September 8, 2005

The Honorable Michael B. Enzi
Chairman, Senate Committee on
Health, Education, Labor and Pensions
835 Hart Senate Office Building
Washington, DC 20510

The Honorable Edward M. Kennedy
Ranking Member, Senate Committee on
Health, Education, Labor and Pensions
644 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Enzi and Kennedy,

On behalf of the Association of American Universities (AAU), an organization of 60 U.S. and two Canadian public and private research universities distinguished by their strong programs of undergraduate and graduate education and research, I write to offer comments on S. 1614, the Higher Education Amendments Act of 2005. AAU endorses the September 7, 2005 letter sent by the American Council on Education (ACE) on behalf of AAU and other higher education organizations. Given the short time we have had to review the bill and the markup that is scheduled for later today, this letter offers supplemental comments to the ACE letter that will be necessarily brief and focus on issues of particular interest and concern to AAU member universities.

We greatly appreciate your bipartisan efforts to craft a bill to enhance student access to higher education. AAU is especially appreciative of student aid provisions that: make Pell Grants available year round; simplify the FAFSA; create a new ProGAP grant program; increase undergraduate and graduate student loan limits; make PLUS loans available to graduate students; reinstate expired loan disbursement provisions; and expand Perkins Loan forgiveness. We are also pleased with the proposed new National Science and Mathematics Access to Retain Talent (SMART) grant and Patsy T. Mink graduate education programs.

Despite these and other positive elements of your bill, we wish to amplify our serious concerns about other bill provisions that are mentioned in the ACE letter.

We are most concerned about transfer of credit provisions that: 1) would require accrediting agencies to certify that institutions base their transfer of credit policies on “criteria established in guidelines developed by the institution’s admissions committees,” and 2) would require institutions to calculate the percentage of students who successfully transfer academic credit from another institution.

The first provision inappropriately empowers the federal government to dictate which university officials should make credit transfer decisions. The awarding of credit is one of the core academic activities of universities; credit transfer decisions reflect an institution’s mission and quality of instruction. It is the right and responsibility of individual institutions to determine how academic credit transfer decisions are made and who makes them. These are academic decisions that should be – and are – based on policies that are thoughtfully and carefully developed. These policies should be – and are – available to the public at our institutions. However, policies governing the awarding of academic credit have never been, nor should be, the province of the federal government. We believe this provision is inappropriate and unnecessary, and it should be eliminated. As for the transfer of credit reporting requirement, we recommend this burdensome provision also be eliminated because of the additional workload and costs it would impose on institutions to calculate a statistic that would provide little, if any, useful information to students.
We are also very troubled by the requirement that Title VI international education programs “reflect diverse and balanced perspectives” with respect to applications made by universities for funding and the descriptions of the Title VI programs. Universities take very seriously the educational importance of bringing diverse perspectives to the classroom. Consequently, we believe this provision is unnecessary. Moreover, “balanced” is a subjective term that would lead to prescriptive regulations that we believe strongly would compromise the academic independence of universities. We are also concerned by new and redundant compliance procedures for Title VI programs that include a troublesome mechanism for suspension of Title VI funds. More importantly, we are very troubled by the combination of the “diverse and balanced perspectives” requirement and the suspension of Title VI funds provision. Together these provisions could lead to politically motivated external complaints and an indirect means for the federal government to control curriculum. We request that the word “balanced” be eliminated in all places it is used in Title VI and that the proposed new compliance procedures also be eliminated.

Finally, we are concerned about complex and costly new reporting requirements that would require universities to collect and publish information on employment placement and graduate school enrollment of graduates. It is unclear how useful this information would be to students, especially since decisions about employment and enrolling in graduate school are highly influenced by non-educational factors, such as personal preferences. Moreover, given the wide range in the types of higher education institutions and their different missions, students would be unable to make useful comparisons with the information. We recommend these reporting requirements be dropped from the bill.

We appreciate the opportunity to comment on the draft bill earlier this week and this opportunity to provide comments on S. 1614. We thank you and your staff for your efforts and willingness to consider our views and for changes that were made to the draft bill.

We again offer our sincere thanks for your bipartisan efforts. We look forward to working with you and the other members of the Committee as the HEA reauthorization process continues.

Cordially,

Nils Hasselmo

cc: Members of the Senate Committee on Health, Education, Labor, and Pensions