

**STATEMENT OF**  
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**BEFORE THE COMMITTEE ON EDUCATION AND THE WORKFORCE**  
**UNITED STATES HOUSE OF REPRESENTATIVES**

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Madam Chairwoman and Members of the Committee, my name is George Pruitt and I am president of Thomas Edison State University in New Jersey. In December, I completed three successive terms as chair of the Middle States Commission on Higher Education. Prior to that I served for almost 19 years under five secretaries of education, under three presidents of both parties as a member of the National Advisory Committee on Institutional Quality and Integrity, otherwise known as NACIQI, but today I come to share with you the perspective of a regionally accredited institution.

Thomas Edison State University is a specialty university. We were created with the mission of providing flexible, high-quality collegiate learning opportunities for self-directed adults. The average age of our student body is approximately 40 and we do not regularly admit students under the age of 21 unless they are community college graduates or active-duty military. With an enrollment of 17,500 students, we are the third largest college or university in the state of New Jersey.

We were among the first institutions in creating what is now known as prior learning assessment. We were one of the first regionally accredited colleges or universities in the United States to offer a complete degree program “online.” While we are noted for our innovation in serving adult learners, we are proudest of the recognition we receive for the quality and integrity of our academic work.

Regionally accredited institutions value their participation as members of quality assurance communities. While reasonable federal oversight over the use of public funds is necessary, we believe that peer affirmation of quality, tested against agreed upon standards and promulgated by recognized academic authorities, has been essential in producing the finest set of academic institutions in the world.

The process of institutional self-study is vital to self-renewal. Peer review by trusted expert peers is crucial to avoid institutional self-delusion. While some have criticized peer review as mutual backslapping, that point of view is not informed by the reality of a process which is robust, independent and comprehensive. That is not to say that the process cannot be improved. Accreditors should, and have moved to, simplify the standards, share common language in reporting and findings, place greater emphasis on student outcomes, provide for differential scrutiny between strong, healthy institutions and those that are more challenged, and use objective measures of institutional effectiveness that take into account the specific mission of the institution and the population they serve.

There are four basic things we all would like to see from our accreditors:

First, standards that respect the rich diversity in institutional missions and the diversity of the various populations we serve through a process of self-study and peer review. Ten miles down the road from us sits Princeton University, one of the finest institutions in the world. Yet our two universities could not be more different; both of high quality, but with very different missions serving two very different populations that require different analytics to understand us.

Second, accreditation that is focused on student learning outcomes.

Third, accreditation conclusions about institutional effectiveness that are based on objective evidence, appropriate metrics and where possible, third party validation. The emphasis

should be on appropriate metrics that are in line with the individual mission of the institution, and not a one-size-fits-all template using misapplied data such as graduation rates. If graduation rates is the wrong metric, what are some of the right ones? For example, Thomas Edison State University graduates achieved the highest pass rates of all New Jersey institutions on the national public accountancy exam for three of the last five years. In 2012 and 2014, the graduates of our accelerated baccalaureate nursing program earned a 100% pass rate on the state licensure exam. In fiscal year 2016, 77% of our graduates were admitted to graduate school, and only seven percent of the students that stopped out of our institution did so for academic reasons. The vast majority of students enrolled in American higher education today are over the age of 25 and attend college part time. The traditional 18 year old, going to college full time, expecting to graduate in four years, is a shrinking piece of the higher education pie. Accordingly, the metrics of accountability, to be of value, must reflect this new reality. There can never be the right answer to the wrong question.

Finally, accreditors should continue to oppose the substitution of compliance for quality assurance that is stemming from well-intentioned, but misguided and inappropriate regulations by the Department of Education.

I believe that Middle States and the other regional accreditors are meeting these four benchmarks. We all understand that there have been some well-publicized examples of institutions that have lost their way, compromised the public trust, misused public resources and hurt the students that were enlisted into their care. While these institutions should be held accountable by their accreditors, regulators and consumers, the broad system of accreditation is fundamentally sound. However, we must always be involved in a process of continuous improvement.

Accreditation should not be expected to prevent institutions from failing. Instead, it should be the proverbial “canary in the coal mine” identifying weak institutions, strengthening them where possible, and alerting the regulators and protecting students when institutions become severely challenged. However, in our efforts to improve the system we must not impose remedies that do more harm than the maladies they seek to cure.

I hope you will consider the following points in the Higher Education Reauthorization Act:

First, heed the admonition contained in the physician’s oath: “first do no harm.” While there have been some highly publicized examples of questionable institutional behavior, the system of regional accreditation is fundamentally sound. Regional accreditation is a dynamic process, constantly adjusting to changing realities. The few lapses in oversight by these accreditors have been responded to, and I doubt will reoccur. They are genuinely committed to being more vigorous in protecting our students and the public.

### **Regulatory Relief**

As I indicated earlier, for almost 19 years, I worked with the Department of Education as a member of the National Advisory Committee on Institutional Quality and Integrity and its predecessor committee, under several administrations of both parties. I found that work challenging but productive, and I enjoyed my engagement with the Department staff. I come to my current position on the unfortunate recent changes in the regulatory culture and regime of the Department with no philosophical or ideological animus, but with a deep sense of disappointment. While it is not my intent to impugn anyone’s goodwill, experience has taught me that sometimes bad things come from good intentions. Regulatory relief is needed in five areas:

- 1. Credit hour.** For the first time I can recall, the Department of Education is requiring colleges and universities to equate the number of credit hours awarded for a course to “the seat time” a student sits in a classroom. Colleges and universities assign credit awards based on the quality of academic content in courses, not the time spent in a classroom. What about laboratory work, studio time, independent study, online courses, thesis and dissertation research, internships, cooperative education, physical education activity courses, none of which requires classroom “seat time?” As an undergraduate, I took a five-credit hour chemistry course. Between the lectures, discussion sessions and lab time, I was ‘in class’ 15 hours a week. I took a one-hour physical education activity class that met three times a week in a bowling alley. By the Department’s logic, the University of Illinois owes me 11 credits for those two courses. Of course they don’t. Credit hours for a course are a function of the ‘heft’ of the syllabus, not the location of the student’s posterior. Credit hour at its core is a matter of intrinsic academic judgement that must be left to the academy. This unfortunate application of federal regulation should be eliminated.
- 2. State authorization.** It is not unreasonable to assume that states should license and regulate the activities of post-secondary educational institutions operating within their borders. This is reasonable to assure that a minimum threshold of quality is met, as well as to protect the rights of the consumer. Unfortunately, the Department has attempted to extend state licensure requirements to colleges and universities that have absolutely no physical presence in the state by including ‘online’ courses, literature distribution, and in at least one case, a billboard. The regulation cripples the use of technology that increases access, shortens time to completion, and lowers costs. The

community has responded under the leadership of the Higher Education Regional Compacts, which created the State Authorization Reciprocity Agreement (SARA). SARA has created a definition of ‘state presence,’ which is limited to actual physical presence in the state. I urge you to incorporate the SARA definitions into Higher Education Reauthorization.

3. **Defending regional accreditation from becoming “compliance franchises” of the Department of Education.** Over the last several years, the Department of Education continually promulgated a series of increasingly intrusive, overreaching regulatory and reporting requirements and made the regional accreditors enforcers of these rules as a condition of federal recognition. When you hear college officials complain about the minutia and nitpicking by accreditors, it is usually caused by the compliance protocols forced on the accreditors, not the quality assurance practices developed by the accreditors. I will defer to my colleagues from the accrediting agencies to talk about NACIQI, but given my long personal involvement with that organization, I can’t help but express my disappointment about the changes that have happened there.
4. **The Federal rating system or “score card.”** Colleges and universities are committed to providing easily accessible information about their institutions to allow educational consumers to make informed choices. However, when the Department of Education announced its intention to create a federal rating system or “score card” for colleges and universities, there was nearly uniform opposition from the higher education community. The reason for the opposition was not an aversion to disclosure, but because the task as stated is psychometrically impossible to achieve

with any validity. Again, Thomas Edison State University and Princeton University are both very high quality institutions, but it is impossible to come up with a common set of metrics that could adequately describe both. The great strength of American higher education is its diversity and its quality, but that diversity makes a “score card” impossible. Nevertheless, the Department persisted and the “score card” it produced magnificently illustrates the point that the task is not feasible. Attached to my testimony is a document I printed from the Department website entitled, “23 Four-year schools with low costs that lead to high incomes.” That is great information if it were true. I hope you will look at the institutions on the list. It contains 23 of the most expensive and selective colleges and universities in the nation. The only public institutions I recognize are Georgia Tech, University of Michigan, and the University of Virginia. There is Princeton, Harvard, MIT, Stanford, Duke, etc. The criteria that the Department used was “out of pocket” cost for a Pell Grant recipient. It is true that if you are a low-income student who is fortunate enough to be admitted to one of the institutions on the list, they will make sure that your financial circumstances will not preclude you from attending. While I know the Department had good intentions, to suggest to a working-class family that a sound strategy to achieve a “low cost high income” education is to go to the most expensive, selective school, is irresponsible. I am reminded of the quote by Peter F. Drucker: “There is nothing so useless as doing efficiently that which should not be done at all.”

5. **Litigation costs.** Accreditors are sometimes criticized for waiting too long in revoking the accreditation of struggling institutions. Sometimes this observation is valid. Accreditors are loathe to take that final step not because they are timid or lack

resolve, but because the consequences are so severe, especially for the students who are left institutionally homeless, with credits that are difficult to transfer. These consequences can be devastating, inflicted most severely on the people who are most innocent in the institution's failure. It is not an action to be taken lightly and only as a last resort. Another consequence of revoking accreditation is that the accreditor will most likely be sued. When accreditation is revoked, the due process procedures of accreditors usually result in an outcome that is well documented and clearly justified. However, loss of institutional accreditation is usually a death sentence and schools often fight for their survival. Middle States recently revoked accreditation from one of its member institutions that had a great history and a wonderful mission, but had fallen on hard times financially. It could no longer demonstrate that it had sufficient resources to be sustainable. Accreditation was withdrawn and the institution went to federal court and requested a temporary restraining order to block the action. After a three-day hearing in federal court, the request for injunctive relief was denied. Middle States requested a summary judgement upholding its actions, which after the submission of briefs from both parties, was granted. The institution appealed the judge's ruling. After submission of briefs from both sides, the appeal was denied. The accreditor's action was upheld but it spent nearly a quarter of a million dollars in defending itself. As accreditors continue to follow the will of Congress and be more proactive and aggressive, costly litigation is an inevitable result. This will drive the cost of accreditation higher, making liability coverage more difficult to acquire, driving up college tuition as higher accreditation costs are passed on to the

institutions. I urge Congress to take steps that will mitigate the unavoidable flood of lawsuits that will surely occur.

Thank you.