

**Senate Health, Education, Labor and Pensions Committee**  
**TESTIMONY ON THE HIGHER EDUCATION “TRIAD,”**  
**WITH PARTICULAR ATTENTION TO THE ROLES OF THE STATES**

Marshall A. Hill

Executive Director, National Council for State Authorization Reciprocity Agreements

September 19, 2013

Chairman Harkin, Ranking Member Alexander, and members of the Committee: my name is Marshall Hill. I am Executive Director of the National Council for State Authorization Reciprocity Agreements – a new organization that is taking a voluntary, regional approach to state oversight of postsecondary distance education. Today marks the completion of my first month in that job. For the prior eight and a half years I was Executive Director of the Nebraska Coordinating Commission for Postsecondary Education – a fairly traditional state-level coordinating board. Just before that, I was assistant commissioner for universities and health-related institutions at the Texas Higher Education Coordinating Board, working with 35 public universities and eight health science centers that enrolled about 500,000 students. Related to that statewide work, I have just completed a year as chair of the executive committee of the State Higher Education Executive Officers association (SHEEO), the organization led by my good friend and colleague Paul Lingenfelter. Earlier in my career I was a college and university faculty member, teaching music and conducting choirs and orchestras at five different institutions: large and small, public and private.

During my career I have had many opportunities to experience the workings of the triad. As a faculty member I served on teams preparing for reviews by our institutional and specialized accrediting bodies. That process forced us to re-examine what we were doing, explain why we were doing it, and assess our effectiveness. I am completely convinced that the work we did with our accreditors resulted in our better serving the needs of our students.

As a state-level higher education officer, I have had very good relationships with accrediting bodies of all types. I have several times worked very closely with them, especially in regard to institutions that were having difficulties. There have been times when accreditors could bring about needed changes that I lacked the authority to

require; the reverse has been true, as well. We have worked together to improve institutions and deal with significant problems directly affecting students.

For the federal piece of the triad, I have served on three negotiated rule making panels for the U.S. Department of Education, representing the country's state-level higher education agencies. Two of those panels focused on rules affecting accreditation; the third dealt with the integrity of federal financial aid programs. I also provided testimony to the National Advisory Committee on Institutional Quality and Integrity (NACIQI) during its recent re-examination of the Department's relationships with accreditors.

As I continue my testimony, I am going to describe what the states do to fulfill their responsibilities under the triad, provide my views on how well I think the triad is working, and offer some suggestions for improvements.

### **What do states and their higher education agencies do as part of the triad?**

First, there is a good deal of variance in that. But common roles are:

- Develop, articulate and promote a public policy agenda for higher education in the state;
- Work closely with the state's K-12 and economic development partners on common goals;
- Authorize (through various means) higher education institutions to operate in the state;
- Promote efficiency, quality, collaboration, and responsiveness by the state's postsecondary institutions;
- Administer, distribute, or make recommendations about state funding for public higher education;
- Develop and administer state-focused higher education programs of all sorts, including student financial aid and transfer/articulation;
- Assemble, analyze and present statewide data on higher education;
- Monitor data sent to the U.S. Department of Education by the state's institutions;
- Authorize and sometimes promote development of new academic programs at public institutions (and, in some states, at independent institutions);
- Approve construction projects that rely on state-derived tax funds;
- Provide analyses and reports on higher education's challenges, opportunities and performance to the legislature and governor;
- Improve coordination across all higher education in the state; and Respond to complaints and keep the peace by helping to resolve problems and conflicts.

## **How well do states do as part of the triad?**

State structures for higher education oversight are varied, and doing well is linked more to leadership and the ability of key policymakers across the political spectrum to work collaboratively than to a particular state structure (coordinating board, governing board, etc.). My view is that overall states do a pretty good job. That said, performance on all of the tasks I've outlined is varied, with some states doing very well on some things and considerably less well on others. And those particulars change over time, of course. I don't believe this is much different from the states' performance on other complex tasks. As in other areas, there is room for improvement.

## **Personal Views on the "Triad"**

I have been and remain a strong supporter of our country's "triad" approach to accountability and quality assurance in higher education, for the following reasons:

- The triad provides a more comprehensive approach than any of the three partners could provide alone;
- It acknowledges shared concerns, shared responsibilities;
- It provides multiple tools to address diverse issues (hopefully, the tools most appropriate to the task);
- It provides possibilities for mutual reinforcement; and, finally,
- I can't imagine our country supporting another approach.

As a state-level higher education officer, I've used the authority and bully pulpit of my position to develop and enforce important state policies, further a state and student (rather than institutional) perspective, and shine lights on results, both good and bad. I've relied on the federal government for policies and funding for financial aid, support for important education initiatives, and valuable data on our institutions and students. And I've relied on accreditors to assert, assess, and uphold quality and help deal with problems.

Maximizing the many potential benefits of the triad is difficult, and changes in higher education have stressed each component. All three parts of the triad have struggled in response to rapid changes in delivery methods and in institutional missions, structure, focus and control.

- Accreditors have assumed roles outside their initial purposes of assuring and enhancing quality.
- The Federal government has had to deal with explosive enrollment growth, the expansion of the for-profit sector, and increasingly intense political pressures.

- States have struggled, as well. In most states, financial support for students and institutions has failed to keep pace with rapid enrollment growth. Even those states fortunate enough to have increased funding over the last ten years or so have been unable to keep per-student funding at previous levels. In many states, future funding prospects look even worse. Operationally, in many states statutes fail to deal with current needs and practice, and many state higher education agencies have had to deal with reduced funding, lessening their resources for engagement and oversight. We also have high turnover in the leadership of state higher education agencies. Each year there is about a 20 to 25 percent turnover in the membership of the State Higher Education Executive Officers association. In some states the average tenure of four to five years is shorter, presenting a real problem. In the most effective states, the tenure of state leaders tends to be longer.

**Fundamental challenges for all three members of the triad – indeed, for all of higher education:**

- How can we improve and broaden educational attainment while improving quality? And while under financial stress?
- How can we enable and support the innovation and flexibility in higher education that our country needs, while retaining the ability to restrain and, if needed, punish those who abuse the system.

**Points of Common Agreement**

- Interactions between members of the “triad” are complex, sensitive, and don’t always yield the results we need. We’re all imperfect.
- Efforts of triad members are sometimes redundant, unduly stressing some institutions and adding to unnecessary costs (which are often passed on to students).
- Despite oversight from the three parts of the triad, we still have unacceptable abuses and shortcomings.
- Although most developed countries would take a centralized approach to solving these issues, rightly or wrongly, no one in higher education, the states, or the accrediting bodies is arguing for that here.

**Most sensitive points of stress**

- Almost all institutions assert that they place a high premium on the interests of students, don’t think they are part of “the problem,” and have little tolerance for the processes and procedures necessary to restrain those who abuse the system. That is especially true of public and independent, nonprofit institutions.

Most institutions want the “problems” that they hear about to be solved, but they want it done at no inconvenience to themselves.

It’s similar to how we feel about airport security lines. We understand why we have to put up with the inconvenience, but because we know we’re not terrorists, we wish we didn’t have to deal with it. We think there should be a line for those of us that are just fine, and a separate line for the people we should worry about.

- To some extent, earning accreditation by a U.S. Department of Education “recognized accreditor” is supposed to provide that “separate line.” But with all the changes to American higher education previously described, and with accreditors carrying out tasks that to institutions seem increasingly regulatory, the special line doesn’t seem so special anymore. We no longer seem able to meaningfully segment higher education and use that segmentation to increase efficiency, focus attention, and support our goals.

### **Improvements to the Triad**

- We need a better segmenting tool – a way to adjust the path for institutions (of all sectors) that have consistently demonstrated responsibility, financial stability, excellent student outcomes, high metrics on measures we care about, and so forth. For them, the focus should be on quality enhancement – the original goal of accreditation. Identifying institutions that require less attention should be an approach employed by all members of the triad.
- For less fortunate institutions – institutions from all sectors – we need to shorten the period between comprehensive accreditation reviews and develop better, more graduated responses to poor performance. And in all cases, the results of accreditation reviews need to be made more transparent to the public.
- Some accrediting bodies accredit a very wide range of institutions – public, private, large, small, for-profit, and so forth. Rationalizing that breadth under the argument that those diverse institutions share a commitment to certain high-level principles is one thing. Developing standards applicable to that wide range, without making them so nebulous as to be almost meaningless, or impossible to enforce, is another.
- The Department needs to do a better job of providing any needed clarification to the rules it issues. FERPA interpretations and recent program integrity rules are good examples of that. And some of my recent work has convinced me that the

Department needs to re-examine the ways in which it assesses institutional financial status as a condition for participation in federal financial aid programs.

- The relatively new program integrity rules will prompt some adjustments by the states, in particular in regard to matters such as dealing with student complaints. Several states have already made statutory modifications; others will likely follow.

**In closing**

Thank you for the attention you are giving to these issues. Those of us who work in state systems want to do our part to meet our country's higher education needs and challenges. Higher education plays a key role in our success as a nation. We care, we accept the challenges, and we want to contribute to solutions. Thank you for inviting me to provide my comments as part of your deliberations.