

National Advisory Committee on Institutional Quality and Integrity

2014-15 Accreditation Policy Recommendations Initiative

3RD PARTY COMMENTS

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From: Adelman, Cliff <cadelman@ihp.org>
Sent: Tuesday, February 03, 2015 1:33 PM
To: Third Party Comments
Subject: Written Comments Policy Recommendations 2014

I have two suggestions for strengthening NACIQI's policy recommendations:

On #4, rewrite as follows: ". . .focusing on student learning through concrete, specific outcome statements without relying on proxies such as credits earned, grade point averages or completion of segments of the required curriculum."

On #12, rewrite as follows: ". . .key metrics of access, cost, and student completion of credentials."

Clifford Adelman
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February 23, 2015

Carol Griffiths, Executive Director
National Advisory Committee on Institutional Quality and Integrity
U.S. Department of Education, Office of Postsecondary Education
1990 K Street NW., Room 8060
Washington, DC 20006
ThirdPartyComments@ed.gov

Ms. Griffiths:

The Association of Specialized and Professional Accreditors (ASPA) is pleased to respond to the National Advisory Committee on Institutional Quality and Integrity request for thoughts and concerns on its report: **Recommendations to inform accreditation and recognition policy and practice, Draft January 2, 2015.**

ASPA provides a collaborative forum and a collective voice for accreditors engaged in quality assurance of specialized and professional (or programmatic) higher education programs, schools and in some cases single purpose institutions. We are the largest association of accreditors with 60 members, 30 of which are recognized by the U.S. Secretary of Education. We offer the following comments in the shared spirit (line 23 of the report) of enhancing our higher education system for all students.

(lines 29-38) There is a wide variance in terminology, processes, and timelines across accrediting agencies. We agree that confusion may result if information about these items is not available to the public. As accreditors provide this information on their websites, we question the “lack of transparency” label, and wonder how uniformity relates to transparency. Calling for conformance across accreditors’ processes is counter to the call for differentiated processes that address the uniqueness of institutional missions (lines 44, 45). In the programmatic world, such conformance may be difficult to achieve, since it is the professions that contribute to the development of accreditation standards and processes – and each profession is unique.

A certain level of conformance already does exist, as statutes and regulations govern the actions of recognized accreditors. If there is to be true respect for the uniqueness of programs and institutions, then regulations should allow for different processes that are explained in plain language and easily accessible for public review. In a similar vein, reports and other documents that are supported by technology will not necessarily be more transparent or accessible to the public, nor are they likely to be more uniform. And, technology may be cost prohibitive to both accreditors and to programs.

(lines 39-49) Streamlining regulations, eliminating duplication, and minimizing regulatory burden are concepts that we support. Accreditors agree that the Department historically has imposed increasingly rigid requirements for agencies to demonstrate compliance. A periodic Departmental review of the criteria for recognition would be a welcome development that parallels the reviews that accreditors

themselves undergo. This could be achieved in the same way the accreditors do it – by soliciting input from stakeholders and making relevant changes. We also support a greater emphasis on student achievement and student outcomes in the recognition process. The identification of indicators should rest with the accreditor, the programs and the profession; as each profession is unique, those indicators will vary. One would not expect student outcomes for psychologists to be the same as those for engineers.

(lines 50-55) We agree that NACIQI reviews and staff analysis should focus on the role of accrediting agencies in ensuring the health, well-being and quality of institutions and programs rather than on technical compliance. There are too many variables related to affordability, however, that are outside the control of the accreditor. The accreditor must maintain educational quality as its primary focus.

(lines 57-61) While the focus on student learning and student outcomes is appropriate, NACIQI should not be the entity that identifies essential core elements and areas of the recognition review process that accreditors are required to take into account for recognition purposes, nor should NACIQI decide which areas to exclude. Institutions, programs and accreditors should make those determinations. As well, NACIQI should not direct what indicators are employed and what areas accreditation standards can or cannot address. Those decisions must rest with the accreditor, the programs and the profession. In programmatic accreditation, experts in the field are best equipped to develop standards that are valid for that profession – not an external body. A single set of indicators will not serve the diverse education system, nor will indicators of adverse actions taken by an accreditor indicate quality. For example, evidence of quality would be how the accreditor supports and assists programs in developing systems that assure their graduates have the competencies determined by the profession as essential to protect the public interest and safety.

(lines 63-65) We agree that accreditors should have options in tailoring how they accredit programs and institutions. Developing different processes should not become a requirement. Decisions about acceptable processes are made by the accreditor in consultation with the profession, with recognition of the responsibility to protect the public interest. We caution though, that as the number of methods grows, so does the opportunity for public confusion to increase.

(lines 67-73) For the concept of a differentiated recognition review process, we question how it will be determined that one accreditor is more at risk than another. We agree that accreditors should be allowed different time frames to achieve compliance for recognition; similarly, accreditors should be permitted to allow programs different amounts of time to achieve compliance. We are not sure how different gradations of approval of accrediting agencies could be implemented, and how that would affect benefits to programs that depend on accreditation from a recognized accreditor.

(lines 74-79) Specific information about accreditation status and terms, schedules for reviews, and adverse actions should be publicly available. Public disclosure of various accreditation reports and documents may create an inaccurate impression of the quality of an institution or program. Accreditors provide different information in each type of document as well as varying levels of specificity. For

example, some accreditors make suggestions for improvement in an accreditation decision letter, while others include only areas of non-compliance. Some accreditors require extensive narrative description in site visit team reports while others rely more heavily on binary assessments of compliance. A requirement for specific types of information to be publicly available makes sense. Requiring specific documents by name does not. This variability is essential to the quality improvement aspect of accreditation, which specialized and professional accreditors take very seriously.

(lines 86-93) Programmatic accreditors operate within a sector at the national level for a particular profession or field of study. Programmatic and institutional accreditors serve different purposes. The essential role of the specialized or professional accreditor is to ensure protection of the public and quality of educational programs. Regulation should distinguish the separate roles of institutional and programmatic accreditation. There should be recognition of the reliance on institutional accreditors to make decisions regarding the overall stability and resources of an institution – and reliance on specialized and professional accreditors to ensure that educational programs provide the public with qualified and competent practitioners. Institutional accreditors should not be called upon to meet requirements that apply at the level of the program or to make quality judgments about individual programs.

(lines 93-110) A risk based approach to accreditation should be left to the judgment of accreditors. It is unclear how a range of accreditation statuses would or should allow for differential access to funding, or why students would be attracted to an institution whose accreditation status provides access to partial funds. All these choices would undoubtedly add to public confusion.

(lines 112-143) We look to NACIQI to focus on the review of agencies against established requirements for recognition with the goal of maintaining or improving the quality of education provided by programs. We do not see that role to include making final recognition decisions or setting policy. We suggest that NACIQI adopt some of the good practices demonstrated by accreditors. For instance, accreditation decision-making bodies include individuals who represent the institutions or programs that are accredited. Although some NACIQI members may have experience with accreditation, there are no accreditors sitting on a body that makes recognition recommendations (and is considering a decision-making role) about accreditors. Accreditors' appeals panels must not include current members of the decision-making body that decided the initial adverse action. We wonder how well an accreditor (and the integrity of the recognition process) would be served when making an appeal to the same NACIQI that made the original recommendation or decision on recognition – and more troubling – without input from Department staff.

We appreciate the opportunity to provide comment. Please contact us for any additional information or clarification.

Sincerely,

Joseph Vibert
Executive Director

From: Tom Tanner [<mailto:tanner@ats.edu>]
Sent: Friday, February 20, 2015 10:20 AM
To: Third Party Comments
Cc: Daniel O. Aleshire
Subject: Written Comments: Policy Recommendations 2014

On behalf of the staff of the Commission on Accrediting of the Association of Theological Schools, I offer these comments on the "NACIQI Draft Policy Recommendations Report (1-2-2015)." We reviewed the report and found it to offer some very helpful suggestions for improving quality in higher education. We affirm most all of NACIQI's recommendations, but especially the third and fourth recommendations. The third recommendation would help refocus the energies of accrediting agencies from technical compliance concerns to a more productive emphasis on educational quality and institutional well-being. The fourth recommendation would give accrediting agencies some flexibility in dealing with a range of institutions, from high-risk to low-risk, rather than using a one-size-fits-all approach.

We are concerned, however, about the eighth recommendation that would make accreditation reports about institutions available to the public. We agree that transparency and public accountability are important goals. At the same time, we are concerned that making peer-review reports public will have the opposite effect. In this litigious environment, peers may be less inclined to be candid, for fear of libel lawsuits, thereby compromising the importance of critical review that lies at the heart of accreditation evaluation. We concur with NACIQI's own comments on this recommendation that "further discussion is needed" about this issue in order to find ways to encourage transparency and public accountability while also protecting the kind of honest discourse in peer-review reports that public disclosure may discourage.

Thank you for your work on behalf of higher education and the American public.

Tom

Tom Tanner, MDiv, PhD | Director, Accreditation and Institutional Evaluation
The Association of Theological Schools | **The Commission on Accrediting**
10 Summit Park Drive | Pittsburgh, PA 15275-1110 | 412-788-6505, ext. 229 | tanner@ats.edu | www.ats.edu



February 26, 2015

Carol Griffiths, Executive Director
National Advisory Committee on Institutional Quality and Integrity
U.S. Department of Education, Office of Postsecondary Education
1990 K Street NW., Room 8060
Washington, DC 20006
ThirdPartyComments@ed.gov

Dear Ms. Griffiths:

The Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) is pleased to respond to the National Advisory Committee on Institutional Quality and Integrity request for thoughts and concerns on its report: *Recommendations to inform accreditation and recognition policy and practice, Draft January 2, 2015*.

The CAA is a specialized or programmatic accrediting agency that has been recognized by the US Secretary of Education continuously since 1967. The CAA's scope of recognition is: The accreditation and preaccreditation (Accreditation Candidate) throughout the United States of education programs in audiology and speech-language pathology leading to the first professional or clinical degree at the master's or doctoral level, and the accreditation of these programs offered via distance education.

We offer the following comments in the shared spirit of enhancing our higher education system for all students, as referenced on line 23 of the report.

Lines 29 – 38. There is a wide variance in terminology, processes, and timelines across accrediting agencies. We agree that confusion may result if information about these items is not available to the public. As accreditors already provide this information on their web sites, we question the "lack of transparency" label, and believe that transparency and uniformity do not necessarily go hand in hand.

Calling for conformance across accreditors' processes is counter to the call for differentiated processes that address the uniqueness of institutional missions (lines 44, 45). In the programmatic world, such conformance may be difficult to achieve, since it is the related professions that contribute to the development of accreditation standards and processes – and each profession is unique.

A certain level of conformance already does exist, as statutes and regulations govern the actions of recognized accreditors. If there is to be true respect for the uniqueness and individual missions of programs and institutions, then regulations should allow for different processes that are explained in plain language and easily accessible for public review. In a similar vein, reports and other documents that are supported by technology (lines 76-79) will not necessarily be more

transparent or accessible to the public, nor are they likely to be more uniform. Further, additional technology may be cost prohibitive to both accreditors and to programs.

Lines 39 – 49. Streamlining regulations, eliminating duplication, and minimizing regulatory burden are concepts that we strongly support. Accreditors agree that the Department historically has imposed increasingly rigid requirements for agencies to demonstrate compliance. A periodic Departmental review of the criteria for recognition would be a welcome development that parallels the reviews that accreditors themselves undergo, as required by their recognition. This could be achieved with the same process that the accreditors use – by soliciting input from all key stakeholders and making relevant changes either in the standards or interpretation of those standards. We also support a greater emphasis on student achievement and student outcomes in the recognition process. However, the identification of specific indicators should rest with the accreditor, the programs, and the profession, which will vary as each profession is unique. For example, one would not expect student outcomes for psychologists to be the same as those for engineers.

Lines 50-55. We agree that NACIQI reviews and staff analyses should focus on the role of accrediting agencies in ensuring the health, well-being, and quality of institutions and programs, rather than on technical compliance. However, there are too many variables related to affordability that are outside the control of the accreditor. The accreditor must maintain educational quality as its primary focus.

Lines 57-61. While the focus on student learning and student outcomes is appropriate, NACIQI should not be the entity that identifies essential core elements and areas of the recognition review process that accreditors are required to take into account for recognition purposes, nor should NACIQI decide which areas to exclude. Institutions, programs and accreditors should make those determinations. As well, NACIQI should not direct what indicators are employed and what areas accreditation standards can or cannot address. Those decisions must rest with the accreditor, the programs, and the profession. In programmatic accreditation, experts in the field are best equipped to develop standards that are valid for that profession – not an external body. A single set of indicators will not serve the diverse education system, nor will prescribed indicators of adverse actions taken by an accreditor necessarily indicate quality. For example, evidence of quality would be how the accreditor supports and assists programs in developing systems that assure their graduates have the competencies determined by the profession as essential to protect the public interest and safety.

Lines 63-65. We agree that accreditors should have options in tailoring how they accredit programs and institutions. Developing different tiers of accreditation or different processes for different types of programs should not be mandated. Decisions about acceptable processes are made by the accreditor in consultation with the profession, with recognition of the responsibility to protect the public interest. We caution though, that as the number of methods grows, so does the opportunity for public confusion increase.

Lines 67-73. Regarding the concept of a differentiated recognition review process, we question how it will be determined that one accreditor is more at risk than another. We agree that accreditors should be allowed different time frames to achieve compliance for recognition; similarly, accreditors should be permitted to allow programs different amounts of time to achieve compliance. It is unclear how different gradations of approval of accrediting agencies could be implemented, and how that would affect direct benefits to programs that depend on accreditation from a recognized accreditor.

Lines 74-79. Specific information about accreditation status and terms, schedules for reviews, and adverse actions should be publicly available. However, public disclosure of specific accreditation reports and documents may create an inaccurate impression of the quality of an institution or program. Accreditors provide different information in each type of document as well as varying levels of specificity. For example, some accreditors make suggestions for improvement in an accreditation decision letter, while others include only areas of non-compliance. Some accreditors require extensive narrative description in site visit team reports, while others rely more heavily on binary assessments of compliance. A requirement for specific types or categories of information to be publicly available makes sense. Requiring specific documents by name does not. This variability is essential to the quality improvement aspect of accreditation, which specialized and professional accreditors take very seriously.

Lines 86-93. Specialized or programmatic accreditors operate within a sector at the national level for a particular profession or field of study. Programmatic and institutional accreditors serve very different purposes. The essential role of the specialized or professional accreditor is to ensure protection of the public and quality of education programs. Regulation should distinguish clearly the separate roles of institutional and programmatic accreditation. There should be recognition of many specialized accreditors' reliance on institutional accreditors to make decisions regarding the overall stability, resources, and administration of an institution – and institutional accreditors' reliance on specialized and professional accreditors to ensure that education programs provide the public with qualified and competent practitioners. Institutional accreditors should not be called upon to meet requirements that apply at the level of the program or to make quality judgments about individual programs.

Lines 112-143. We do look to NACIQI to focus on the review of agencies against established criteria for recognition with the goal of maintaining or improving the quality of education provided by programs. We do not see that role to include making final recognition decisions or setting policy. We suggest that NACIQI adopt some of the good practices demonstrated by accreditors. For instance, accreditation decision making bodies include individuals who represent the institutions or programs that are accredited. Although some NACIQI members may have experience with accreditation, there are no accreditors sitting on a body that makes recognition recommendations (and is considering a decision-making role) about accreditors. In addition, accreditors' appeals panels must not include current members of the decision-making body that decided the initial adverse action. In the same vein, we question the integrity and due process of the recognition process and how well an accreditor would be served when making an appeal to the same NACIQI that made the original recommendation or decision on recognition – and more troubling – without input from Department staff.

We appreciate the opportunity to provide comment. Please contact us for any additional information or clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue T. Hale". The signature is fluid and cursive, written in a professional style.

Sue. T. Hale, Chair
Council on Academic Accreditation in Audiology and Speech-Language Pathology

February 27, 2015

National Advisory Committee on Institutional Quality and Integrity
c/o Carol Griffith, Executive Director
Office of Postsecondary Education
U.S. Department of Education
1990 K Street NW, Room 8073
Washington, DC 20006

Dear Madam Chairwoman:

Thank you for the invitation to provide comments on the National Advisory Committee on Institutional Quality and Integrity (NACIQI's) policy recommendations. I appreciate the opportunity to continue to participate in the dialogue with the NACIQI as you consider recommendations for changes to the Higher Education Act.

I commend the members of NACIQI for your willingness to collaborate with the community and your thoughtful approach to wrestling with a very important and very complex issue. As a higher education technology services provider that offers on-line degrees and programs to students across the country, Bridgepoint Education is in a unique position to provide a national perspective on public policy issues facing the U.S.

Toward simplifying and enhancing nuance in the accreditation and recognition process

In terms of the use of measures as the basis for quality assurance, having federal and state agencies and accrediting bodies establishing different measures does not result in transparency or better consumer information especially for non-traditional students. As many students compare and enroll in programs at institutions serving national markets, especially programs offered through distance education, differing data requirements and measures with varying levels of data quality on a limited set of institutions can create more confusion and can actually mislead not inform consumers.

While much progress has been made to define quality in higher education, much work remains including greater balance between existing and more outcome-focused criteria. We suggest that NACIQI focus its recommendation #4 on the need to act as a convener to help define roles and responsibilities of each member of the "Triad" and clarify the data required by each member in order to assure quality of higher education and meet the interests of all key stakeholders – students, institutions, state and federal policy-makers.

We disagree with recommendation #5. The HEA in general is predicated upon having a set of common standards for the review of all agencies, and similarly upon the notion that accreditation agencies should expect that one set of standards should be followed by all institutions they accredit.

The core mission of any accredited college or university must focus on student learning as exemplified within its degree programs of study. We believe that is the appropriate focus for accreditation standards and should constitute their central focus – for all agencies and for all institutions they accredit. We disagree with the notion of expedited review or substantive tiers of institutional accreditation for a fundamental reason. All else being equal, institutions that tend to have highly

selective admissions criteria will also have higher first-year retention rates, higher 6-year graduation rates, and lower student debt default rates. Unfortunately that says nothing about what students are learning.

Recommendation #8 deals with increasing the information and transparency with accreditor decisions and reports. While we support transparency, we recommend the inclusion of two important qualifications needed to sustain other critical values in the accreditation process.

First, only the final report of the review team and the action letter from the agency to the institution should be included; no interim communications or draft reports should be made public. Second, the institution's self-study or other report that it submits to the agency should be held in confidence and not be made part of the public record, since otherwise institutions will quickly become less candid in their accreditation documents, peer reviewers will not have the information they need to make formative and improvement-oriented recommendations, and the system of peer review based on trust and mutual disclosure will falter.

Toward reconsidering the relationship between quality assurance processes and access to Title IV funds

We have concerns with recommendation #11 and do not agree with it as currently worded. The key non-defined terms, "high-quality" and "low risk," without further explicit operational definition, constitute yet another opportunity for pulling apart the current standards that apply to all institutions of higher education.

Toward reconsidering the roles and functions of the NACIQI

The strength of accreditation lies in peer review and the use of academic professionals to make judgments on quality. NACIQI as an integral member of our nation's non-governmental system of quality assurance plays an important role as an advisory body to the Secretary of Education. We are concerned that the recommendations proposed by NACIQI, suggests that the federal government should take a more active role in the focus and design of accreditation and move into areas that are the responsibility of institutions and accreditors, not government. To the extent the recommendations propose an expansion of the authority of NACIQI into policy areas with the USDOE not currently authorized under HEA, we are opposed.

Thank you again for this opportunity to comment on NACIQI's policy recommendations. Please feel free to contact me if you have any questions or would like additional information.

/s/

Vickie L. Schray
Senior Vice President
Regulatory Affairs & Public Policy
Bridgepoint Education

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Comments regarding NACIQI Policy Recommendations

February 26, 2015

A. ... more concise, factual self studies... (lines 33-34)

I respectfully disagree with this statement. The self study is not just a collection of facts “supported by technology,” but a document which reflects the voice of the institution.

A school should be free to describe its policies and procedures, its successes and limitations, and thereby create a roadmap to the site visit itself.

NACIQI should encourage accreditors to use strategies which they deem appropriate for their field, and permit them the latitude to make their own case.

Accreditation is not a pro forma gathering of numbers, facts and charts. It is an intensely human interaction using scholars and experts to ascertain, and improve upon, the quality of the institutions being accredited.

It is NACIQI’s role to recognize the quality of accrediting agencies before it; it is not NACIQI’s role to dictate (however gently) changes in the manner accreditors carry out their responsibilities.

B. Periodic Departmental review of the criteria for recognition (line 42)

I strongly support such a periodic review.

C. Refocus NACIQI reviews (lines 50-55)

As noted above, NACIQI is mandated to judge accrediting agency quality. The goals of “health and well-being” and “affordability”, however desirable, are relevant only insofar as they speak to the quality of education being provided.

D. Make accreditation reports about accreditation available to the public (lines 76-79)

The result of such an initiative would be to compromise the candor with which schools deal with their accreditors and the openness with which they share their deficiencies and limitations. They would also cause site visitors to write defensively. Accreditation actions will be less complete, less critical, less incisive.

At the very least, a structured experiment to scientific standards should take place before such a recommendation is adopted, to get a clear picture of the possible harmful impact of such a change.

E. Widest Possible Array of Choice (lines 86-89)

Here too, experimentation and real world evidence is necessary before action is taken. Has there been a thought of a possible (and the case of some institutions, likely) race to the bottom?

F. Less burdensome access to Title IV funding for high quality, low risk institutions (lines 96-97)

How does one define (and then determine) the term “high quality, low risk”?

G. Audited data on access, cost and student success

While all three are worthwhile goals, they are not directly relevant to quality. An institution can have low tuition, low standards for admission, and little rigor or challenge, leading to higher graduation rates.

Accreditation addresses quality directly. These metrics often do not relate to quality at all.

H. Differential access to Title IV funds (lines 109-110)

On what basis will “high-quality, low financial risk” institutions be determined?

I. NACIQI as a committee with terminal decision-making authority (lines 124-128)

The deliberations and decisions of NACIQI influence all of Higher Education, and while the current structure has worked effectively, the proposed change might not. For this reason I am opposed to changing the current structure.

J. NACIQI alone to respond to appeals (lines 130-132)

Same objection as above.

K. Meet periodically (lines 138-143)

An excellent idea, but expand it to include accreditors and relevant Department staff. The accreditation community is relatively small and while there is opportunity to exchange ideas at CHEA meetings, there should be a format or forum wherein NACIQI members and the community interact informally.



ASSOCIATION OF AMERICAN UNIVERSITIES

February 26, 2015

Carol Griffiths
Executive Director
NACIQI
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Director Griffiths:

The Association of American Universities (AAU), an organization of 60 leading public and private research universities in the United States, appreciates the opportunity to provide comments on the draft January 2015 NACIQI report that makes policy recommendations on accreditation reform in the context of the reauthorization of the Higher Education Act (HEA). AAU has been actively involved in NACIQI deliberations since 2011. We have provided four sets of written comments¹ and oral testimony on ideas for accreditation reform. AAU believes that the accreditation process performs an integral and critical role in U.S. higher education. Though it is not perfect, accreditation can be a valuable process by which the quality of higher education is, and should continue to be, evaluated. With this letter, we reaffirm our continued support for a non-federal process for determining quality, one that allows for flexibility, cost-efficiency, and informed academic judgment.

Our comments focus on select recommendations in the draft NACIQI report.

Recommendation 4 - to direct NACIQI to identify the essential core elements and areas of the recognition review process, focusing on student learning and student outcomes.

We support a system in which all institutions, working with their institutional accreditors, are expected to provide evidence of student success. The demonstration of quality is a fundamental responsibility, but the kinds of quality and the methods used to measure it will differ depending on the mission of the institution. While all institutions should be expected to provide evidence of success, we do not support the Department or accreditors mandating specified quantitative general assessment measures as part any focus on “student learning and student outcomes.”

AAU helped to lead an effort of the six presidential higher education associations and seven regional accreditors in July 2013 that culminated in a consensus statement *[Principles for Effective Assessment of Student Achievement](#)*. These principles state that while the exact criteria for assessing student achievement and the methods for

¹ [Comments submitted May 22, 2014](#); [Comments submitted March 26, 2012](#); [Comments submitted November 28, 2011](#); [Additional comments presented June 9, 2011](#); [Comments Submitted January 31, 2011](#).

Boston University
Brandeis University
Brown University
California Institute of Technology
Carnegie Mellon University
Case Western Reserve University
Columbia University
Cornell University
Duke University
Emory University
Georgia Institute of Technology
Harvard University
Indiana University
Iowa State University
The Johns Hopkins University
Massachusetts Institute of Technology
McGill University
Michigan State University
New York University
Northwestern University
The Ohio State University
The Pennsylvania State University
Princeton University
Purdue University
Rice University
Rutgers, The State University
of New Jersey
Stanford University
Stony Brook University –
State University of New York
Texas A&M University
Tulane University
University at Buffalo –
State University of New York
The University of Arizona
University of California, Berkeley
University of California, Davis
University of California, Irvine
University of California, Los Angeles
University of California, San Diego
University of California, Santa
Barbara
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Champaign
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University of Maryland, College Park
University of Michigan
University of Minnesota, Twin Cities
University of Missouri, Columbia
The University of North Carolina at
Chapel Hill
University of Oregon
University of Pennsylvania
University of Pittsburgh
University of Rochester
University of Southern California
The University of Texas at Austin
University of Toronto
University of Virginia
University of Washington
University of Wisconsin - Madison
Vanderbilt University
Washington University in St. Louis
Yale University

measuring them will differ, all institutions should be expected to provide evidence of success in three areas:

1. evidence of student learning experience (institutions should be able to describe the kinds of experiences students have inside and outside the classroom),
2. evaluation of student academic performance by measures determined by the institution, and
3. post-graduation outcomes (e.g. completion, job placement, post-graduate study, civic participation, etc.).

Importantly, institutions should be able to determine which instrument it uses to measure progress in these areas. We believe that measures of all kinds work best if they are integrated into the teaching and administration of colleges, closely linked to the curriculum students are learning, and analyzed on a regular basis.

We believe the current statute prohibiting the federal government from regulating on student achievement standards should remain in place as Congress reauthorizes the HEA. We should also clarify that the current provision requiring accreditors to have standards that assess success with respect to student achievement should not be interpreted as a mandate for institutions to adopt specified quantitative general assessment measures.

Recommendation 5 - to grant accrediting agencies greater authority to create different substantive tiers of accreditation and to use different processes for different types of institutions, including expedited processes.

As stated in AAU's HEA reauthorization recommendations of July 2013 – as well as by NACIQI in its report *Higher Education Accreditation Reauthorization Policy Recommendations* and the American Council on Education's report *Assuring Quality in the 21st Century: Self-Regulation in a New Era* – AAU believes strongly that accreditors should develop and implement expedited review procedures for institutions with a record of stability and successful performance. This fits with the emphasis in the bill on risk-based assessment. We strongly support this recommendation.

As outlined in the *Report of the Task Force on Federal Regulation of Higher Education*, issued by a Senate-appointed Task Force chaired by Chancellors William E. Kirwan and Nicholas S. Zeppos, the capacity of accreditors to conduct “differentiated reviews” needs to be clarified. There is disagreement as to whether accreditors currently under the HEA have the legal authority to allow institutions that have records of exceptional quality and performance to undergo a less arduous set of procedures and processes. Clarification of this capacity would enable accreditors to focus on those institutions that need additional assistance, as well as to minimize the burden on high-performing institutions. We believe that NACIQI should urge Congress to ensure that accreditors not only have the explicit authority to conduct differentiated reviews, but are required to conduct them under specified circumstances.

Recommendation 6 - to establish that the recognition review process should differentiate among accrediting agencies based on risk or need with some identified as requiring greater levels of attention.

It is critical that the accreditation system respond differentially to the varying degrees of risk that different institutions present. We strongly support this recommendation. Risk-adjusted scrutiny is a standard and indispensable regulatory practice. For example, when institutions perform biological research, the safety standards appropriate to the different laboratories vary with the kind of research that is conducted there. Both low- and high-risk biological research may be valuable to society. The regulatory variations recognize that safety measures have to be tailored to the kinds of dangers they are likely to represent. A risk-adjusted approach would allow accreditors to focus on institutions that present the greatest potential problems while decreasing burdens and costs for well-performing institutions. Most importantly, such a system would serve the interests of students because the accreditors would be better able to address and ameliorate real risks to educational quality.

Recommendation 8 - to make accreditation reports about institutions available to the public.

We agree with the need for transparency in the accreditation process and, as such, support this recommendation, though with important limitations. Providing the public with appropriate kinds of information can help inform their college decision-making process. To this end, many institutions disclose accreditation self-studies, compliance reports, on-site evaluations, and documents related to adverse accreditation actions. However, some accreditation processes also call for the inspection of confidential data, memoranda and documentation that is inappropriate for public disclosure. Such materials should be excluded from any disclosure requirement. Institutions should also be given latitude in determining whether to publicly share certain documents and data that may be cited in their self-study reports, recognizing that this may be necessary to ensure candor in the review process. If this provision is advanced, we propose that institutions be able to submit a request to the Department of Education for maintaining confidentiality with respect to certain information in a self-study. The Department would then make a determination after considering the sensitivity of the information in the request.

Recommendation 9 - to afford institutions the widest possible array of choice of accreditor for access to Title IV funds.

Regardless of the choice of accreditor, one of most critical components of the accreditation process is the self-study process. It determines the relative effectiveness of the accreditation process. This process relies on a site visit team composed of faculty and administrators from comparable peer institutions. Peer review works best when the standards being applied are appropriate to the sector and the reviews are conducted by individuals who have deep familiarity with the mission and organizational structure of the institution under review.

Recommendation 11 - to establish less burdensome access to Title IV funding for high-quality, low-risk institutions.

While the draft report does not include much detail on this recommendation, AAU supports the recommendation to develop a less burdensome route to Title IV funding

through an expedited recognition process, potentially through a simplified data reporting process.

Recommendation 12 - to require institutions to provide audited data on key metrics of access, cost, and student success.

Providing students and families with clear, accurate, and useful information about higher education institutions is an appropriate federal role, given the significant investment the U.S. government makes in student financial aid. We support this recommendation, but only in the context of streamlining existing consumer disclosure tools. There are at least four federal consumer information tools currently available – College Navigator, the White House College Scorecard, the Financial Aid Shopping Sheet, and the College Affordability and Transparency Center. We welcome a discussion with the Administration on how to merge and simplify these tools to best serve students and families, including an analysis of the additional information consumers want and need, the feasibility of obtaining that information, and the most effective ways to disseminate it.

We look forward to a continuing dialogue with the committee and the Department of Education on the major challenges with the current accreditation system. We hope the Department continues to seek input from the higher education community in working towards potential solutions that provide accountability and transparency to the public while respecting the autonomy and academic integrity of individual institutions.

Sheffield, Cathy

From: David Warren <david@naicu.edu>
Sent: Thursday, February 26, 2015 5:40 PM
To: Third Party Comments
Subject: Written Comments: Policy Recommendations 2014



February 26, 2015

Dr. Susan D. Phillips, Chair
National Advisory Committee on Institutional Quality and Integrity
% Ms. Carol A. Griffiths, Executive Director
NACIQI and NCFMEA
U.S. Department of Education
Washington, D.C. 20006

Dear Dr. Phillips:

On behalf of the National Association of Independent Colleges and Universities (NAICU), I appreciate having the opportunity to comment on the National Advisory Committee on Institutional Quality and Integrity (NACIQI) draft policy recommendations for the Higher Education Act (HEA) reauthorization.

The strength, quality, and diversity of higher education offerings in this country is possible in large part due to accreditation. Relying on private accreditation to assess academic quality permits a wide variety of institutions with varying missions to flourish—offering students the opportunity to obtain an excellent education at the school that best fits their needs. This level of choice is not available in other nations which govern higher education through centralized government ministries.

The NAICU membership epitomizes this diversity; and, as such, we have a major stake in helping assure that our accreditation system remains strong and effective. The work of accreditation relies on countless volunteer hours and the willingness to engage in tough, but fair, peer review. This is work that our members continue to regard as important. In that same vein, we want to commend NACIQI members for the time you have spent and the commitment you have shown to help assure that accredited status remains as something upon which the federal government can rely in making financial support available to students.

Below are comments on several of the recommendations addressed in the broad categories of:

- (1) Simplifying and enhancing nuance in the accreditation and recognition process; and
- (2) Reconsidering the relationship between quality assurance processes and access to Title IV funds.

Simplifying and enhancing nuance in the accreditation and recognition process

Summary: The recommendations in this category outline actions that accreditors should take to achieve greater uniformity in terminology and processes, as well as several steps that the Department should take to alter recognition processes and policies. This section also repeats the NACIQI's 2012 recommendation that institutional accreditation reports be made public.

Comments: Greater uniformity among the terminology used by accreditors would be useful, particularly to the extent that it helps improve public understanding of accreditation functions and actions. We believe the work of the regional accreditors towards this end is a positive development. The need for standardization of accreditations processes is less clear. Processes need not be uniform to produce fair results. Seeking uniformity for its own sake would create confusion at best and--at worst--could lead to federal micromanagement of those processes.

With regard to the Department's recognition processes and policies, we agree with the NACIQI's assessment that many of the current regulations dealing with criteria and recognition procedures are needlessly burdensome and should be streamlined or eliminated. At the same time, we are concerned that some of the recommendations included in this section of the report may work at cross purposes with this goal. For example, recommendation #3 seems to expand the reach of an accreditation review to include consideration of an institution's "affordability."

Recommendation #4 suggests giving the NACIQI the authority to identify the elements and areas to be taken into account for recognition purposes—with a focus on student learning and student outcomes. Currently, these elements and areas are specified in the statute, which also includes an explicit prohibition against the Secretary's establishing student learning outcomes. One concern with this approach is the possibility that the elements identified for recognition purposes might change with little notice as the NACIQI membership or priorities change. A second concern would be that a focus on student learning and student outcomes could shift from one in which the NACIQI reviews the application of standards in these areas to one in which the NACIQI dictates what those standards should include.

It would also be useful if the NACIQI were to provide a more detailed description of some of these proposals. As one example, it is not clear what the "different substantive tiers of accreditation" referenced in recommendation #5 would entail and what purposes such differentiation would serve. Likewise, it would be helpful if the "risk or need" factors referenced in recommendation #6 were specifically identified.

Finally, as noted our comments about the 2012 recommendations, we continue to oppose the publication of accreditation reports. We believe such publication would substantially change the nature of the accreditation process and undermine the frankness and candor that help make it successful. The ultimate test of any new disclosure requirements should be their usefulness to students and parents. We believe it would be more productive to increase public understanding of the accreditation process itself.

Reconsidering the relationship between quality assurance processes and access to Title IV funds

Summary: The recommendations in this section of the document deal with alternative ways in which institutions could meet quality assurance requirements related to Title IV eligibility.

Comments: Recommendation #12 provides: "Before eligibility for Title IV, require institutions to provide audited data on key metrics of success, cost and student success. These metrics would be in a consistent format across institutions, and easy for students and the public to access."

It is not clear whether this recommendation is intended to apply to all institutions or only to those that are "high-quality, low-risk" institutions. In either event, assessment of an institution requires more than an accumulation of metrics, and an array of numbers cannot substitute for the peer-review process underlying accreditation.

Moreover, tying consequences to these metrics will require an assessment of what constitutes good value, high quality, and low risk. In general, this recommendation bears great similarity to the college ratings system put forward by the Administration. As noted in our comments about the ratings proposal, we are supportive of providing students and families with the information they need to make good college choices, but the weighting and assignment of value to that information must remain squarely in the hands of individuals.

Sincerely,

David L. Warren

President

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Comments on NACIQI Policy Recommendations

I am Peter T. Ewell, Vice President of the National Center for Higher Education Management Systems (NCHEMS) and I wish to provide NACIQI with comments on the policy recommendations it has offered in its draft of January 2, 2015. Overall, I commend NACIQI for a set of recommendations that considerably advance the dialogue about improving accreditation and quality assurance in U.S. higher education and that, if enacted, will markedly improve the way quality assurance functions. In what follows, I will simply list my comments keyed to the number of the recommendation in the NACIQI draft document.

1. I agree completely. I have long advocated more common language across accreditors and note with favor that C-RAC is beginning to take steps to address this for the regionals. But it is not nearly enough.
2. Yes. I have also long felt that accrediting organizations are ill equipped to act as federal “inspectors” and that asking them to do so diverts attention and energy from their intended purpose.
3. I agree with the spirit of this recommendation, but feel that it is imprecise as worded. In particular, it needs a definition of “technical compliance.”
4. I agree with the thrust of this recommendation to focus more centrally on student learning (note typo here) and student outcomes. In fact, I think the recommendation could go further. A major criterion for quality in the HEOA is established as “student academic achievement,” but this is only defined by such indirect indicators as state licensing examinations, course completion, and job placement. The HEOA should explicitly mention “student learning” and require accreditors to examine and report it directly.
5. This recommendation seems at odds with #1 above. I am all for appropriate flexibility, but within a requirement that all accreditors look at a minimum set of the same things (most prominently, student learning). Perhaps alternative approaches can be allowed if the burden of proof is placed upon the accreditor to demonstrate convincingly that the proposed alternative is equally sound (conceptually and technically) and better suited to circumstances. I also think there is too much material here. The “tiers of accreditation” idea is advanced elsewhere already (#7) and the substance of “expedited” is addressed by “risk based” approaches (#6).
6. I agree completely. This is also addressed by #11 below, and perhaps the two recommendations could be combined.
7. I don’t see how this is really different from #6, and NACIQI has already demonstrated the efficacy of this approach in the way it reviews accreditors. Use of the Consent Agenda in the December 11, 2014 meeting was an admirable example of focusing scarce committee attention on the agencies in need of greater scrutiny. If it would help to

formalize this, by all means do so, but NACIQI is already acting in a manner consistent with this recommendation.

8. I agree with this and observe that most accreditors are already moving in this direction. The wording after the first sentence is a bit opaque, however. What are the “other critical values in the accreditation process?” I presume one is an atmosphere of trust between the regulator and the regulated, but it isn’t really explicit.
9. Yes. I still believe that there are some reasons for keeping a regional structure and that the major problem with the current scopes of regional accreditors is that they are far too unbalanced with respect to the number of institutions in each region. But inducing more competition among institutional accreditors would be a good thing. For reasons that I elaborated in my paper to NACIQI of last spring, I don’t think sector-based accreditation is practicable.
10. Yes, provided they meet established recognition criteria and are reviewed regularly. The Rubio bill proposes a step in this direction.
11. This is similar to #6 above and could be combined with it. My major reservation is that all institutions, regardless of how successful with respect to graduation and job placement, should be required to pay attention to student learning outcomes per #4 above.
12. I agree completely. The rub is that there is no such dashboard at the moment. Some of the regionals have pretty good data in this regard (WASC Senior Commission, for example) and the President’s proposed ratings system may eventually yield some good ideas. But we are not there yet.
13. Again, I agree with the spirit of this recommendation and have advocated such an approach for many years to avoid the “all or nothing” difficulty of the current system. Again, the Rubio bill provides some examples of how this might be done. One approach might be to cap the percentage of Title IV funds that an institution recognized at a “lower tier” of accreditation could access, or require bonds or matching funds from such institutions to access Title IV.
14. I like the spirit of this recommendation that casts a different and more independent role for NACIQI. Recommendations 15-17 are in the same direction and I agree with all of them. But I don’t think that #14 goes far enough. First, the initial sentence should conclude with the phrase “with an independent budget and staff.” More fundamentally, I think that the governing structure for accreditation should be remade to create a fully independent body responsible for accreditation chartered in much the same way as the Federal Reserve Board or the Federal Trade Commission. I explain this approach on pp.4ff of the paper I prepared for NACIQI last spring. Finally, I agree with the statement on line 133 that NACIQI should contain more members who are outside the various parts of the (higher) education community, and I believe that this should be made a separate recommendation.

I am happy to elaborate upon any of these suggestions further and I thank you for the opportunity to comment. Good luck in your continuing work.

PRINCETON UNIVERSITY COMMENTS REGARDING: “Recommendations to inform accreditation and recognition policy and practice”

Princeton University appreciates the opportunity to submit comments on the January 2, 2015 draft NACIQI policy recommendations on accreditation policy and practices in the context of reauthorization of the Higher Education Act. We are grateful for the Committee’s years of work on these issues and the opportunities it has provided for meaningful dialogue with the university community and others. We are pleased to support the overall approach of the report, while providing specific comments below on several of the recommendations.

Risk-based, expedited review

We strongly endorse the Committee’s recommendations (5, 11 and 12) to allow for an expedited accreditation process for high-quality, low-risk institutions; these recommendations would result in a vastly improved accreditation process.

Adoption of a policy of expedited, risk-based review that requires well-performing institutions to demonstrate that they meet appropriate and agreed-upon standards for effective performance and that they are engaged in continuous improvement would reduce the imposition of unproductive, burdensome and costly requirements on these institutions. It would allow accreditors to focus increased attention on institutions that do not meet the agreed-upon standards. As the Committee recognized in its 2012 report:

Currently, it appears that ... the same level of scrutiny of review is given to accreditors and institutions with longstanding competent performance on quality indicators as is given to those that might be fragile, unstable, low-performing, rapidly expanding or changing or newly-approved.

The risk-adjusted scrutiny called for by NACIQI and others is a standard and, indeed, indispensable regulatory practice. For example, when institutions perform biological research, the safety standards appropriate to any given laboratory depend on the kind of research that is conducted there. The regulatory variations recognize that safety levels have to be tailored to the kinds of dangers or harms that may arise.

Recommendation 11: to establish less burdensome access to Title IV funding for high-quality, low-risk institutions

The clearest route to implementing expedited review is set forth in *Recommendations 11 and 12*, which would allow for an expedited process for access to Title IV funding for high-quality, low-risk institutions, based on audited data on key metrics of cost, access and student success. While more consideration is needed to determine the exact metrics, we endorse the concept of allowing high-performing institutions to provide audited data to obtain expedited approval for access to Title IV funds. As the Committee notes, this would reduce the burden on high-quality, low-financial-risk institutions and allow accreditors to focus on institutions that pose the greatest quality concerns. High-quality, low-financial-risk institutions could focus their efforts on their self-study, which would be based on areas that the institution and agency agree constitute potential for institutional improvement.

Recommendation 5: to grant accrediting agencies greater authority to create different substantive tiers of accreditation and to use different processes for different types of institutions, including expedited review.

The Committee also calls for expedited review for high performing institutions in Recommendation 5, without mentioning the possibility of institutions' submitting audited data.

We believe that the first step would be to identify criteria that can be used to demonstrate that an institution presents a low level of risk with respect to the kinds of harm against which the accreditation process should protect. If students are consistently leaving a college without degrees or jobs or graduate/professional school placements, with high default rates, and with low levels of satisfaction, there is reason to question whether that college is meeting the needs of its students. Conversely, if a college meets these and other criteria set forth in the **attached draft legislative proposal**, it ought to be able to go through an expedited process, and do so at less frequent intervals. To strengthen its recommendation, we propose that the Committee endorse an amendment to the Higher Education Act that would require each accreditor, as part of the certification or recertification process for accreditor status, to demonstrate that it is implementing a system of expedited review.

We want to emphasize that Princeton University is fully committed to the highest standards of quality and to continual improvement. This should go without saying, but our encouragement of expedited review is sometimes misunderstood. The purpose of expedited review is not to allow institutions to escape scrutiny, but to allow them to demonstrate that they meet standards that attest to the effectiveness of their performance in accordance with their missions and resources. We recognize that somewhat different standards may be appropriate to institutions with different missions, which is why we have raised the question of whether a time may come when the accreditation process should be organized by sector rather than by region (a carryover from times when transportation and communication limitations argued strongly for a

regional structure) and we appreciate that the Committee encourages consideration of sector or institution-based accreditation (*Recommendation 9*). At this point, however, we believe the right next step is the adoption of an expedited review process along the lines of the draft proposal.

Student learning

Recommendation 4: to direct NACIQI to identify the essential core elements and areas of the recognition review process, focusing on student learning and student outcomes.

We support a system in which all institutions, working with their institutional accreditors, are expected to provide evidence of student success. Demonstrating quality is a fundamental requirement, but the kinds of quality and the methods used to measure it will differ depending on the mission of the institution.

Princeton President Christopher Eisgruber participated in an effort in July 2013 by the six presidential higher education associations and seven regional accreditors to develop a consensus statement on “Principles for Effective Assessment of Student Achievement” (http://www.learningoutcomeassessment.org/documents/EndorsedAssessmentPrinciples_SUP.pdf). While the exact content of these criteria and the methods for measuring them will differ among institutions, all institutions should be expected to provide assessments of success in three areas: evidence related to the student learning experience (institutions should be able to describe the kinds of experiences students have inside and outside the classroom); evaluation of student academic performance by measures determined by the institution; and post-graduation outcomes (e.g. completion, job placement, post-graduate study, civic participation, etc.).

We want to emphasize the importance of allowing each institution to determine which instrument it uses to measure progress in these areas. We believe that measures of all kinds work best if they are integrated into the teaching and administration of the institution, are closely linked to the curriculum students are learning, and are analyzed on a regular basis.

We believe that the Committee’s *Recommendation 4* is consistent with these principles.

Thank you again for your openness and willingness to work with us on issues relating to accreditation reform.

Proposal for Expedited Review

Section 496 (c) of the Higher Education Act of 1965 is amended as follows:

At the end of paragraph (c) (9) insert the following:

“(c) (10) Demonstrates that it has in place a process for affording institutions an opportunity for expedited review. Notwithstanding any other provision of law, such process shall:

- i. Include standards relating to each of the elements set forth in paragraph (a) (5) of this section that are appropriate for a process of expedited review. With respect to the requirements of paragraph (a) (5) (A), the agency shall base its standards on high performance in each of the following categories: graduation or completion rates; post-graduation outcomes, such as job placement and graduate school/professional school acceptance rates; alumni satisfaction data; and low student default rates. The agency shall utilize the most inclusive graduation rates available, with particular attention to transfer and part time students. The agency’s process shall provide that an institution may meet the requirement for high graduation or completion rates by demonstrating significant progress in completion or graduation rates each year for a period of 10 years.
- ii. Ensure that any institution eligible for expedited review: has been accredited for at least 10 years; has not undergone a change of control, structure or organization within the last five years; has not been under sanction or related agency action within the last five years; does not have a history of extensive monitoring by the agency, including accreditation cycles shortened to seven or fewer years, multiple monitoring reports, and multiple focused visits extending across more than one accrediting cycle; has not been undergoing significant changes in enrollment or student body size or composition, or opening or closing of multiple locations or campuses or taken other actions requiring frequent substantive change approvals since the last comprehensive evaluation; and has not been the subject of significant and demonstrable concerns by the agency relating to circumstances or developments at the institution (e.g. frequent leadership turnover, extensive review by a governmental agency, patterns identified in financial and non-financial indicators).
- iii. Require that an institution prepare an in-depth self-study based on areas that the institution and agency agree constitute areas for institution improvement. Such report shall be reviewed and approved by a peer review panel selected by the agency. No further review shall be part of the process.
- iv. Provide that institutions qualifying for expedited review be reviewed every 15 years, with interim reviews occurring every seven years.”



Accrediting Commission of Career Schools and Colleges

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February 27, 2015

ELECTRONIC DELIVERY

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Susan D. Phillips, Chairperson
National Advisory Committee
on Institutional Quality and Integrity (NACIQI)
c/o Carol Griffiths, Executive Director
1990 K Street NW, Room 8073
Washington, DC 20006

Distinguished Committee Members:

Over the past few years, the Accrediting Commission of Career Schools and Colleges (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. A recurring theme in these comments has been that ACCSC embraces the important role that accreditation plays to help ensure 1) the quality of education provided by its member institutions for students and 2) the continued integrity of the Title IV federal student financial aid program. ACCSC also shares NACIQI's stated belief that recognized accreditors should accept the responsibility of demonstrating adequate rigor in accountability to assure that all accredited institutions meet reasonable standards of educational performance, as well as NACIQI's goal of simplifying the accreditation and recognition process. ACCSC sees significant alignment between the policy recommendations of NACIQI and its own aspirations, and is pleased to continue to offer its thoughts in these regards.

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. What has been known to the accreditation community for some time is that the expectations of accreditors are changing such that accreditors are subject to far greater federal oversight than at any time in the past. The accreditation community is keenly aware 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. However, ensuring the quality and integrity of these programs without undue regulatory burden must be a paramount focus and NACIQI should avoid advocating for regulatory changes that seek to create a one-size-fits-all system of accreditation.

One such example can be seen with NACIQI's goal for accreditors to develop common definitions of accreditation actions and terms. It goes without saying that accreditors fully understand and appreciate that accreditation is a process that has many steps that may yield several different actions, the knowledge of which could be beneficial to its partners in the regulatory triad and the general public. As an example of how the accreditation community embraced this need for a more consistent understanding of accreditation, in 2014, all recognized regional accrediting bodies adopted a common framework and understanding of terms for key actions regarding accredited institutions which set a pathway for other accreditors to follow. ACCSC determined that participating in the common framework would aid in the effort to bring greater clarity across the range of actions taken by accreditors and would present the ACCSC's level of concern regarding a school's compliance with accrediting standards in a more understandable manner. Accordingly, ACCSC adopted revisions to align its language regarding accreditation actions with that adopted by regional accrediting agencies in the hopes of ensuring a better understanding of accreditation. It is ACCSC's understanding that other accrediting bodies are in the process of adopting the common language framework as well. That this occurred without a federal

mandate or the addition of any regulations should be instructive in terms of how the accreditation community can work with the Department of Education to achieve common goals.

Another example of how accreditors have embraced the challenge of demonstrating that accreditation is both reliable and dependable without increased involvement by the federal government is in the area of student achievement assessment. Given the important role that student achievement outcomes play in the overall accreditation assessment process, ACCSC recently adopted a policy requiring institutions seeking accreditation to engage an independent third-party auditor to verify the most recently reported graduate employment data as a means to bolster confidence in accreditation and to reinforce a long standing requirement that institutions maintain “verifiable records of initial employment.” This provides just one example of how an accrediting agency, working with its accredited member institutions, chose to increase the level of scrutiny applied to the reported rates of student achievement as a means to show that the public and the government can rely on the data collected and assessed in the accreditation process.

ACCSC agrees with NACIQI that there is a need to re-focus reviews to direct greater attention to assessing the role of an accrediting agency in ensuring the health, well-being, and the quality of institutions of higher education, rather than on technical compliance with the criteria for recognition. ACCSC already has designations for high-performing institutions and would be open to ideas around expedited processes for schools that are consistently performing at high levels.

The accreditation community has also embraced NACIQI’s call for greater transparency and today, across higher education, members of the public are able to access more information about accreditation and the performance of accredited institutions. As it relates to over 700 institutions accredited by ACCSC, the Commission recently launched a multi-phase transparency initiative that will include:

- Publicly disclosing grants of initial and renewal of accreditation, substantive change approval, warning orders, deferrals, probation, and adverse actions on its website and publishing a fact sheet to include an explanation describing what each Commission action means;
- Publishing a copy of the school action letter for initial and renewal grants of accreditation as well as for probation actions and adverse actions;
- Disclosing graduation rates and employment rates as reported to ACCSC in a school’s Annual Report via the searchable directory on the Commission’s website; and
- Requiring schools to disclose both the graduation rates and employment rates, by program, for all programs offered at the school as reported to ACCSC.

ACCSC believes that this level of transparency to the public is appropriate and cautions NACIQI from recommending requirements beyond this scope. To require disclosure of evaluation team report or institutional self-evaluation reports could serve to stifle expression and the goal of self-improvement that are fundamental pillars in the accreditation process. In today’s “Twitterverse,” honest assessments made by an institution in the self-evaluation process could be twisted in something far more negative and cause institutions not to share honestly with its accrediting agency about its assessment and improvement process.

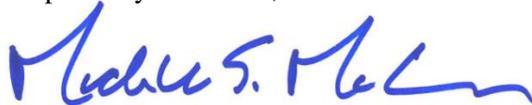
In order to provide an assurance of a quality education, accreditation must focus on accountability and accreditors must accept the responsibility of demonstrating adequate rigor in accountability to assure that all accredited institutions meet reasonable standards of educational performance. ACCSC does not believe that the reliability and dependability of accreditation can be solely judged by the number of adverse actions it takes. A primary goal of accreditation is to continually work with its accredited schools for the sake improvement, not for the sake of revoking accreditation if a standard is not met. Having said

that, ACCSC also believes that the Secretary should have an expectation that recognized accrediting agencies are holding institutions accountable and that when accrediting standards are not met that appropriate actions are taken, to include revocation of accreditation when warranted. Moreover, it is important for the Secretary to be able take action when an accrediting body is not fulfilling its recognition responsibilities. Accrediting agencies that do not hold institutions accountable only serve to create an unbalanced playing field and create a “race to the bottom.” When the Secretary identifies a weak or underperforming agency, the Secretary must have the tools to either swiftly remediate the agency or revoke the agency’s recognition. Along these same lines, ACCSC believes that NACIQI can also reinforce the critical role of accreditation by helping to ensure that unacceptably weak accrediting entities are not recognized by the Secretary and further, encourages NACIQI to work with the Department to curtail “accreditation shopping” by prohibiting institutions that have been subject to an accreditation sanction (e.g., Warning and Probation Orders) from seeking a new institutional accreditor for some set period of time after the sanction has been lifted (e.g., five years), in order to ensure schools aren’t making changes to avoid an accreditor’s watchful eye.

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. ACCSC, along with other recognized accrediting agencies, continue to demonstrate that the enterprise of accreditation is evolving and improving. ACCSC sincerely believes that accreditation can be strengthened while retaining the positive qualities and the expertise that peer-review captures without undue federally mandated intervention into accreditation affairs. At the same time, the federal government must be able to weed out underperforming accrediting agencies so that only valid and reliable agencies fulfill the Title IV gatekeeping role. Lastly, as higher education takes a more diverse shape, accrediting agencies and the peer review process must continue to 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, and federal oversight should not hamper those opportunities.

Please note that specific policy recommendations are being provided to NACIQI in **Appendix A** of this letter.

Respectfully submitted,



Michale S. McComis, Ed.D.
Executive Director

Appendix A

ACCSC recognizes 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. 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., Warning and Probation Orders) 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 placed on Warning or Probation are prohibited, for federal financial aid purposes, to seek a new institutional accreditor for five (5) years after the Warning or Probation 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.
7. **Hold Accreditors Accountable:** NACIQI may wish to consider recommending that the Secretary's review criteria allow for interim reporting that will allow accrediting agencies the opportunity demonstrate compliance with federal regulations over time after a recognition grant. This makes the recognition process less up or down. At the same time, when an agency has been identified as being out of compliance with multiple regulations (particularly the more important ones such as student outcomes assessment), that agency should be placed under a sanction status (e.g., Probation) and given a limited period to demonstrate compliance or cease to be recognized.

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.

National Accrediting Commission of Career Arts and Sciences Written Comments: Policy Recommendations 2014

Submitted By Tony Mirando MS DC, NACCAS Executive Director
February 28, 2015

Toward simplifying and enhancing nuance in the accreditation and recognition process

1. Ask accreditation agencies (both programmatic and institutional) to develop common definitions of accreditation actions and terms, procedures, timelines, process (i.e. electronic) including due process and substantive change.

NACCAS' Response:

In general, while NACCAS appreciates NACIQI's clear and unambiguous attempt to achieve the stated goal of simplifying the accreditation process, and potentially enhance nuances within the process through the promotion of a homogenous set of definitions, terms, and processes; NACCAS is hesitant to sponsor such a broad and far reaching proposals inclusion in the pending reauthorization of the Higher Education Act of 1965, as amended (HEA).

This is not to say that we do not support exploration of ways in which NACIQI and the accrediting agency community can continue to discuss the benefits of such a proposal. Nor does it suggest that NACCAS does not support specific portions of NACIQI's proposal.

To the contrary, our Commission can most assuredly see how a framework in which, to the degree possible, definitions, terms, and processes are more comparable, uniform, and transparent would achieve many laudable goals in terms of simplification and promote both enhanced internal evaluation and external transparency.

Unfortunately, given the limited period of time which remains before Congress intends to deliberate on changes to the HEA, NACCAS does not believe that the NACIQI and the accrediting agency community are capable of completing the discussion needed to fully discuss and develop a consensus-minded set of recommendations that would be supported by all parties.

Nevertheless, recognizing the potential benefits and interests of where such discussions designed to contemplate these types of standardization might lead, while at the same time providing the flexibility and autonomy for both accreditors and the institutions they oversee to also differentiate, NACCAS recommendation would be for NACIQI to continue the exploration of these concepts outside of the HEA reauthorization process-seeking to provide Congress with additional recommendations in the future.

We believe that any such discussion must begin with a review of Section 496 of the HEA, as amended and the various portions of Part H – Program Integrity, Subpart 2 – Accrediting Agency Recognition which detail the criteria, operating procedures, limitations, and expectations of Congress as it relates to the roles and responsibilities of accrediting agencies such as ours.

In conclusion, NACCAS agrees with NACIQI that processes can and should be migrated to electronic formats. Over the past five years NACCAS has made a concerted effort to begin transitioning all phases of our institutional accrediting process into an electronic format, and the results have been highly effective – providing benefits to both the Commission and our membership in terms of reduced costs, more efficient and timely correspondents, and concise due process.

Thus, we would encourage NACIQI to request Congress’ consideration of this recommendation in the development of any revisions to Section 496 of the HEA.

2. Require periodic Departmental review of the criteria for recognition (regulations).

NACCAS’ Response:

NACCAS supports NACIQI’s proposal recommending periodic Department review of the criteria for recognition (regulations).

We urge the Advisory Committee to strongly consider the recommendations of both the Council for Higher Education Accreditation (CHEA) and the Report of the Task Force on Federal Regulation of Higher Education (Task Force) as it relates to both the evaluation of the recognition process in the context of the pending reauthorization, and, as proposed in future periodic reviews.

In CHEA’s May 2014 to NACIQI’s request for comments on the topic of “What Issues Are Critical to Consider in Advancing Quality Assurance in Higher Education” their response provides tenants that NACCAS believes are equally applicable to this request for recommendations.

In May of 2014 CHEA suggested:

“Recognition review needs to be grounded in some principles that capture a vision of an appropriate role for federal law and regulation in relation to accreditation. The fresh look could be built on two straightforward principles. The first principle would affirm the scope of recognition oversight:

A law or regulation must be directly related to holding accreditors accountable for educational quality.

The second principle would address ‘What counts as directly related?’ and would describe the expected role of accreditation. Accreditation’s role is threefold, to:

- Help students to learn
- Improve institutional or program academic performance
- Promote quality innovation

If law and regulation do not support or enhance accreditation's role, they need to be changed or eliminated.”

Even more recently, the first two of three recommendations regarding “Institutional Accreditation” made by the Task Force on Federal Regulation of Higher Education’s in their February 2015 to Congress recommended that the Department, and ostensibly NACIQI, revisit the focus of the evaluation of accreditation. The Task Force recommended:

“First, Congress and the Department should use accreditation primarily to hold institutions accountable for educational quality, student learning, and institutional innovation, the fundamental purposes of accreditation. Clear boundaries between appropriate and inappropriate tasks for accreditors should be re-established. For example, accreditors should not be tasked with things such as reviewing institutional compliance with fire codes and Title IV regulations.

Second, Congress and the Department should restore proper boundaries for the oversight of institutional accrediting agencies through the recognition process. Over the years, the terms of recognition by the federal government have become increasingly specific and compliance-oriented. The Department’s current tendency to micromanage institutional and programmatic accreditors is unnecessary and undesirable. The bureaucratic, prescriptive regulations surrounding recognition distract accreditors from the larger goals of accreditation and undermine the ability of institutions to innovate.”

NACCAS supports both of these recommendations and urges NACIQI to incorporate them into any subsequent set of HEA proposals submitted to Congress.

3. Re-focus NACIQI reviews to direct greater attention to assessing the role of an accrediting agency in ensuring the health and well-being and the quality of institutions of higher education and their affordability, rather than on technical compliance with the criteria of recognition. These reviews should be supported by staff analysis that focuses on the effectiveness of the accrediting agency in performing its work, rather than technical compliance.

NACCAS’ Response:

NACCAS strongly supports NACIQI’s proposal to re-focus NACIQI reviews to direct greater attention to assessing the role of an accrediting agency in ensuring the health and well-being and

the quality of institutions of higher education ~~and their affordability~~, rather than on technical compliance with the criteria for recognition (emphasis and omission added).

NACCAS is compelled to remind NACIQI that these assessments of the “health and well-being” and “quality” are detailed in large part under Section 496(a)(5) of the law. However, nowhere in the statute is “affordability” mentioned or even contemplated as a standard to be used for purposes of accreditation.

In fact, it is not the role or responsibility of any accrediting agency to assess or evaluate the “affordability” of the institutions of higher education which they accredit. In fact, both the law and regulations strictly prohibited any such entity from making such determination, which is why they are not included in the list of standards accrediting agencies are responsible to review under Section 496(a)(5) of the statute.

While NACCAS understands and appreciates the efforts of NACIQI to consider ways in which to support Congress’ efforts to reduce the rising cost of higher education and reduce student debt, we respectfully believe this is not, nor should it be part of the roles and responsibilities of accrediting agencies.

NACCAS therefore requests revisions to the proposal, eliminating any reference to the assessment of institution’s price structure, cost, or affordability. And once again urge NACIQI to remain focused on the recognition and evaluation of accreditors based upon those areas where we are directly accountable by law or regulation as discussed in detail under our prior response to question three.

4. Direct NACIQI to identify the essential core elements and areas of the recognition review process that accrediting agencies are required to take into account for recognition purposes, focusing on student learning and student outcomes. It is expected that NACIQI would identify both the essential areas to include in the recognition process as well as those to exclude.

NACCAS’ Response:

NACCAS strongly supports NACIQI’s recommendation to revise the HEA to enable the Advisory Committee to identify the essential core elements and areas of the recognition review process that accrediting agencies are required to take into account for recognition purposes, with a focus on student learning and student outcomes.

NACCAS’ one reservation in supporting this NACIQI proposal is the degree to which the Advisory Committee and/or some of the accrediting agencies (institutional and programmatic) under its oversight will seek to establish separate and different essential areas to be included in their recognition process, as well as those to be excluded.

As long as NACIQI identifies and establishes both the essential areas to include as core elements and areas to be included and excluded from the recognition review and applies the same criteria to all accrediting agencies we support this proposal.

In the event that, as NACIQI identifies the essential core elements and areas, they begin to in any way differentiate their process, procedures, or determinations in ways that promotes inconsistency or preferential treatment for a specific type of accreditor or the type of institutions they accredit, NACCAS would fundamentally oppose such a proposal.

5. Grant accrediting agencies greater authority to develop standards tailored to institutional mission; to create additional different substantive tiers of accreditation; and to use different processes for different types of institutions, including expedited processes.

NACCAS' Response:

While NACCAS is opposed to the establishment of a differentiated recognition review process proposal by NACIQI under the HEA which follows this proposal, and having expressed our concerns with the potential inequities if this type of latitude and flexibility were not administered fairly and equitably in NACIQI's proposed establishment of core elements and areas of recognition review preceding this proposal, NACCAS supports NACIQI's proposal to recommend that the HEA grant accrediting agencies greater authority to:

- ✓ Develop standards tailored to institutional mission;
- ✓ Create additional different substantive tiers of accreditation; and
- ✓ Use different processes for different types of institutions, including expedited processes.

Furthermore, NACCAS recommends that NACIQI join with the Task Force in seeking additional clarification on the ability and capabilities of accreditors to conduct differentiated reviews. In its final of three recommendations regarding "Institutional Accreditation" the Task Force suggested that Congress and the HEA address this issue. They stated:

"Finally, the capacity of accreditors to conduct "differentiated reviews" needs to be clarified. There is disagreement as to whether accreditors have the legal authority to allow institutions that have records of exceptional quality and performance to undergo a less arduous set of procedures and processes. Clarification of this capacity would enable accreditors to focus on those institutions that need additional assistance and minimize the burden on high-performing institutions. Congress should ensure that accreditors have the explicit authority to conduct differentiated reviews."

NACCAS supports the recommendation of the Task Force, which we believe bolsters NACIQI's request and our recommendation as well.

6. Establish that the recognition review process differentiate among accrediting agencies based on risk or need with some identified as requiring greater levels of attention, and others lesser.

NACCAS' Response:

While our recommendations may seem incongruent, NACCAS vigorously opposes NACIQI's proposal to modify the HEA to enable the Advisory Committee and Department officials to differentiate among accrediting agencies in the recognition review process, at the same time calling upon NACIQI to seek Congressional support for the proposal granting accrediting agencies these capabilities in their oversight of institutions.

In our view there is a fundamental difference between the discretion being proposed for accrediting bodies in the performance of their responsibilities to assess institutional quality and the much broader role of NACIQI to oversee all accrediting agencies roles and responsibilities.

NACCAS believes that proposals such as this will weaken the integrity of the NACIQI evaluation process and will lead to inconsistent administration and application of its own standards and review process.

While not a perfect process, the current NACIQI re-recognition process, as it currently exists, has developed uniform standards, which have been applied equally to all accreditors. We believe that this rigor and equity in both the timelines and processes are necessary in order to maintain the integrity of such an important evaluation process.

7. Establish that recognition recommendations and decisions include different gradations of approval of accrediting agencies and different recommendations as to the amount of time within which an agency is allowed to achieve compliance.

NACCAS' Response:

NACCAS also opposes NACIQI's proposal that recognition recommendations and decisions include different gradations of approval of accrediting agencies and different recommendations as to the amount of time within which an agency is allowed to achieve compliance.

NACCAS believes that proposals such as this will weaken the integrity of the NACIQI evaluation process and will lead to inconsistent administration and application of its own standards and review process.

While not a perfect process, the current NACIQI re-recognition process, as it currently exists, has developed uniform standards, which have been applied equally to all accreditors. We believe that this rigor and equity in both the timelines and processes are necessary in order to maintain the integrity of such an important evaluation process.

8. Make accreditation reports about institutions available to the public. Further discussion is needed about what reports to include, and about how to increase information and transparency while sustaining other critical values in the accreditation process.

NACCAS' Response:

Regrettably, NACCAS recommends that NACIQI table this proposal.

In general, NACCAS supports NACIQI's recommendation that the HEA should promote accrediting agencies publication of final reports on institutions.

And we also agree with NACIQI that discussions regarding the level of detail published, what information the public would find useful and relevant, and what information should be withheld is a key consideration.

Unfortunately, given the limited period of time which remains before Congress intends to deliberate on changes to the HEA, NACCAS does not believe that the NACIQI and the accrediting agency community are capable of completing the discussion needed to fully discuss and develop a consensus-minded set of recommendations that would be supported by all parties in this area.

*Toward reconsidering the relationship between quality assurance and processes
and access to Title IV funds*

9. Afford institutions the widest possible array of choices of accreditor for access to Title IV funds. Encourage place-based accreditation agencies to expand their scope. Provide greater flexibility for institutions to re-align themselves along sector, institution-type, or other appropriate lines.

NACCAS' Response:

NACCAS supports NACIQI's proposal to afford institutions the widest possible array of choices of accreditors for access to Title IV funds.

We believe that the fundamental tenants of accreditation are the voluntary assessment of educational quality assurance in which selection by institutions of the accrediting agency – or agencies in the case of programmatic accreditation – that best meet their mission and goals is of the utmost importance.

Innovation has lead to changes in both the methodology and delivery of education. We, as accrediting agencies, must be adaptive to keep pace with these changes, and need a process that is nimble and flexible to enable accreditors to respond to these changes.

Whether it is giving accreditors the ability to more readily expand their scope in order to meet these demands, giving the institutions the ability to re-align along different defining characteristics, and/or giving NACIQI greater latitude to support these endeavors, NACCAS believes they should be considered – as long as high quality standards and procedures are preserved and maintained.

10. Allow for alternative accrediting organizations.

NACCAS' Response:

As previously noted, NACCAS supports the widest possible array of choices of accreditors for access to Title IV, and therefore would also support the entrance of new, alternative accrediting organization - as long as high quality standards and criteria are preserved and maintained.

11. Establish less burdensome access to Title IV funding for high-quality, low-risk institutions.

NACCAS' Response:

Regrettably NACCAS disagrees with this recommendation; we would recommend that NACIQI table this proposal.

Given the limited period of time which remains before Congress intends to deliberate on changes to the HEA, NACCAS does not believe that the NACIQI and the accrediting agency community are capable of completing the discussion needed to fully discuss and develop a consensus-minded set of recommendations that would be supported by all parties in this area.

12. Before eligibility for Title IV, require institutions to provide audited data on key metrics of access, cost, and student success. These metrics would be in a consistent format across institutions, and easy for students and the public to access.

NACCAS' Response:

In general, NACCAS is not opposed to NACIQI's efforts to enhance educational quality assurance in this manner, **as long as this recommendation were to be a requirement of all accrediting agencies and applied equally, across the board, of all institutions of higher education.**

13. Establish a range of accreditation statuses that provided differential access to Title IV funds.

NACCAS' Response:

Regrettably NACCAS also disagrees with this recommendation; we would recommend that NACIQI table this proposal.

Given the limited period of time which remains before Congress intends to deliberate on changes to the HEA, NACCAS does not believe that the NACIQI and the accrediting agency community are capable of completing the discussion needed to fully discuss and develop a consensus-minded set of recommendations that would be supported by all parties in this area.

Toward reconsidering the roles and functions of the NACIQI

14. Reconstitute the NACIQI as a committee with terminal decision-making authority and a staff. This will establish NACIQI as the final decision-making authority on accrediting agency recognition. In addition, ensure that the staff recommendation is provided to the NACIQI for its consideration and that the NACIQI decision will be the singular final action communicated to the Senior Department official.

NACCASA' Response:

Once again, regrettably NACCAS disagrees with this recommendation; we would recommend that NACIQI table this proposal.

Given the limited period of time which remains before Congress intends to deliberate on changes to the HEA, NACCAS does not believe that the NACIQI and the accrediting agency community

are capable of completing the discussion needed to fully discuss and develop a consensus-minded set of recommendations that would be supported by all parties in this area.

15. Establish that in the event of an accrediting agency’s appeal of the recommendation, NACIQI, sans Department staff, will respond to the accrediting agency’s appeal submittal to the Department.

NACCAS’ Response:

While NACCAS as a rule supports open lines of communication and the opportunity for sharing of information, ideas, and proposals in the discussions of program quality and integrity, we are opposed to NACIQI’s recommendation that mutual briefings and discussions, especially on policy issues such as “gainful employment” and other Administration policy recommendations, be pursued.

This proposal crystallizes the fundamental concern and complaint of all accrediting agencies, which is that our primary and essential function has morphed from being the entity responsible for quality assurance to being a quasi-federal government enforcement agency whose primary responsibility is to enforce institutional compliance with student financial aid regulations.)

16. Establish that the NACIQI and the Education Secretary and other Department officials meet periodically for mutual briefings and discussions, including policy issues such as “gainful employment” and resulting in policy recommendations.

NACCAS’ Response:

While NACCAS as a rule supports open lines of communication and the opportunity for sharing of information, ideas, and proposals in the discussions of program quality and integrity, we cannot put into words how emphatic our opposition is to NACIQI’s recommendation that mutual briefings and discussions, especially on policy issues such as “gainful employment” and other Administration policy recommendations, be pursued.

This proposal crystallizes the fundamental concern and complaint of all accrediting agencies, which is that our primary and essential function has morphed from being the entity responsible for quality assurance to being a quasi-federal government enforcement agency whose primary responsibility is to enforce institutional compliance with student financial aid regulations.

While NACCAS

- Remains open and willing to discuss ways in which to improve upon the roles and responsibilities of accreditation;
- Recognize that the boundaries between what we believe our fundamental responsibilities to be – accountability for educational quality, student learning, and institutional innovation – and the multitude of regulatory compliance issues we are required to fulfill significantly blurred; and
- Would like nothing better than to return those boundaries to the limited scope of the additional responsibilities outlined under Section 496 of the HEA,

We are adamant that there are roles that accreditors should not, must not, be forced or required to play.

It is our assertion that the formulation of these briefings, discussions, and policy recommendations could lead to bias in the interpretation of existing boundaries, the establishment of new accreditations responsibilities - we would argue are well outside of the role of accreditation as stated in the statute, and the further eroding of the system itself and NACIQI's leadership in helping to protect and improve upon the process as detailed in so many other proposals.

17. Establish that the NACIQI, itself, timely disseminates its reports to the Department and to the appropriate Congressional committees.

NACCAS' Response:

As previously noted in NACCAS' response to other proposed revisions to the HEA, we support the timely dissemination and disclosure of information, and thus, support NACIQI's proposal to require timely dissemination of its reports to the Department and appropriate Congressional committees.

1031 Marigold Ave.
East Lansing, MI 48823-5128

February 27, 2015

National Advisory Committee on Institutional Quality and
Integrity

c/o Carol Griffiths, Executive Director,
NACIQI, U.S. Department of Education
1990 K Street NW., Room 8072,
Washington, DC 20006-8129

Dear Members of the NACIQI Committee:

I am providing written comments concerning the NACIQI's draft recommendations to inform accreditation and recognition policy and practice dated January 2nd, 2015. I am the Chief Executive Officer of the American Board of Industrial Hygiene, the organizations that credentials the professionals who protect the health and safety of people at work and in their communities against chemical, physical, biological and ergonomic agents and stressors. Prior to becoming the CEO of this organization, I was an executive staff member in two academic accreditation agencies in health professions for a total of 15 years. Both agencies were recognized by the USDE, and one was a Title-IV gatekeeper. Please note that my comments are my own, and do not reflect the opinion of my present or past employers, or the accreditation community as a whole.

- 1. Ask accreditation agencies (both programmatic and institutional) to develop common definitions of accreditation actions and terms procedures, timelines, process (i.e., electronic) including due process and substantive change.**

Accrediting agencies are already aware of this need. In fact, in my previous role as a member of the Association for Specialized Accreditors (ASPA), I was involved in and chaired a committee to create common definitions and alignments in accreditation terminology. I believe that this is a worthwhile recommendation to pursue; however, accommodation may need to be considered for agencies that have unique needs and processes.

2. Require a periodic Departmental review of the criteria for recognition (regulations)

My comment relates to the statement that, “There is a need ... for more transparency and openness in the accreditation and the recognition process ... and a greater emphasis on student achievement and student outcomes” (Lines 44-47). I believe that NACIQI needs to be more effective in assuring that USDE-recognized agencies have sufficient independence from trade associations to always act in the interest of students and the public. Because of a “loophole” in the regulations for accreditors (§602.14(d)), it is possible for trade associations to have influence over accrediting agencies that is not transparent and which can increase the time and academic requirements on students, without necessarily improving student achievement or raising the knowledge and skills needed to serve patients or clients safely¹. That extra time translates into students and parents taking on more debt for student loans while delaying the time for students to enter the workforce.

For example, in 2013 the credentialing arm of the Academy of Nutrition and Dietetics, a trade association, created a requirement for students to earn a master’s degree in “any major” instead of a bachelor’s degree with no data to show that a master’s degree in “any major” would improve practice, and contrary to the advice from the association’s USDE-recognized accrediting agency. The requirement is now forcing the accrediting agency, which is a Title-IV gatekeeper, and the universities with dietetics programs to convert to master’s programs without the ability to question the decision. In view of concerns over the high cost of education and the time to complete a degree, adding one to two additional years for a master’s degree that is not tied to improving specific knowledge and skills for practice, and without persuasive data that a master’s degree will protect the public is not in the financial interest of students, parents, and taxpayers who ultimately finance students loans.

It is my understanding that NACIQI has not traditionally questioned the motives of trade associations even when the association has a federally-recognized accrediting agency. However, trade associations work in the interest of their members, and not necessarily in the public interest. This is especially problematic when chief staff officers of accreditation agencies are hired by and report directly to the CEO’s of trade associations, placing them and their staff in conflict of interest with the agencies and education systems that they are hired to accredit. As a result, agencies can be put in the position of having to support decisions of trade associations, which may not be in a student’s or the public’s interest, instead of being able to honestly discuss and critique those decisions based on the benefits to students, employers and the public. In the most egregious situations, accreditation staff and board members may even be pressured to not bring legitimate concerns to the Department of Education when they arise.

3. Re-focus NACIQI reviews to direct greater attention to assessing the role of an accrediting agency in ensuring the health and well-being and the quality of institutions of higher

¹ Agencies recognized by the U.S. Department of Education before October 1, 1991 may obtain a waiver to operate within a trade association.

education and their affordability, rather than on technical compliance with the criteria for recognition. These reviews should be supported by staff analysis that focuses on the effectiveness of the accrediting agency in performing its work, rather than technical compliance.

As the former Executive Director of a Title-IV gatekeeper, and after having gone through USDE's recognition process, I agree that the reporting process is entirely based on technical compliance, and does not address the quality of the agency or the ability of the agency to improve the quality of institutions, programs, or graduates. I note, that the recommendation refers to institutional accreditation, not programmatic accreditation.

- 4. Direct NACIQI to identify the essential core elements and areas of the recognition review process that accrediting agencies are required to take into account for recognition purposes, focusing of student learning and student outcomes. It is expected that NACIQI would identify both the essential areas to include in the recognition process as well as those to exclude.**

The full extent of the power that NACIQI wishes to claim is not fully clear; however, I do not believe that a single government committee or entity should have this sole responsibility. While I have no objection to the committee having input, I believe that identifying essential areas to include in the recognition process as well as those to exclude should also involve input from accreditors, academic institutions, and programs.

- 5. Grant accrediting agencies greater authority to develop standards tailored to institutional mission; to create different substantive tiers of accreditation; and to use different processes for different types of institutions, including expedited processes.**

I note, that the statement refers to institutional accreditation, not programmatic accreditation. To the best of my knowledge, there is nothing in place that prevents accreditors (institutional or programmatic) from doing this now. I also note that this could be in conflict with recommendation #1. Because asking or requiring agencies to develop new processes that are tailored to different types of institutional missions, etc., may result in agencies coming up with different and unique processes and terminologies that may have no equivalents among peer agencies.

- 6. Establish that the recognition review process differentiate among accrediting agencies based on risk or need with some identified as requiring greater levels of attention, and others lesser.**

I would need more information or examples of how this process might be implemented in order to provide comment.

- 7. Establish that recognition recommendations and decisions include different gradations of approval of accrediting agencies and different recommendations as to the amount of time within which an agency is allowed to achieve compliance.**

I believe that there may be value to this recommendation, based on my observation of the limited number of options available to the NACIQI when agencies have been out of compliance. That being said, the regulations similarly limit the options that accreditors have in dealing with institutions and programs that are out of compliance. Those options are based on the length of the program rather than the type of compliance problems that are occurring §602.20(a)(2). For example, if the length of a program is 1 year or less, the federally designated time for resolution is 12 months. A 1-year associate degree program may need longer than 12 months to address a problem and demonstrate to its accreditation agency that the problem has been resolved.

8. Make accreditation reports about institutions available to the public. Further discussion is needed about what reports to include, and about how to increase information and transparency while sustaining other critical values in the accreditation process.

While I agree with the notion of transparency in principle, I am not certain that making all accreditation reports available to the public will be beneficial. Regardless of proposed efforts to standardize accreditation language and processes, the public as a whole is not familiar with what is “normal” progress for an institution or program, and the public might act rashly if negative findings are present in a report. For example, students may withdraw from an institution, even though the problems may not adversely affect student learning, and it is making excellent progress toward resolving the situation. In addition, reviewers and agencies may be less inclined to take actions against institutions or programs, because of the concern that institutions may take legal action against the agency if their issues are made public.

9. Afford institutions the widest possible array of choice of accreditor for access to Title-IV funds. Encourage place-based accreditation agencies to expand their scope. Provide greater flexibility for institutions to re-align themselves along sector, institution-type, or other appropriate lines.

This issue appears to be directed toward regional accreditors, and I am not versed in the potential benefits and disadvantages of this recommendation. However, my initial reaction is that the regional model is based on traditions rather than on federal requirements for institutions to work with a specific accreditor. So, while NACIQI might encourage institutions to “go shopping” for accreditors, it may already be possible for institutions to do so. I also wonder whether this recommendation may result in perverse incentives for institutions (especially those that are already weak) to seek out the accreditor with the least rigorous requirements.

10. Allow for alternative accrediting organizations.

There is nothing that prevents alternative accrediting organizations from forming, already.

11. Establish less burdensome access to Title IV funding for high-quality, low-risk institutions.

I believe that accreditation should be rigorous, but not burdensome. I would say the same for USDE’s review process.... All institutions should be equally accountable for the

education that they provide and for how Title-IV funding is being used. The “elite” institutions with the best outcomes are usually those that accept only the best students. This does not necessarily mean that elite institutions are providing educational programs that are superior to institutions that have “inferior” outcomes, because their mission allows the enrollment of students who are less prepared, academically.

12. Before eligibility for Title IV, require institutions to provide audited data on key metrics of access, cost and student success. These metrics would be in a consistent format across institutions, and easy for students and the public to access.

This depends on the system. It is not clear to me that such a system would accurately represent each institution, because all institutions are not the same. For example, would institutions with a mandate to help at-risk, minority populations have lower scores on the metrics, making the students ineligible for federal student aid?

13. Establish a range of accreditation statuses that provides differential access to Title IV funds.

I would need more information or examples of how this process might be implemented in order to provide comment.

14. Reconstitute the NACIQI as a committee with terminal decision-making authority and a staff. This will establish NACIQI as the final decision-making authority on accrediting agency recognition. In addition, ensure that the staff recommendation is provided to the NACIQI for its consideration and that the NACIQI decision will be the singular final action communicated to the Senior Department official.

In the past, I have seen the committee arrive at questionable conclusions that are not based on the regulations or best practices in education and accreditation. However, more recently, the committee has made very well-reasoned decisions, the quality of which was often due to the input of members who have been on the committee for a long period of time. I would not be opposed to the committee being given final decision-making authority; provided that members had high-quality training to assure that they are well versed in accreditation practices and the regulations; that the committee also include accreditors in the same way that the regulations require accreditation agencies to include peers, practitioners, and the public §602.15(a); and that appeals procedures are available to contest decisions made by the committee.

15. Establish that in the event of an accrediting agency’s appeal of the recommendation, NACIQI, sans Department staff, will respond to the accrediting agency’s appeal submittal to the Department.

The federal regulations require that appeals from an institution or program go to a body that has not been involved in the previous review of the institution or program §602.25(f)(1)(i). While I do not believe that the current regulation is well conceived, I question why NACIQI should not be held to the same philosophical approach as accreditors, requiring appeals to go to a different review body, not back to NACIQI.

16. Establish that the NACIQI and the Education Secretary and other Department officials meet periodically for mutual briefings and discussions, including policy issues such as “gainful employment,” and resulting in policy recommendations.

No additional comment.

17. Establish that the NACIQI, itself, timely disseminates its reports to the Department and to the appropriate Congressional committees.

No additional comment.

If you would like any information or clarification on these comments, please feel free to contact me by phone (773) 456-3382 or email ulric@pobox.com. Thank you for your time.

Sincerely,

Ulric K. Chung, MCS, PhD

FHEAP

Florida Higher Education Accountability Project

March 9, 2015

Carol Griffiths, Executive Director
NACIQI / U.S. Department of Education
1990 K Street NW, Room 8073
Washington, DC 20006-8129

Dear Ms. Griffiths,

Thank you for the opportunity to comment on the Draft Policy Recommendations for NACIQI.

Reconsidering the Role and Function of NACIQI

According to Sec. 114, HEOA, the responsibility of NACIQI is "to assess the process of accreditation and the institutional eligibility and certification of institutions of higher education (as defined in section 102) under title IV."

NACIQI, in particular, is to: "advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV," and to "advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process," and to "carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation."

The existing regulations that describe NACIQI's responsibilities (34 CFR 602.34 and 34 CFR 602.35) clearly limit it to making recommendations to the Secretary regarding the approval, denial, limitation, suspension, or termination of recognition with respect to each agency that comes before it, as well as changes to scope, or to require the agency to submit a compliance report, or to continue recognition pending a final decision on compliance.

To the extent that the existing regulations fail to reflect the statutory provisions, the draft NACIQI Policy Recommendations for expanding the Advisory Committee's role to better align with Congressional Legislation needs to be supported. However, the draft policy recommendations under consideration propose radical and far-ranging changes to the Advisory Committee's established statutory responsibility, changes which are otherwise unwarranted.

Although NACIQI has been charged with "advis[ing] the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations," this responsibility has been largely delegated to department staff, or, as is apparently the case, the associations and the schools themselves. In other words, the 1992 amendments to the Higher Education Act of 1965 have never been updated, nor do they meet the Congressional expectation that such standards be "measurable."

BRIDGING THE ACCOUNTABILITY GAP IN HIGHER EDUCATION THROUGH ACCREDITATION REFORM

Florida Higher Education Accountability Project
1601 Maryland Avenue
Lynn Haven, FL 32444

FHEAP

FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

Instead of wandering outside its established domain (as it does in Recommendation 14, Recommendation 15, and Recommendation 17), NACIQI needs to refocus its priorities and return to "advis[ing] the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV."

Regarding Transparency

The need for greater transparency -- in order to foster increased accountability and "to better serve the public" -- is indicated at several points in the draft policy recommendations. What this means, however, in terms of traditional accreditation association prerogatives of secrecy and confidentiality, is never addressed (cf. Recommendation 8). There is no recognition that the public's right to know, as may be codified by state law, conflicts with these prerogatives. In fact, Florida's courts have recently held that such confidentiality is guaranteed by Higher Education Act (1965) and its regulations, which "clearly reflect Congress's intent to keep the accreditation process confidential and to limit the records that an accrediting agency may make available to the public" (McGhee v. SACS, March 7, 2014, ORDER, 13-621CA, page 3). If the federal statutes governing recognition also limit transparency, as the courts in Florida believe, then these federal prohibitions stand in the way of greater transparency, and must be eased first.

Standardization and Tiering

Another contradiction between the need for standardizing definitions and terms (Recommendation 1, and Recommendation 12), and preferential treatment (Recommendation 5, Recommendation 6, and especially Recommendation 11 and Recommendation 13) can be seen in the draft policy recommendations. The danger is that low-status institutions will, as now, find themselves at the mercy of those institutions with greater resources and prestige, since the latter are more likely to be represented at the associational level. In the wake of numerous organizational crises, financial and environmental, policy makers need to recognize the potential for moral decoupling and abuse in stratified organizational hierarchies of every kind, especially in regard to oversight and regulatory systems. Eschewing standard requirements, consistently applied across the sector, only increases the risk of these kinds of undesirable organizational dynamics.

Gainful Employment (Recommendation 16)

The last thing that I want to consider is something missing from the discussions and white papers leading up to the draft policy recommendations, and this is an awareness that the massive expansion of post-secondary education is not the result of an increased need for technical skills, such as STEM, but of prevailing cultural values and notions of attainment. Most technological skills are learned on the job or informally, and this includes those skills most sought after. As stated by signaling theory, at some point the amount of investment in the market signal -- for its own sake -- begins to outweigh its utility and credentials lose their cultural value. The failure to recognize this situation is, to some extent understandable, but this does not absolve those charged with oversight, including the accreditation agencies.

We are only belatedly recognizing employment stagnation as a feature of post-industrial society. There are many reasons for this, including the disappearance of manual labor jobs through mechanization; and now, the computerization of the remaining jobs. This makes "gainful employment" standards that much more difficult to implement, for obvious reasons, but that much more important to achieve for students. Incentives for working around federal gainful employment

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FLORIDA HIGHER EDUCATION ACCOUNTABILITY PROJECT

provisions also increase as well, thus making implementation more difficult without addressing the underlying economic inequality.

This concludes my comments on NACIQI's Draft Policy Recommendations.

Thank you for the opportunity to comment on matters of mutual concern regarding the future of Title IV accreditation.

Sincerely,

Glen S. McGhee, Director

Council of Regional Accrediting Commissions

March 9, 2015

Middle States Commission
on Higher Education
MSCHE

TO: accreditationcommittees@ed.gov

SUBJECT: **Comments on NACIQI Recommendations**

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

On behalf of the Council of Regional Accrediting Commissions (C-RAC), I am pleased to have this opportunity to respond to the **Draft Recommendations to Inform Accreditation Policy** released by NACIQI on February 2, 2015. These recommendations are particularly timely given the pace at which Congress is interested in reauthorizing the Higher Education Act (HEA).

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

C-RAC has devoted considerable time and effort in reviewing each of these recommendations and believes several reflect real issues and provide thoughtful and appropriate solutions worthy of consideration. However, in certain instances these recommendations fail to provide clarity in terms of identifying the problem in which they are attempting to solve. Furthermore, there is generally no evidence demonstrating the improvements that could result by implementing any number of these recommendations. Although NACIQI members have clearly given careful consideration in developing these proposals, C-RAC suggests that far more discussion take place prior to these recommendations being put forth to the Secretary.

Northwest Commission
on Colleges and
Universities
NWCCU

Southern Association
of Colleges and Schools
Commission on Colleges
SACSCOC

Our response to each of the recommendations is as follows:

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

Recommendation #1: Ask accreditation agencies (both programmatic and institutional) to develop common definitions of accreditation actions and terms procedures, timelines, process (i.e., electronic) including due process and substantive change.

WASC Senior College
and University
Commission
WSCUC

Last year, C-RAC announced plans to implement a common framework and understanding of terms for key actions regarding accredited institutions. We believe this action will be beneficial to institutions, students and the public at large. Recently, C-RAC has been working on ways to develop common definitions and procedures related to competency-based education programs, building upon prior efforts related to distance education.

It is also important to note that all accreditors already have commonality in certain areas as a condition of being recognized by the Secretary of Education. For example, all accreditors must address specific factors within their

standards, such as success with respect to student achievement, faculty, and student support services, as required under the Higher Education Act. Similarly, all accreditors must have common elements of due process, including an opportunity for the institution or program under review to file a self-study or other, similar submission; a written report by the agency identifying any deficiencies; an opportunity for the institution or program to receive and to respond to that report; and a decision by the agency after it reviews the entire record related to the evaluation. In addition, with respect to any adverse actions, all accreditors provide an opportunity for an institution to appeal prior to the adverse action being finalized.

Thus, we believe that the accrediting agencies are already doing what this recommendation would call for, and we will continue to look for other opportunities for greater commonality in our procedures. We note, in addition, that accreditors have, and must continue to have, the autonomy to set their specific standards and to fine-tune their processes to ensure they fulfill their missions of serving the public and providing a means of institutional improvement. This autonomy is also critical for enabling accreditors to innovate and experiment in these areas.

C-RAC has heard and understands the public message urging greater consistency among accreditors. We remain committed to working together in the future to determine those areas most appropriate for common definitions of accreditation actions, procedures and timelines. However, this is a task that must be owned by the accreditors themselves and should not be mandated by NACIQI or any other external body.

Recommendation #2: Require a periodic Departmental review of the criteria for recognition (regulations).

We do believe periodic Departmental reviews could be beneficial if the intent would be to move away from the granularity of the current recognition process.

Ideally, this review would coincide with the periodic reauthorization of the Higher Education Act in order to reflect any changes to the criteria for recognition. A negotiated rulemaking process should follow these reviews in order to ensure that accreditors and other stakeholders are able to contribute fully to efforts to streamline regulations, eliminate duplication and minimize regulatory burden.

Recommendation #3: Re-focus NACIQI reviews to direct greater attention to assessing the role of an accrediting agency in ensuring the health and well-being and the quality of institutions of higher education and their affordability, rather than on technical compliance with the criteria for recognition. These reviews should be supported by staff analysis that focuses on the effectiveness of the accrediting agency in performing its work, rather than technical compliance.

Under the Higher Education Act, NACIQI's primary function is to provide recommendations to the Secretary concerning "whether accrediting entities' standards are sufficiently rigorous and effective in their application to ensure that the entity is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits." We are concerned with the notion of expanding NACIQI's role in determining other criteria beyond what is currently required, such as by adding a role in ensuring "the health and well-being... of institutions." Does this expectation imply helping an institution remain alive even if it is no

longer serving students well? Ensuring the health and well being of institutions is not within the purview or the mission of accreditors, rather, it is the responsibility of institutional governing boards and administrations. The recommendation also implies that it could become the role of the accrediting agency to ensure “affordability.” Does this mean that accreditors would be asked to second-guess tuition and fees established by institutions? Again, we do not believe such issues are, or should be, within the purview of accreditors.

We would be concerned with any effort on the part of NACIQI to re-focus accreditation agency reviews so that they cover such criteria or expand NACIQI’s role from that of providing recommendations to the Secretary on reviews to actually establishing the criteria on which such reviews are based. Any such decision to refocus accreditation reviews should instead be made by Congress in the context of setting Higher Education Act requirements related to program integrity. Further, the requirement that the Department use negotiated rulemaking, however imperfect, should be maintained as the vehicle for promulgating regulations based on law.

Recommendation #4: Direct NACIQI to identify the essential core elements and areas of the recognition review process that accrediting agencies are required to take into account for recognition purposes, focusing on student learning and student outcomes. It is expected that NACIQI would identify both the essential areas to include in the recognition process as well as those to exclude.

As noted above, NACIQI’s role is primarily to advise the Secretary on whether accrediting entities are a reliable authority regarding educational quality. The proposed recommendation would vastly change NACIQI’s role from an advisory board to a policy body determining which areas of law should be recognized or ignored. C-RAC does not believe this is an appropriate role for NACIQI. Instead, the concept of identifying any “essential core elements” of a recognition review should be debated and decided by Congress as part of its consideration of the Higher Education Act requirements related to program integrity.

Recommendation #5: Grant accrediting agencies greater authority to develop standards tailored to institutional mission; to create different substantive tiers of accreditation; and to use different processes for different types of institutions, including expedited processes.

The idea of developing standards “tailored” to each institution based upon its mission is contrary to the very idea of standards. This proposal would flip the relationship between standards and institutional mission. Under the Higher Education Act, accreditors must consistently apply and enforce standards that respect the “stated mission of the institution of higher education.” While this has allowed for differentiated procedures among institutions where appropriate, the standards themselves remain consistent across all institutions. This process has worked well for institutions and accreditors alike, and should remain.

With respect to different substantive tiers of accreditation, C-RAC believes there is room for conversation on what some level of customization might look like. However, such a change in the system would ultimately require accreditors – unilaterally, or with guidance from the Department of Education or Congress – to begin comparing the relative quality of institutions to determine which would be deemed eligible for such flexibility. To date, there has been little appetite within Congress or the higher education community for creating such a system.

Recommendation #6: Establish that the recognition review process differentiate among accrediting agencies based on risk or need with some identified as requiring greater levels of attention, and others lesser.

In effect, the current recognition review process does differentiate among accrediting agencies. Specifically, the Department already has the discretion to recommend for an accrediting agency a recognition period of five years or fewer, with no intermediate monitoring, or to require an interim report in one year, or even to defer on continued recognition until some particular issue is resolved. Expanding the current system to define specific “risk factors” or “need” is not necessary and could potentially create an unwelcome process of differentiating – and potentially grading – accreditors based upon additional criteria not otherwise part of the current recognition process.

Recommendation #7: Establish that recognition recommendations and decisions include different gradations of approval of accrediting agencies and different recommendations as to the amount of time within which an agency is allowed to achieve compliance.

Similar to our comments on recommendation #6 above, C-RAC would be concerned with a process of differentiating accreditors based upon an undefined set of criteria and believes that the current recognition review process allows for sufficient discretion.

Recommendation #8: Make accreditation reports about institutions available to the public. Further discussion is needed about what reports to include, and about how to increase information and transparency while sustaining other critical values in the accreditation process.

Regional accreditors continue to work on ways to expand transparency in the accreditation process as well as ensure that the public has access to usable information on individual institutions with respect to their accreditation reviews. These efforts have ranged from sharing more reports and data on-line, to re-evaluating how best to provide summaries of documents that findings are more meaningful to the public, to strengthening the public disclosure expectations of institutions.

The variety of approaches being undertaken by individual regional accreditors enables a collective reflection as to what methods are most successful and which truly result in a better public understanding of institutional quality in the context of accreditation. For this reason, C-RAC does not believe there need to be additional federal mandates on what information should be made available to the public. However, C-RAC does understand the desire for more information and transparency related to accreditation and our member agencies are committed to continuing current efforts to make improvements in this area.

Recommendation #9: Afford institutions the widest possible array of choice of accreditor for access to Title IV funds. Encourage place-based accreditation agencies to expand their scope. Provide greater flexibility for institutions to re-align themselves along sector, institution-type, or other appropriate lines.

There has been no evidence put forward by NACIQI to indicate that this proposal would provide any public benefit particularly with regard to students nor would it advance the cause of improving access, affordability or accountability.” However, there is simply no evidence to suggest this would be the case, particularly from the perspective of students and in terms of improving access, affordability or accountability.

This recommendation also fails to recognize the fact that accrediting agencies are private corporations that have defined the scope of their own operations in consultation with their members. The proposal, if adopted by the memberships of the accrediting agencies, would effectively force agencies to change their own self-defined agency parameters or jurisdiction in order to have a national footprint. The cost and complexity of an accrediting agency overseeing institutions from potentially every state would be vast, while doing nothing to improve higher education in this nation. At the same time, under such a system, institutions would lose the current sense of ownership in the standards and process of regional accreditation, an important foundation for a system of self-regulation.

The recommendation also includes the realignment of accreditation based upon sectors or types of institutions. We have several concerns with this approach.

First, the complexity of institutional variety suggests that there are no bright lines among sectors.¹ For example, there are 62 members of AAU, (which are invited to join based on the quality of their programs, research, scholarship, etc.), but the next 5-10 institutions (at least) are substantially like the first 62. Community colleges comprise another apparently similar group, but with the growth of four-year programs at community colleges (not to mention the existing differences between, for example, large urban and small rural community colleges) there is great variety in that group.

We also believe that by including a diverse set of institutions, regional accreditation encourages institutions to see their commonalities, not their differences, and thereby eases the path for students to transfer credits between institutions. Sector-based accreditation focuses on the differences of institutions and might well encourage the perception that some accreditation is “better” or reflects a “higher level,” and students might then find it more difficult to transfer their credits or change sectors for a graduate degree.

Finally, we believe that different types of institutions benefit from the experiences, challenges and innovations gained from one another through the current accreditation system. These benefits would go away under the proposed recommendation.

Recommendation #10: Allow for alternative accrediting organizations.

This recommendation lacks sufficient clarity or specifics to enable a full response. However, it is worth highlighting that nothing under the Higher Education Act prevents newly formed accrediting agencies or associations from seeking recognition from the Secretary.

¹ That said, there is some degree of sector accreditation among theological schools, art schools, music schools, Christian colleges and for-profit institutions.

Recommendation #11: Establish less burdensome access to Title IV funding for high-quality, low-risk institutions.

In this recommendation, NACIQI is promoting a “risk-adjusted approach to accreditation...” In some ways, this reflects the current system. Accreditors use a variety of reports and visits to continually monitor institutions in order to identify those at risk of not meeting the accreditation standards and in need of greater attention. This same process enables accreditors to provide additional flexibility to low-risk institutions, such as through less frequent reviews (as long as ten years). All accreditors can point to examples where this type of “risk-adjusted” approach occurs in their region.

That said, this recommendation is similar to #5, in calling for the establishment of a separate system for institutions deemed to be “high quality” or “low-risk.” Our concern would be similar in that federally formalizing such a system would require the comparison of relative quality of institutions to determine which would be deemed eligible for such flexibility.

With some easing of regulatory requirements, accreditors could provide additional space to allow certain institutions to add new programs (including direct assessment programs) and campuses and to make other changes with reduced oversight in the “substantive change” category. This action should be implemented in the context of working with institutions already eligible to access Title IV funding, but could make on-going reviews less burdensome for accreditors and institution alike.

Recommendation #12: Before eligibility for Title IV, require institutions to provide audited data on key metrics of access, cost and student success. These metrics would be in a consistent format across institutions, and easy for students and the public to access.

C-RAC supports efforts to reduce burdensome federal regulations that lead to a more complex system of recognition. However, C-RAC does not support what is inferred in this recommendation, which is to replace accreditors as Title IV gatekeepers and instead rely on a small number of institutional metrics. However, no set of metrics in and of themselves is sufficient to warrant participation in Title IV student aid programs. It would be a disservice to students if accreditors failed to examine other factors of quality, such as the sustainability, capacity and integrity of an institution.

Recommendation #13: Establish a range of accreditation statuses that provides differential access to Title IV funds.

C-RAC agrees there should be further discussion with the Department on this recommendation in order to explore what such accreditation statuses might look like and what the implications would be for institutions.

Recommendation #14: Reconstitute the NACIQI as a committee with terminal decision-making authority and a staff. This will establish NACIQI as the final decision-making authority on accrediting agency recognition. In addition, ensure that the staff recommendation is provided to the NACIQI for its consideration and that the NACIQI decision will be the singular final action communicated to the Senior Department official.

C-RAC does not believe that NACIQI – an advisory body appointed mainly by Congress – should be provided terminal decision-making authority and a separate staff. Under the Constitution, It is the function of the executive branch of government to make these final decisions.

Recommendation #15: Establish that in the event of an accrediting agency’s appeal of the recommendation, NACIQI, sans Department staff, will respond to the accrediting agency’s appeal submittal to the Department.

See our response to recommendation #14.

Recommendation #16: Establish that the NACIQI and the Education Secretary and other Department officials meet periodically for mutual briefings and discussions, including policy issues such as “gainful employment,” and resulting in policy recommendations.

C-RAC has no comment on this recommendation, as it would affect only the internal operations of the Department.

Recommendation #17: Establish that NACIQI, itself, timely disseminates its reports to the Department and to the appropriate Congressional committees.

We believe NACIQI currently has the authority to carry out this recommendation.

We thank you for this opportunity to provide input on NACIQI’s recommendations on accreditation policies. We remain committed to working collaboratively with NACIQI, the U.S. Department of Education, and Congress and other stakeholders to ensure that our nation continues to have the world’s premier system of higher education. Although we believe the proposed recommendations raise timely and important issues, we again urge much further dialogue prior to their being submitted to the Secretary.

Sincerely,

Barbara Brittingham
President
Commission on Institutions of Higher Education, NEASC

Bernard Fryshman, Ph.D.
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Deregulation? Don't Count On It.

Bernard Fryshman, Ph.D.

December 9, 2014

In February of this year, Senators Lamar Alexander and Barbara Mikulski, joined by a number of other legislators, created the Task Force on Government Regulation of Higher Education. The group, whose work is being coordinated by the American Council on Education with the participation of several other educational organizations, seeks to identify particularly burdensome and/or unneeded regulations, with the goal of eliminating the worst of the lot.

A wise, even noble undertaking - doomed to fail. Because the Department of Education ('ED') has been given a tool which enables it to continue to institute new regulations, at will, with no check on its powers except through cumbersome and unlikely legislation. The courts can intervene, but only at such cost of time and effort that challenges are rare and almost invariably ineffective.

First the tool. Negotiated Rulemaking ('Neg Reg') is the mechanism used by ED to develop regulations to implement the Higher Education Act. Conceptually ED does so in conjunction with the higher education community, but the reality is quite different.

Neg Reg begins with a series of innocuous activities. There is an announcement of intent to 'develop' a regulation, and public hearings are scheduled to provide an opportunity for public input on the topic in question. Written comments are also solicited.

At this point, fairness, balance and equity end. The Department considers all the input received and is then free to completely ignore it. It proceeds to create a negotiating committee from a number of constituencies which ED decides (on its own) as "having interests that are

significantly affected by the topic” in question. ED then selects as negotiators, people with “demonstrated expertise or experience in the relevant subject under negotiation.” This too is a completely secret process.

The negotiating committee must then reach unanimity in its discussions. This means that proposed language of a regulation must be supported by all the negotiators, including the committee member representing the Department. If there is even one dissenting voice, the Department is free to promulgate a regulation on its own. Summarizing, ED selects all the people seated at the negotiating table and can, on a whim, cast a dissenting vote to throw the entire decision back into the innermost chambers of the Department! Lewis Carroll designing a constitution for the old Soviet Union couldn’t have done any better.

Regulations, before they become final, must be published and public comment solicited. This NPRM process calls for ED to respond, and at one time responses were substantive, even detailed. One didn’t always agree with the thinking of the Department, but it was clear that public input was taken seriously. No longer. The regulations relating to Credit Hours for example, received a blizzard of comments, many of them substantive. The Department’s response is best characterized as cavalier disdain, and those affected by the resulting regulation had to grim (!) and bear it.

This is why the current efforts to eliminate burdensome and unnecessary regulations are doomed to fail¹, not unlike the proverbial broom sweeping the sea. Some of the best minds in higher education and in Congress have been focusing on existing regulations with an eye to repeal those deemed unnecessary. But unless the negotiated rulemaking process is changed, there is nothing to prevent ED from issuing a spate of new regulations shortly after.

Regulations promulgated without any real input from the affected communities usually add to the costly, wasteful, and stifling burden of compliance. This is particularly true in accreditation, where guidance on how to comply with recognition regulations provided the Department with another opportunity to legislate – in fact, if not in name. These regulations are peppered with

¹ Previous such initiatives include the Regulatory Reform Initiative (1995), the Student Financial Assistance Regulatory Review (2000), the Higher Education Regulations Study (2011) and the Executive Order 12563 (2011) requiring a retrospective analysis.

poorly defined terms which explode into a plethora of controls and regulations, requirements and need for documents. Accrediting agencies, in complying with these burdensome regulations must adopt policies and practices which sometimes are harmful to colleges and universities.

There is nothing in the law that mandates that the Department be reasonable. This means the Department can continue to ignore good practice, helpful preambles, previous definitions and still remain well within the bounds of legality. ED can add language requiring metrics, quantitative outcomes, documentary evidence, new training requirements, and force accreditation agencies to replace peer review with a review of numerical outcomes, all without challenge.

Even where ED steps beyond a statute, the *Chevron* case directs courts to “defer to the administering agency’s construction of the statute so long as it is permissible.” The courts view Congress as intending to have ED “resolve all ambiguities,” and ED would have to take some particularly egregious action for a court challenge to have a chance of success. Such a challenge would be both costly and time consuming, so that to all intents and purposes, the courts do not offer an opportunity for redress.

Nor can sitting legislators, in the years between reauthorizations, be of much help. Thus, on December 23, 2011, Chairman of the Committee of Education and the Workforce John Kline and Chairwoman of the Subcommittee on Higher Education and Work Force Training Virginia Foxx wrote Secretary of Education Duncan asking, among others, about the constituencies selected to participate in the Negotiated Rulemaking Committee, the expertise of the negotiators and expressed concern regarding the need for a balanced perspective.

The letter was right on target, but there has been no discernible change in policy or practice in the Department of Education. It is also helpful to note that ED’s noncompliance with Freedom of Information mandates and timeframes is almost a given in Washington. To complete the paradox, ED is an executive agency charged with implementing Education Law, including directives aimed at ED itself!

It has been the quality of ED administration and staff which has made the process work. Hopefully this will continue to be the case, but American higher education cannot assume this. That’s why reauthorization will be so important. Minimally, Congress should ensure that there

be an Ombudsman answerable to Congress. No longer should educators and legislators have to appeal ED determinations to ED itself – or undertake a lengthy, costly judicial review of an offending regulation.

Hopefully, too, there will be changes to Neg Reg itself. One approach might be to appoint negotiators from among those who submit comments and ideas regarding the topic at hand during preliminary hearings. Another change would be to remove the requirement that there be unanimity among negotiators for a proposal to be adopted. A two-thirds majority suffices everywhere else and should prevail here as well.

It's hard to predict what will emerge from the next reauthorized HEA, but one thing is certain: if Congress does focus on Negotiated Rulemaking there will be change. Given the current state of affairs, any change is likely to be an improvement.