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

The most recent updates are provided at the end of this paper.

The Issue

In October 2010, the United States Department of Education (USDE) finalized a number of higher education regulations that went into effect on July 1, 2011. In these “program integrity” regulations, USDE federally defined the credit hour.

Such action by the federal government is unprecedented and is a matter of deep concern to many in higher education. See the “Prospects for Change” section of this message below for important information about legislative efforts to rescind this definition.

The definition as published in the regulations 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 new 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.

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 in or credit is awarded in new or non-standard ways.

**Accreditation Implications and Handbook Changes**

The new regulations also contain requirements with regard to the credit-hour policies of accreditting agencies that are recognized under provisions of federal law (available online here). Please read these regulations to obtain a full picture of the intended means for requiring accreditting agencies to implement the new federal definition.

In the fall of 2011, the memberships of each of the arts accrediting associations voted to amend the longstanding statements in their respective Handbooks regarding credit and time requirements. These membership-approved changes retained previous content and concepts, while adjusting and adding language to the statements in order to make them consistent with current accreditation practice.

These amended accreditation standards are also consistent with the related regulatory requirements in the program integrity regulations. 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 new federal definition of the credit hour.

Institutions with regional accreditation may see more attention to credit hour policies from their regional accreditor than they have in the past. If questions arise regarding compatibility with standards of the arts accrediting associations, please let us know immediately.

**The Fundamental Principle – The Locus of Opposition**

At issue in the credit hour definition is the federalization of the “most basic building block of academic programs.” Many are concerned about what they regard as a precedent-setting entry of federal regulation into matters of academic decision-making. 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 ASPA briefing paper “Foundational Principles in Federal Law on Accreditation and Higher Education”.

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 (see “Prospects for Change” below), it is important for institutions to be aware of the new federal credit-hour definition and to work to maintain compliance with both accreditation standards and USDE requirements.

**Prospects for Change**

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.

Such opposition continues after the July 1, 2011 implementation date of the regulations, and in June 2011, this opposition spilled over into the legislature. Members of Congress in both the U.S. House of Representatives and the Senate introduced bills that would rescind the federal definition of the credit hour.

Ultimately, on February 28, 2012, the House of Representatives voted 303-114 in support of [H.R. 2117](#), a bill calling for the repeal the regulations related to the federal definition of the credit hour and to state authorization.

H.R. 2117’s Senate counterpart, [S. 1297](#), was introduced in June 2011, but it has yet to move to the floor for a vote.

In order for the credit hour (and state authorization) regulations to be rescinded, the Senate would have to approve a bill, a joint House-Senate resolution would have to pass both chambers, and the President would have to sign the bill into law. Administration officials have indicated that the President would oppose any such efforts to rescind these federal regulations.

Institutions who wish to communicate with members of Congress on these issues may do so at any time during the legislative process. Please note that email is the preferred and most expedient method of contact.

**USDE Update – August 2011**

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