

---

# **Reauthorization of the Higher Education Act: An Update**

**Ronald L. Baker**

**Executive Vice President**

**Northwest Commission on Colleges and Universities**

# Disclaimer

---

***These are but the shadows of the things that have been. That they are what they are, do not blame me.***

**Ghost of Christmas Past in *A Christmas Carol* (Charles Dickens)**

# **College Cost Reduction and Access Act**

---

**Passed by Senate 72-12**

**Passed by House 292-97**

**Signed into law September 27, 2007**

# College Cost Reduction and Access Act

---

**Increases Pell Grants;  
Cuts Student Loan Interest Rates;  
Provides Income-based Repayment  
options for Borrowers; and  
Expands Loan Forgiveness Programs.**

# HEA Reauthorization Status

---

**Senate Passed Bill S. 1642**

**July 24, 2007**

**Vote: 95-0**

**House Yet to Take Action**

**Republicans Introduced Bill (10/5/07)**

# Key Elements

---

**Distance Education**

**Transfer of Credit**

**Public Information**

**Due Process**

**Missions (Religious Institutions)**

**Student Achievement**

**Mandated Disclosures**

**NACIQI**

**National Advisory Committee on Institutional Quality and Integrity**

# Distance Education - Current

---

**Allows accreditors to review distance education programs without separate accreditation standards.**

**Accreditors must apply and enforce consistently standards that ensure an institution's courses or programs, including distance education courses or programs, are of sufficient quality to achieve the stated objective for which the courses or programs are offered.**

# Distance Education - S. 1642

---

**Permits accreditors to address the quality of an institution's distance education offerings without a requirement to establish separate standards, procedures, or policies for the evaluation of distance education.**

**Accreditors must require institutions to establish that the student who registers for a distance education course or program is the same student who participates in and completes the program and receives the academic credit.**



# Transfer of Credit - Current

---

**Silent on transfer of credit.**

**The 1998 HEA reauthorization called for a U.S. Department of Education study to evaluate policies or practices instituted by accreditors regarding treatment of transfer of credit from one higher education institution to another.**

# Transfer of Credit - S. 1642

---

**Requires accreditors to review that institutions have a transfer of credit policy that establishes the criteria regarding transfer of credit earned at another institution and that the policy is publicly disclosed.**

# Public Information - Current

---

**Upon request accreditors must disclose to the public a summary of any review that results in a final accrediting decision to deny, terminate, or suspend accreditation, together with comments of the affected institution.**

**Requires accreditors, as part of their operating procedures, to disclose accreditation standards and procedures and accreditation status of each institution under its jurisdiction, including whether the institution is being considered for accreditation or reaccreditation.**

# Public Information - S. 1642

---

**Accreditors must make available to the public, State licensing or authorizing agency, and USDOE a summary of agency actions, including:**

- 1) award of accreditation or reaccreditation**
- 2) final decision to deny, withdraw, suspend, or terminate accreditation, or placement on probation, and any findings made in connection with the action, together with the official comments of the affected institution,**
- 3) any other adverse action taken.**

# Public Information - S. 1642 (cont.)

---

**Current requirement that accreditors disclose their accreditation standards and procedures remains unchanged.**

# Due Process - Current

---

Accreditors must apply procedures that comply with *due process* (procedural fairness), including:

- 1) adequate specification of requirements and deficiencies at the institution;
- 2) notice of an opportunity for a hearing;
- 3) right to appeal any adverse decision against such institution; and
- 4) right to representation by counsel for any such institution.

# Due Process - S. 1642

---

Accreditors must establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with *due process* that provides for:

- 1) adequate specification of requirements and deficiencies at the institution;
- 2) an opportunity for a written response to be included prior to final action;
- 3) an opportunity to appeal any adverse action, including placement on probation, at a hearing prior to such action becoming final.

# **Due Process - S. 1642 (cont.)**

---

**In the event of an appeal, an appeals panel shall not include anyone on the underlying decision-making body that made an adverse decision; and panel members are subject to a conflict of interest policy. The institution has the right to representation by counsel during an appeal.**



# **Missions** (Religious Institutions) - **Current**

---

**Accreditors must consider student achievement in relation to institutional mission, but otherwise does not address accreditation standards related to institutional mission.**

# **Missions** (Religious Institutions) - **Current** (cont.)

---

**If an institution has had its accreditation withdrawn, revoked, or otherwise terminated, the Secretary may allow an institution to remain certified for purposes of federal student financial aid programs for a period sufficient to allow the institution to obtain alternative accreditation if the Secretary determines that the reason for withdrawal, revocation, or termination is related to the institution's religious mission or affiliation and is not related to the accreditation criteria required by law.**

# **Missions** (Religious Institutions) - S. 1642

---

**Requires accreditors to consider student achievement in relation to institutional mission and adds *including religious missions*.**

# Student Achievement - Current

---

**Requires accreditors to examine institution or program success with regard to student achievement by taking into account institutional mission along with certain forms of evidence, *including, as appropriate, consideration of course completion, State licensing examinations, and job placement rates.* Requires institutions to publish completion or graduation rates for *certificate- or degree-seeking, full-time undergraduate students.***

# Student Achievement - S. 1642

---

**Requires accreditors to have standards that assess success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates. Prohibits the Secretary from promulgating any additional regulations with respect to this subsection.**

# Mandated Disclosures - Current

---

**Does not address specifically accreditor review of federally required institutional disclosures.**

# Mandated Disclosures - S. 1642

---

**Requires accreditors' on-site evaluation for accreditation or reaccreditation to include a review of the federally required information the institution or program provides its current and prospective students.**

# NACIQI - Current

---

**Establishes an advisory committee of 15 members that advises the Secretary concerning recognition of accreditors for federal purposes. The committee is appointed by the Secretary.**



# NACIQI - S. 1642

---

**Eliminates NASIQI and Integrity and establishes an Accreditation and Institutional Quality and Integrity Advisory Committee which would advise the Secretary with respect to recognition of accrediting agencies. The Committee would have 15 members, 5 appointed by the Secretary, 5 appointed by the Speaker of the House of Representatives and 5 appointed by the President pro tempore of the Senate.**

# Substantive Change Regulation

---

**Existing USDOE substantive change regulations for accrediting agencies (such as NWCCU) require oversight of new locations where 50% or more of a program is offered. There are indications these regulations are being interpreted more narrowly and enforced more rigorously than in the past.**

# **§602.22 *Substantive Change***

---

**The agency's procedures for the approval of the establishment of an additional location geographically apart from the main campus at which the institution offers at least 50 percent of an educational program must determine if the institution has the fiscal and administrative capacity to operate the additional location and must include:**

# **§602.22 *Substantive Change***

---

**A visit, within six months, to each additional location the institution establishes, if it:**

- 1) Has a total of three or fewer additional locations;**
- 2) Has not demonstrated a proven record of effective educational oversight of additional locations; or**
- 3) Has been placed on warning, probation, or show cause or is subject to some limitation by the agency on its accreditation or preaccreditation status;**

# **§602.22 *Substantive Change***

---

**(2) An effective mechanism for conducting, at reasonable intervals, visits to additional locations of institutions that operate more than three additional locations; and**

**(3) An effective mechanism, which may, at the agency's discretion, include visits to additional locations, for ensuring that accredited and preaccredited institutions that experience rapid growth in the number of additional locations maintain educational quality.**

# Final Thoughts

---

***It's déjà vu all over again.***

Yogi Berra

***It's tough to make predictions,  
especially about the future.***

Yogi Berra