

# Too Much, Too Fast’?

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By Paul Fain <https://www.insidehighered.com/news/2017/12/14/house-gop-pushes-innovation-and-deregulation-higher-education-act-overhaul>

The Republican-led Congress's early attempt at rewriting the federal Higher Education Act uses incentives and deregulation to encourage new twists on college, including competency-based education, short-term programs and nonaccredited providers.

Experts continue to absorb details about the complex bill from Republican leaders on the U.S. House of Representatives' education committee, which on Tuesday voted to pass a 590-page version. Some applauded the innovation push but worry about the bill's lack of "guardrails" that seek to keep low-quality offerings in check.

"We're trying to not look at all the negatives, but rather be heartened by the fact that they're having the right conversations," said Lexi Barrett, senior director for national education policy at Jobs for the Future.

Likewise, the Business Roundtable, a CEO-led group that has the ear of the majority party in Congress and the White House, praised the bill.

"It wisely shifts policy to focus on the skills the American work force needs, reduces federal regulations and paperwork, and aligns closely with the CEOs' priorities," the group said this week in a written statement.

Relatively few colleges had given competency-based education a whirl in 2008, when the Higher Education Act got its last overhaul. But **the bill attempts to give a boost to both the hundreds of institutions now at least mulling the creation of a competency-based program** as well as to Western Governors University, the most established and largest institution in the space.

Perhaps most notably on this front, **the House GOP's plan would drop the law's definition of a credit-hour standard.**

This move would give competency-based programs that are self-paced and untethered from seat-time requirements access to federal financial aid programs. In recent years, a handful of these so-called direct-assessment programs have earned approval from the U.S. Department of Education and regional accreditors, but only after a laborious process.

Likewise, **the bill would distribute Pell Grant funds more often, on a weekly or monthly basis**, which would be particularly helpful given the flexible scheduling used by many competency-based programs.

Several experts said they appreciate the committee's attempt to move beyond the credit hour and to create room within federal rules for competency-based education, which could encourage more colleges to offer the credentials. But they also said **the bill, as currently written, could allow low-quality programs to cash in with federal aid.**

For example, New America's education policy program said in a written statement that the bill may be "too much, too fast."

The group instead praised the approach of a bipartisan House proposal to create a “demonstration project” that would serve as a sort of laboratory for what works in competency-based education while also protecting students and taxpayers. That bill would require colleges to evaluate their competencies and translate them to credit hours.

“While competency-based education has significant potential to help students complete their degrees on their own (faster or slower) schedules,” New America said, “opening the floodgates too quickly presents a huge risk, to students and to the field.”

#### Faculty Interaction Requirements

**The bill would drop the law’s definition of distance education, leaving only its current counterpoint definition,** for correspondence-course providers. It also would remove federal rules that, beginning next year, would have required online providers to get authorization from each state in which they enroll students.

**Likewise, the GOP’s proposal would no longer include the distance education provision’s definition of “regular and substantive interaction” between faculty members and students.**

That requirement has caused headaches for Western Governors University because of a critical audit report released this year by the department’s Office of Inspector General (although experts have said no administration would act on the office’s recommendation that the popular university be labeled a correspondence-course provider).

Tweaked wording for regular-and-substantive interaction appears in the bill’s revision to the definition of competency-based education. It would require that such a program “provides the educational content, activities and resources, including substantive instructional interaction, including by faculty, and regular support by the institution, necessary to enable students to learn or develop what is required to demonstrate and attain mastery of such competencies, as assessed by the accrediting agency or association of the institution of higher education.”

The new phrasing appears to subtly address the inspector general’s line of critique of WGU and competency-based education more broadly, said Russ Poulin, director of policy and analysis at WCET, which is a division of the Western Interstate Commission for Higher Education. One reason, he said in a written statement, is because the bill does not necessarily limit instructional interaction to a faculty member.

Over all, Poulin said, he likes the bill’s support for competency-based education and its move to drop the distance-education requirement.

“It’s time to come up with updated safeguards,” he said, that don’t “keep us from innovating.”

But Deb Bushway, who has worked on competency-based education as a former administrator at Capella University, the University of Wisconsin Extension and as a senior policy adviser to the department during the Obama administration, and others worried about how far the shift goes on regular-and-substantive interaction.

“Right now faculty interaction, as I read it, is completely optional,” she said. “I’m not sure that’s a quality program.”

#### Alternative and Short-Term Programs

**The bill would reduce the amount of time an academic program must last in order to qualify for federal financial aid**, extending aid eligibility to more short-term certificates and subdegree credentials.

Currently, federal aid cannot be used for programs that are shorter than 600 clock hours or 15 weeks in length. The GOP's proposal would drop that requirement to a minimum of 300 hours or 10 weeks. A bipartisan U.S. Senate bill also seeks a shorter time requirement for Pell.

Such a change could be good news for community colleges, many of which offer short-term credentials.

"Providing federal aid to students enrolled in shorter programs has been one of our top reauthorization priorities," the American Association of Community Colleges and the Association of Community College Trustees said in a joint letter distributed this week. "If enacted, this will dramatically enhance the ability of students who are focused on specific work-force and related aptitudes to take advantage of program offerings."

Work-force-oriented groups and experts generally applauded the proposal. However, some worried about the bill's lack of an attempt to ensure that short-term credentials have value in the job market.

For example, the bill does not include the terms "stackable" or "work-force ready," said Kermit Kaleba, federal policy director for the National Skills Coalition. "The fact that those terms show up nowhere is disappointing," he said.

New America also criticized the bill's lack of quality-assurance measures for short-term programs, such as minimum floors for student completion and job placement. That could be problematic, the group said, given data that shows many short-term credentials fail to lead to well-paying jobs.

"This provision will undoubtedly lead to more students taking on debt for credentials of little to no value," New America wrote.

Another somewhat controversial piece of **the House bill would allow colleges to tap alternative education providers -- meaning nonaccredited ones that are unable to access federal aid programs - to offer all educational and instructional content of programs and courses.**

Currently, colleges can only outsource half of the academic side of a program or course, except through the limited EQUIP experiment started by the Obama administration, which features eight partnerships between colleges and nonaccredited providers.

Poulin said he generally supports the move to drop the 50 percent requirement, but only with "more guardrails" than the current language includes.

Going farther was Barrett from Jobs for the Future. While she said EQUIP and nontraditional providers, including those that offer competency-based credentials, show plenty of promise, they also pose challenges to regulators and accreditors.

"Because these sorts of players are new ... that makes the risks that much greater," said Barrett. "We don't want the door opened too wide."