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## News

### Rules Relief

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WASHINGTON -- Education officials who say they are weighed down by burdensome regulations imposed by federal laws pleaded their cases to a House of Representatives committee here on Tuesday, and while they represented preschools through colleges, they agreed strongly on one thing: many regulations are dragging institutions down.

**The hearing** was the first in a series that new Republican leaders of the House's Education and the Workforce Committee plan to conduct to explore the impact of hundreds of federal regulations on all levels of education (though much of the discussion revolved around the pending renewal of the Elementary and Secondary Education Act, which governs K-12). Debate in the inaugural session made everyone's frustration apparent, with lawmakers and witnesses alike lamenting the heavy toll in time and money of the regulatory requirements with which schools and colleges must comply, in exchange for the funding and other benefits they receive through federal programs. (It was notable that while leaders of the House panel have **strongly attacked** as "job-killing" overregulation new Education Department rules governing for-profit colleges, that topic was not discussed at Tuesday's hearing.)

Most participants in the hearing seemed to agree that the House -- now that it is in the hands of free-market-thinking Republicans -- would seek to push toward more streamlined regulation that would lessen the extent of often-redundant data collection, paperwork and other information requirements that come along with federal laws and provisions. (Such pushes are fairly regular rituals in Washington -- particularly when Republicans are in charge -- but they rarely deliver the promised relief.) It was estimated that such tasks cost schools and colleges millions of dollars and hundreds of hours in labor.

For instance, the federal government itself estimated that the "burden hours" for various provisions in the "general and non-loan programmatic issues" regulations that the Education Department issued in 2009 alone ranged from 1 to 109,645 hours.

"States strongly agree with the need to strategically collect critical data to support accountability and inform policy decisions, but strongly oppose data collection for the sake of data collection," Gene Wilhoit, executive director of the **Council of Chief State School Officers**, said in his testimony. He noted that multiple Education Department offices collect the same data. "Chiefs agree that a public, transparent accounting of taxpayer dollars is critically important, but the system must be efficient to ensure that scarce resources are not being unnecessarily diverted from the needs of students."

Education officials and some lawmakers complained that these regulations generally do not contribute to student achievement. While they may have been implemented with good intentions, several people said, their cumulative effect is often more time-consuming than anything else.

"It is important to acknowledge that in the shift to an emphasis on results, the federal government has not lived up to its part of the bargain," Kati Haycock, president of **the Education Trust**, a nonprofit advocate for student success and closing the achievement gap, said in her testimony. "These are the burdens -- often horrendous ones, I might add -- to which Congress should turn its attentions during reauthorization, shearing off unnecessary regulatory burden and producing a 'thin' law with a clear focus on improved results."

While the hearing focused mostly on K-12 education, colleges and universities were represented by Christopher B. Nelson, president of St. John's College, in Annapolis. He said the main burden for colleges stems from three sources: responsibilities under the Higher Education Act; regulation by agencies outside the Education Department; and accreditors taking on regulatory oversight of institutions

participating in programs under Title IV of the Higher Education Act, the law that governs most federal student aid and college programs.

"Whatever the vantage point, the regulation of colleges and universities is massive," Nelson said in [his testimony](#). "When I step back from the mass of the more mundane record-keeping, reporting and compliance environment, I try to see what the effect of all this is on our principal task, fulfilling our educational mission for the sake of our students. Every diversion or distraction from these primary purposes weakens our best attempts to achieve those ends."

As a visual aid, Nelson, who was also testifying on behalf of the [National Association of Independent Colleges and Universities](#), brought along a stack of binders containing summaries of every single law with which colleges must comply. Regulations and sub-regulatory guidelines for the Education Department laws, meanwhile, take up three file boxes, he said. (Nelson named a few of the 'A' regulations with which colleges comply: the Anti-Trust Act of 1890, the Artists' Rights Act, and the Atomic Energy Act. The committee's chairman, Representative John Kline, a Minnesota Republican, responded, "It would be funny, except I know that it's a real burden.")

"It is not a question of the good intentions behind these requirements, but that they continue to accumulate with no paring back or review of what is already on the books," Nelson said.

Some lawmakers took issue with the witnesses' arguments, however. Representative George Miller, a California Democrat, emphatically reminded the room that these rules are critical for parents choosing schools for their children, and accounting for taxpayer dollars. "Districts that used to fight data now want data. They want to be performance-based -- at least they do for the moment. They want to be outcome-based," Miller said. "We want to hold schools accountable for what they can accomplish, not punish them for what they can't."

In a prepared statement, Miller put it another way: "Strong use of data is what allows the federal government to get out of the way while maintaining the integrity of programs."

Yet Nelson said his biggest concern is the "ripple effect" that federal regulations have on colleges' independence. "Better the government help and encourage and support access to our institutions than seek ways to have us alter our many and diverse visions of what an education ought to look like," Nelson said. "This diversity of mission and purpose is the greatest strength of American colleges and universities. In reviewing the regulatory environment for higher education, it would be good if this truth might be kept in mind: that institutional autonomy is a strength, and that where institutions abuse their public trust, correction ought to be aimed at the institution that has abused that trust rather than at the rest of us through another general wide-ranging regulation."

Nelson also expressed concern that accrediting agencies are becoming vessels for the federal government to ensure that colleges are following regulations.

Haycock offered a simple test for lawmakers who must determine what provisions will become law: "Does the proposed provision provide a powerful lever to help local educators do what it takes to raise achievement, especially among the children most often left behind in state improvement efforts? If the answer is yes, the provision goes in. If the answer is no, it does not."

— [Allie Grasgreen](#)

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