conversion formulas should be removed from the federal regulations. If accreditors are going to be the purveyors of educational quality assessment, then accreditors should be given the discretion necessary to define the elements that go into the assessment paradigm. By creating the federal definition of a credit hour, the U.S. Department of Education federalized a basic academic concept and developed a complex and confusing system that unintentionally serves as a barrier to innovation in educational delivery models such as a movement toward competency-based assessment that allows students to complete course work in shorter periods of time. Thus, the federal definition of a credit hour should be removed and §602.24 (f) should be modified to address "Assessment of Learning Policies" and not "Credit Hour Policies."
5. **Changing Accreditors:** "Accreditation shopping" is not a new phenomenon to higher education but currently, accreditors are limited in any ability to curtail an institution's ability to seek a "safe harbor" with another accrediting body largely due to an action taken by their current institutional accreditor to hold the institution accountable. To curtail accreditation shopping, institutions that have been subject to an accreditation sanction (e.g., Probation Order) should be prohibited, for federal financial aid eligibility purposes, from seeking a new institutional accreditor for some set period of time after the sanction has been lifted (e.g., five years). ACCSC also recommends that under **34 CFR §600.11**, the Department provide additional parameters under the current "reasonable cause" language to include a condition that the Secretary will only consider changes in accreditation for rare and extenuating circumstances (proposed language **bold and underlined**):

§600.11 (a) *Change of accrediting agencies.* For purposes of §§600.4(a)(5)(i), 600.5(a)(6), and 600.6(a)(5)(i), the Secretary does not recognize the accreditation or preaccreditation of an otherwise eligible institution if that institution is in the process of changing its accrediting agency, unless the institution provides to the Secretary—

- (1) All materials related to its prior accreditation or preaccreditation; and
- (2) Materials demonstrating reasonable cause for changing its accrediting agency.

Institutions that have been subject to a sanction (e.g. Probation Order) are prohibited, for federal financial aid purposes, to seek a new institutional accreditor for five (5) years after the sanction has been lifted unless special circumstances arise and the institution can provide documentation of reasonable cause for changing its accrediting agency.

6. **Strengthening The Regulatory Triad:** ACCSC believes that it is prudent not only to clarify and articulate common understandings about the responsibilities of each member of the triad (federal, state and accreditor), but also recognizes that by increasing communication, there is an opportunity to better understand the responsibilities and common concerns of each member of the triad. In a number of different instances, the current Criteria for Recognition of Accrediting Agencies under **34 CFR Part 602**, which are statutorily mandated under Section 496 of the Higher Education Act, reinforce these shared gate-keeping responsibilities by requiring communication and collaboration among the triad partners. Oversight of higher education as set forth in current law and regulation is a shared

responsibility and each member of the regulatory triad has an essential role to play in the oversight of institutions. Thus, a more clear set of expectations for each member of the triad in the minds of all stakeholders and policymakers is essential as we move forward. Further, increased coordination amongst the members of the triad, particularly between accreditors and states, could result in a reduction of the unnecessary duplication of effort without impacting the quality assurance mechanisms currently in place.

Micro Areas:

- 1. Appeals Process:** The last reauthorization of the Higher Education Act yielded several significant changes to the process that accreditors must enact with regard to the appeal of an adverse accreditation decision. While ACCSC believes the Congress was well intentioned, the ensuing regulations have created a far more complex and cumbersome process that has not, in our experience, yielded greater due process for institutions. ACCSC suggests NACIQI review the history of legislative intent and regulatory changes in this regard and consider reverting back to the pre-2008 requirements. Of primary concern is that by adding a requirement that the Appeals Panel must be able to reverse or amend an action of an accrediting body can in effect make an Appeals Panel a “decision-making body.” Appeals Panels are typically not elected entities and are not beholden to the same criteria as the accrediting agency. This can cause significant tension for an accrediting agency. The options available to an appeals panel should be strictly limited to either uphold the action of the accrediting agency or to remand the action of the accrediting agency back to that agency for further consideration.
- 2. Substantive Changes:** Congress and the administration should review the provision under **34 CFR §602.22** that permits accreditors to visit only a “representative sample” of additional locations via “distributive enterprise” if an institution operates more than three additional locations and allow an institution to establish additional locations without prior approval from its accreditor. In ACCSC’s experience, growth of an institution, to include the addition of geographically distant campuses, requires greater oversight, not less. In order to ensure that accredited schools maintain their capability and administrative capacity to meet and exceed accrediting standards on an ongoing basis, as well as their obligations to students, accreditors should be required to visit and evaluate fully each campus or new location that will be participating in Title IV programs. As such, the distributed enterprise provisions should be removed in their entirety from **34 CFR §602.22**.
- 3. Roles and Scope of Accreditors:** As noted by NACIQI in its *2012 Report on Higher Education Act Reauthorization*, although accreditors stand prepared to carry out their gatekeeping functions and to manage the inherent tensions, the potential for risk and legal action associated with application of rigorous standards may be greater than a single accreditor is prepared to sustain. ACCSC encourages the Department to continue to consider the NACIQI recommendation of indemnifying accreditors by reducing the legal risk and burden (not from the Federal Government) beyond the provision for initial arbitration already in statute. Specifically, ACCSC recommends that language be adopted to strengthen **34 CFR §600.6 (d)** in order to provide accreditors with the same protections afforded to other government agencies as follows (proposed language **bold and underlined**):

§600.6 (d) The Secretary does not recognize the accreditation or pre-accreditation of an institution unless the institution agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to initial arbitration before initiating any other legal action.

(1) Any legal action brought regarding an accrediting agency's decision must be constrained to an administrative review of the record before the accrediting commission at the time the agency made the accreditation decision.

Accreditation as an education quality assessment mechanism has been the hallmark of educational success in this country for over a century and has been relied upon by the federal government for this purpose for six decades. ACCSC believes that all accrediting agencies must continually evolve and explore opportunities to improve. ACCSC looks forward to continuing the dialogue with NACIQI to ensure that accreditation continues to fulfill its role as a gatekeeper of the Title IV federal student financial aid programs and to strengthen educational quality for all students. Please note that additional background information is being provided to NACIQI in **Appendix A** of this letter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michale S. McComis". The signature is fluid and cursive, with a long horizontal stroke at the end.

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ACCSC



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Appendix A: Background Information

Given that ACCSC has been continuously recognized by the U.S. Department of Education as a reliable authority on quality education since 1967, it goes without saying that our Commission is committed to the important role that accreditation plays in advancing quality education for students and in fulfilling its role as a gatekeeper to help ensure the continued integrity of the Title IV federal student financial aid programs. Over the past few years, ACCSC has been afforded multiple opportunities to share its perspective as a recognized accrediting agency, not only with NACIQI, but through testimony provided to various Congressional committees. Suffice to say, ACCSC shares NACIQI's focus on accountability and stated belief that accreditors accept the responsibility of demonstrating adequate rigor in accountability to assure that all accredited institutions meet reasonable standards of educational performance. For the betterment of higher education in the United States, ACCSC believes that accreditors must be willing and able to adapt and change, and must be willing to examine and embrace innovative approaches to quality assessment.

Accreditation as we know it today has been subject to increased scrutiny and criticism by a variety of organizations and policy makers who have valid questions about whether or not accreditors are fulfilling their promise. ACCSC recognizes that the expectations of accreditors by the federal government are changing, such that accreditors are subject to far greater federal oversight than at any time in the past. ACCSC also recognizes that both Congress and the administration have a vested interest in ensuring that the strength of any accrediting agency is at an appropriate level before that agency may be recognized as a gatekeeper to Title IV funds. As such, it is ACCSC's hope that changes to the Higher Education Act will be responsible and appropriate and will not interject undue federal intrusion into the academic processes of higher education.

Since NACIQI issued its *Higher Education Accreditation Reauthorization Policy Recommendations* in 2012, there have been many examples of how accreditors such as ACCSC have embraced that challenge of demonstrating that accreditation is both reliable and dependable without a federal mandate, including:

- Many recognized accreditors, including ACCSC, have adopted transparency initiatives in order to provide information that focuses on explaining accreditation in a manner that enhances the public's understanding of what accreditation means and which promotes the sharing of information amongst regulatory partners;
- In order to address potential confusion among students and the general public regarding accreditation actions, all recognized regional accrediting bodies have adopted of a common framework and understanding of terms for key actions regarding accredited institutions which has set a pathway for other accreditors to emulate. ACCSC has proposed a revision to its accreditation action definitions to align with the language adopted by regional accrediting commissions in the hopes of ensuring a better understanding of accreditation and hopes that other recognized institutional agencies consider similar revisions.
- To bolster confidence in accreditation, and reinforce ACCSC's long standing requirement that institutions maintain "verifiable records of initial employment," ACCSC adopted a new policy requiring institutions seeking accreditation to engage an independent third-party auditor to verify the most recently reported graduate employment data.

Through these types of actions, the community of recognized accreditors are demonstrating that as an enterprise, accreditation is working earnestly toward moving the discussion from skepticism to confidence without increased federal involvement. In order to maintain the integrity of accreditation, accreditors, as the most experienced source of information on academic quality, must be given ample trust to establish and enforce the standards and practices that best align with the institutions they serve. Although accreditation has room for enhancement and improvement, ACCSC sincerely believes that accreditation can be strengthened while retaining the positive qualities and the expertise that peer-review captures without federally mandated intervention into accreditation affairs.

It is ACCSC's hope that any judgment regarding the effectiveness of accreditation not lose sight of the fact that the oversight of higher education, as set forth in current law and regulation, is a shared responsibility. Each member of the regulatory triad – state government, accreditor, and federal government – has an essential role to play in the oversight of institutions. In this regard, Congress and the administration should consider several of the recommendations made by NACIQI in its 2012 Report, including the need to clarify and to articulate common understandings about the responsibilities of each member of the triad, and foster increased communication among triad actors to achieve greater commonality across the quality assurance/eligibility enterprise. By continuing to work together in partnership with the various organizations within the regulatory triad, ACCSC believes we can strengthen the existing oversight system while retaining the positive qualities of accreditation and the expertise and nuance that peer-review represents and delivers.

Moreover, for the sake of higher education's advancement, the higher education community – including accrediting agencies – must be allowed to adapt and innovate in order to accommodate the diversity of students, student preferences, and learning styles. This supports reasons why there is not, and should not be, a one-size-fits-all system of accreditation. As higher education takes a more diverse shape, accrediting agencies and the peer review process should foster avenues for institutions to develop and deploy innovative approaches that both increase access to higher education and fundamentally change the manner in which education is delivered.

Ensuring the quality and integrity of these programs without undue regulatory burden must also remain a paramount concern. The federal definition of a credit hour, however, is an example of undue regulatory burden and intrusion into the academic process by the federal government that stunts innovation. In my experience, competency models of student assessment are superior to “seat-time” models of student fulfillment. But, by creating the federal definition of a credit hour, the U.S. Department of Education federalized a basic academic concept and developed a complex and confusing system that unintentionally serves as a barrier to innovation in educational delivery models such as a movement to competency assessment. Although the Department's position on “direct assessment” is a step in the right direction, it coexists in federal regulation with the federal definition of a credit hour, which causes uncertainty on how to move forward with more innovative models.
