



AMERICAN
SPEECH-LANGUAGE-
HEARING
ASSOCIATION

September 14, 2018

Ms. Diane Jones
Office of Postsecondary Education
U.S. Department of Education
400 Maryland Ave. SW, Room 294-12
Washington, DC 20202

RE: Negotiated Rulemaking Committee; Public Hearings

Dear Ms. Jones:

On behalf of the American Speech-Language-Hearing Association, I write to offer comments on the July 31, 2018, *Federal Register* notice from the Office of Postsecondary Education, U.S. Department of Education (ED) on establishing a negotiated rulemaking committee related to the recognition of accrediting agencies under 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 198,000 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 accreditation of entry-level programs in the professions of audiology and speech-language pathology currently 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 for establishing a negotiated rulemaking committee and additional issues related to the recognition and review of accrediting agencies.

Establishing a Negotiated Rulemaking Committee

RECOMMENDATION

ASHA recommends two topic areas for the rulemaking committee to consider:

1. Determine which entity sets the knowledge, skills, abilities, and criteria for educational quality including student outcomes.
2. Recognize the relationship between accrediting agencies and professional associations/societies.

Rationale: ASHA maintains that the knowledge, skills, and abilities as well as the criteria for evaluating educational quality, including student outcomes, is ideally determined by the

professional association/society. Accrediting agencies do not need to be separate and independent of any sponsoring or parent organization to be arbiters of educational quality in the programs or institutions that the agency may accredit. In fact, the professional relationship can inform and support realistic expectations for students and graduates preparing for employment.

COMMENTS

Student outcomes comprise only one metric to determine educational quality. . Currently, ED requires that accreditors' standards address educational quality as evidenced by student achievement data including the considerations of state licensure examination, course completion, and job placement rates. In addition, accrediting agencies are required to conduct systematic, comprehensive reviews of their standards in order to demonstrate that they adequately evaluate the quality of institutions and/or programs it accredits.

Core Functions of Accreditation/Proposed Topics for Negotiation

Criteria Used to Recognize Accrediting Agencies, Emphasizing Educational Quality

COMMENTS

ASHA does not support regulations that are more prescriptive to student learning outcomes. Additionally, ASHA does not support regulations that hold all accreditors, including non-Title IV gatekeepers, accountable for outcomes related to student loan debt.

Although ASHA shares ED's interest in eliminating or reducing recognition criteria that may focus more on inputs (e.g., sufficiency of faculty) rather than outputs (e.g., number of graduates), some common evaluating criteria needs to be maintained. To ensure consistency across agencies standard criteria are critical to support internal consistency within an institution of higher education that may have multiple accreditors reviewing programs and the institution. For educational quality, consideration needs to be given as to what constitutes reasonable indicators of educational quality as well as the ability of a program, institution, or accrediting agency to obtain and track the outcome measures.

Developing a Single Definition for Purposes of Measuring and Reporting Job Placement Rates

RECOMMENDATION

ASHA recommends that professional accreditors determine job placement definitions based on their respective industry and workforce demands. Both organizations do not support the development of a single definition.

Rationale: Job placement/employment definitions vary across professions given the nature of the job and the market. For example, the CAA defines employment as being "employed in the profession or pursuing further education in the profession within 1 year of graduation," the employment rate is calculated over a 3-year period.¹

For other professional accreditors, definitions regarding employment, time allowed for individuals to achieve employment, or the number of years used to calculate the job placement/employment rate may differ. It is not clear how a committee would develop a reasonable single definition of job placement/employment. Definitions and metrics vary across regulatory agencies because of the nature of the professions and the industries they represent.

If the rulemaking committee pursued this topic, clarity on the purpose of the data and how the data would be analyzed is needed for programs, institutions, and other stakeholders. This is particularly important if the purpose of the initiative is to benchmark across all entities.

Simplifying ED's Process for Recognition and Review of Accrediting Agencies

RECOMMENDATION

ASHA recommends that ED refrain from enforcing guidelines as regulations that have been promulgated according to the full rulemaking process.

Rationale: If ED believes additional regulations are needed, ASHA recommends that ED establish regulations through the full notice of proposed rulemaking (NPRM) process with stakeholder input. ED staff developed, "Guidelines for Preparing/Reviewing Petitions and Compliance Reports," to support agencies as they developed their petitions after the last HEA Reauthorization in 2010.² However, this guidance has evolved and is now used to enforce sub-regulatory guidance that has emerged from ED staff and the National Advisory Committee on Institutional Quality and Integrity. While ASHA supports review and realignment of the recognition processes of accrediting agencies, we recommend that ED simplify and enhance transparency of the review process as well as the enforcement of timelines with appropriate stakeholder input. .

COMMENTS

There needs to be consistency and clarity on how ED develops and implements recommendations and decisions that are enforced as if they were regulations. Currently, ED's process of internal review frequently shortens the time available for the accrediting agency and other stakeholders to respond to and allow for due process during a review. These processes need to be more transparent, realistic, and consistent across all agencies being reviewed. Engaging in the formal NPRM process would resolve this problem.

Proposed Regulations to Promote Greater Access for Students to High-Quality, Innovative Programs

(1) State authorization

RECOMMENDATION

ASHA recommends that state authorization provisions are not considered applicable to accreditors because state authorization criteria affect institutions, not accreditors.

Rationale: Since state authorization was introduced in the last HEA reauthorization, but never implemented, there has been significant effort to educate states and institutions, and support and streamline authorization processes. As state authorization relates to the institution's ability to be

approved in all states where it offers educational programming, including distance education and correspondence courses, it is not clear to ASHA what the federal interest would be beyond accurate communications to students. ED proposed new regulations (CFR 668.50) in 2016 that went into effect July 1, 2018. The regulations require institutions to provide specific content on its website including the states where they have been granted authorization, complaint processes, and whether the program of study meets the state's licensure and certification requirements.³

(2) Definitions of “regular and substantive” interaction.

COMMENTS

ASHA supports maintaining the current language for “regular and substantive interaction” and does not require further regulation. Current flexibility allows the criteria to be defined by the entities involved (e.g., program, institutions, agency) to establish consistent expectations for the engagement between instructors and learners. National prescription is not necessary for “regular and substantive interaction” because it is not prescribed for classroom teaching and does not require regulating for distance education and correspondence courses.

(4) Length of a program and entry-level requirements.

COMMENTS

ASHA understands ED's interest for ensuring that programs are neither longer nor more expensive than necessary to adequately prepare graduates. However, determining the core requirements and the duration for a course of study is outside the purview and expertise of a federal agency. Such determinations are best left to the professional knowledge, experience, and expertise of professional associations/societies and programmatic accrediting within any particular profession.

As the national professional association representing both audiologists, with an entry-level clinical doctorate degree, and speech-language pathologists, where a master's degree is required for entry-level practice, ASHA has actively engaged in decision-making regarding the professional preparation necessary to ensure an adequately educated and trained workforce. The process includes routine practice analyses to determine the knowledge, skills, and abilities essential to enter practice. Appropriate professional preparation is essential for patient safety and quality outcomes for individuals who are treated for communication, swallowing, and cognitive disorders.^{4,5}

As standards of care and practice advance, it is necessary that professions police themselves and determine the most appropriate course of training for new practitioners. Such a task cannot be delegated or assumed by a government agency. The responsibility for establishing discipline specific minimum standards for educational preparation must rest with the professions themselves.

(5) Arrangements between institutions.

RECOMMENDATION

ASHA recommends that ED maintain opportunities for agreements between institutions of higher education and other entities to provide portions of an educational program. Such agreements demonstrate the institutions' commitment to deliver high quality education.

Rationale: Successful institutional partnerships can produce three positive outcomes, and relies on agreements among credible institutions. Credibility relates to higher education institutions that are recognized by the applicable accreditors and training sites that meet industry standards and relevant industry accreditation.

First, collaborative arrangements between institutions and other entities are common in higher education and can positively impact student completion rates and reduce the total cost of earning a bachelor's degree. For example, community colleges have collaborated through articulating agreements with 4-year colleges and universities to arrange for seamless approval of transfer credit between institutions.

Second, consortia between two or more partnering institutions to offer a particular degree program are additional examples of how agreements benefit students and universities by meeting particular educational objectives, making college more accessible, and/or meeting workforce demands in their geographic locations. Such arrangements allow institutions to leverage joint resources while offering degree programs that meet workforce demands. Consortia arrangements often serve broader workforce and educational needs more constructively than either institution could do alone and at reduced costs. Consortia also exists among institutions across states or between U.S. institutions and international institutions. Such arrangements leverage a whole range of resources and experiences otherwise unavailable to each individual organization.

Third, a contractual arrangement incorporates an academic curricular component and a practical experiential component that are required for professional licensing and credentialing. For example, the preparation of health care and education professionals often entails academic coursework and clinical fieldwork. The ability to place students in clinical practicum settings both within the same state as the academic institution or in other states is critical to ensuring adequate numbers of appropriate placements, as well as a broad range of clinical opportunities. The availability and range of sites for clinical education and the ease of placing students at such sites throughout the U.S. has been, and will continue to be, paramount for preparing the next generation of health care and education workforces. This model also applies to many other disciplines of study that use practical experiences (internships) as part of preparing students for their chosen career.

(7) Barriers to innovation and competition in postsecondary education and student outcomes.

RECOMMENDATION

ASHA recommends that ED refrain from rulemaking in this area at the current time.

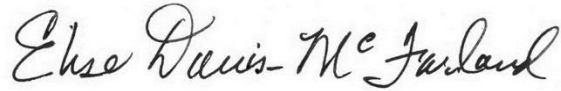
Rationale: ASHA maintains that rulemaking in this area is premature, and recommends that ED and stakeholders continue to monitor developments related to innovation, competition, and student outcomes.

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Thank you for the opportunity to provide comments on this NPRM. ASHA looks forward to making formal nominations to the rulemaking committee once the final details and scope of work have been determined. If you or your staff have any questions, please contact Catherine Clarke, ASHA's director of education policy, at cclarke@asha.org.

Sincerely,



Elise Davis-McFarland, PhD, CCC-SLP
2018 ASHA President

¹ Council for Academic Accreditation. (n.d.). *Student Achievement Measures*. Retrieved from <https://caa.asha.org/reporting/student-achievement-measures/>.

² U.S. Department of Education Office of Postsecondary Education Accreditation Division. (2012). *Guidelines for Preparing/Reviewing Petitions and Compliance Reports*. Retrieved from <https://www2.ed.gov/admins/finaid/accred/agency-guidelines.doc>.

³ National Archives Federal Register. (2016). *Program Integrity and Improvement*. Retrieved from <https://www.federalregister.gov/documents/2016/12/19/2016-29444/program-integrity-and-improvement>.

⁴ The American Speech-Language-Hearing Association. (2017). *Speech-Language Pathology Practice and Curriculum Analysis*. Retrieved from <https://www.asha.org/uploadedFiles/SLP-Practice-and-Curriculum-Analysis-Executive-Summary.pdf>.

⁵ The American Speech-Language-Hearing Association. (2016). *Audiology Practice and Curriculum Analysis*. Retrieved from <https://www.asha.org/uploadedFiles/Audiology-Practice-and-Curriculum-Analysis-Executive-Summary.pdf>.