

From: NAICU Presidents Network [mailto:presnet@naicu.edu]
Sent: Thursday, June 09, 2011 10:41 AM
To: NAICU Presidents Network
Subject: [presnet] Action Alert - State Authorization and Federal Credit-Hour Definition

Colleagues,

I write to ask you to urge your congressional representative to cosponsor HR 2117, legislation that would repeal the state authorization and federal credit-hour definition regulations issued by the Department of Education last October.

NAICU, along with over 70 other higher education associations and accreditation organizations, has strongly opposed these proposals. Requests to the Secretary of Education to rescind these portions of the regulations have gone unheeded. (See *Washington Update* stories [here](#) and [here](#).)

NAICU strongly supports HR 2117, which was introduced by Rep. Virginia Foxx (R-NC), chair of the House Subcommittee on Higher Education and Workforce Training.

To Contact Your Representative:

All members of Congress can be reached by asking for them by name through the Capitol switchboard at (202) 225-3121. In addition, many members will likely be holding meetings in their districts this week (June 6-10), as the House of Representatives is not in session.

Talking Points:

- Please cosponsor HR 2117, legislation introduced by Rep. Virginia Foxx that would repeal Department of Education regulations expanding state authorization requirements and creating a federal definition of credit hour.
- These two provisions are part of a larger package of regulations dealing with 14 issues. We recognize the broad need to address concerns about potential fraud and abuse in the student aid programs, especially the in the for-profit sector, and to protect students from subpar educational programs.
- We have supported efforts to rein in fraud and abuse in the student aid programs. However, the state authorization and credit hour definition provisions miss their intended targets. Rather than combating fraud and abuse, these provisions invite inappropriate state interference with independent, not-for-profit colleges, and inappropriate federal interference with academic decisions.

If you want to provide more specific information:

State authorization:

- The sole requirement in the law is for states to grant colleges authority to operate as postsecondary institutions. But the expanded provisions established by the Department could be used as an excuse to set up new oversight of private, not-for-profit colleges.
- In addition, the distance education provisions of the state authorization regulation inappropriately interject the federal government in an area of state law—bringing complexity and confusion in its wake.

Credit hour definition:

- The awarding of credit is fundamentally a measure of academic work. It is the responsibility of a college to determine that measure, working through its academic structure, including faculty.
- 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.
- Embedding a definition in federal regulation also reduces the capacity of institutions to respond to innovative methods of teaching and learning.

Additional Background:

- The program integrity rules issued in October 2010 were intended to curb abuses in the federal student aid programs and were particularly aimed at [practices in the for-profit sector](#).
- NAICU participated in the negotiated rulemaking sessions on these regulations. All parties, including the Department of Education, agreed *not* to include a federal definition of credit hour in the final proposed package.
- When the Department reversed its decision, the higher education community, including NAICU, sent forward an [alternate proposal](#). The proposal provided a new regulatory framework for assessing the awarding of credit hour, without the problematic definition.
- The Department rejected the community's alternative, causing serious problems for accreditors and colleges alike.

Thank you for your assistance on this important matter.

Sincerely,

David

*David Warren
President, NAICU*