

# NACADA: Advising Transfer Students Hot Sheet 1.4

## Federal Regulation of Transfer Credit Evaluation

### November, 2000

The Council for Higher Education Accreditation's (CHEA) A Statement to the Community: Transfer and the Public Interest established a precedent for the notion that lack of regional accreditation should not be used as the primary reason for rejecting transfer credit during the evaluation process.

### October, 2003

H.R.3311 was introduced by Rep. Howard "Buck" McKeon (R-CA) and endorsed by the chair of the Committee on Education and the Workforce (CEW), Rep. John Boehner (R-OH). H.R.3311, "The Affordability in Higher Education Act," was fueled by the fact that tuition increases had run more than 100% ahead of the Consumer Price Index since 1981 and the presumption that rejected transfer credit often forced students to pay for taking the same course twice -- sometimes using financial aid in the process. H.R.3311 repeated the language of CHEA's Statement to the Community, but went further to propose a consumer price index for institutions and hefty reporting duties regarding rates of transfer credit acceptance and applicability toward degree programs by state, region, and type of accreditation. Penalties for non-compliance were monetary and immediate.

CHEA responded a day after the introduction of the bill with a lengthy analysis, criticizing H.R.3311 as a "radical intrusion into the academic decisions of institutions and the proper work of accreditors."

### November, 2003

Rep. John Tierney (D-MA) introduced H.R.3519, "The College Affordability and Accountability Act." H.R.3519 encouraged institutions to develop articulation agreements. This encouragement was not accompanied by the threats and accusatory rhetoric of H.R.3311, but it also lacked any structure for the evaluation of progress.

### December, 2003

The American Association of College Registrars and Admissions Officers (AACRAO) issued a letter addressed from the Executive Director of the Association (Jerome Sullivan) to Rep. McKeon. This letter roundly criticized H.R.3311 as "a one-size-fits-all federal mandate" which "could not have been proposed at a less propitious time." The letter embodied sentiment in the higher education community that the community was making great strides to solve the problem on its own, and that federal regulation of such practices was both unprecedented and unnecessary.

### May, 2004

Rep. John Boehner followed H.R.3311 with a slightly softened version of the same legislative concept. H.R.4283, "The College Access and Opportunity Act of 2004," retained language regarding the sole use of regional accreditation status in making decisions to reject transfer credit. However, the demands for reporting were lessened, as were the potential penalties. The bill does, however, still define a College Consumer Profile (CCP), which requires institutions to report the percentage of transfer credit accepted. The bill also delegates the role of policy enforcer to the regional accrediting bodies.

In response to H.R.3311, The American Council on Education (ACE) once again voiced the general opinion of traditional institutions in higher education that government intrusion was undesirable and would ultimately prove more harmful than helpful.

**Continued on reverse.**

### **June, 2004**

Hearings on H.R.4283 saw the introduction of more inflammatory language, such as the following statement by Rep. McKeon. "I do not believe that Congress should continue to support institutional policies, such as blanket denials of transfer credits that are unfair to students. We should stop this practice even though it may upset a few in the traditional higher education community who believe that there should be no federal role in what occurs on college campuses -- except when it comes to dramatically increasing federal student and research aid."

### **September, 2004**

The feud between lawmakers and institutions drew the attention of The Washington Post, which printed an article titled, "College Fight for Influence Gets a Little Nasty." This article highlighted the verbal punches delivered to date and insinuated that the whole confrontation was instigated by lobby money from for-profit institutions. In drawing this conclusion, the article noted that a "study by the Chronicle of Higher Education this summer found that the political action committees of for-profit schools have donated hundreds of thousands of dollars to the members of the House education committee. Their gifts, second in size only to those from companies that deal in student loans, were focused on Boehner and McKeon."

### **January, 2005**

CHEA established the Higher Education Transfer Alliance (HETA), which lists institutions already complying with the CHEA "Statement to the Community" recommendations regarding transfer credit evaluation and the role of accreditors. Some interpret HETA as a direct action to prove to lawmakers that legislation is unnecessary.

### **February, 2005**

H.R.4283 was reintroduced as H.R.609, again by Rep. Boehner. The language, at least in regards to transfer credit evaluation, remained the same as the previous version.

### **July, 2005**

H.R.609 was approved by the CEW. Rep. Tim Bishop (D-NY) proposed an amendment to improve the transfer legislation policies in the bill, but it was defeated in a pure party-line vote.

### **September, 2005**

Competing with H.R.4283 is S.1614, a bill introduced to the Senate by Sen. Mike Enzi (R-WY) and Sen. Edward M. Kennedy (D-MA), the chairman and top Democrat, respectively, on the Senate Committee on Health, Education, Labor and Pensions. S.1614 includes the provision of H.R.609, regarding accreditation and credit acceptance, but goes further to require that institutions of higher education annually report "the percentage of students successfully transferring from another institute of higher education." The bill also requires regional accrediting agencies to ensure that each institution undergoing review is adhering to this principle and to its own stated guidelines for transfer admissions -- or to withdraw/withhold accreditation if the institution is not doing so.

### **October, 2005**

The Government Accountability Office (GAO), an investigative arm of Congress, issued a report supporting H.R.609 and the notion that the current transfer credit evaluation practices of traditional post-secondary institutions of higher education are unfairly biased against national accrediting agencies.

A non-germane rider specifying that institutions may not base rejection of transfer credit solely on the transferring institution's accreditor, if the accreditor is recognized by the Secretary of Education, was attached to H.R.3975, a hurricane relief bill. Other riders that obviously advantage for-profit and Internet-based schools with national accreditation were attached to the Senate's hurricane relief package (S.1715), as well. However, the riders on the Senate bill do not specifically target institutional transfer policies.

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