

August 27, 2014

The Honorable Tom Harkin
Chair, Committee on Health, Education, Labor and Pensions
United States Senate
731 Hart Senate Office Building
Washington, DC 20510

Dear Senator Harkin:

On June 25, 2014, the Committee on Health, Education, Labor and Pensions released a discussion draft to reauthorize the Higher Education Act and solicited comments and recommendations. The Council for Higher Education Accreditation (CHEA) appreciates the opportunity to provide the following suggestions on accreditation-related sections of this draft.

CHEA is a national organization of 3,000 degree-granting colleges and universities and recognizes 60 institutional and programmatic accrediting organizations. CHEA has as its core purpose the national coordination of accreditation, the historic and most effective means of assuring and improving academic quality in higher education.

Accreditation makes a significant contribution to our society. This reauthorization provides the opportunity to strengthen that contribution going forward by assuring that the law and regulation support accreditation's focus on academic quality. We need to avoid or eliminate statute and regulation that, however inadvertently, undermines the strengths of accreditation and stifles its capacity to be accountable and innovative.

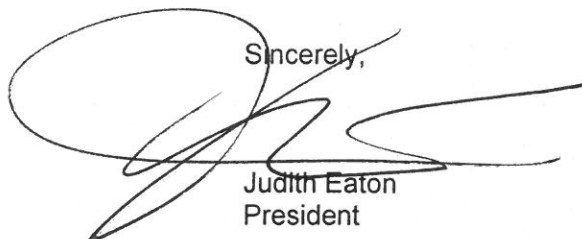
The accreditation community is keenly aware of the challenges to be met in the current climate for higher education. We understand and agree with the need for appropriate accountability and transparency, including evidence of learning outcomes and other indicators of educational quality. Such accountability is vital in light of the federal investment in higher education and the role of accrediting organizations as gatekeepers for the availability of such funds. Accreditation is increasingly transparent and committed to sustaining the strength and effectiveness of U.S. higher education. The use of peer review and focus on institutional mission has been essential to carrying out this commitment.

As we proceed with reauthorization, we need to examine the accreditation-federal government relationship to assure an appropriate division of responsibilities – an academic focus for accreditation and a financial focus for government. We urge that any changes to the law and regulation governing accreditation be designed to clarify and strengthen accreditation's primary role of overseeing academic quality, rather than adding new requirements that may have the unintended effect of lessening that focus on quality and improvement.

With this in mind, we provide the following comments.

- 1) Section 497 of the discussion draft calls for the public disclosure of a number of accreditation documents, including self-studies by institutions, accreditation team reports, internal accreditor documents and action letters by accrediting organizations. Much accreditation information is already made available by institutions themselves, using tools such as CHEA's *Information Profiles* that describe key features of an institution as well as its performance and accredited status. Mandatory public disclosure of documents critical to the accreditation process but not definitive with regard to quality judgments seems excessive and may harm the valuable candor between institutions and their accreditors. Current experience provides little evidence that the public reviews accreditation documents.
- 2) Section 497 (9) prohibits an accrediting organization from requiring that institutions compel students to enter into pre-dispute arbitration agreements with the institution to resolve disputes. This concept is covered in other sections of the discussion draft. We are unaware of any accreditor that requires institutions and students to enter into this type of agreement. The provision in this section is confusing and we suggest that it be removed.
- 3) Section 498A (2) requires mandatory reviews of institutions by the U.S. Department of Education (USDE) triggered by a number of conditions. In the case of accreditation actions, mandatory reviews are required if an institution is placed on probation or show cause. We believe that these mandatory reviews would be unwise and would inhibit improvement in the institutions reviewed. Many institutions that have been placed on probation or show cause have resolved the issues of concern while working with their accreditor, all to the benefit of students. Institutions on probation need to focus on correcting issues and problems, not preparing for a USDE review.
- 4) Section 1101 would require an institution to have the programmatic or specialized accreditation necessary for a student to qualify for a licensing exam based on where the student resides. The requirement as written will likely mean that institutions stop teaching certain students and deny admission to some out of state or distance education students. This will limit academic choices for students. CHEA believes that institutions need to exercise their own judgments about seeking programmatic accreditation, taking into account requirements in various fields, including licensure. We also believe that students need to be accurately informed about the various accreditations that institutions have and the impact. We suggest that this section tying a requirement for programmatic accreditation to student residency be removed.

Thank you for the opportunity to comment on this discussion draft and its accreditation-related provisions. CHEA is ready and willing to work with the committee as the reauthorization process proceeds.

Sincerely,

Judith Eaton
President