

DATE: April 17, 2007
TO: Accreditation Negotiated Rulemaking Committee Members
FROM: Vickie Schray
SUBJECT: Materials for the April 24-26 rulemaking session

Please find enclosed materials for the April 24-26 session of the Accreditation Negotiated Rulemaking Committee. Included in this package are the following documents:

- Agenda
- Draft Session II Meeting Summary
- A redlined version of the proposed regulatory language
- A clean version of the proposed regulatory language
- Draft *Federal Register* instructions for amendatory language
- A crosswalk document of the proposed amendatory language

We have tried to make clear the history of changes made to the proposed regulatory language. Please note that sections in bold typeface indicate language that was introduced in the last rulemaking session. New or revised language are highlighted in yellow.

I would like to draw your attention to a few items and provide a brief background on the revisions that have been made:

- **Issue #3 Monitoring.** Draft regulatory language was shared with the Department by one of the non-Federal negotiators at our last session. This draft is drawn from that language, though it does not duplicate it. We as a group did not have an opportunity to fully discuss the issue or the alternative language and look forward to your comments.
- **Issues # 6 & 7 Institutional Success with respect to student achievement.** As a result of our negotiations and the proposed language offered by the non-Federal negotiators we removed the three proposed approaches for measuring success with respect to student achievement that the Department initially proposed at the last round of negotiations. We also streamlined the language addressing institutional or programmatic accreditation of vocational programs and programs leading to professional licensure or certification, and clarified that expected levels of performance for these types of programs be established by the agency. In addition, we incorporated language that you provided to us to allow other kinds of institutions and programs to establish their own expected levels of performance and for agency review and judgment of the appropriateness of those performance expectations. We provided flexibility for agencies to adopt separate student achievement standards for different kinds of institutions and programs. The term external criteria has been included in the draft regulatory language for your review and comment. External criteria is intended to imply that, at least in part, the institution needs to go beyond internal sources in setting and justifying its expected levels of performance.

- **Issue # 9 Transfer of credit and acceptance of credentials.** Based on discussion at the last negotiation session, we modified the language to clarify that the proposed regulations do not require an audit of practice. The revised language reflects the CHEA Transfer Principle and the recommended approach offered by a number of the negotiating committee members. As I've mentioned to the group before, our intent is not to require the blanket acceptance of all transfer credit but rather to ensure that institutions have in place policy that prohibits the refusal to consider credit or credentials based *solely* on the sending institution's type of accreditation.
- **Issue #10 Direct assessment programs.** The revised language no longer requires agencies to have "direct assessment programs" in their scope or to be reviewed by NACIQI for their evaluation of such programs.
- **Issue #14 Agency materials – record keeping and confidentiality.** Under this issue we would like to discuss an additional item that has recently come to our attention through our Office of General Counsel. As part of an investigation by the Department of an institution's failure to comply with HEA Title IV program responsibilities, an agency may be asked to provide information relevant to the investigation. Institutions are sometimes informed by the agency of such information requests. We revised the language to ensure the integrity of the investigation process.
- **Issue #15 Information to the public.** We removed proposed language that would have required an agency to describe its expectations of performance in relation to each standard.

Again, thank you for your active participation in this process. Please feel free to share this information. I look forward to seeing you on the 24th.