



April 28, 2011

The Honorable John Kline
Chairman
U.S. House Committee on Education and the Workforce
2181 Rayburn House Office Building
Washington, DC 20515

The Honorable George Miller
Ranking Member
U.S. House Committee on Education and the Workforce
2181 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Kline and Ranking Member Miller:

On behalf of four-year public institutions of higher education, we write to express our concerns regarding the Department of Education's definition of a credit hour contained in the October 29, 2010 final program integrity rule. In general, we are wary of federal involvement that could unnecessarily regulate and limit the vitality of our diverse system of higher education. We believe that the creation of a federal definition of credit hour creates needless burdens and restricts innovation in higher education. This definition could stifle new and creative approaches just when they are needed the most.

The Department's justification for the creation of a credit hour definition was to protect the integrity of Title IV aid programs; however, a credit hour, being fundamental to any academic program, is primarily an academic tool. The creation of a federal definition for credit hour dilutes this academic purpose and changes it to one of fiscal management. The concept of a credit hour should not be used for purposes for which it was not intended.

Public institutions are under intense scrutiny to become more efficient, effective, and productive. In order to achieve their mission and address this scrutiny, institutions must have the flexibility to innovate. From an academic perspective, this means pursuing teaching models that produce increased learning results. These models may not fall into the federal formula as laid out in the regulations. Both of our organizations are encouraging members to develop new delivery methods focusing on student learning success through innovation, such as self-paced computer courseware.

While the Department argues that the language provides for innovation by allowing institutions to demonstrate equivalencies in student achievement, the effect of this definition is that

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institutions will not have the opportunity to demonstrate that achievement. An accrediting body will not be allowed to approve a new method of delivery until the institution can prove results, but the institution will be unable to demonstrate those results until they are permitted to innovate. As well as stifling innovation, the definition places accreditors in the unprecedented position of enforcing a federal academic standard when their role should be less focused on enforcement.

While there is some question as to whether this definition violates the Department's enabling law by exercising "any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution" (20 U.S.C. sec. 3403), this definition ultimately stifles creativity and innovation in higher education while preserving and promoting the status quo. For these reasons, we ask you to pursue legislation that will rescind this definition.

With much appreciation,



Muriel A. Howard
President
American Association of
State Colleges and Universities



Peter McPherson
President
Association of Public and
Land-Grant Universities