

————— Council of —————  
Regional Accrediting Commissions

October 31, 2019

The Honorable Bobby Scott  
Committee on Education and the Workforce  
U.S. House of Representatives  
2176 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Scott:

On behalf of the Council of Regional Accrediting Commissions (C-RAC), I write in response to the *College Affordability Act* (CAA) as approved in the House Education and Labor Committee this week. We commend you for working to develop a comprehensive reauthorization of the *Higher Education Act* (HEA) that addresses a range of issues facing students, institutions, and our nation's future workforce and economic prosperity.

In advance of bringing this legislation before the House of Representatives for a floor vote, we propose the following changes in order to further strengthen institutions of higher education and support the success of all students.

### **Standards and Benchmarks for Student Achievement**

Under HEA, accreditors are given the critically important role of judging academic quality. As regional accreditors, we take this responsibility seriously and collectively assure the quality and spur the improvement of nearly 3,000 institutions of higher education. As part of this process, we continually monitor a wide range of institutional data, such as graduation rates, transfers, enrollment patterns, cohort default rates and completion rates. These data, combined with our formal on-site visits and institutional reports, provide a comprehensive review of an institution and help identify when an institution is in distress, in which case we can and do take further action.

This legislation would have a dramatic impact on the current process by requiring accreditors to focus on two main outcomes – completion and workforce participation – and apply “one-size-fits all” benchmarks for different measures that could be used in assessing these outcomes.

Specifically, accreditors would be required to apply numeric benchmarks to institutions with little or no consideration of an institution's mission, student population, or current performance. If, for example, an accreditor chooses to use a “6-year graduation rate” as a measure for 4-year institutions, and sets a 60% benchmark for this measure, it would have to apply this specific performance level for all 4-year institutions, despite what could be wide variation among 4-year institutions. The only exception to this requirement is the ability of accreditors to take into consideration when an institution is “historically significant” or geographically isolated.

*C-RAC recommends that at a minimum, Section 496(a)(5)(A)(iii), be struck thus allowing accreditors to establish institutional benchmarks taking into consideration the individual circumstances and missions of ALL institutions when applying these (and any other outcomes and measures deemed appropriate by accreditors), recognizing that what is realistic and attainable for one institution may not be realistic in the medium term for another to accomplish, depending on the institutional mission and the students being served.*

In addition to forcing accreditors to apply “one-size-fits-all” benchmarks, it empowers the Secretary of Education to determine whether these levels are “too low” and if so require them to be revised by accreditors. While we appreciate language added through the Committee markup that would prohibit

the Secretary from setting “specific” levels of performance on benchmarks, the language still provides a *de facto* process of setting performance levels. Again, this is a responsibility that should not be in the purview of the federal government and would no doubt be subject to constant revisions following elections and could end up being driven more by politics in some administrations than by informed judgment. These changes are particularly problematic, as the metrics often and reasonably look at information on *graduates or cohorts of entering students*,, imposing a six- to ten-year delay in getting the specified data.

C-RAC recommends that the language under Section 496(r)(2) as amended, related to the Secretary’s authority related to performance levels, be struck.

Additionally, the legislation directs accreditors to develop a process to be followed when an institution does not meet a benchmark or standard related to student achievement. However, the current federal prohibition on the Secretary’s regulation of student achievement is not covered by this new language. This change could open the door to significant federal intervention in the accreditation process and could result in the federal government dictating sanctions to be imposed by accreditors. [Does the above delay suggestion also apply here?]

C-RAC recommends that Section 496(o) of current law, which prohibits the Secretary from regulating on accreditation standards, be expanded to also prohibit regulations on Section 496(a)(6) related to accreditors developing a process to follow when an institution does not meet a standard related to student achievement.

We also note that several other provisions of the CAA, including an amendment to section 435(a) of HEA (related to cohort default rates), cross-reference the benchmarks to be established by accreditors and would empower the Secretary to “determine” if an institution “has not made adequate progress in meeting” such standards. Again, we do not believe the Secretary of Education should be empowered, or even has the capability, to make judgments regarding academic quality or to make such a determination with regard to a specific institution. As specified in the HEA, accreditors are recognized by the Department as reliable authorities as to the quality of education.

C-RAC recommends that the cross-references to the accreditation benchmarks in Section 4110 of the legislation regarding Cohort Default Rates and Section 4731 regarding Strengthening Institutional Quality should be amended by dropping the reference to any Secretarial determination of adequate progress.

### **Subgroup Performance**

C-RAC recognizes the importance of paying close attention to student outcomes, including gaps in outcomes across student demographics, as part of overarching assessment of institutional quality.

However, this legislation would require a new standard on student achievement outcomes disaggregated by a dozen overlapping subgroups including by “attendance intensity” and “age intervals.” This would create a bureaucratic maze of data and accountability expectations that would be nearly impossible to apply fairly across all types of institutions and would ultimately lead to higher costs for students. In addition, while the data might possible lead to useful information for an institution of 30,000 students, for small institutions – of which there are hundreds if not thousands – the disaggregation would lead to cohort sizes too small to reliably consider.

C-RAC recommends striking this new standard under Section 496(a)(5(B), as amended.

## Student Complaints

C-RAC supports the legislation's language to improve coordination and efficiency in the handling of student complaints between states, accreditors, and the U.S. Department of Education, with particular emphasis on addressing cases in which an institution is the focus of multiple complaints. However, new timelines for responding to complaints should follow those recently negotiated as part of the new rulemaking by the Department.

## Role of States

The legislation expands the role of states in "evaluating" all institutions with respect to "facilities, equipment and supplies." This standard has long been the responsibility and purview of accreditors that have the capacity and experience to do so through our broader on-site review of institutions leveraging a network of over 4,000 highly trained volunteers.

Many states have limited capacity to handle existing state authorization requirements, and these added provisions would create uncertainty as institutions attempt to navigate multiple sets of requirements, particularly related to monitoring the adequacy of facilities. In some states, there are no state higher education offices at all. Further, the trend of shrinking state investments in higher education is counterintuitive to this directive. We encourage you to reconsider these provisions.

C-RAC recommends these provisions be amended by striking the language under Section 495(a)(4)(A), as amended, that adds this responsibility to states. We also recommend that the standard for "facilities and equipment" be retained as a standard for accreditors under 496(a)(5).

## Commission Members

The legislation expands the current federal requirements for board composition of accreditation commissions. Specifically, it requires one public member for every four other members of the board. While many Commissions currently have public representation in excess of the present requirement, we are opposed to the continued push to dictate the composition of our boards. While public members are unquestionably valuable, accreditation is at its core a peer review process, and we want to ensure that commission sizes remain in the realm where every voice has a chance to be heard.

C-RAC recommends that language under Section 496(b)(2), as amended, maintain the current law ratio of public members.

Again, C-RAC commends your effort to reauthorize HEA. While we are unable to support this bill as presently drafted, we appreciate the consideration you have given to our views, and we look forward to continuing to work with you and other Members to further improve your legislation as this process moves forward.

Sincerely,



Barbara Gellman-Danley, Ph.D.  
Chair, Council of Regional Accrediting Commissions  
President, Higher Learning Commission (HLC)

cc: Ranking Member Virginia Foxx