
Council of
Regional Accrediting Commissions

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Negotiated Rulemaking Hearing: Accreditation
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I am Jamienne Studley, president of the WASC Senior College and University Commission, the recognized regional accrediting agency for bachelor's degrees and above in California, Hawaii and the Pacific Islands. I am proud to have served this Department as deputy undersecretary, chair of NACIQI, deputy general counsel, and on an acting basis as undersecretary, general counsel, and assistant secretary for postsecondary education.

Thank you for this opportunity to speak about the accreditation rules and negotiated rulemaking generally. WSCUC appreciates and supports the Department's interest in considering regulatory improvements. I have three main points about scope, innovation and risk.

1. Accreditors need a wide field of vision to be able to do our job.

Education quality and student success are indeed our special responsibility and areas of expertise. But to make the judgments expected of us we also need to evaluate governance responsibility and financial sustainability. The board's independence, skill, and ability to exercise oversight are critical to institutional integrity and capacity to meet our standards. We need to understand each institution's financial health and assure that there are resources and reasonable strategies to sustain it so that our standards can be met and students served into the future. The complex decisions we make about structural changes, institutional resilience, and student success require that we evaluate key finance and governance factors. Every gatekeeping accrediting agency should have the responsibility and expertise to do so as well.

2. Accrediting agencies have demonstrated the capacity to lead, change, and support innovation.

Accreditors pioneered the focus on student learning that we now take for granted, moving us beyond an input-based approach. Some of you recall that I spent several years as a public official urging accreditors, especially regional accreditors, to use outcomes to identify potential weaknesses and to target more intense scrutiny. Now we are doing an increasingly good job of taking outcomes information into account to support both our quality assurance and improvement functions. No bright lines, but sharpened questions and clearer expectations. My own agency has developed new metrics to expand our understanding of completion rates and credit recovery. And finally, across the landscape, I believe I am observing increasing rigor and willingness to make the hard decisions that we expect of accreditors.

There is a rumor afoot in the land that accreditation and innovation are incompatible. Presidents in my region tell me that accreditation doesn't hinder their ability to introduce new programs and approaches.

Some regulatory improvements could help promote innovation, such as giving accreditors room to decide when a site visit is necessary to judge a new program or other substantive change.

And let's be honest: we have regulatory speed bumps where there have been crashes and injuries. In those cases, we are right to choose caution over speed.

There is additional room to streamline accreditation, some of which would require statutory changes, some regulatory. I've described our current overlay of input and outcome expectations as a 'belt and suspenders' situation, and encourage reducing input elements to allow accreditation to concentrate on results and on fundamental education, governance, and financial quality.

3. To reduce risk, this process should address rule changes to increase interchange and collaboration across the triad, strengthen teach out provisions, and support effective student consumer protections.

Cooperation and exchange of information is a boring, perennial recommendation, but it is also important and overdue. From my vantage point as a federal regulator and now as an accreditor, I have seen the damage to students when we cannot or do not share warnings and concerns across our agencies. We should look at whether there are any rules changes that could facilitate early exchange of information and additional authority to help us protect students. This rulemaking should also address stronger tools for mandating earlier, more rigorous teach out plans. In that regard Ms. Jones has made good suggestions that we explore expanded options for accreditors to manage effective dates for school closure and teach out arrangements.

I'll close with my hopes for this rulemaking. Starting in 1993 I helped the Department implement the new neg reg requirement, and long ago I guided the financial responsibility rulemaking to an unexpected consensus. In short, I have a rare affection for this initially strange, unwelcome process that at its best promotes genuine negotiation and development of smarter rules. I have seen people listen and learn from each other, problem solve and compromise. I have watched student groups develop capacity to participate in complex policy discussions.

I am concerned that it would not be feasible to fully address the range and density of issues that have initially been suggested be combined into a tightly time-limited process. I encourage the Department to narrow the set of issues, expand the time, or both. Second, I urge the Department to secure the most skillful facilitators possible. That factor has made a significant difference in whether negotiations are effective, constructive, and civil. Finally, I urge the Department to plan for at least two seats for accreditors to allow you to hear diverse perspectives from agencies with varied institutions, programs, and approaches.

Today the need to educate all our people is urgent. Confidence in higher education is at risk. This is a moment to assure rigorous quality standards through accreditation, and increased cooperation and student protections across the triad. Neg reg gives us a chance to understand different views and policy options, and to develop rules that successfully balance rigorous quality assurance, valuable innovation, and careful burden reduction. Our students and taxpayers deserve nothing less.