



Association of Specialized and Professional Accreditors

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May 31, 2006

John W. Barth, Director
Accreditation and State Liaison
US Department of Education
1990 K Street, NW -- Room 7105
Washington, DC 20006-8509

Dear John:

As you know, in October 2005 ASPA wrote to US Secretary of Education Margaret Spellings to express concern about the "regulatory creep" that occurs when new interpretations or new requirements are imposed on the accrediting organizations recognized for inclusion on the Secretary's list (Appendix I). In November 2005, we received a response from Sally Stroup, who was then the Assistant Secretary of Postsecondary Education (Appendix II). That letter compared the need for the Department to adapt to changing circumstances to that of the recognized accreditors who modify standards and policies to keep pace with changes in higher education and the professional fields or disciplines. The letter does not acknowledge that the recognized accreditors are required to have clearly stated processes by which such changes are made. Indeed, accrediting agencies would be cited by the Department if they did not have - and follow - a process that involves their communities of interest as new requirements are added or current requirements are interpreted in different ways.

The ASPA community discussed the reply from Assistant Secretary Stroup during its Spring 2006 meeting and expressed on-going concern with new requirements and changed interpretations of current requirements. The *Criteria for Recognition of Accrediting Agencies* flow from law and were developed in a negotiated rulemaking process. In a society which is based on "rule of law," it is reasonable for those seeking recognition to believe that they will be expected to comply with the *Criteria* that were approved and published in the *Federal Register*, not with un-discussed and un-announced expansions or new interpretations of the *Criteria*.

Over the past few years, accrediting organizations participating in reviews by the National Advisory Committee on Institutional Quality and Integrity (NACIQI) have been feeling more and more as if they are blindfolded and trying to achieve recognition by hitting a moving target. NACIQI and the Secretary would (and should) refuse to recognize an accreditor that treated its programs or schools in such a manner. But so far there has been no acknowledgment of the justice of ASPA's request that accreditors be treated by the Department in a manner parallel to the

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Department's expectations. I have watched a few accreditors drop their USDE recognition and have heard others discuss the pros and cons of doing so. The cost of compliance is high but has rewards. As frustration with trying to hit a moving target increases, the reward is eroded and more accreditors are likely to decide that they do not really "need" to be on the Secretary's list. This choice, in my view, is not in the broad public interest but I can certainly understand why some see it as their best option.

ASPA believes that discussion of this issue is vitally important as work on reauthorization of the Higher Education Act continues. Some common understanding of what negotiated rulemaking does or doesn't mean is important prior to any new negotiations. In the meantime, when NACIQI or the Department adds a new requirement or interprets an existing one in a new way, we ask you to please take the next step and inform the accrediting community.

Finally, we request that you share this letter and the two attached letters with all of the members of NACIQI. As you know, I will not see you at the fast-approaching June NACIQI meeting but hope it goes well.

Best regards,



Cynthia A. Davenport
Executive Director, ASPA

enclosures:

October 2005 letter to Margaret Spellings
November 2005 reply from Sally Stroup