



July 11, 2019

Mr. Jean-Didier Gaina  
Office of Postsecondary Education  
U.S. Department of Education  
400 Maryland Ave. SW  
Mail Stop 294-20  
Washington, DC 20202

RE: Student Assistance General Provisions, the Secretary's Recognition of Accrediting Agencies, the Secretary's Recognition Procedures for State Agencies (Docket ID ED-2018-OPE-0076)

Dear Mr. Gaina:

On behalf of the American Speech-Language-Hearing Association, I write to offer comments on the June 12, 2019, *Federal Register* notice of proposed rulemaking from the Office of Postsecondary Education, U.S. Department of Education (ED) titled, 'Student Assistance General Provisions, the Secretary's Recognition of Accrediting Agencies, the Secretary's Recognition Procedures for State Agencies,' related to the Higher Education Act (HEA) of 1965, as amended.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 204,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech- language pathology support personnel; and students.

ASHA supports the pre-accreditation and accreditation of entry-level programs in the professions of audiology and speech-language pathology, which is conducted by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA). The Secretary of Education has continuously recognized the CAA as a programmatic (specialized) accrediting body since 1967.

ASHA provides the following comments and recommendations on the recognition of accrediting agencies and related items for your consideration.

## § 600.2 Definitions

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### COMMENTS

#### ***(1) Definitions of "additional location," "branch campus."***

ASHA supports the new definition of "additional location" and the revised definition of "branch campus" that: 1) clarifies an additional location as a facility geographically apart at which the institution offers at least 50% of a program, and; 2) provides that an additional location may qualify as a branch campus. Additionally, ASHA supports that a branch campus is one type of additional location that meets additional criteria, including permanence and autonomy with respect to faculty and administration, as well as budgetary and hiring authority.

**(2) Definitions of “teach-out,” “teach-out plan” and “teach-out agreement.”**

ASHA supports the proposed new definitions of “teach-out,” and “teach-out agreement” and the revised definition of “teach-out plan.” The new or revised definitions add clarification for institutions, students, and consumers by prohibiting institutions from misrepresenting the nature of teach-out plans, teach-out agreements, and transfer of credit. In addition, the option is maintained for students to take a closed-school discharge if the student chooses not to take advantage of an institution’s teach-out option.

**§ 600.9(c) State Authorization**

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**COMMENTS**

**(1) Maintain the definition of “State authorization reciprocity agreement”**

ASHA supports ED’s proposal to maintain the definition of “State authorization reciprocity agreement” as it was established in the Program Integrity and Improvement regulations published in the *Federal Register* on December 19, 2016 (81 FR92232). Reciprocity agreements among states are an important method by which institutions comply with state requirements and reduce the burden on institutions that would otherwise be subject to numerous sets of varying requirements established by individual states.

**(2) Remove the concept of “residence” from the regulations and replace it with “location.”**

ASHA supports the proposed change to remove the concept of “residence” and replace it with “location” to eliminate the confusion that is associated with varying state residency and residency authorization requirements for education purposes. This change will ensure that students who have not established a legal or permanent residence in a state benefit from state requirements for an institution to offer distance education and correspondence courses in that state. The change also simplifies the institutional process needed to establish (or maintain) and document a student’s location at the time of initial enrollment and subsequently through a formal notification process for a student to submit a change of address.

**(3) Eliminate regulations regarding a student complaint process under current 600.9(c)(2)**

ASHA supports the proposal to eliminate regulations regarding a student complaint process under current § 600.9(c)(2) with the understanding that current § 600.9(a)(1) addresses complaint processes and the regulations under § 668.43(b) already require institutions to disclose the complaint process to each of the states where enrolled students are located.

**§ 600.32 Eligibility of Additional Locations**

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**COMMENTS**

ASHA supports §§ 600.32(d)(1)(i) and (d)(1)(ii) that would allow an institution engaged in an accrediting agency-approved teach-out plan to apply for site approval as an additional location of the closing institution. This change would potentially minimize disruption for students by offering a teach-out plan that enables a student to complete his or her program before the institution closes or for a partnering institution to continue to provide instruction and facilitate the student’s completion of their program, or a comparable program, in the location where the student initiated their studies. Continuing at a location where they initiated their studies may be the most convenient location for the student and one where they are already familiar with the student body and faculty.

## **§ 602.15 Administrative and Fiscal Responsibilities**

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### **§ 602.15 (a)(4)(5)**

#### ***Recommendation***

Proposed language in § 602.15(a)(4) adds an option for employers to be part of the accrediting agency evaluation, policy, and decision-making bodies. Proposed language in § 602.15 (a)(5) adds the option for students to serve as public members on decision-making bodies. Clarification is needed whether agencies would be required to include employers or students as described in this section in the accreditation process.

#### ***Rationale***

Guidance is needed to clarify requirements to ensure consistent interpretation of these regulations, particularly on whether the engagement of employers or students on decision-making bodies or employers on evaluation or policy bodies is optional and not new composition requirements for these entities.

## **§ 602.16 Accreditation and Pre-accreditation Standards**

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### **§ 602.16(a)(1)**

#### ***Recommendation***

Proposed § 602.16(a)(1) would change the accrediting agency requirement to have standards that “effectively address the quality of the institution and program” to having standards that “set forth clear expectations” for institutions and programs. ASHA recommends that ED clarify what “clear expectations” means under this section as it could be interpreted as establishing quantitative standards, such as thresholds or ratios for faculty or fiscal capacity.

#### ***Rationale***

As written, the proposal could cause undue burden to the agency if it is interpreted to require the establishment of quantitative standards for faculty and fiscal capacity, among other elements that would take away flexibility of the program and institution, depending on their mission and goals. The Standards for Accreditation, employed by the CAA, speak to appropriateness and sufficiency for many of the required standards under this section. Such requirements allow flexibility depending on the mission and goals of the program and institution but are not held to be bright line indicators of success or quality education.

### **§ 602.16(f)(3)**

#### ***Recommendation***

The proposed provision would permit agencies to allow for institutions to have a separate curriculum approval process to support external entities (e.g., industry advisory boards, credentialing/licensing boards, employers) making hiring decisions. Additional clarity is needed here because is it not clear if agencies would now be required to establish a standard to allow for this process and provide documentation to meet this criterion.

***Rationale***

While it is noted that agencies are not restricted from allowing institutions to have a separate curriculum approval process, it is unclear if separate approvals for external entities (e.g., employers) would now be required with this proposed provision. If so, then the expectations for documenting the standards established for those external entities should be made clear.

**§ 602.17 Application of Standards in Reaching an Accreditation Decision**

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**§ 602.17(a)(2)**

***Recommendation***

Proposed changes in § 602.17(a)(2) adds language that the agency evaluates the program's success in meeting its stated objectives at "both the institutional and program levels." Clarification is needed regarding the roles and expectations specific to programmatic accreditors and institutional accreditors for assessing programs.

***Rationale***

Due to a lack of clarity in the proposal, the roles and responsibilities of institutional and programmatic accreditors are unclear. Guidance is needed to clarify requirements and expectations for each type of accreditor, especially when a program holds an accreditation status with a programmatic accreditor.

**§ 602.18 Ensuring Consistency in Decision-Making**

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**§ 602.18(b)**

**COMMENTS**

ASHA supports the proposed changes to § 602.18(b) that would allow for agencies to work with institutions and programs to determine alternative means of satisfying standards and procedures due to special circumstances or hardships. ASHA appreciates the flexibility to find creative ways to report and comply with expectations when under hardship.

**§§ 602.18(d) Ensuring Consistency in Decision-Making, 602.20(a)(2) Enforcement of Standards**

***Recommendation***

ASHA recommends that ED set clear expectations for agencies to develop and enforce relevant policies and procedures in order to meet the concepts outlined in §§ 602.18(d) and 602.20(a)(2), including consideration of moving the concepts in both sections under one timeline criterion.

***Rationale***

The proposal could result in inconsistent interpretations of how the two timelines for compliance/noncompliance under §§ 602.18(d) and 602.20(a)(2) apply. Therefore, for consistency and clarity, there should be one timeline criterion on the maximum number of years applicable to both sections. Expectations for how agencies must address noncompliance with standards, including timelines, should be articulated in only one criterion to avoid confusion and conflicting terms.

## **§ 602.20 Enforcement of Standards**

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### **§ 602.20(a)(2)**

#### **COMMENTS**

ASHA supports proposed changes to § 602.20(a)(2) that allow additional time to document compliance as some issues, such as program completion, can take more than two years to show effects of changes.

## **§ 602.23 Operating Procedures All Agencies Must Have**

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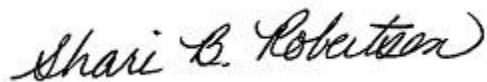
### **§ 602.23(f)(2)**

#### **COMMENTS**

ASHA supports the proposed language in § 602.23(f)(2) that allows all credits and degrees earned and issued by an institution or program holding pre-accreditation from a nationally recognized agency be considered by the Secretary to be from an accredited institution or program. This may help educate and clarify what pre-accreditation status means, prevent harm to students who attend pre-accredited institutions or programs, and recognize that graduates of pre-accredited programs are workforce ready and, therefore, should be eligible for state or national credentials.

Thank you for the opportunity to provide comments on this NPRM. If you or your staff have any questions, please contact Catherine Clarke, ASHA's director of education policy, at [cclarke@asha.org](mailto:cclarke@asha.org).

Sincerely,



Shari B. Robertson, PhD, CCC-SLP  
2019 ASHA President