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Rep. Rubén Hinojosa (D-TX.) Statement at the Hearing on “Education Regulations: Federal Overreach into Academic Affairs”

WASHINGTON, D.C. – Below are the prepared remarks of U.S. Rep. Rubén Hinojosa (D-TX), the ranking member of the Subcommittee on Higher Education and Workforce Training of the House Committee on Education and the Workforce for the hearing on “Education Regulations: Federal Overreach Into Academic Affairs.”

Thank you Chairwoman Foxx.

Today, our discussion will focus on two vitally important regulations: the definition of a credit hour and the criteria the secretary uses to determine that institutions are authorized to provide postsecondary education in their states.

In my view, these regulations are greatly needed to strengthen the accountability and review of institutions of higher education that participate in the federal student aid programs. Every year, the federal government spends billions of dollars on student financial aid. It is imperative that congress and the department of education provide strong oversight for these federal student aid dollars.

On May 24, 2010, the office of the inspector general (IG) issued a review of the Higher Learning Commission (HLC) of the North Central Association of Colleges and Schools. I continue to be troubled by what the Inspector General found in its review.

The IG's report raised serious concerns about the HLC's accrediting practices and evaluation of Title IV institutions. Specifically, the report highlighted the case of American Intercontinental University (AIU), an institution which HLC approved for accreditation on May 14, 2009 despite finding that AIU had assigned about double the amount of credit hours to courses in certain undergraduate and graduate programs.

To avoid having institutions overstate credit hours or inflate the federal student aid paid for students attending those programs, we must have consistent measures for credit hours.

The regulation being discussed today sets a minimum standard for the work needed to equal a credit hour for the purposes of federal student aid programs.

The rule defines a credit hour as one hour of classroom instruction and two hours of homework each week for approximately 15 weeks for a semester or 10-12 weeks for one quarter hour of credit, or an equivalent amount of work. The regulation also requires accrediting agencies to review an institution's procedures and policies setting credit hours and determine whether such policies and procedures meet the regulatory standard.

I would also like to underscore that the credit hour definition creates some flexibilities for institutions in determining the appropriate amount of credit hours for student coursework.

The credit hour definition is a minimum standard that does not restrict an institution from setting a higher standard that requires more student work per credit hour.

The definition does not dictate particular amounts of classroom time versus out-of-class student work, and the institution may take into consideration alternative delivery methods, measurements of student work, academic calendars, disciplines, and degree levels.

In addition, an institution may use separate measures of credit hours for the federal student aid programs and for its own academic purposes or other institutional needs.

In regard to state authorization, the higher education act of 1965 has always required an institution to be legally authorized to offer a program of education beyond secondary education by the state in which it is located.

Under the rule, a state must have a process to review and act on complaints concerning the institution, including enforcing applicable state laws. The regulation also provides students, prospective students, and families the ability to identify which institutions are legally authorized to offer postsecondary education in a state.

An institution offering distance education to students located in states other than the one in which the institution is located, for example, must meet the authorization requirements of those states.

Finally, religious institutions exempted from state authorization requirements under state law are exempt from this regulation.

In closing, I believe that we as the members of this committee must address these issues and protect the interests of students and taxpayers. As Ranking Member for this subcommittee, I intend to be fully engaged in these discussions and will work with the secretary and my colleagues in both the house and the senate to ensure that these regulations are implemented.

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