



**Federal Definition of Credit Hour
Background Information and NAICU Concerns
November 2010**

Background: There has never been a federal definition of “credit hour” in either law or regulation. Decisions about the award of credit hours are academic ones that are subject to review by accreditors.

Chronology: During the 2009-10 program integrity negotiated rulemaking process, the Department of Education proposed that a definition be included in the regulations. This proposal was made largely in response to strong criticism by the Inspector General of the work of regional accreditation agencies in reviewing institutional practices. The IG sees the credit hour as a measurement for the award of federal student aid.

Todd Jones-- president and general counsel of the Association of Independent Colleges and Universities of Ohio—was the representative of independent, non-profit institutions at the negotiated rulemaking sessions. Throughout the four months of negotiator meetings, Todd argued strenuously against a federal definition of credit hour. Ultimately, this view prevailed and the definition was stricken at the final session of negotiations.

However, because consensus was not reached on all the issues discussed during negotiated rulemaking, the Department was not bound to any of the agreements reached by the negotiators. Thus, they did include a credit hour definition in the proposed regulations published on June 18.

The comments submitted by NAICU and ACE strongly urged that the federal definition be stricken. We acknowledged that accreditors do have a role in reviewing the award of credit hours by institutions, and we proposed an alternative to the language put forward by the Department. None of our credit hour recommendations were accepted in the final regulations published on October 29. In fact, the only change made to the credit hour provisions was a re-organization of the language of the definition. As discussed in greater detail below, this change has created even more confusion and concern than the original proposal.

These regulations will go into effect on July 1, 2011.

Final Regulations: The definition in the proposed regulation was comprised of a list of three ways in which an institution could measure a credit hour. Under the final regulation, the items on the list remain the same—but the structure of the definition is changed.

The final definition is prefaced by defining a credit hour as “an amount of work represented in intended learning outcomes and verified by evidence of student achievement” that is determined by an institution to be equivalent to specified amounts of time spent in academic activities. These time amounts would be either a Carnegie unit or an equivalent amount of academic work. In addition, the definition explicitly states that the equivalency be “not less than” the amounts of work required by the other two measures.

The Department indicates this change was made in order to clarify that the institution is responsible for determining the amount of work that is equivalent to academic activities measured in time, and that the equivalency is a minimum standard.

However, rearranging the language of the definition not only failed to address the fundamental concern about having a definition at all, but also has led to massive confusion about its meaning. The language of the definition itself is so unclear and ambiguous that no one is sure what it requires. Some are interpreting the rearrangement of the list to mean that a whole new method of assigning credit hours would need to be developed so that specific learning outcomes and levels of student achievement could be assigned to specific units of time.

There is also concern that this reconfiguration might be read to resurrect the notion of having the federal government dictate student learning outcomes through the accreditation process. This is something the Congress specifically rejected in 2008 when it dismantled the previous National Advisory Council on Institutional Quality and Integrity (NACIQI) and included protective language in the accreditation section of the Higher Education Act.

Department's View: The Department's Inspector General (IG) believes there should be a standard federal definition of credit hour because credit hours are the basis on which federal student aid is awarded. In the preamble to the regulations, the Department states that the federal definition of credit hour will be used only for student financial aid purposes—indicating that institutions may choose a different credit-hour measure for academic purposes. However, this statement appears to make a rhetorical point only. There is neither regulatory language nor even a single example describing how such a differentiation might be made.

NAICU View: NAICU and our public institution colleagues are concerned that a federal definition of “credit hour” puts the federal government squarely in the middle of the academic decisionmaking process and limits our ability to respond to new models of higher education.

Credit hour decisions are appropriately made in an academic—not a regulatory—setting. The notion of a credit hour has been remarkably resilient in providing a common understanding of what is required across a huge variety and levels of coursework. Credit hour decisions are largely made by faculty members and require informed judgment. By its very nature, a regulatory requirement seeks standardization and conformity. It simply cannot provide the kind of breadth and adaptability that current practices have provided.

No amount of clarification by the Department can surmount the inherent problem of imposing the rigidity of federal regulation on a dynamic process—a process that has allowed our system of higher education to grow, improve, and respond to changing circumstances.

Attachments:

- #1 - Brief summary of main points (bullets)
- #2 - Final regulatory language (Federal Register, October 29, 2010)
- #3 - Side-by-Side Comparison of Proposed and Final Credit Hour Definition
- #4 - Credit Hour Definition Excerpt - NAICU Comment Letter (August 2, 2010)
- #5 - Credit Hour Definition Excerpt - ACE Comment Letter (August 2, 2010)

Attachment #1 – Brief Summary of Main Points

- There has never been a federal definition of “credit hour.” It has always been treated as an academic issue—which is appropriate.
- Because this is an academic issue, we agree that it is appropriate for accreditors to review the assignment of credit hours in the same way they review other academic matters.
- During negotiated rulemaking, everyone agreed to strike the definition. However, when the department issued proposed rules, it put the definition back in.
- NAICU, ACE, and others strongly urged that the definition be eliminated; and we proposed a specific alternative to the accreditation piece of the regulation. The Department did not include any of our credit hour recommendations in the final regulations.
- The one change the Department did make to the definition made things even worse because the definition is written so ambiguously.
- Summary of NAICU concerns about having a federal definition –
 - The award of credit is fundamentally a measure of academic work and is the responsibility of a college to determine.
 - The use of the credit hour for some aspects of the delivery of student aid does not change its core purpose as an academic, not a fiscal, unit. Determination of its key components needs to remain an academic decision.
 - It is appropriate for credit hour determinations to be reviewed through peer review and self-assessment processes. However, the determination and definition of a credit hour is the responsibility of each institution--working through its academic structure, including faculty.
 - Embedding a definition in federal regulation reduces the capacity of institutions to respond to innovative methods of teaching and learning.

Attachment #2 – Final Regulatory Language¹

§600.2 Definitions.

Credit hour: Except as provided in 34 CFR 668.8(k) and (l), a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than—

(1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or

(2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.

§602.24 Additional procedures certain institutional accreditors must have.

(f) Credit-hour policies. The accrediting agency, as part of its review of an institution for initial accreditation or preaccreditation or renewal of accreditation, must conduct an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours.

(1) The accrediting agency meets this requirement if--

(i) It reviews the institution's--

(A) Policies and procedures for determining the credit hours, as defined in 34 CFR 600.2, that the institution awards for courses and programs; and

(B) The application of the institution's policies and procedures to its programs and coursework; and

(ii) Makes a reasonable determination of whether the institution's assignment of credit hours conforms to commonly accepted practice in higher education.

(2) In reviewing and evaluating an institution's policies and procedures for determining credit hour assignments, an accrediting agency may use sampling or other methods in the evaluation, sufficient to comply with paragraph (f)(1)(i)(B) of this section.

(3) The accrediting agency must take such actions that it deems appropriate to address any deficiencies that it identifies at an institution as part of its reviews and evaluations under paragraph (f)(1)(i) and (ii) of this section, as it does in relation to other deficiencies it may identify, subject to the requirements of this part.

(4) If, following the institutional review process under this paragraph (f), the agency finds systemic noncompliance with the agency's policies or significant noncompliance regarding one or more programs at the institution, the agency must promptly notify the Secretary.

¹ Other regulatory changes regarding credit hours (not included here) deal with public postsecondary vocational schools and the method of converting clock hours to credit hours.

Attachment #3 – Side-by-Side Comparison of Proposed and Final Credit Hour Definition

Proposed Regulation	Final Regulation
<p>§600.2 Definitions.</p> <p>* * * * *</p> <p>Credit hour: Except as provided in 34 CFR 668.8(k) and (l), a credit hour is—</p> <p>(1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time;</p> <p>(2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours; or</p> <p>(3) Institutionally established reasonable equivalencies for the amount of work required in paragraph (1) of this definition for the credit hours awarded, including as represented in intended learning outcomes and verified by evidence of student achievement.</p> <p>* * * * *</p>	<p>§600.2 Definitions.</p> <p>* * * * *</p> <p>Credit hour: Except as provided in 34 CFR 668.8(k) and (l), a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than—</p> <p>(1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or</p> <p>(2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.</p> <p>* * * * *</p>

**Attachment #4 – Credit Hour Definition Excerpt - NAICU Comment Letter –
August 2, 2010**

We urge that the definition of “credit hour” proposed in §602.2 be removed.

Having a federal definition of “credit hour” puts the federal government squarely and inappropriately in the middle of an academic decisionmaking process. Defining and awarding academic credit is a fundamental function of colleges and universities. Moreover, this process makes possible the qualities—diversity, flexibility, and innovation--that epitomize the American system of higher education.

During the negotiated rulemaking process, the private, non-profit college representative argued persuasively that there should not be a federal definition of credit hour. The negotiators reached consensus on this point. So we were both disappointed and alarmed to see that a definition was reinserted in the proposed regulation.

Setting a federal definition will have the effect of boxing in a dynamic process that has served American higher education remarkably well. The beauty of the system is that a diverse array of courses offered by an equally diverse array of institutions functions with a common understanding of the work required to perform at a postsecondary level.

Credit hour determinations are academic judgments made with active faculty participation and are adjusted as advancements or innovations are discovered. These decisions don't follow a rigid step-by-step template, but rather are guided by consensus achieved by academic experts. This process may appear untidy, but it has been remarkably effective in sustaining both the diversity and the quality of American higher education.

We risk losing these critical attributes with a federal definition, as federal regulation inevitably leads to greater standardization. In fact, the Department's interest in defining a “credit hour” is motivated by a desire to devise a standard measure for a unit of federal aid. However, even if standardization were desirable, this proposal would not accomplish that purpose. The reasoning is simply flawed. Just as credit hours are not the sole measure for a unit of tuition, they are not the sole basis for determining the level of federal student aid awards. A student taking 12 credit hours qualifies for the same amount of aid as he/she would receive if taking 18 credit hours.

More importantly, the use of the credit hour, even as some portion of student aid considerations, does not change its core purpose as an academic--not a fiscal--unit. Determination of its key components must remain an academic decision.

Accrediting agencies do examine credit hour determinations as part of the peer review process. Therefore, we are not objecting to the inclusion of additional regulatory language dealing with accreditation reviews of credit hour determinations. We do believe that such reviews should be consistent with current practices, and we support the alternative proposal put forward by the higher education community which attempts to achieve this goal. (The text of the alternative proposal is attached for ease of reference.)

Attachment: Higher Education Community Alternative Proposal

§602.24 Additional procedures certain institutional accreditors must have.

(f) Credit-hour policies. The accrediting agency, as part of its review of an institution for initial accreditation or preaccreditation or renewal of accreditation, must conduct an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours, consistent with the provisions of §602.16(f).

(1) The accrediting agency meets this requirement if it—

(A) Reviews the institution's application of the institution's policies and procedures to its programs and coursework; and

(B) Determines whether the institution's assignment of credit hours is consistent with commonly accepted practice in higher education.

(2) The accrediting agency may use sampling or other methods selected by the agency in the review.

(3) The accrediting agency must take such actions that it deems appropriate to address any deficiencies that it identifies at an institution as part of its review and determination under paragraph (1), as it does in relation to other deficiencies it may identify, subject to the requirements of this part.

(4) If, following the institutional review process under paragraph (f), the agency has reason to believe the institution is failing to meet its title IV, HEA program responsibilities or is engaged in fraud or abuse, the agency must notify the Department, as required by the provisions of §602.27(a)(6).

(5) Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the procedures that accrediting agencies or associations shall use to assess any institution's credit hour policies or procedures.

Attachment #5 - Credit Hour Definition Excerpt – ACE Comment Letter (August 2, 2010)

II. Credit-Hour Definition

We reiterate our strong support for efforts to curb abuse in federal student aid programs. However, we believe the Department's proposal on credit hour in sections 600.2 and 602.24 is misguided and could have serious unintended consequences. This proposal would impose a federal definition of credit hour and place new requirements on accreditors related to the review of institutional policies for determining credit hours consistent with the federal definition. As drafted, the proposal threatens to impose a rigid, one-size-fits-all federal definition on institutions and puts in place a structure that invites inappropriate federal intrusion into areas of academic decision-making.

We noted at the start that the Department's proposal in this area is largely in response to a single incident involving one program at one school, where in fact, the problem was discovered by the accreditor and promptly corrected by the institution. All of this occurred under the current regulatory framework and *without* the presence of a federal definition of a credit hour. Imposition of a new federal definition for credit hour based on a single anecdote is totally unwarranted. Above all, the process of defining and awarding academic credit is a fundamental function of each U.S. college and university, making our system unique in the world. The federal government's imposition of a definition on institutions and/or accreditors would profoundly undermine the American system of higher education while reducing its flexibility, diversity and innovation.

A. Strike the "credit hour" definition from 600.2

While we have concerns regarding several aspects of the Department's credit-hour proposal, we are most troubled by the inclusion of a federal definition of credit hour in section 600.2. We believe the Department's attempt to define this term in federal regulations is misguided and deeply flawed, and we urge its removal from the final rule.

A "credit hour" has always been a flexible term of art used to provide an approximation of academic workload. The assignment of credit hours reflects the collective professional judgment of faculty and other campus academic officers in relation to the level of course offering, expected workload, intensity of the work and other factors. As a result, determinations of academic credit do not involve a single standard that can be applied to all academic programs at all institutions in the way the Department proposes. A few examples will illustrate this variation: The physics department expects homework outside of lab courses and the chemistry department does not; the nursing program expects student commitment far beyond the credit hours that would be awarded for clinical practice using the traditional formula.

By attempting to impose a single definition for credit hour, the Department would be inserting itself in academic judgments made at the departmental and institutional level. Federal law prohibits the Department from interfering in academic decisions without explicit Congressional authorization.¹ Indeed, this principle is so fundamental that a prohibition on this type of interference has been included in every version of the Higher Education Act since its inception in 1965.

¹ "No provision of a program administered by the Secretary or any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution" 20 U.S.C. § 3403.

With the diversity of courses and programs offered at any single institution, the measure of a credit hour within that institution understandably varies. Thus, if a federal definition were included in the regulations, all institutions would need to review the credit hour assignments of all of their courses to determine whether they fall within the confines of that definition. The difficulty of this task would be compounded by the uncertainty over what the Department would determine to be equivalent. Moreover, the federal definition may set an expectation where the minimum becomes a maximum: If the federal definition is applied, would institutions be expected to award additional credit beyond what they now calculate? As discussed further below, this process is better left between the accreditor and the institution.

The inclusion of subparagraph (3) in the definition reflects an attempt to address the inflexibility inherent in any fixed definition in federal law. Unfortunately, this language makes an already unworkable definition even more problematic. By requiring “reasonable equivalencies” to seat time, “verified by evidence of student achievement,” this subparagraph would undoubtedly be subject to varied interpretations, which would invite yet further definition through sub-regulatory rulings by the Department. The resulting confusion over these requirements is likely to limit responsible innovation in this area.

The strength and value of flexibility in assigning credit hours is that each institution, and each program within an institution, is treated as individual and unique. Given the enormous diversity in American higher education, it is important that accreditors have the flexibility to examine each school on its own terms. Indeed, the rapid growth of distance and online learning in recent years has only been possible because accreditors have had the flexibility to look at each institution and program separately. With a one-size-fits-all definition, the federal government will unavoidably guide and limit innovation in higher education.

Maintaining and deepening academic quality is of paramount importance to our member institutions, and preserving this bedrock value has been the hallmark of our voluntary system of accreditation. We believe this system has played a vital role in developing the rich and diverse array of colleges and universities that distinguishes the U.S. higher education landscape. Unfortunately, this proposal threatens to undermine this valuable system.

The problems inherent in a federal definition of credit hour were discussed extensively during negotiated rulemaking. At that time, the federal and non-federal negotiators agreed that the inclusion of a federal definition of credit hour was both unwise and unnecessary. It remains a singularly bad idea. We strongly urge the Department to remove the definition completely from section 600.2.

B. Revise section 602.24

The Department’s credit-hour proposal would, for the first time, impose federal requirements on accreditors and institutions related to the review of institutional credit-hour policies. Specifically, the proposal calls for the addition of a new subsection (f) in section 602.24 that sets forth a detailed description of accreditors’ responsibilities for reviewing institutional policies and practices on credit hour. As the Department aptly notes in its own explanatory statement, accreditors are *already required* under existing law to evaluate program length and the amount of credit an institution or program grants for course work. Yet, once again, despite the lack of evidence of widespread

problems in this area, the Department's proposal threatens to impose a significant burden and cost on every accrediting agency and institution of higher education.

Under section 600.2, institutions would be required to review the credit-hour assignments of their courses to determine whether these assignments meet the federal definition of a credit hour. In addition, under section 602.24(f)(1)(B)(ii), they would be required to determine whether the institutional assignment of credit meets "commonly accepted practice in higher education." These two provisions are internally inconsistent. Asking the accrediting agency to make a determination of whether the institution's assignment of credit hours is consistent with commonly accepted practice is a more appropriate approach.

For these reasons, we have serious reservations about the proposed language in section 602.24. We believe that current regulations and accreditation review practices are more than sufficient to ensure proper review of institutional credit-hour policies and detect discrepancies (as demonstrated by the American Intercontinental University/Higher Learning Commission case). However, if the Department is determined to regulate on this specific issue, it should confine itself to section 602.24 with the following important modifications:

We oppose the inclusion of any language in section 602.24 linking the review of credit-hour policies to any federal definition of credit hour, as well as the inclusion of a definition in section 600.2.

1. The Department should clarify the language in section 602.24(f)(2) to explicitly recognize that the determination of proper sampling or other methods for reviewing credit-hour assignments will be left to accreditors. Without this clarification, the language in (f)(2) creates an opening for inappropriate federal intrusion.
2. We recommend that language be included to reaffirm the current understanding about the roles of accreditors and institutions in dealing with student achievement, as these general principles are applicable as well to credit hour determinations.
3. We urge that the proposed notification language in section 602.24(f)(4) be revised to make it consistent with existing requirements for notification to the Department. Accreditors are already required to notify the Secretary in cases of suspected fraud or a failure to meet Title IV responsibilities. As currently drafted, any evidence of a credit hour problem—no matter how easily corrected or trivial—would have to be reported. In addition, the proposed language raises serious due process concerns and will undermine efforts by accreditors to seek immediate corrections.
4. We ask the Department to add language making explicit that nothing in this subsection will be interpreted to permit interference in campus academic affairs. This clarification is essential to ensure that federal officials and program reviewers undertaking institutional program audits do not use this subsection to insert themselves into the academic decision-making of institutions.

Based on these considerations, we propose the following revised regulatory language for section 602.24:

(f) Credit-hour policies. The accrediting agency, as part of its review of an institution for initial accreditation or pre-accreditation or renewal of accreditation, must

conduct an effective review and evaluation of the reliability and accuracy of the institution's assignment of credit hours, consistent with the provisions of §602.16(f).

(1) The accrediting agency meets this requirement if it—

(A) Reviews the institution's application of the institution's policies and procedures to its programs and coursework; and

(B) Determines whether the institution's assignment of credit hours is consistent with commonly accepted practice in higher education.

(2) The accrediting agency may use sampling or other methods selected by the agency in the review.

(3) The accrediting agency must take such actions that it deems appropriate to address any deficiencies that it identifies at an institution as part of its review and determination under paragraph (1), as it does in relation to other deficiencies it may identify, subject to the requirements of this part.

(4) If, following the institutional review process under paragraph (f), the agency has reason to believe the institution is failing to meet its title IV, HEA program responsibilities or is engaged in fraud or abuse, the agency must notify the Department, as required by the provisions of §602.27(a)(6).

(5) Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the procedures that accrediting agencies or associations shall use to assess any institution's credit hour policies or procedures.

ACE letter was sent on behalf of:

Higher Education Associations

ACPA - College Student Educators International
American Association of Colleges of Nursing
American Association of Colleges of Osteopathic Medicine
American Association of Community Colleges
American Association of State Colleges and Universities
American Council on Education
American Dental Education Association
American Indian Higher Education Consortium
APPA: Leadership in Educational Facilities
Association of American Medical Colleges Association of American Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Independent Colleges of Art & Design
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Council for Christian Colleges and Universities
Council for Higher Education Accreditation
Council for Opportunity in Education
Council of Graduate Schools
Council of Independent Colleges
Distance Education and Training Council
Hispanic Association of Colleges and Universities
Lutheran Educational Conference of North America

NASPA – Student Affairs Administrators in Higher Education
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators
National Collegiate Athletic Association
Women’s College Coalition

Accreditation Organizations

Accreditation Commission for Audiology Education
Accreditation Council for Pharmacy Education
Accreditation Council for Psychoanalytic Education, Inc.
Accreditation Review Commission on Education for the Physician Assistant
Accrediting Commission of Career Schools and Colleges
Accrediting Commission of Continuing Education and Training
American Board for Accreditation in Psychoanalysis, Inc.
American Board of Funeral Service Education American Council for Construction Education
American Dental Association Commission on Dental Accreditation
American Library Association Office for Accreditation
American Occupational Therapy Association
American Osteopathic Association
American Psychological Association
American Veterinary Medical Association
Association for Biblical Higher Education, Commission on Accreditation
Association of Advanced Rabbinical and Talmudic Schools
Association of Specialized and Professional Accreditors
Commission on Accreditation for Marriage and Family Therapy Education
Commission on Accreditation in Physical Therapy Education / American Physical Therapy Association
Commission on Collegiate Nursing Education
Council of Arts Accrediting Associations, including:
National Association of Schools of Art and Design
National Association of Schools of Dance
National Association of Schools of Music
National Association of Schools of Theatre
Council on Accreditation of Nurse Anesthesia Educational Programs
Council on Education for Public Health
Joint Review Committee on Educational Programs in Nuclear Medicine Technology
Montessori Accreditation Council for Teacher Education
National Accrediting Agency for Clinical Laboratory Sciences
National Council for Accreditation of Teacher Education
National League for Nursing Accrediting Commission
New England Association of Schools and Colleges, Commission on Institutions of Higher Education
Northwest Commission on Colleges and Universities
Southern Association of Colleges and Schools Commission on Colleges
Teacher Education Accreditation Council
The Higher Learning Commission of the North Central Association of Colleges and Schools
The Middle States Commission on Higher Education
Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges
Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities