

## Is Education Dept trying to change too much too quickly in HE?

**Mary Beth Marklein** 08 February 2019

A key United States Department of Education official sought to allay fears within the higher education community last week that the department's recently proposed changes to federal regulations are essentially a done deal.

But she also made it clear that the Trump administration believes the existing regulations, which determine which educational institutions can have access to more than US\$1.2 billion in annual federal student aid, are due for an overhaul.

The proposal and its sometimes "very provocative ideas" are a starting point, Diane Auer Jones, principal deputy under secretary at the Education Department, told a group of accreditation professionals gathered in Washington for meetings. "Please don't think our starting point is where our ending point is going to be."

The department is now holding a series of public hearings for stakeholder comments, after which it will revisit and perhaps revise the proposed language as the Education Department makes its way through a labyrinthine process known as negotiated rule-making.

The proposals reflect a changing and more complex higher education landscape, and are designed to encourage innovation, said Jones, who was speaking at the annual meeting of the Council for Higher Education Accreditation (CHEA), an organisation that represents accreditation in the US.

Many of the regulations are based on assumptions about higher education that Jones said have outlived their relevance. Online education, branch campuses and competency-based learning models, for example, have opened the door to new ways to define a credit hour and rendered outdated the notion of accreditation based on geographical location, she said.

"We have to find the place that's the right place to be," Jones said.

### **Reversing student protections**

Many of the changes would reverse regulations issued by the Obama administration that were designed to protect students from graduating with a lot of debt and a worthless degree from low-quality, for-profit providers. One proposal, for example, would allow colleges that outsource more than half of their programmes to non-accredited providers to receive federal aid.

Another proposal would require regional accreditors to accredit institutions in no less than three and no more than 10 states, a requirement that would have a significant impact on several accrediting organisations and the institutions they accredit.

The department also would like to promote transfer of credit between institutions accredited by regional accrediting organisations and those accredited by national accreditors (although transfer policies are set by individual institutions, not by accrediting organisations).

Employers would play a bigger role in accreditation under the proposed draft. Support from employers would be required for institutions to add and for accreditors to approve a new graduate programme, for example, and accreditors would be required to consult with employers as they develop their standards of quality.

Jan Friis, CHEA's vice president for government affairs, told members that the rule-making process being laid out by the Trump administration has been "so far from conventional" that it's impossible to predict how it will play out.

For now, the draft language looks like "a mixed bag" for accreditors, he said. In Washington, a commonly voiced concern is that "there are too many topics and not enough time to negotiate them" with stakeholders, he said. The Education Department has until 1 November to publish final regulations in order for them to go into effect the following July.

### **Overdue reauthorisation**

The draft language is being considered just as a new and divided Congress is gathering in Washington, where the long-overdue reauthorisation of the Higher Education Act awaits and where a number of education bills have been put forth.

Democrats want to boost funding for grants to low-income students, increase oversight of for-profit colleges and allow undocumented students access to federal aid. The Republicans also call for more grant funding for low-income students. They would loosen rules governing for-profits.

California Democrat Representative Mark Takano, a member of the House Committee on Education and the Workforce, told CHEA members that the department's proposed changes would allow for-profit institutions to prey on unsuspecting students.

In a more typical environment, negotiated rule-making would begin after reauthorisation as the administration develops language for new legislation. Many Washington-based organisations doubt it will be reauthorised in this Congress, but if it is, a new negotiation process would take place.

"It could be that some of the rule-making we're doing would have to be redone," Jones said. "But we're going to keep moving forward."

Steven Parscale, chief accreditation officer of the Accreditation Council for Business Schools and Programs, said the new process “is a good idea ... [but] is set up to fail.” In order to succeed, major policy changes “need to start out small and have a good chance to succeed so that people experience the success”, Parscale said. “If you throw everything you have at the new process, it is not going to work.”

David Baime, senior vice president of government relations and policy analysis at the American Association of Community Colleges, said he was encouraged by Jones’ “stated willingness to truly listen to the college and university community on these complicated and far-reaching issues”. But, he added, “negotiators have a tremendous amount of ground to cover, and not much time to do so.”

Conference organisers and attendees acknowledged that they needed to adapt to a changing environment. “The real question is, how do we do it?” said James Gaudino, president of Central Washington University. “We need to come together to shape the way the country changes, [rather than] react to it.”

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