

July 29, 2010

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Jessica Finkel
United States Department of Education
1990 K Street NW, Room 8031
Washington, DC 20006-8502

Dear Ms. Finkel:

On June 18, 2010 the U.S. Department of Education published a "Notice of Proposed Rulemaking" (Program Integrity) in the *Federal Register*, addressing 34 CFR Parts 600, 602, 603, 668, 682, 685, 686, 690 and 610. The Council for Higher Education Accreditation (CHEA) submits the following comments.

We are focused on the impact of the proposed rules on accreditation in three areas: credit hour, state authorization and misrepresentation. We are especially concerned with the provisions related to credit hour.

Credit Hour

The provisions call for a definition of "credit hour" or use of substantial equivalencies, accompanied by notification of noncompliance to the Department – all of which are to be monitored by accrediting organizations.

We have concerns about these provisions for the following reasons:

- At their core, credit hour decisions are academic judgments. This is the work of academic faculty and administrators, not government or accrediting organizations.
- There is a longstanding, widely understood concept of credit hour in higher education that reflects a balance between the needed uniformity of academic practice and the flexibility essential to academic judgment. To place this concept in federal regulations and call it a "definition" destroys this balance.
- The "substantial equivalencies" related to student achievement to which the proposed rules refer are in conflict with current law that affirms that institutions are to set expectations of student achievement.
- The proposed notification of noncompliance to be carried out by accreditors lacks due process provisions.

The proposed rules on credit hour undermine accreditation's key function to provide peer/professional review of academic matters based on institutional mission by standardizing the concept of credit hour and forcing compliance independent of institutional purpose.

CHEA urges removal of the definition, the notification and the tasks assigned to accrediting organizations. (§ 600.2, 602.24)

State Authorization

The proposed rules call for all states to authorize all higher education institutions in a prescribed manner. These rules need to be viewed alongside the call for states to carry out monitoring of credit hour in a manner that is identical to the obligations placed on accrediting organizations (see above). This conflating of the respective roles of the federal government (by placing obligations on states), state government and accrediting organizations fundamentally undermines the role of accreditation and the public-private partnership that has characterized the relationship between accreditation and government. Moreover, the proposed rules call for states to intrude into academic areas.

These rules move toward establishing accreditation as a state actor, a role that is incompatible with its commitment to self-regulation and peer/professional review.

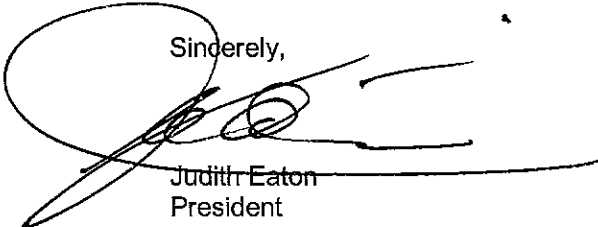
CHEA urges removal of the state authorization provisions. (§ 600.9, 603.24)

Misrepresentation

The proposed rules hold institutions accountable for what is said, may be said or inadvertently is said by individuals or organizations that may have no official connection to a college or university. Institutions cannot monitor – much less control – the inadvertent and the unofficial. There is no opportunity to resolve problems that may arise because of misrepresentation. Institutions do not have authority commensurate with this accountability. Furthermore, the rules specifically prohibit misrepresentations to accrediting organizations as well as misrepresentations about accredited status by institutions and programs, involving accreditors in some of the same difficulties faced by institutions.

Working to discourage and eliminate misrepresentation is a vital issue. CHEA urges, however, that absent significant clarification, the proposed rules should be removed. (§ 668.71)

Thank you for consideration of our comments on these important issues.

Sincerely,

Judith Eaton
President