

# NAACADA: Advising Transfer Students Hot Sheet 1.5

## 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 stated that, "Institutions and accreditors need to assure that transfer decisions are not made solely on the source of accreditation of a sending program or institution." The document called for fair and efficient transfer credit evaluation practices that were clearly communicated and held accountable to both public funding and student benefit.

### 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). "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. In addition to mandating that institutions not use accreditation as the sole means of evaluating transfer credit, H.R.3311 proposed a College Affordability 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 traditional higher education community that institutions were already making great strides to solve the problem on their 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 did, however, still define a College Consumer Profile (CCP), which requires institutions to report the percentage of transfer credit accepted. The bill also delegated the role of policy enforcement to the regional accreditors.

The American Council on Education (ACE), backed by a number of traditional institutions in higher education, submitted a lengthy analysis in response to H.R.3311. This analysis ultimately stated that government intrusion was undesirable and would certainly prove more harmful than helpful.

### 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 Washington Post highlighted the verbal punches delivered over the transfer-of-credit and accreditation issue in its article: "College Fight for Influence Gets a Little Nasty." Identifying the prevailing agendas, the article called the debate a "classic [...] pitched lobbying battle." The article referenced The Chronicle of Higher Education, which reported in the summer of 2004 "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 a voluntary organization, the Higher Education Transfer Alliance (HETA), which listed institutions already complying with the CHEA "Statement to the Community" recommendations.

**February, 2005**

H.R.4283 was essentially reintroduced by Rep. Boehner as H.R.609. 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**

Parallel to H.R.609, S.1614 was 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." Similar to H.R.609, the bill requires regional accreditors to police institutional compliance with the mandated transfer credit evaluation policies.

**October, 2005**

The Government Accountability Office (GAO), an investigative arm of Congress, issued a report supporting the notion that the current transfer credit evaluation practices of traditional post-secondary institutions of higher education are unfairly biased against non-regional accrediting agencies that are recognized by the Secretary of Education.

In the same month, a non-germane rider stipulating similar transfer credit evaluation regulations to those of H.R.609 was attached to H.R.3975, the "Hurricane [Katrina] Regulatory Relief Act of 2005." The bill passed through the House with the extraneous rules suspended.

**March, 2006**

H.R.609 was passed by the House with amendments, none of which seriously affected the move to federalize transfer credit evaluation. The bill has been received by the Senate, read twice, and placed on the legislative calendar.

**May, 2006**

Last update to this summary made. Further information on these bills can be found using THOMAS, the Library of Congress' legislative search engine (<http://thomas.loc.gov/>).

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