

An Advisory by the Arts Accrediting Associations on Federal Definition of the Credit Hour

The Issue

In October 2010, the United States Department of Education (USDE) released final versions of a number of higher education regulations. These regulations, which went into effect on July 1, 2011, are referred to as the “program integrity” regulations. Included in these regulations, for the first time ever, was a federal definition of one of the building blocks of higher education, the credit hour.

Such action by the federal government is unprecedented and has been and continues to be a matter of deep concern to many in higher education.

The definition as published in the Code of Federal Regulations (CFR), Title 34, Part 600.2 is as follows ([available online here](#)):

“Credit Hour: Except as provided in 34 CFR 668.8(k) and (l), a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than –

(1) One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or

(2) At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.”

Under this rule, the federal government defines the credit hour numerically, but accrediting agencies remain responsible for setting standards and conducting reviews in this area. The federal definition is to be used as a baseline for decisions about various types of programs. See “Accreditation Implications and *Handbook* Changes” section of this message below for further important information.

Supplementary Guidance from USDE

In August 2011, the U.S. Department of Education posted a set of questions and answers related to the program integrity regulations on its website. It is updated from time to time. Please click [here](#) to view USDE’s Q&A on the credit hour.

The Fundamental Principle – The Locus of Opposition

At issue in the credit hour definition is the federalization of “the most basic building block of any academic program” (ACE Letter, April 26, 2011). Many are concerned about what

is regarded as a precedent-setting entry of federal regulation into matters of academic decision-making. Such an entry raises fundamental questions about the relationship of a new federal definition to existing federal statutes that identify academic responsibilities as being restricted primarily to institutions and accreditors. For further information about federal statutes, see the short briefing paper [“Foundational Principles in Federal Law on Accreditation and Higher Education”](#) by the Association of Specialized and Professional Accreditors (ASPA).

In addition, there are concerns that calls for “consistent” imposition of the federal definition will grow over time, and thus produce escalating regulatory inflexibility, increasingly harming local efforts to make curricular changes, innovate, work with new delivery systems and patterns, and so forth. Further, the definition produces confusion because it juxtaposes the concepts of seat time and student learning.

In the main, the higher education community wants accrediting agencies to be responsible for setting overall requirements with the participation of their institutions, and for reviewing and verifying the viability of specific institutional credit-hour policies and their implementation. Under this concept, institutions would continue to retain the primary responsibility for specific credit-hour policies and assignments associated with the programs they offer. The federal government would assure itself that accreditors are reviewing credit-hour issues but would not establish a definition or otherwise interfere in academic decision-making, or require accreditors to enforce a federal definition.

Regardless of what the future may hold, it is important for institutions to be aware of the federal credit-hour definition and to work to maintain compliance with both accreditation standards and USDE requirements.

Accreditation Implications and *Handbook* Changes

Part 602 of the program integrity regulations contains federal requirements that apply to all accrediting agencies recognized under provisions of federal law. Arts executives should review [Title 34, Part 602.24](#), particularly items (e) and (f), which pertains to policies regarding transfer of credit and the credit hour.

In the fall of 2011, in order to maintain consistency with the new regulatory requirements and current accreditation practice, the memberships of each of the arts accrediting associations voted to amend their statements on credit and time. For the current standards, please see Section III.A., Credit and Time Requirements, of each association’s Standards for Accreditation.

Institutions and programs that remain in compliance with standards of their appropriate arts accrediting association should be in a good position to be in compliance with respect to this federal definition of the credit hour.

What You Should Do and Must Know

Ensure that your practices regarding credit-hour calculations and public information about credit-hour policies are in compliance with applicable arts accreditation standards (see Section III.A. of the Standards for Accreditation in the *Handbook*).

Under the above federal rule, it is important to consider the federal definition as well as

accrediting agency requirements when planning new or experimental programs. Be able to document credit-hour assignments in all cases, and especially equivalency with benchmarks in the arts accreditation standards, and thus the federal definition, when programs are structured or credit is awarded in new or non-typical ways.

Congressional Efforts to Rescind

This credit hour definition and accompanying regulations regarding the responsibilities of accreditors were placed in federal regulations over the objections of large sectors of the higher education community, including the accreditation sector.

Since the implementation of the regulations in 2011, a number of members of Congress have proposed legislation to rescind the federal definition of the credit hour. Such legislative proposals have included the 2011 House bill [H.R. 2117](#), *Protecting Academic Freedom in Higher Education Act*, the 2011 Senate bill of the same name, [S. 1297](#); the 2013 and 2015 versions of the House bill *Supporting Academic Freedom through Regulatory Relief Act*, [H.R. 2637](#) and [H.R. 970](#), respectively; and the 2015 Senate bill of the same name, [S. 559](#). These most recent proposals came on the heels of the release of a bipartisan task force report titled “Recalibrating Regulation of Colleges and Universities” that argued that colleges and universities are overregulated.

In order for the credit-hour regulations to be rescinded, both the House and the Senate would have to approve a bill introduced during the a session of Congress, a joint House-Senate resolution would have to pass both chambers, and the President would have to sign the bill into law. Thus far, none of these proposals have advanced to this stage.

Negotiated Rulemaking

In early 2014, the U.S. Department of Education began a set of negotiated rulemaking sessions on issues of program integrity and improvement. Negotiated rulemaking is the process by which certain government agencies draft, revise, and finalize federal regulations. Various stakeholders are represented during the negotiations, and the public is given the opportunity to provide comment on drafts prior to finalization.

One issue on the negotiated rulemaking agenda was clock-to-credit hour conversions and how the USDE could simplify and/or better clarify the process for institutions. On May 18, 2015, the USDE published a [Notice of Proposed Rulemaking \(NPRM\)](#) in the *Federal Register*. Among other issues, the NPRM proposes simplifying the requirements regarding clock-to-credit hour conversions. Public comment on these proposals was due on July 2, 2015. Final regulations will likely be issued in the coming months.

Conclusion

The National Office of the arts accrediting associations will continue to monitor this issue. Guidance on the regulations should be sought directly from USDE staff. For assistance in interpreting accreditation standards, please contact the National Office for Arts Accreditation.