Career Education Review™

REVIEW

The Career College Information Source

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Career Education
R E V I E W
The Career College Information Source
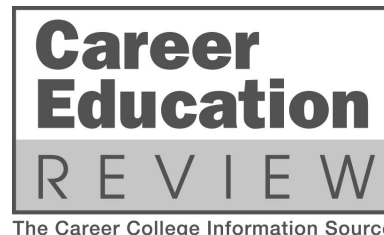
Ask the Experts Column

Do you have a question that needs answering? Want advice or a recommendation? Ask CER's panel of experts your questions!

CER has compiled, what we believe, are some of the top experts in the career education community. And they have agreed to share their wealth of knowledge and experience with you!

Each category below has a panel of experts!
- Academics
- Compliance/Accreditation
- Faculty/Staff Development
- Financial Aid/Default Prevention
- Enrollment Management
- School Operations (student services, career planning, finance, placement)

Submit your questions to the panel of experts by emailing them to jfaubert@careereducationreview.net

Published Continuously Since 1926

The *Career Education Review* is the career college information source dedicated to providing top management, owners, investors, sector leaders and suppliers with the in-depth information required to operate a successful educational enterprise and to provide a life-changing education experience for the students served by the sector.

Editorial and Contributors Advisory Board

On The Web: www.careereducationreview.net

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Letter from the Editor

Effective leadership can mean the difference between a good business and a great business. In order to continue the success of Career Education Review, we reached out to leaders in the community, inviting them to become CER advisory board members. CER is excited to announce the appointment of six new advisory board members. CER has a long history of service to the career education community and, thus, relies heavily on the advice of the advisory board to maintain quality content.

Adding their higher education work experience together, the new members have more than 150 years of knowledge to share! The new members are:

- Dan Inman, President and Chief Executive Officer, Daymar Colleges Group (From November 2012 to May 2014)
- Mary Lyn Hammer, President and CEO, Champion College Services, Inc.,
- Jeanne Herrmann, Chief Operating Officer, Globe Education Network,
- Piper Jameson, Executive Vice President and Chief Marketing Officer, Lincoln Educational Services Corporation,
- Vince Norton, Managing Partner, Norton | Norris
- David Pauldine, President, DeVry University and Executive Vice President, DeVry Inc.

I would like to thank the departing advisory board members, Julia Brown of FAME, Jayne Moorehouse of Jayne & Company, Tom E. Netting of Akerman Senterfitt, LLP, Robert W. Tucker of InterEd, Inc. and Elise Scanlon of Elise Scanlon Law Group for their time, talent, and expertise through the years. You have made a difference through your dedication and continued support to CER.

Remaining on the advisory board is, Chairman, Stephen B. Friedheim of Education Systems & Solutions, Sharon Bob of Powers Pyles Sutter & Verville, P.C., Richard Dumaresq of PAPSA, Lisa Fraser of LDF Publishing Inc., John B. Lee, Ed.D of JBL Associates, Inc., Peter Leyton of Ritzert & Leyton, P.C., Gary Meers of MaxKnowledge, Inc., Florence Tate of SWAT Educational Services, and Harry V. Weber of Weber & Associates, Inc. Thank you for your contributions, time, and efforts.

CER is debuting a new feature that will be showcased in the News & Opinion Digest that we are calling "Ask the Experts," column. CER has compiled, what we believe, are some of the top experts in the career education community. And they have agreed to share their wealth of knowledge and experience with you! Meet our panel on the next page.

Whether you have questions on financial aid, faculty development, school operations or are looking for advice/recommendations, our panel of experts can help. But we need your participating to make this feature successful. Submit your questions to me, with "Ask the Experts" in the subject line, at jfaubert@careereducationreview.net. Submitted questions will remain anonymous and will be answered in the News & Opinion Digest.

I hope you enjoy this issue and find the topics covered informative. As always, please feel free to contact me with questions or comments.

Sincerely,

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Meet CER'S Panel of Experts

CER is thrilled to announce our panel of experts. Eighteen of the top leaders in the career education community want to help you! And through CER's strategic alliance with KUCCEL, 17 additional prominent members of the sector are available to answer your questions.

Submit your questions/inquires to me at jfaubert@careereducationreview.net, with Ask the Experts in the subject line. Please include the category you believe your questions would fall under or if it is a general question. We will then forward your question to our panel of experts. Answers will be featured in the News & Opinion Digest.

Academics

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Vice President - Client Services
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Jeff Arthur
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CAREER EDUCATION REVIEW'S

Career College Event Calendar

June – August 2014

Dates You Need to Know

June 2014

APSCU—Association of Private Sector Colleges and Universities
Annual Convention
Las Vegas, NV
June 16–18

July 2014

Pennsylvania Association of Private School Administrators (PAPSA)
Annual Conference
Valley Forge Radisson Casino Hotel - Valley Forge, PA
July 23-24, 2014
www.papsa.org

American Association of Cosmetology Schools (AACS)
Career Educators Alliance (CEA) Annual Convention
Fort Lauderdale, FL
July 25-28, 2014
www.beautyschools.org

National Accrediting Commission of Career Arts & Sciences (NACCAS)
Workshop
Crystal Gateway Marriott - Arlington, VA
June 28 - July 1, 2014
http://naccas.org/naccas/

August 2014

Kentucky Association of Career Colleges & Schools (KACCS)
Annual Meeting and Educational Conference
Sullivan University - Louisville, KY
August 22, 2014
www.kycareercolleges.org

Creating a Culture of Employability: Best Practices in Career Services and Placement

By Jeanne Herrmann, Chief Operating Officer, Globe Education Network and Martha Lanaghen, CEO, The Sparrow Group

Often, private for-profit career colleges are judged on one thing: Do their students find jobs in their respective fields after graduation? If the answer is going to be a resounding and consistent "yes," universities need to start working with students from the very beginning of their college career on career services and placement, say the co-chairwomen of a task force created by the Association of Private Sector Colleges and Universities (APSCU) to promote best practices on that topic.

Jeanne Herrmann, chief operating officer for Globe University/Minnesota School of Business, and Martha Lanaghen, CEO of The Sparrow Group, served as co-chairs of the APSCU task force on career-oriented

JEANNE HERRMANN is the chief operating officer for Globe Education Network that includes Globe University, Minnesota School of Business, Minnesota School of Cosmetology, Institute of Production and Recording and Broadview University. She oversees operations and works to improve communication and consistencies in processes, outcomes and results as the company has grown from four campuses to 30 campuses.

Herrmann has worked in the proprietary education sector since 1991. She has served many roles at the campus level including admissions representative, director of admissions, dean of education and campus director.

She currently serves as the chairwoman of the board for the Accrediting Council for Independent Colleges and Schools, and she is the past chairwoman of the board for the Minnesota Career College Association. Herrmann is very active with state legislative efforts and sits on the Minnesota P – 20 Partnership, Itasca Project for Workforce and Higher Education Alignment, and the Minnesota Longitudinal Data Study Committee.

In addition, she has been active as an evaluator for ACICS since 1998 and has served on the State Affairs Coordinating Council and Federal Legislative Committee of the Association for Private Sector Colleges and Universities.

Herrmann has presented nationally on many issues central to the proprietary sector, as well as testified in front of Congress. She earned a bachelor's degree from Hamline University and a master's degree from the Minnesota School of Business.

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postsecondary education. They say the most important things schools can do is create an employment culture that permeates each campus and ensure that the employment conversation occurs throughout the student life cycle.

"Everyone at the campus needs to be focused on students' ultimate goal, and that is getting them employed in their field," Herrmann says. Lanaghen agrees, adding, "You need to create that culture of employability where everyone is involved in helping students reach that goal."

> "Everyone at the campus needs to be focused on students' ultimate goal, and that is getting them employed in their field," Herrmann says.

To do that, you must cultivate a campus culture that reinforces professionalism. That means dressing appropriately, using professional language, having regular conversations with students about their employment plans and providing feedback to students about employment outcomes.

Employment Culture Spans the Entire Student Lifecycle

That employment culture should start when a student first meets with the admissions team. Already at that point you need to set expectations about the role that the student and institution will play so the student ultimately finds a job in his or her field.

Lanaghen says institutions need to be compliant with state regulations on what they can or cannot reveal, "the recommendation is that there is complete and careful disclosure about the kinds of jobs that the students may be able to secure as a result of the program that they are choosing, and also a complete and careful disclosure about what will be required of the student in the process to look for a job." Specifically, students should be told that school is hard work, attendance is required, and that they may need to make other changes depending where they live and where they attend school. It should also be made clear to students that getting a job will require them to create a resume, conduct a thorough job search and go out on interviews.

"There is quite a commitment on the student's part to securing a job, and it is important that it gets discussed right up front to set proper expectations," Lanaghen says, "that culture of employment, or of promoting career

MARTHA LANAGHEN is CEO and founder of The Sparrow Group of Boulder, Colo. She has more than 25 years of management experience, much of which is working directly with customers and students. Her area of expertise is in retention, campus strategy, and career services and student services. With clients from around the world, including traditional education and for-profit higher education, Lanaghen's innovative customer loyalty and student retention programs have been proven to drive retention and engagement.

Prior to The Sparrow Group, Lanaghen worked as a regional vice president of operations at a large college with multiple campus locations including a rapidly growing online university; in addition, she directed the college's strategic planning and student affairs activities.

She also is a sought-after speaker and international consultant focusing on helping online and traditional colleges build outstanding student experiences that drive student success, engagement and ultimately, help students find relevant employment. www.linkedin.com/in/MarthaLanaghen

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services and placement, needs to be part of the entire student cycle and learning process."

"It needs to be at the forefront throughout students' entire time with us," Herrmann agrees. That includes from the students' first meetings with the academic or education department in setting their schedule, to meeting with staff in their department such as the program chair to once again go over their expectations, to what they will foresee in their future careers and more.

That culture also includes framing student behaviors relative to the workplace. For example, letting students know that the reason we want them to be prompt to class, and on time with their assignments is because we are training you to be successful at work. Instead of reprimanding a tardy student, a career-oriented culture would reinforce workplace behavior by saying something like: "When you get a job after you graduate, your boss is going to want you to be on time to work; that is why we want students to be on time for class. This is the place where we are preparing you to be ready for the workforce."

Each campus should also have some kind of a freshman seminar course that sets expectations about the employment market and the things students can do to prepare themselves for employment, Lanaghen says. Such a course helps to increase student understanding of employment outcomes and their own responsibilities, and could include life skills areas, such as credit management, professionalism, study skills, project management and awareness of career documents, including resumes, cover letters and references.

Ideally, there would also be experiential learning — internships, externships and service learning. For example, colleges could provide non-required service-learning opportunities on or off campus, applied learning practice opportunities and accurate and complete information to prospective and enrolled students regarding externships or internship requirements and opportunities.

> Each campus should also have some kind of a freshman seminar course that sets expectations about the employment market and the things students can do to prepare themselves for employment, Lanaghen says.

Soft Skills are Critical to Employment Success

While students need the technical skills required for a position, it is

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APSCU Creates Career Services, Placement Best Practices Guide

Wanting to provide a guide of best practices in the career services and placement field, the Association of Private Sector Colleges and Universities (APSCU) created a task force to complete that job.

Jeanne Herrmann, chief operating officer for Globe Education Network, and Martha Lanaghen, CEO and founder of The Sparrow Group, were co-chairwomen of the task force. The rest of the group consisted of representatives from different member institutions.

"We worked to create a committee that had good representation from all the different member institutions," Hermann says. "We made sure that we had representation from regionally accredited, nationally accredited, one-campus schools, and large multi-campus schools." Besides Lanaghen and Herrmann, the final group consisted of Elise Scanlon, principal, Elise Scanlon Law Group; Tawnie Cortez, vice president student affairs, Rasmussen College; Megan Feyer, director of student and academic affairs, Platt College; Sheri Leach, corporate director of career services, Lincoln Educational Services; Ellis Murtha, vice president compliance and regulatory operations, EduK Group; and Jonathan Langley, director of career services, Kaplan College.

Lanaghen and Herrmann first met and developed an outline to follow as the group developed the list of best practices. Once the outline was completed, they sent it to the members to get feedback. Based on that feedback, they made changes, and then assigned committee members sections of the document to write. All those sections were collected and assembled into a larger document that was edited by the committee and then submitted to APSCU for review.

"APSCU made meaningful changes and ran it through their legal and risk management team and ultimately put it into the format that you see today on APSCU's website," Lanaghen says. You can download the final document at http://www.career.org/knowledge-center/publications/best-practices/index.cfm.

often their soft skills that get them a job offer.

"You need to be a great communicator, look people in the eye when you talk to them, listen carefully, have a good work ethic, and so on," Lanaghen explains. "You hear a lot of noise in the media today about young people not having a great work ethic. That is why it is important that we reinforce to our students that jobs are hard work and that they need to show up on time and be responsible and communicate with their boss when they need help. That entire soft skills component is not often something that students learn in a class; it needs to be reinforced in all the courses that they take the entire time they are on campus."

How do you get faculty members to teach soft skills in their classes?

Lanaghen says there are tools available to train faculty on the kinds of behaviors you are looking for. There are also rubrics that help to evaluate students' proficiencies in those skills. "It is listening skills, timeliness with workload, ability to ask great questions, preparation, problem-solving skills – everything that describes how we behave and

The Student Life Cycle of Career Services

Students can take many different paths as they finish up their college degree. But no matter their path, career services must cater their services to students based on where they are in the student life cycle.

The following are some selected suggestions for students depending where they are in the student life cycle. To see all the suggestions, download the final APSCU best practices guide at http://www.career.org/knowledge-center/publications/best-practices/index.cfm.

Prospective student
- Disclose whether a program meets minimum requirements in the state where the institution is located to qualify students for state licensure in the relevant occupation.
- Provide potential earnings and employment pathways for specific careers using Bureau of Labor Statistics data or similar recognized data.
- Disclose the cost of educational programs related to preparation and/or licensure for specific careers.
- Provide institution job-placement rates.

Student's early tenure
- Offer a "freshman seminar" course that increases understanding of employment outcomes.
- Create student orientation programs and share information on class attendance, grades, volunteerism, etc. that may help students find employment.

Student's mid-tenure
- Help students develop a portfolio of assignments that demonstrate the ability to showcase skills like teamwork, project management, writing, etc.
- Develop a career preparation roadmap with each student.
- Provide guest speakers, career fairs, mock interviews and other opportunities.

Preparing for graduation
- Make job-search tools available to students both before and after graduation.
- Conduct regular update meetings with students as they approach graduation or complete their externship/internship.
- Teach students the elements of a well-rounded and effective job-search plan.

Graduation
- Create an outreach program to build relationships with employers so they consider your graduates preferred candidates when new positions open.
- Create a communication program to your network of employers to make them aware of new graduates who are available for employment.
- Encourage regular contact between graduates and the career services department.
- Provide refresher courses and license-preparation classes for graduates who will take certification or licensing tests.

Alumni
- Recruit alumni to speak to current students on how to build their resume and pursue career placements.
- Create engagement strategies to encourage alumni to think of your students first when they are seeking new employees.

Source: Recommendations for Best Practices in Career Services and Placement, APSCU, August 2013

conduct ourselves in the workplace," she says. The other thing you can do is work with your faculty to set expectations about what the job search and job market is like and then ask them to reinforce those behaviors throughout the classroom experience. New faculty members that have just come from the workplace can speak specifically to what professionalism looks like in that field, Herrmann says. It is more difficult, however, for faculty members teaching general education courses because they also have to help the student understand why a humanities class, for example, is going to be meaningful in their future career, and why it is important to work together and collaborate on a team project and how that equates to their chosen career field.

Lanaghen and Herrmann also suggest that colleges regularly bring in guest speakers, hold career fairs and host other similar activities.

"The actual timing will vary from campus to campus, season to season and program to program," Lanaghen says. "But I suggest that you have special events on campus for every program that you teach at least once a term."

She acknowledged that it is a lot of activity, but said it can be as simple as inviting a local expert to come into an individual classroom. "It is a half-hour or 45 minutes of the expert's time to sit in the classroom with the students, share his or her expertise, and talk a little bit about what the work world is like," Lanaghen says. "It is a brilliant way to get students to get a realistic picture of the work world when they are hearing directly from somebody who lives and breathes that world."

Great Employer Relationships Bolster Employment Outcomes

Developing those community relationships should be a campus-wide effort. Not only should your Career Services team be reaching out to employers, but so should your campus director, your program chairs, the admissions representatives and others.

"Everyone needs to be connecting with their local communities," Lanaghen says. "You can do service projects. You can do applied learning specific projects. But everyone needs to be focused on outreach, networking and connecting with the community."

> "Everyone needs to be connecting with their local communities," Lanaghen says. "You can do service projects. You can do applied learning specific projects. But everyone needs to be focused on outreach, networking and connecting with the community."

As graduation nears, faculty members should reinforce that students need to be updating their resume and other materials so they are ready for job interviews. "We like to say that we want our students to graduate and start their job, rather than graduate and start their job search," Lanaghen says. "They need to be looking for a job in their last one or two terms, depending on how long a term is."

Job Search Skills Hinge on Professional Internet Presence

Lanaghen says The Sparrow Group helps colleges implement strong programs that assist students with the essentials of a strong job search, such as resumes, social networking presence, professional image, interviewing skills, and so on.

But one of the most important things schools can teach is how to network, both online and in person. Students need to focus on their digital footprint and should create a LinkedIn profile early in their college career. "They have to start creating

their digital self so that as employers are looking at them, they have a path that has led up to graduation and it tells a story about their skill set that demonstrates their competencies," Herrmann explains.

It is also important that students learn how to use their connections within their network. "That involves thinking about all the people they already know and figuring out who those people may be connected to, or what connections they have themselves," Lanaghen says. "It is not only my family, but also my friends. Who do my parents know or my friend's parents know? It is thinking about all those connections that we already have."

Lanaghen says the online networking opportunity is rich and growing richer every day. Students need to have a complete and professional profile on LinkedIn to be able to leverage their network, she adds. That includes a professional photograph and language.

It is also important to update your Facebook profile so it represents your professional side. "Employers will most certainly look for you on Facebook and on LinkedIn to see what kind of a presence you have," she says. "If your photograph is inappropriate and your webpage is loaded with stories about the tables

you danced on last weekend, it is not likely to help you secure the job that you are looking for."

Lanaghen suggests students set their privacy setting on their Facebook accounts so that prospective employers see only what they want them to see. "Facebook privacy rules are changing all the time, so that is something that is important to keep up with."

But students also need to be able to network in person. Lanaghen suggests students become a member of the Chamber of Commerce, join the Rotary or other civic organizations to meet new people, or go to community events that are related to your career. "So if I am studying medicine, I should look for opportunities to go to events where the medical community is gathering," she explains.

Internships or externships also prepare students for the workplace, and many times students will be hired on at their internship site once they graduate. "Experiential learning programs are really an extended interview that give students an opportunity to be hired … if they do a great job and impress their supervisor," Lanaghen says.

Capstone courses, which provide an opportunity for students to demonstrate mastery of skills, offer another opportunity for students to learn the soft skills to get a job. But if those soft skills are not interwoven all the way through to that final course, it is not going to have the same impact, Herrmann warns.

She suggests that colleges set up mock interviews so students can practice their interviewing skills. "Whether you bring in external people or have faculty or staff that the students have not been exposed to for those mock interviews, you need

How to Create a Campus-Wide Employment-Centered Culture

- Recognize staff members who provide information that results in students or graduates earning a job in their field of study.
- Ask appropriate academic departments to participate in program-specific employment areas (such as health care, the trades, and information technology) as guest speakers, mock interviews, and in career fairs and other programs that help prepare students for the job search.
- Keep campus leaders informed of the career progress and employment outcomes for graduates at regular intervals. These reports should include program-specific and cohort-specific information.

to make sure the students understand what they need to look like, how they need to act, and what they need to do both on paper and digitally," she explains.

Key Success Measures

If your school is accredited, your school's success will be determined, in part, by the specific requirements that measure employment outcomes as determined by your accrediting agency.

"Beyond that I think schools have an obligation to look at a number of other statistics that help them gauge how their programs are working," Lanaghen says. "For example, if they have experiential learning programs, what is their conversion from an externship or an internship to full employment? That is an indicator of how well prepared those students are going into those experiential learning programs, as well as how effectively the school is in selecting experiential learning sites, which is a campus responsibility. If we are doing a great job selecting sites, we should have a relatively high conversion rate from externship to employment."

Colleges should also look at how quickly their students are becoming employed, Lanaghen says. Most schools track their employment based on what their regulator requires; in other words, a certain percentage of their total number of graduates should be employed by a particular date. "But we suggest you look at how quickly they become employed after they graduate because that is also an indicator," she says. "If they are well prepared and they are actively searching, they will become employed quickly."

In fact, if they do not become employed quickly, their chances of finding a job in their field plummets dramatically about 60 days after graduation, she says. "It is not because the market is not there or because they went from being great graduates to being poorly prepared graduates. It is because they get disengaged or discouraged in the job search and they found another job not in their field so they are not actively looking anymore. That is why it is very important that students have everything prepared and start their job search before they have actually graduated."

> "Career services and placement should be an ongoing and lifetime service that you provide to your students.

On the qualitative side, colleges should also conduct employer and graduate surveys that look at student level of satisfaction and how well they felt they were prepared, as well as how well the employer believes the students were prepared, Herrmann says. "Then use that information to do a true analysis, and make changes to your program based on the results so that you see different results the next round."

Herrmann says it is a college's responsibility to help its graduates find jobs, even long after they have been gone. "Students are the sole purpose our schools exist," she says. "Career services and placement should be an ongoing and lifetime service that you provide to your students. Whether it is that student who did not find a job within the first 30 days or a student who took a few years off to be a parent and has decided to get back in the workforce, it should still be our responsibility and obligation to help them refresh their skills … and find employment once again."

Do best practices differ depending on the school's size, number of students and campuses, types of

academic programs and other factors? Very much so, says Hermann. "The difference in how you serve a student who is in a 9- month program is very different from someone who is in a bachelor's degree program," she says. A longer program means you need to provide more support services if you are to retain students in long-term programs. You also need students to be more involved and engaged in the community so they see the value in coming to school day after day, year after year, she says.

"The concept is not different (for large or small schools), but oftentimes the process and how they get there is," Herrmann says. "Truly, whether you are a one school mom and pop or you are a huge corporation, if your focus is not about the student and his or her success every day, you are probably in the wrong business."

Lanaghen agrees, adding that the attitude of managers is important for both large and small schools. "It is much less dependent on the size or shape of the school and much more dependent on the priority the leadership has put on the operating details and the way they have put in place auditing systems."

The good news is that most of the APSCU member schools are ahead of other institutions in providing personalized services to assist students with their job search, and our sector continues to innovate in the Career Services arena – bringing richer and broader services to our students. "I think it is exciting to hear what is being done to serve APSCU schools' graduates. And our schools are also good about sharing those best practices so we are all learning and improving together."

Career Education R E V I E W   Written by Barbara A. Schmitz.

Shaping The Future of Safer Transportation

By Don Lefeve, President and CEO, Commercial Vehicle Training Association (CVTA)

An expected truck driver shortage could harm the economy while providing challenges to schools that train drivers, says Don Lefeve, president and CEO of the Commercial Vehicle Training Association (CVTA). Don Lefeve says many motor carriers are having difficulty keeping up with the demand for more drivers. And that is only expected to worsen.

"In the next 10 years, the U.S. is going to have a projected shortfall of about 239,000 drivers," he says. "That is, in part, because the driver population is aging. As that population ages, and you have people leaving the labor force, you have to backfill to keep up with demand."

CVTA exists to ensure truck-driving schools do a good job, training students, Lefeve said. Founded in 1996, the CVTA is the largest organization representing the interests of truck driving schools, students and the businesses that depend on their services. As the voice of commercial vehicle training in Washington, D.C., the United States and Canada, CVTA provides its members with critical industry information through newsletters, webinars, policy updates and conferences, which allow members to collaborate, learn from and engage with other members.

It also maintains oversight of its member schools through its membership committee review to ensure they are complying with their code of conduct. "We try to make sure

> **In the next 10 years, the U.S. is going to have a projected shortfall of about 239,000 drivers.**

that students are not misled through advertising or marketing," he says. In other words, they want to ensure that schools admit students who will be able to get jobs from carriers.

CVTA offers three levels of memberships: schools, carriers and associates, and provides unique services to each of those member groups.

"Our primary representation is of schools," Lefeve says. "We provide a forum where schools and carriers can engage each other and forge relationships that help students get jobs. Our associate members provide other services or products that fall into both the school and the carrier categories. It is an ecosystem of trucking, students, those who hire

the students and those who provide goods and services to the carriers and schools."

A majority of CVTA member schools have extremely high placement rates. That can be attributed to the carriers forging relationships with the schools, Lefeve says. In addition, many students will have multiple pre-hire letters from various employers as they enter the school for training. "Assuming they make it through training and pass their CDL, or Commercial Driver's License exam, they will have a variety of options where to work," he says.

Truck driving programs are a combination of both classroom and actual practice, yet they vary by school. "Program length vary from school to school, but most programs are four to six weeks," he says. The size of classes also varies by school, but most are about 10-15 students, Lefeve adds, noting that their 50 member schools are located in 180 sites in 40 states and are a mix of accredited and state licensed schools.

CVTA believes that performance based testing is the way of the future. "CVTA has advanced the position that we believe driver training should be mandatory and that students should demonstrate their skills before going on to take the CDL exam. Our schools are focused on delivering a well trained, safe driver to motor carriers," Lefeve said. Most schools have a yard, or a large space where students can practice the things they learned in the classroom. They can also practice their backing skills. "But if you have a Commercial Learner's Permit, you are able to go out on the road with a licensed CDL instructor and also practice your skills on the open road," Lefeve explains.

CVTA also offers an instructor certification program, based on vocational instruction materials developed by Ohio State University, geared for people who have practical experience as truckers and want to give that knowledge to students. "Often times when you are doing one thing and then go into a teaching role, you

> **It is an ecosystem of trucking, students, those who hire the students and those who provide goods and services to the carriers and schools.**

DON LEFEVE is President and CEO of the Commercial Vehicle Training Association (CVTA), overseeing all operations at CVTA and is the chief advocate before Congress, the White House, and federal regulatory agencies. Lefeve joined CVTA in 2013 and brings over 15 years of government relations and political experience to his post.

Lefeve was formerly the Director of Government Affairs at the Association of Private Sector Colleges and Universities (APSCU) where he was the principal day to day liaison between APSCU and Members of Congress. Lefeve also designed and led APSCU's grassroots efforts.

He has held senior government relations positions in industry and served on the legislative staff of former United States Senator John Warner. While working for Senator Warner, Lefeve handled Agriculture, Judiciary, Labor, and Small Business policy issues. Additionally, Lefeve has worked on several Congressional, Senate, and Presidential campaigns.

Lefeve holds a B.A. in History from Randolph-Macon College, a J.D. from George Mason University School of Law and was a 2006 Fellow at the Thomas C. Sorensen Institute for Political Leadership (University of Virginia). Mr. Lefeve is a member of the District of Columbia Bar.

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do not necessarily understand how to teach," Lefeve explains. "Our instructor certification program really teaches a truck driver how to impart their knowledge and experience to students. It was really developed to create a more professional cadre of instructors."

But besides the difficulty of finding enough students to fill an increasing number of jobs, the industry also faces public policy and regulatory challenges. "We are working to provide policy leadership for schools, and to illuminate where those bottlenecks are and to reduce the barriers for entry into the trucking world," Lefeve says. "We do that by actively engaging lawmakers to educate them and to bring awareness that highlights the issues facing our schools, carriers and most importantly, the transportation of goods."

Transportation of goods plays a major role in the nation's economy, moving about 67 percent of the nation's freight by weight, he says. In addition, the need for truck drivers is not going away. More than 6.8 million people have jobs that relate to trucking, including 3 million employed truck drivers, he adds.

Lefeve says it is too early to tell how Gainful Employment will affect CVTA's member schools, if it goes into place as it is currently written. On March 14, the Department of Education released a Notice of Proposed Rulemaking to establish measures for determining whether certain postsecondary educational programs prepare students for gainful employment in a recognized occupation, and the conditions under which these educational programs remain eligible for the student financial assistance programs authorized under Title IV of the Higher Education Act (HEA) of 1965, as amended.

"We are still making our way through it and evaluating its impact," he says. "As you know it was about 841 pages, and while I am a fast reader, I am not that fast."

Another concern to its members is the CDL reciprocity that goes into effect next year. Beginning in 2015, states may allow skills testing of out-of-state students, and the state of domicile will then have to accept the results from an out of state CDL skills test.

More than 6.8 million people have jobs that relate to trucking, including 3 million employed truck drivers

"We are just trying to make certain what the rule really says," Lefeve says. "It states that you have to accept the results, but it does not actually state that you have to issue a CDL. That is a slight difference. Perhaps I am being a little overly cautious, but I just want to make sure that it is clear."

CVTA would like Congress to ask the Federal Motor Carrier Safety Administration to clarify its own regulation.

If the industry is to fill the shortage of drivers, people will need to be able

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Industry Facts:
- On average over the next 10 years, the trucking industry must attract nearly 97,000 people annually to become drivers. This need comes from people leaving the industry through retirements in addition to companies adding trucks to their fleets as the economy grows.[1]
- The trucking industry currently needs more drivers than are being trained each year and over the next 10 years the industry is expected to have a shortfall of 239,000 drivers.[2]
- Entry-level drivers make an average compensation of $38,000-$43,000 per year.[3]
- The Bureau of Labor Statistics lists the truck driver occupation as an "occupation with the most growth."[4]
- There are 6.9 billion people employed throughout the economy in jobs that relate to trucking activity in 2011, excluding self-employed.[5]

[1] American Trucking Associations, US Trucking Industry Needs to Hire Nearly 1 Million New Tractor-Trailer Drivers over the Next 10 Years, February 2014.
[2] Id.
[3] Id.
[4] Department of Labor, Bureau of Labor Statistics, Occupations with the most job growth, 2012 and projected 2022, available at http://www.bls.gov/emp/ep_table_104.htm
[5] American Trucking Trends 2013

to easily take skills tests. But skill testing delays and inconsistencies currently exist, he says. Some states do not allow third party testing and it can take up to 45 days for CDL applicants to arrange a skills test due to inadequate staffing and a limited number of testing facilities.

"It really is presenting a problem because you can graduate a student, but they do not have a slot to get tested in some states," Lefeve says. "So we are looking at asking Congress to help illuminate this issue and see what sort of impact these delays are having on producing drivers with CDLs. We are trying to provide the public policy leadership to illuminate those bottlenecks, and significantly reduce the time from when a student exits training until he or she takes the skills test."

In fact, addressing the bottlenecks has been Lefeve's first priority since becoming President of CVTA on October 1, 2013.

"My second priority is to maintain the standards that CVTA was founded on," he says. "We were founded in 1996 to separate out schools from those that were providing lesser education. It is a priority to continue with those high standards for our members."

Lefeve said he also plans to ensure the association looks at providing best practices to help all of their members grow and help meet that shortage of drivers. "At the end of the day what CVTA is about is about producing safe, quality drivers," he says. "If we can do that on an internal and external basis through public policy and regulation, I think it all comes back to safety and making sure that we have quality institutions, and most importantly are producing quality drivers for those jobs."

> **Lefeve said he also plans to ensure the association looks at providing best practices to help all of their members grow and help meet that shortage of drivers.**

CVTA At-a-Glance
Headquarters: Springfield, VA
Founded 1996
- The Commercial Vehicle Training Association (CVTA) is the largest organization representing the interests of truck driving schools, students, and the businesses that depend on their services.
- Working with members and partners on critical industry issues, CVTA is the voice of commercial vehicle training in Washington, D.C., the United States, and Canada.
- CVTA is comprised of over 100 members representing the transportation industry:
- 50 member schools
- 20+ motor carrier members
- 30+ associate members, businesses that work in the transportation industry
- CVTA member schools operate both accredited and state licensed schools at over 180 training locations in over 40 states nationwide.
- Our member schools train approximately 50,000 drivers per year.

Career Education REVIEW   Written by Barbara A. Schmitz

Gainful Employment II – Is This Really A Fair Accountability Framework?

By Peter S. Leyton, Esq. and Stephen T. Chema II, Esq., Ritzert & Leyton, PC

This article is the first in a two part series on gainful employment II.

With the publication of its Notice of Proposed Rulemaking in the "Federal Register," March 25, 2014, the Department of Education proposes to re-establish Title IV program eligibility requirements for all programs offered by proprietary institutions of higher education as well as certain non-degree programs offered at nonprofit and public institutions of higher education, aka "GE programs."

The Department's proposal comes in the wake of the 2012 decision in "APSCU v. Duncan[1]," that struck down all but the disclosure requirements of the prior gainful employment regulation. Since no consensus was reached during the preceding four negotiated rulemaking sessions, the Department was free to propose regulatory language as it saw fit.

To explain why it returned to the drawing board on gainful employment, the Department stated that its proposed rules are intended to address programs that are "leaving students with unaffordable levels of loan debt in relation to their earnings, or leading to default."

The Department also explained that it was targeting programs that:

- Do not train students in the skills they need to obtain and maintain jobs in the occupation for which the program purports to provide training
- Provide training for an occupation for which low wages do not justify program costs
- Are experiencing a high number of withdrawals or "churn" because relatively large numbers of students enroll, but few or none, complete the GE program, which can also lead to loan defaults

"The Accountability Framework"

The Department organized its proposed rule in two parts: the "Accountability Framework" and the "Transparency Framework"[2]. This article is part one of a two part series that will discuss the Accountability Framework. The Transparency Framework will be the subject of part two.

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[1] Ass'n of Private Sector Colleges & Univs. v. Duncan, 681 F.3d 427, 401 U.S. App. D.C. 96, 2012 U.S. App. LEXIS 11269, 2012 WL 1992003 (D.C. Cir. 2012)

[2] The Transparency Framework consists of expanded institutional reporting and public disclosure obligations compared to the 2011 rule. The Transparency Framework will be the subject of a subsequent article in this series.

Through the use of the Accountability Framework, the Department seeks to define what it means to "prepare students for gainful employment in a recognized occupation" by assessing each GE program's performance against three accountability metrics.

The Accountability Framework also provides that an institution's highest-ranking executive officer must certify each GE program's eligibility for Title IV purposes by affirming that the GE program is included within the institution's grant of accreditation and meets state authorization requirements.

Specifically, the institution must certify that the GE program satisfies any applicable state or federal program-level accrediting or licensing requirements for the occupations for which the program trains students. Institutions would be responsible for certifying compliance with the programmatic-level accreditation requirements of the state in which the institution is located, as well as any state within the Metropolitan Statistical Area in which the institution is located. Thus, a school in Washington, DC would have to certify compliance with any applicable requirements of the District of Columbia, Maryland, Virginia, and West Virginia.

Institutions would be required to make this certification as part of the process for gaining initial approval to participate in Title IV programs or when applying for recertification. However, the proposed rule also provides that all institutions not scheduled for recertification within six months of the rule's effective date (e.g., July 1, 2015) would have to make a "transitional certification" in the form

> **The proposed rule also provides that all institutions not scheduled for recertification within six months of the rule's effective date (e.g., July 1, 2015) would have to make a "transitional certification" in the form of an amendment to the institution's program participation agreement.**

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Prior to the founding of Ritzert & Leyton in 1994, Mr. Leyton was a partner in the law firm of White, Verville, Fulton & Saner, where his practice focused on postsecondary education. Before entering the practice of law, he was a senior program analyst with the U.S. Government Accountability Office, the investigative arm of Congress, where he focused on education. Mr. Leyton has written and frequently spoken on issues affecting postsecondary institutions of higher education, including contributions to Career Education Review and The Link. He has earned the AV® Preeminent™ Rating by Martindale-Hubbell®. An active member of the District of Columbia and Virginia bars, Mr. Leyton has been specially admitted to appear before numerous state and federal courts around the country. He received his Bachelor's degree in Political Science from Antioch College, a Master's degree in Public Administration from American University, and his law degree from Catholic University of America's School of Law.

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of an amendment to the institution's program participation agreement.

Debt-to-Earnings Ratios

Two of the metrics in the Accountability Framework are holdovers from the 2011 Gainful Employment rule: the annual earnings rate (aD/E rate) and the discretionary income rate (dD/E rate), though the proposed rates are different and tougher.

The two D/E rates are calculated for any GE program in which there are at least 30 program completers for the cohort of students who attended the GE program during the two consecutive award years (July 1 - June 30) that are the third and fourth award years prior to the award year for which the D/E rates are being calculated. For example, this cohort, referred to, as the "2Y Cohort" would be composed of completers from award years 2010-2011 and 2011-2012 when D/E rates for 2014-2015 are calculated.

As mentioned above, the students counted in the 2Y Cohort must be completers. However, certain completers may be excluded from the 2Y Cohort for purposes of calculating D/E rates. Excluded from the cohort would be completers who:

- Have received a military deferment
- Have received a disability discharge
- Were enrolled in any other Title IV eligible program at the institution or another institution during the calendar year that the Secretary obtains earnings information for the cohort
- Subsequently completed a higher credentialed undergraduate or graduate program at the same institution, and
- Students who are deceased

In the event that an institution's GE program does not have 30 completers minus any excludable completers in the 2Y Cohort, the Department will attempt to calculate the D/E rates based on a four year cohort (4Y Cohort) composed of completers from the third, fourth, fifth and sixth award years prior to the award year

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Mr. Chema is a member of the National Association of College and University Attorneys (NACUA), the American Immigration Lawyers Association's D.C. Chapter, and the Young Lawyers and Administrative Law divisions of the American Bar Association. Mr. Chema, who is admitted to practice in Maryland, Virginia and the District of Columbia, received a B.A. from The College of the Holy Cross and a J.D. from The Catholic University of America.

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for which the D/E rates are being calculated. If the 4Y Cohort also lacks 30 completers, no D/E rates will be calculated for the award year.

One exception to the use of the 2Y Cohort and 4Y Cohorts applies to medical or dental programs that require students to complete internships or residency. In those cases, the applicable cohort would be made up of completers (minus excludable completers) from the seventh, eighth, and ninth award years prior to the award year for which the D/E rates are to be calculated.

> **Using the GE program's cost as median debt does not account for any grant funds used by students to pay for their tuition, fees, and supplies, which results in those grant funds being treated like loan debt.**

Calculating the Annual Earning Debt-to-Earnings (aD/E) Rate

The aD/E rate is calculated by dividing the annual loan payment by the annual earnings for the applicable cohort of completers.

$$aD/E = \frac{\text{Annual Loan Payment}}{\text{Annual Earnings}}$$

The annual loan payment is derived from a fictional loan based on the median loan debt of the students who completed the GE program in the applicable cohort period. The median debt figure is based on the **lesser** of:

- The median of the combined loan debts of the students in the cohort (includes all Title IV loan debt, private loan debt, and any amounts students are obligated to pay following the completion of their programs under institutional payment plans), or
- The total amount the institution assessed for tuition, fees, and

supplies for each student for enrollment in the program

Therefore the median loan debt is effectively capped at the GE program's cost to students. However, using the GE program's cost as median debt does not account for any grant funds used by students to pay for their tuition, fees, and supplies, which results in those grant funds being treated like loan debt. The more accurate way to calculate median debt in this instance would be to subtract such grant funds, since they do not contribute to loan debt. Nevertheless, the proposed rule does not currently provide for such an adjustment.

The proposed rule also contains an attribution rule for calculating loan debt for students that have attended multiple GE programs at the institution. The proposed rule would allocate all of the loan debt incurred by any student who attends multiple GE programs at an institution to the highest credentialed undergraduate or graduate program that the student has completed, as of the most recently completed award year prior to the calculation of the D/E rates.

Loan debt does not include any debt incurred by the student for attendance in GE programs at other institutions, *unless* the loan debt is from a GE program at another institution that shares common ownership or control with the institution for which D/E rates are being calculated. In such instances, the proposed rule provides that the Secretary "may" consider prior loan debt incurred at the related institution to be loan debt in the calculation of the D/E rates. Once the median loan debt figure has been obtained, the annual loan payment is calculated by treating the median

debt as a loan "principal" and amortizing that amount over:

- 10 years for non-degree and associate degree programs
- 15 years for bachelor's and master's degree programs
- 20 years for doctoral and first professional degree programs

The applicable interest rate would be calculated by averaging the interest rates for Federal Direct Unsubsidized Loans for the six years prior to the end of the applicable cohort period. It is important to be sure to use the correct interest rate for the GE program involved, i.e., the interest rate for undergraduate or graduate loan.

The Department will calculate the cohort's annual earnings for institutions. The Department will do this by taking the higher of the mean or median earnings of the students who completed the GE program during the applicable cohort period. The Department will use the most current earnings information available to it as reported by the Social Security Administration (SSA). The SSA's data will reflect only those amounts that are reported to the agency by employers and self-employed individuals on an annual basis. Although the SSA earnings data cannot be challenged, institutions may have a limited ability to propose alternate earnings data. See the section titled "Challenges and Appeals."

Calculating the Discretionary Income Debt-to-Earnings (dD/E) Rate

The dD/E rate is calculated by taking the same annual loan payment used for the purposes of calculating the aD/E rate and dividing it by what the Department considers to be the minimum amount of discretionary income of a person who is gainfully employed in a recognized occupation.

$$dD/E = \frac{\text{Annual Loan Payment}}{\text{Discretionary Income}}$$

In this case, the Department has determined discretionary income to be the *higher* of the mean or median annual earnings for the applicable cohort of students minus 150 percent of the Department of Health and Human Services (HHS) Poverty Guidelines for a single person living in the 48 contiguous United States. The Department will use the most recently available HHS poverty guidelines in making its calculation. Using the 2014 Poverty Guidelines published on HHS's website, the poverty level for a single person in the 48 contiguous U.S. is $11,670. Therefore 150 percent of "poverty" for that person would be $17,505.

According to the Department, it developed pCDR to identify GE programs that are able to pass the D/E metrics, but also have students who are incurring debt at levels that they struggle to repay, resulting in defaulted loans.

Program Cohort Default Rate

The third metric in the Accountability Framework is the programmatic cohort default rate (pCDR). The pCDR was not a feature of the 2011 gainful employment rule. In the proposed rule, it replaces the repayment rate metric, which was struck down in "APSCU v. Duncan." According to the Department, it developed pCDR to identify GE programs that are able to pass the D/E metrics, but also have students who are incurring debt at levels that

they struggle to repay, resulting in defaulted loans.

The Department proposes to calculate pCDR essentially the same way that it calculates an institution's cohort default rate. It will build a cohort of students who were enrolled in a GE program and who had loans that went into repayment during the three fiscal years prior to the year in which the rates are calculated.

$$pCDR = \frac{\text{\# in Default in FY\& next 2 FY}}{\text{\# in Repayment for FY}}$$

For example, a pCDR for FY2012 (Oct. 1, 2011 – Sept. 30, 2012) would include in the cohort all students enrolled in the GE program who had loans that went into repayment in FY 2012. The number of students in the cohort who defaulted in FY2012 and the next 2 fiscal years (Oct. 1, 2011 – Sept. 30, 2014) would be divided by the students in the cohort to determine the pCDR.

Satisfying the Accountability Metrics

The D/E metrics and the pCDR are independent in two significant ways. First, the rule requires GE programs

> **The D/E metrics and the pCDR are independent in two significant ways. First, the rule requires GE programs to satisfy at least one of the D/E rates and the pCDR.**

to satisfy at *least* one of the D/E rates **and** the pCDR. Second, even if a GE program does not have its D/E rates calculated, i.e., it does not have 30 completers in the 2Y cohort or 4Y cohort or if no mean or median earnings are reported by the SSA cohort, the pCDR will still be calculated.

Satisfying the D/E rates means achieving a passing rate, or on a temporary basis, achieving a rate that falls in the "zone."

Achieving a passing rate means that the GE program has an aD/E rate ≤ 8 percent or a d/DE rate ≤ 20 percent. aD/E rates that fall between 8 percent and 12 percent and d/DE rates that fall between 20 percent *and* 30 percent are in the "zone." A GE program that has an aD/E rate > 12 percent and a dD/E rate > 30 percent is failing. *(See examples below.)*

A passing pCDR is a rate < 30 percent. There is no "zone" for pCDR, therefore any pCDR > 30 percent is failing. There is no sanction for pCDR's that exceed 40 percent in a single fiscal year as with institutional cohort default rates.

Consequences of Failing the Accountability Framework

Under the proposed rule, a GE program will become ineligible

Examples - DOE 2012 Informational rates*

Credential Level	D/E Completer Count	Annual Earnings Rate	Annual Loan Pymt.	Annual Earnings	Discretionary Income Rate	Annual Loan Pymt.	Discretionary Earnings	Results
Assoc. Asst. Deg/Med. Asst.	109	14.55%	$2914	$20027	104.39%	$2914	$2792	Fail
Diagnostic Med. Sonography	60	11.35%	$3489	$30742	25.83%	$3489	$13507	Zone
Cert./Pharm Tech	34	7.03%	$1058	$15051	100%	$1058	$0	Pass
Assoc. Deg/RN	225	5.4%	$2654	$49146	8.31%	$2654	$31911	Pass

*http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/2012-ge-rates.xls

for Title IV purposes and the institution will be unable to apply for reinstatement of the program for 3 calendar years if any of the following occurs:

- •The GE program fails both D/E rates in any two out of three consecutive years
- • The GE program is in the Zone for 4 consecutive years
- • The GE program has a pCDR ≥ 30 percent for 3 consecutive fiscal years or
- •The institution voluntarily discontinues a program that is failing the accountability metrics or is in the zone for D/E rates

In addition to the ultimate sanction of loss of Title IV eligibility, the proposed rule also provides that institutions with GE Programs that could possibly become ineligible at the end of the next year must distribute "Debt Warnings" to students and prospective students.

The Debt Warning to students and prospective student must include the following statement:

"You may not be able to use federal student grants or loans to pay for the institution's program next year because the program is currently failing standards established by the U.S. Department of Education. The Department set these standards to help ensure that you are able to finds gainful employment in a recognized occupation and are not burdened by loan debt you may not be able to repay. A program that does not meet these standards may lose the ability to provide students with access to federal financial aid to pay for the program."

The Debt Warning must also describe what options the institution may make available to enrolled students so that they may continue their education at the same institution or another institution in the event that the GE program loses Title IV eligibility. The institution's description should also indicate whether the institution will refund the tuition, fees, and other charges assessed to enrolled students.

Institutions obligated to provide Debt Warnings would be required to communicate them directly to current students via hand delivery, during a group assembly, or email to a student's primary email address. Institutions would also be required to document their efforts to communicate the Debt Warnings to current students.

The obligation to provide Debt Warnings to prospective students arises when the prospective student first contacts the institution, or is contacted by the institution about a GE program.

> **In addition to the ultimate sanction of loss of Title IV eligibility, the proposed rule also provides that institutions with GE Programs that could possibly become ineligible at the end of the next year must distribute "Debt Warnings" to students and prospective students.**

The institution must also observe a three-day "cooling off" period after the Debt Warning is given before it may enroll a prospective student. The institution must also "refresh" the Debt Warning by providing the prospective student with a repeat warning before enrolling a prospective student who received a prior Debt Warning more than 30 days from the date of enrollment.

"Challenges and Appeals"

The proposed rule contains some provisions to allow institutions to challenge the calculations that form the basis of their D/E rates and to bring appeals when sanctions would result from failing the Accountability

Framework metrics.

Before the Department calculates the D/E rates of an institution's GE programs, the Department will share the list of students that it has used to build the applicable cohort. Institutions will have 45 days from the date they receive the Department's list to challenge the composition of the cohort, for example by arguing that it contains students who should be excluded from the cohort.

Similarly, the Department will issue draft Loan Debt amounts and draft D/E rates based on the Department's calculation of loan debt and earnings data for the cohort. Institutions will have a 45-day period following the release of this information to challenge the loan debt figures calculated by the Department and the related draft D/E rates. However, there is no mechanism in the proposed rule to challenge the earnings data that the Department receives from the Social Security Administration.

Institutions may appeal their final D/E rates on the basis that their D/E rates would have been passing when calculated using earnings data from a source other than the Social Security Administration. The proposed rule would permit institutions to submit the results of their own wage surveys provided that the surveys were conducted in accordance with standards specified by the National Center for Education Statistics ("NCES"), or by using wage data obtained through a state sponsored data system, provided that such systems are able to produce data for at least 50 percent of the students on the Department's list of students in the GE program's cohort, and the total number of students with reported earnings is 30 or greater.

The Department has stated in the preamble to the proposed rule that NCES will create wage survey forms that will conform to the required methodology and make these forms available to institutions.

The ability to appeal D/E rates on the basis of alternative earnings data is theoretical. There are some challenges with both the NCES and the state data system options. As an initial matter, the NCES standards and forms have yet to be developed. Additionally, the institution will have a relatively short time frame to gather survey responses. Under the proposed rule the institution would have to give notice of its intent to appeal failing D/E rates based on alternate earnings data within 14 days from the day the D/E rates are final, and would have only 60 days to file documentation supporting its appeal.

The prospect of using state data systems is also uncertain. Most state longitudinal databases would not necessarily be inclusive enough to capture all students in the applicable cohort, since these databases were created primarily to allow states to track the performance of their workforce training initiatives and/or assist in administering workers' compensation insurance funds. Thus, students who are not participating in workforce programs or working for employers that are subject to state workers' compensation insurance fund would not have their wages reported to the state databases.

Further, students who obtain

> **Under the proposed rule the institution would have to give notice of its intent to appeal failing D/E rates based on alternate earnings data within 14 days from the day the D/E rates are final, and would have only 60 days to file documentation supporting its appeal.**

employment in a state without a robust data system would also likely go uncounted. Finally, even to the extent that state data systems offer a realistic alternative for obtaining earnings information, it is unclear whether state and federal privacy laws might work to limit an institution's access to the data contained in state wage databases.

The proposed rule would also provide for a "mitigating circumstances" appeal. Using this appeal, institutions could avoid sanctions for failing GE programs if they could show that fewer than 50 percent of the completers in the applicable cohort period received loans (including those who received non-Title IV loans).

Finally, institutions would be able to bring data challenges and appeals for their pCDR in largely the same fashion that these are available for institutional cohort default rates, e.g., incorrect data challenges, uncorrected data adjustments, loan servicing appeals, economically disadvantaged appeals, etc.

Transitional Period

The Department has also included a proposed transitional period that impacts the calculation of D/E rates in the four years immediately following the effective date of the proposed rule. The transitional provision would provide for an alternative D/E calculation in the event that a GE program's D/E rates were failing when calculated for the applicable 2Y Cohort or 4Y Cohort.

Under the transitional provisions, earnings would continue to be determined based on the most currently available earnings data from the Social Security Administration for completers in the applicable cohort.

However, the Department would also use the median loan debt of students who completed the program during *the most recently completed award year* instead of the median loan debt of students who completed during the applicable cohort period.

The Department's stated intent in establishing the transitional period is to allow institutions to benefit from any immediate reductions in costs that institutions make in response to the proposed regulations.

> **The Department's stated intent in establishing the transitional period is to allow institutions to benefit from any immediate reductions in costs that institutions make in response to the proposed regulations.**

Conclusion

The Department's proposed rule represents a second attempt to impose a detailed regulatory definition of gainful employment in a recognized occupation. Among other things, it is intended to be tougher than the 2011 final rule as well as to survive any further legal challenges as others have urged, however, and to the extent such a definition is necessary, the Department should seek to create a level playing field and not one that discriminates against one sector of higher education. Institutions should begin to assess for themselves where their GE programs stand under the proposed rules and to consider making changes to those programs while the institution can still benefit from the transitional period (should it be retained in the final rule). The Department will receive comments on any aspect of the proposed rule through May 27, 2014.

Career
Education
R E V I E W

Compliance

Unappealing Appeals

By Glenn Bogart, J.D.

Lately, in performing Title IV compliance reviews, I have seen a lot of cases where schools are just *begging* for liability findings in future program reviews.

One of the things I look at in reviewing a school is the granting of satisfactory academic progress (SAP) *"mitigating circumstances"* appeals. These are cases where the student has failed to meet the SAP standards once, has been placed on "academic warning," and then has failed again, which results in academic dismissal with a right to appeal. *See* 34 CFR 668.34. In other cases, if the school measures progress once a year, the school goes straight to the dismissal situation, with right to appeal. In either case, an appeal is necessary if the student wants to continue getting aid. If you grant an appeal improperly, liability will ensue if it is discovered.

Here is the rule that applies:

(9) If the institution permits a student to appeal a determination by the institution that he or she is not making satisfactory academic progress, the policy describes:

1. How the student may re-establish his or her eligibility to receive assistance under the Title IV, Higher Education Act (HEA) programs;
2. The basis on which a student may file an appeal: The death of a relative, an injury or illness of the student, or other special circumstances; and
3. Information the student must submit regarding why the student failed to make satisfactory academic progress, and what has changed in the student's situation that will allow the student to demonstrate satisfactory academic progress

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at the next evaluation. 34 CFR 668.34(a)(9).

If the appeal is based on the death of a relative, or the student's injury or illness, probably the appeal will be acceptable and it should not cause any problems in a program review. It is those "other special circumstances" that are most likely to be scrutinized. The context of the regulation tells me that those "special circumstances" had better be pretty darned severe and beyond the student's control in order to qualify. Examples I have seen that clearly *do not* qualify are:

- I did not work hard enough last term; I will try to do better.
- I had poor attendance last term, but will do better next time.
- My roommate last term had too many guests who stayed too late.
- I had the first-year student blues.
- My grandmother was sick.

These were appeals that were *granted*. They will not stand up in a program review, I can promise you. And if challenged in a program review, you are looking at having to pay back every dime the school and the student received after one of these inadequate appeals was granted.

The way to combat this hazard is to advise dismissed students to meet with a designated staff member who understands what a proper appeal looks like, and understands what kind of corrective must be demonstrated in order for an appeal to be granted without danger of liability.

First, the student has to present some special circumstance, which a reasonable person would think

> **If challenged in a program review, you are looking at having to pay back every dime the school and the student received after one of these inadequate appeals was granted.**

was beyond the student's control and could cause poor academic performance. There is nothing "special" about not doing your homework or smoking too much weed last semester. Those things are not beyond the student's control.

Then, the student has to explain why whatever that "special circumstance" was and how it will no longer be a problem. The student must convince you (in your role as a taxpayer) that the problem *has been solved* – not just that he had a problem and is sorry about that, and not just that the student is *hoping* for better results in the future.

If the student's problem was poor attendance, find out *why* the attendance was poor – maybe the student's car broke down all the time and there was no other way to get to school. If so that should go into the student's appeal – along with an indication that the car has now been fixed or replaced, so this will not be a problem in the future – or at least that the student has now resolved to take the bus. An appeal like that *might* pass muster. If the car is still stove up and there is no alternative transportation – sorry, this appeal will not pass. No deal until the problem is solved.

Again, do not forget that the student's appeal, in order to be successful, must indicate that whatever problem led to academic failure *has now been corrected*. If the problem was that granny was sick, it would help if granny is now much better, or has moved on to her eternal reward. The way I read it, *whatever the problem was, it needs to have been fixed*, in order for an appeal to be approved. If granny is still just hanging in there, and still in need of a lot of the student's time that will not cut it. Sorry. Just hoping that things

will be better next term, without any evidence that they will indeed be better, will not work.

I saw one appeal where the student really presented no excuse, but the academic dean determined that the student "lacked self-esteem," and prescribed an academic improvement plan that the student undergo frequent "affirmation sessions" during the next term. Unless the dean is a licensed psychologist, I think this one is risky. And I will bet the school's program reviewers from ED will not like it any better than I do.

If the student admits that he/she just messed up and has no "beyond my control" reason for it, then the appeal cannot be granted. You have to let him/her go, or at least, take the student off federal student aid and make him/her pay cash until such time as the student is again making satisfactory progress.

We all feel sorry for students who are not doing well. Because of that, there is a great temptation to grant those mitigating circumstances appeals, whether they have merit or not. Appeals that have no merit need to be denied, or else, developed further to the point where there is enough information to make approval appropriate. If you are ignoring this, there will be a price.

I have seen many cases where further development might have taken a lousy appeal and turned it into one that would pass muster. But if your people are lackadaisical about these appeals, *you will pay* when you have a program review two years from now.

You will not like doing a 100 percent file review of SAP appeals over the past couple of years, in a program review that happens in 2015, and you will not like paying back all the aid paid to students whose appeals should not have been granted. That is coming, if you are not on top of this.

> **Appeals that have no merit need to be denied, or else, developed further to the point where there is enough information to make approval appropriate. If you are ignoring this, there will be a price.**

Career Education R E V I E W

Evidence-Based Institutional Effectiveness: Empirical Data to Supplant Proxies

The Case for Student Unit Records

By the Accrediting Council for Independent Colleges & Schools (ACICS)

Final article in a series reprinted from The Prominence and Activism of Institutional Accreditation.

Introduction

Americans voluntarily disclose individual information to take out loans, purchase discount groceries, receive movie suggestions, seek travel aids, access health care, and subscribe to newspapers and newsletters. In a digital society, personal information—from Social Security numbers to email addresses—is coin of the realm, opening the door to a wide array of personalized transactions that make life more convenient, productive and satisfying. In a digital world, consumers decide with whom and to what extent they are willing to share information. Interactions they control occur at local, regional, national and international levels with great frequency and appropriate security.

At a national level, one door to data-driven accountability remains obstinately closed: the use of student unit records (SUR) in higher education. The tool has strong potential to bolster consumer choice, improve pedagogy, close workforce skill gaps and establish more reliable and meaningful measures of institutional effectiveness. Student unit records are a combination of data

> **Combining SUR records with other public databases on employment and workforce dynamics would tie academic preparation more closely to workplace and career opportunity.**

elements, including demographics, academic background, enrollment status, academic activity, and academic attainment.[1] Combining SUR records with other public databases on employment and workforce dynamics would tie academic preparation more closely to workplace and career opportunity.

But there is a rub: While commercial enterprises pour over billions upon billions of records to better

[1] National Center for Higher Education Management Systems, C2SP Student Unit Record Survey Report, http://www.nchems.org/c2sp/sur/

understand customer demographics, preferences, behaviors and shopping practices, current law prohibits the U.S. Department of Education from collecting individual information from college students. This prohibition exists notwithstanding the fact that a database of student unit records could:

An important disclaimer should also be noted. Today, the quality and effectiveness of postsecondary education is often assessed using data aggregated at the institutional level. The approach protects student privacy but foments widespread mixing of "apples and oranges" when it comes to institutional assessments.

- Better inform prospective students about their college options.
- Help institutions and instructors deliver more effective instruction.
- Provide regulators, higher education commissions, and accrediting agencies with objective, evidence-based tools for assessing institutional quality and performance.
- Provide policy makers and funding sources with new insights into institutional accountability, taxpayer return on investment, and workforce readiness.
- Increase alignment between the expectations of employers with individuals seeking employment.

Some might argue it is beyond ironic that Americans can give up reams of personal information when buying discounted muffins or cheese at the local warehouse megastore, but a provision of the Higher Education Act bars institutions from sharing individual student information that would raise the nation's postsecondary education IQ. Largely defended in the name of privacy and security, the SUR ban forces college and university stakeholders to make choices based on intuition and anecdote rather than data, to analyze with vague proxies instead of real metrics, and to perpetuate a system where consumers have better access to objective information about buying a house, car or computer than about the college education of themselves or their children.

On the occasion of the reauthorization of the Higher Education Act, the Accrediting Council of Independent Colleges and Schools (ACICS), as a major quality assurance agency for proprietary post-secondary education joins others who recommend that the door be opened to fair and effective assessment of postsecondary education based on SUR data. The White House, for example, has called for a federal rating system of colleges and universities. Student unit records provide the directly relevant data needed to fuel real educational reform, and to establish more transparent and objective means to compare institutions with each other. ACICS recognizes that access to SUR data at a federal level must take place within a framework that is appropriately designed, developed, maintained and protected. Equally ambitious systems, including Medicare and Social Security, have been built. It can be done. It should be done.

Meanwhile, progress abhors a vacuum. Many states have begun to build their own SUR systems, and, failing an overarching federal approach, efforts have been made to link these systems. Imperfectly. Like taxation, health care, environmental protection and other issues at the state level, rules and regulations differ, as do the data and systems

used to support those rules and regulations.

An important disclaimer should also be noted. Today, the quality and effectiveness of postsecondary education is often assessed using data aggregated at the institutional level. The approach protects student privacy but foments widespread mixing of "apples and oranges" when it comes to institutional assessments. This mixing perpetuates fundamental misunderstandings of higher education as a result.

Evaluating institutional effectiveness based on the analysis of aggregated student unit records would help clarify the linkages between primary, secondary and postsecondary education; between the classroom and the workplace; and between skills and careers. Creating a federal SUR system will help higher education stakeholders see brighter patterns and more predictable trajectories for economic advancement.

But life is also about choice, free will, motivation and a host of other intangibles that cause even the most precise experiments to fail. Student unit records will add decision-making clarity and coherence, but they will not impose cause and effect surety. In higher education, as in life generally, there are no success guarantees. Build a federal SUR data repository and, while the future can never be known, the course is set for significant and beneficial changes to U.S. higher education thinking and practice. More importantly, the collection and analysis of protected, anonymous SUR demonstrates a policy commitment to science over art and data-driven analysis over anecdote, intuition and speculation.

New Metrics, Better Context for Assessing Postsecondary Quality

Academic Preparation

It is widely acknowledged that too many students enter college not really prepared for college level work, for a variety of reasons: high schools may lack a strong college preparatory curriculum; students may have learning disabilities or other debilitations that make learning difficult; individuals may have strong skills in some academic areas but require remedial help in others.

> **Collection of SUR longitudinal data could help educators spot deficiencies across a range of indicators, including socio-demographics, schools and school districts, emotional and behavioral factors, prior remedial interventions and the like and to devise better learning strategies and accommodations.**

The National Center for Public Policy and Higher Education points to the gap between college eligibility and college readiness. It notes that nearly 60 percent of first-year college students are not ready to perform college level work.[2] Worse, recent reports show that just 26 percent of students taking the ACT college entrance examination demonstrated college readiness in all four academic test areas.[3] Given the increasing numbers of non-traditional students entering the postsecondary realm from the workforce rather than high school, with GED credentials, or with long absences from the classroom, the task of assessing academic preparation becomes increasingly complicated. Collection

[2] Beyond the Rhetoric, Improving College Readiness through Coherent State Policy, IHEP, http://www.highereducation.org/reports/college_readiness/gap.shtml

[3] Emma Brown and Lynh Bui, "Just 26 Percent of ACT Test-takers Are Prepared for College," The Washington Post, August 21, 2013 http://www.washingtonpost.com/local/education/just-26-percent-of-act-test-takers-are-prepared-for-college/2013/08/21/a99fba0e-0a81-11e3-8974-f97ab3b3c677_story.html

of SUR longitudinal data could help educators spot deficiencies across a range of indicators, including socio-demographics, schools and school districts, emotional and behavioral factors, prior remedial interventions and the like and to devise better learning strategies and accommodations.

Unit record data have value even if they are not used to report individual student level data but are used in the aggregate to analyze the experience of groups of students with similar characteristics.

Admissions

Logic suggests that the factors for assessing the academic quality of a highly selective college or university should be very different from those used to assess a less selective or an open admissions institution. While elite colleges and universities may be able to fulfill their academic missions by admitting only the highest achieving students, other institutions may strive to serve a more diverse student population, students interested in a particular field of study like music or art, the residents of a particular region or locality, students coming from a particular religious faith, older adults seeking career skills, or other groups. SUR data can help institutions make more informed admissions decisions by isolating success characteristics beyond academic merit, identifying students with emotional or disciplinary problems, striving for greater fairness by decoupling student academic performance from ZIP code, flagging patterns of grade inflation by teachers or schools, or by better understanding the academic rigor required in high school courses.

Persistence

Without student persistence, students do not complete or graduate. Improving graduation rates is a common goal of postsecondary education reform proposals, yet a basic underpinning of graduation—persistence—is as a practical matter often underfunded and understaffed. The College Board performed a study of four-year institutions in five states and found resources expended on student retention to be minimal and inadequate. Improvements, the College Board determined, must be empirically grounded and based on context specific benchmarks across institutions. "For institutions to have informed ways of improving persistence, they need a deeper understanding of the student-institution interaction from which student persistence arises," the College Board notes.[4] SUR data could be used to provide such benchmarks, shedding new light on effective orientation programs, early warning systems, and the delivery of courses with high failure rates, the structuring of class sizes, and the quality and quantity of staff interaction.

Learning Accommodations

Accommodations intended to help students persist and graduate from college cover a broad waterfront, from specialized programs for those with learning and physical disabilities to tutoring, mentoring, and study centers. The challenge is particularly acute for first-generation college students, who as a group face the most difficulty in making a successful transition to college. These students tend to have a weaker academic foundation, may lack study skills, and may have less confidence

[4] "How Colleges Organize Themselves to Increase Student Persistence: Four-Year Institutions", April 2009 http://professionals.collegeboard.com/profdownload/college-retention.pdf

in their ability to succeed than their more affluent and academically prepared counterparts.[5] While various approaches intended to assist in the learning process may intuitively seem like good ideas, only quantitative data allow researchers to look across student populations and see broad patterns of effectiveness.

"Analyzing student unit record data provides valuable feedback to both educators and policy makers as they work to improve educational outcomes," said Hans Peter L 'Orange of the State Higher Education Executive Officers Association. "Unit record data have value even if they are not used to report individual student level data but are used in the aggregate to analyze the experience of groups of students with similar characteristics. These analyses, often predictive, frequently support adjustments in educational practices and ultimately impact student experiences."[6]

Affirmatively knowing what works (as opposed to making informed guesses) would be particularly useful in the case of non-traditional students, individuals who may change postsecondary institutions multiple times in the pursuit of career skills.

Graduation

The White House has reiterated what many labor economists have pronounced for years: jobs of the future will require more than a high school degree. Broad consensus seems to suggest that college graduation is a competitive necessity for job seekers, and that the employer's willingness to accept applicants with just a high school diploma or "some college" has significantly decreased. Ironically, graduation rates have failed to

respond. Between 1996 and 2009, these rates edged up marginally, from 62.7 percent to 63.2 percent.[7] Policymakers and academicians simply need to know more about which, how and why students are graduating, and what steps can help eliminate barriers and foster success.

Of course one obvious approach to immediately improving graduation rates would be to lower standards and to make graduation itself less difficult. However, the appetite for "dumbing down" graduation is minimal. On the contrary, as social expectations surrounding graduation have intensified, so have pressures seeking to equate graduation with learning outcomes, skills attainment and marketplace value. As the American Association of Community Colleges rightly notes, "The use of data to make decisions is at the core of an accountability culture."[8] While educational quality and accountability is not one and the same thing, SUR data would provide new insights into the ability of institutions to support and graduate different types of students, the popularity and attrition rates of certain types of programs and the effectiveness of faculty in motivating and engaging students.

Learning Outcomes and Placement

Postsecondary education has many purposes, including basic research, personal growth and enrichment, and the pursuit of knowledge for its own

[5] Jennifer Engle, "Postsecondary Access and Success for First-Generation College Students, American Academic, American Federation of Teachers, http://www.aft.org/pdfs/highered/academic/january07/Engle.pdf

[6] Hans Peter L'Orange, "Student Unit Records are Critical to Evaluating Our Effectiveness," NASFAA Perspectives, August 19, 2013

[7] Kevin Carey, The Quick & the Ed, http://www.quickand-ed.com/2010/12/u-s-college-graduation-rate-stays-pretty-much-exactly-the-same.html

[8] Christopher M. Mullin and Anna Lebesch, "Moving Success From the Shadows: Data Systems That Link Education and Workforce Outcomes," AACC, March 2010

sake. Quality is critical to each. Yet as tuition prices increase, so does pressure on all stakeholders to link college education to subsequent, suitable employment. While a knowledgeable and informed citizenry is a social and cultural ideal, a well skilled and appropriately employed population is an economic imperative.

> SUR data could help students, academicians, curriculum developers and other stakeholders understand not only what institutions and programs produce more readily employable graduates, but even what courses may prove most influential.

The road from college to workplace is not always a straight line. On the contrary, workforce development specialists, labor economists, local economic developers, educators, and students struggle with what can be a vexing series of detours between the near- and midterm conditions of labor supply and actual demand. SUR data linked to local employment and compensation data could help answer questions now left only to the marketplace to address—questions such as market demand and the trade-off between employment risks and rewards.

SUR data are important evidence regarding "what works," but not the only evidence. As AACC points out, even if SUR data were linked to existing federal government databases pertaining to employment, large swaths of the workforce would still be difficult to cover, including those who are self-employed.

Yet many learning outcomes are immediate, obvious, and translate quickly to employment. Such outcomes include pass rates on certification and licensing examinations. SUR data could help students, academicians, curriculum developers and other stakeholders

understand not only what institutions and programs produce more readily employable graduates, but even what courses may prove most influential.[9]

Institutional Best Practices

Benchmarks help institutions to take corrective action and to engage in continuous improvement. The accreditation process provides much of this peer level input, in part because that is what the accreditation process is intended to do; in part, because the ability of institutions to benchmark themselves using U.S. Department of Education's Integrated Postsecondary Education Data System (IPEDS) is limited in scope and utility.

IPEDS limitations include the fact that the system's graduation data are based only on first-time, full-time, degree-seeking students who enroll in summer or fall, a throwback to the days when the preponderance of college-goers entered four-year institutions directly from high school. Times have changed:

- More than 50 percent of students entering career colleges in 2007, for instance, enrolled in certificate, not degree programs; only 13.3 percent sought four-year degrees.[10]
- Career college students attend school year-round, increasing the possibility that they enrolled in winter or spring and thereby miss the IPEDS count. Many career college students have previously attended community college. As a result, they are also excluded from graduation counts.
- Many career college students earn a certificate in one school and a

[9] Peter Ewell and Hans L'Orange, "The Ideal State Post-secondary Data System: 15 Essential Characteristics and Required Functionality," NCHEMS and SHEEO, September 14, 2009

[10] Association of Private Sector Colleges and Universities

certificate or associate degree at a second school. The subsequent awards are not included in the IPEDS count.

These types of skewed measures tend to accentuate positive outcomes for traditional, four-year colleges and universities and misrepresent the negative outcomes of institutions serving large percentages of non-traditional students. This mixing of "apples and oranges" also subverts the ability of postsecondary institutions to make meaningful inferences about themselves or others based on the available public data. As IPEDS exists today, America's most selective colleges and universities are lumped with open admissions colleges and universities; super-achievers coexist with the academically underprepared; the affluent with the at-risk. SUR data would help eliminate the types of systemic discrepancies and distortions described above, helping all institutions use fact-based benchmarking to better pursue their respective missions.

Discerning or Discriminating?

New metrics, based on SUR data and applied across the postsecondary landscape to institutions of every type, could yield a cornucopia of insights, ideas and innovations. Such metrics could help students and parents better weigh college choices, institutions compare and contrast their operations and performance, accrediting agencies to extend and advance their assessment processes and methods, and taxpayers assess the effectiveness of their investment in financial aid programs like guaranteed student loans and Pell grants.

Lacking a comprehensive system

to collect and analyze student unit record data and to link these data to workforce records, the federal government has opted to make policy based on partial information and proxy measures. In current law, cases in point are cohort default rates (CDR) and 90/10 funding source compliance, codified in the Higher Education Act. Both the CDR and 90/10 assess institutional quality based on inference and supposition rather than fact-based inquiry into school and student performance.

> **IPEDS limitations include the fact that the system's graduation data are based only on first-time, full-time, degree-seeking students who enroll in summer or fall, a throwback to the days when the preponderance of college-goers entered four-year institutions directly from high school.**

The 90/10 rule, which disqualifies from Title IV participation those institutions receiving more than 90 percent of their revenue from guaranteed student loans and Pell grants, applies only to for-profit institutions. The rule assumes that schools of reasonable academic quality should be able to generate 10 percent or more of revenue from students tapping private resources, not the federal student aid program.

Proprietary colleges and universities serve a largely at-risk population. Three of four career college students are financially independent of their families, meaning that, unlike traditional college students, they are not enjoying the financial support of parents while attending school. Of dependent students, those who do depend on their families, almost half come from the lowest economic quartile. A majority of career college students are the first within their families to enroll in postsecondary education:

they enter college without the context, expectations, and preparation of traditional college-goers.

It is reasonable to suppose that students lacking a strong academic foundation and financial resources would struggle more than their more affluent peers, both to pay for college and in loan repayment after college. This struggle is manifest in the use of federal student financial assistance programs and the rate of default on student loans; regardless of the type of postsecondary institution disadvantaged students attend. Are students at or near the poverty line more likely to pay for college from personal sources if they attend a traditional college or university? Do borrowers default on their loans because the college they attend lacks quality or because their risk factors make them far more likely to do so?

> **Student record data would answer the question and allow public policy to be based on fact, not intuition or bias.**

A federal, across the board SUR database would decouple institution type from student demographics. Student record data would answer the question and allow public policy to be based on fact, not intuition or bias.

The Department of Education has proposed a third proxy measure of institutional quality, the gainful employment rule. The proposal calls for limited use of individual student records to determine the quality of programs at career colleges and other institutions with vocational programs. If the rule were implemented, student records would be linked to Social Security records to determine whether graduates' earning met or exceeded a pre-specified debt to income ratio. Other gainful employment program tests included use of SUR data to determine student loan repayment rates and the ratio of a borrower's student loan debt to discretionary income (the loan repayment ratio has since been dropped).

Promulgation of the original rule stalled when a federal judge blocked its imposition, finding that the government had failed to justify the provision requiring that institutions be able to demonstrate a certain level of student loan repayment. The Department of Education issued revised draft of the regulation in September 2013.[11]

While noteworthy that the proposed Gainful Employment Rule seeks to use individual student data to assess institutional quality, the effort is handicapped by the fact that it would apply largely (although not exclusively) to for-profit career colleges, and that it is not built upon a comprehensive, evidence-based model of data acquisition that would ensure objective analysis, rather than a narrow analysis based only on the relationship between student investment in college and their subsequent economic success. As proposed, the Gainful Employment Rule turns a blind eye to the ability of most postsecondary institutions to educate and prepare traditional and non-traditional students alike for careers and upward mobility. Although it uses individual student data, it limits school access to employment information, thereby compromising the transparency that a federal student record database should provide.

Addressing Student Privacy and Security Issues

Should a federal student unit record database be transparent?

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[11] Paul Fain, "Now What?", Inside Higher Ed, March 21, 2013

Concerns about student privacy and record security constitute primary arguments against a federal SUR database. While at first blush academia opposing more data and better research seems counterintuitive, it should be acknowledged that privacy rights are as important to protect, as they are easy to damage. Does college enrollment become one more excuse for an overreaching government to monitor the interests, activities and movements of its citizens? These are legitimate questions and concerns that merit further scrutiny.

"Big Brother" fears are difficult to dismiss, particularly in an increasingly digital society where interest can quickly turn to intrusion. At the same time, it is difficult for educational institutions dedicated to intellectual inquiry and the pursuit of knowledge to argue that some doors must remain permanently locked. Taboos are the antithesis of the arts and sciences. Warning of overreach by government agencies, privacy adherents claim that data at the institutional level – the status quo -- is good enough for research purposes, and that student level data is not necessary to make informed, evidence-based analysis of institutional effectiveness. It is a bit like arguing that a magnifying glass is a satisfactory substitute for a microscope.

"The use of aggregate data has some limitations in comparison to [unit record] data, such as the inability to track the academic progress and experiences of individual students, and therefore to study the longitudinal enrollment of different types of students," says one National Center for Education Statistics study. NCES notes that the IPEDS system is incapable of measuring many of the trends in postsecondary education necessary for sound policy decisions.

The upside social and economic benefits of a federal SUR database would seem to outweigh the downside harms to privacy rights, particularly in an era energized by social media—an era in which personal information is more freely exchanged than ever before. Privacy concerns regarding student records can be ameliorated if not eliminated, especially if:

> **NCES notes that the IPEDS system is incapable of measuring many of the trends in postsecondary education necessary for sound policy decisions.**

- Federal law prohibiting the wrongful disclosure of personally identifiable, confidential information, including Family Educational Rights and Privacy Act (FERPA) and the Privacy Act of 1974, is rigorously enforced.
- SUR data is released only to organizations able to demonstrate that they have adequate physical and logical security processes and methods in place.
- Students receive prior notification about how and when their data may be used.
- Students have the ability to opt out of SUR database inclusion and opt out provisions should be prominently and clearly stated.
- Students have the ability to review their personally identifiable information, to amend erroneous records and to appeal data in dispute.
- Requests for release of SUR data be accompanied by an acceptable justification from a research,

[12] Alisa F. Cunningham, John Milam and Cathy Statham, "Feasibility of a Student Unit Record System Within the Integrated Postsecondary Education Data System," NCES, March 2005

academic or government agency and be subject to a complete and thorough pre-release review process.

- SUR data recipients agree to destroy or return data upon research completion.

As a report from Jobs for the Future notes, many states have been able to strike a workable balance between use of student unit records and privacy protections.[13] ACICS believes that the states' success can be replicated at the federal level. While states have done a good job at managing privacy concerns, the disparate nature of the state data holdings themselves explain the need for a federal SUR database. State level differences include who collects and governs the use of SUR data; the processes by which data are collected; and the number and type of institutions participating.[14]

> **Big data and data analytics are giving other sectors of the economy the ability to replace hidebound thinking with evidence-based, data-driven innovation that addresses markets in creative ways.**

At present, these state systems do serve as input to specific federal workforce programs. They do not, however, readily support broad inquiry or exploration beyond their program boundaries. In an economy in which college students are likely to transfer from school to school and workers are apt to change jobs several times in the course of a career, the ability of even the most ambitious legacy systems to capture macro patterns and trends is limited. Thus, while some limited SUR data sharing partnerships between state and federal agencies exist (the tracking of student loan defaulters is one notable example), the SUR data sharing relationship, including all types of postsecondary institutions, needs to be a major program goal, not a derivative benefit or secondary application.

Leveraging Technology

New technology innovations bolster the case for a federal approach to student unit records. Big data and data analytics are giving other sectors of the economy the ability to replace hidebound thinking with evidence-based, data-driven innovation that addresses markets in creative ways. Most of all, big data and analytics are helping organizations manage with facts and data, not intuition and inference. In the higher education realm, a quantitative approach to policy formulation, quality assessment, performance benchmarks, career development and placement, pedagogical effectiveness and much more would be nothing short of revelatory.

The size and scope of data holdings was once limited by the capabilities of database management systems. Data were narrowly defined and their use fit into tightly controlled applications. Systems could do nothing more than answer questions that analysts and programmers knew enough to ask.

Big data allows the organization to form, utilize and maintain vast holdings of disparate data. These data include structured records in existing systems, records acquired from third parties, and data gleaned from the Internet and social media sources like Facebook and Twitter. Big data allows businesses and organizations to collapse divisional silos and boundaries that block

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[13] Jack Mills, "State Data Systems and Privacy Concerns: Strategies for Balancing Public Interests," Jobs for the Future, February 2005

[14] Molly Ott, "Protection and Accessibility of State Student Unit Record Data Systems at the Postsecondary Level," State Higher Education Executive Officers

more holistic views. Data can be used to answer specific questions or illuminate avenues of inquiry. But big data and data analytics, operating on petabytes or exabytes of data, can also help researchers in visualization, prediction and discovery.

A college or university is a data rich environment—an environment in which analytical certainty about the combination of factors producing the best learning outcomes and most prepared students would trump supposition and guesswork.

A single process, academic advising, provides a clear example. For many traditional college students, the first two years of the postsecondary experience are spent either searching for a major or pursuing a pre-defined course of study for entry to a particular major. Are classes relevant to a particular major? Will a student be prepared to declare a major in the third year? Is the student's academic performance sufficient to enter a program? Is the academic advising of a particular student sufficient to improve the odds of his or her ultimate success? One university executive terms this transition from lower to upper division status "hand-crafted."

Elizabeth D. Phillips says that eAdvisor, a new, automated academic advising system at Arizona State University, allows the institution to offer a roadmap to curricular alternatives based on the student's experience and preparation. "The analytical framework not only allows advisors to chart a path for each student, but it enables the university to offer courses (with the necessary seats) that students must have in order to complete a major on time...Recent developments in computer technology and data-mining

techniques permit a systematic analysis of student success patterns over substantial populations of diverse students. This allows for the development of criteria predictive of student success in each major. With these criteria available, the computer can match the performance of any individual student to the anticipated success patterns."[15]

> **Elizabeth D. Phillips says that eAdvisor, a new, automated academic advising system at Arizona State University, allows the institution to offer a roadmap to curricular alternatives based on the student's experience and preparation.**

The growing likelihood of students "mixing and matching" their postsecondary experience from instruction received in college classrooms, in traditional online courses, via MOOCs (Massive Open online Classes), through experiential-based training and other sources adds to complexity and makes the rationale for big data approaches that much stronger. Extrapolations of data based on larger aggregates of student unit records (or a single, common federal SUR database) could help not only individual colleges and universities but university systems, accreditors, states, the federal government, college goers, and other stakeholders make more informed decisions about institutional quality and accountability.

Achieving Real Accountability

Imagine a world in which students can learn from the course, program and career choices of other students like themselves; in which colleges and universities can improve their administrative, operational and academic performance by comparing

[15] Elizabeth Peters, "Improving Advising Using Technology and Data Analytics," Change, the Magazine of Higher Learning, January-February 2013

and contrasting themselves to similar institutions and to the institutions they most aspire to be like; in which professors can craft pedagogy and develop course content based on what learning styles work best with specific types of students; and in which higher education officials and policymakers can set rules and provide oversight based on real world experience rather than conjecture and subjective criteria. In moving to a postsecondary regime characterized by outcomes rather than inputs, SUR data is the necessary substrate for enlightenment.

> **In moving to a postsecondary regime characterized by outcomes rather than inputs, SUR data is the necessary substrate for enlightenment.**

For individual students, a federal SUR database would mean:
- The information necessary to perform "apples and apples" comparisons of schools' success in educating students most like themselves.
- New insights into roadmaps for career success and matching courses and programs to in-demand jobs and real employment opportunities.
- The ability to gain proven educational and learning supports during an academic career to improve the chances for success.

For institutions, a federal SUR database would mean:
- Views across the postsecondary landscape, unobstructed by state borders, institution types, disparate data definitions or record gathering, or data holder restrictions.
- Practices and methods based on empirical research, producing replicable results and improving the odds of successful outcomes.
- Tools for performing fine-grained, institution to institution comparisons and building meaningful performance benchmarks.
- A real opportunity to answer questions surrounding college tuition and return on investment to students and taxpayers.
- A system of metrics that would align student achievement and outcomes with institutional mission, helping to eliminate overly broad, "apples and oranges" comparisons.

For those involved in making laws and writing regulations that oversee postsecondary education, a federal SUR database would mean:
- A postsecondary education information system that truly reflects the conditions of education, filling the gaping holes now present in existing systems.
- A resource for understanding the depth and breadth of major trends and directions, such as the rise of non-traditional students in higher education, the embrace of new technology delivery systems, such as MOOCs, and the acceptance of new credentialing alternatives, such as the Council for Adult and Experiential Learning.
- A mechanism for understanding that colleges and universities have different missions, building risk adjusted policies recognizing that fact, but imposing real sanctions on truly underperforming institutions.
- An ability to perform crosswalks between the volumes of graduations in particular program areas and the economic and workforce demand in those areas.

For the American taxpayer, a SUR database would mean:
- The quantitative data necessary to hold policymakers responsible for ineffective policy decisions and to

seek policy adjustments based on real facts.

- A more vibrant, more competitive system of postsecondary education, more attuned to market demand.
- A more rational workforce better prepared to meet the current and future challenges of a global marketplace.

Accreditation Impacts and Implications

"Accreditation" is a formal, systematic process of institutional performance appraisal. Voluntary self-regulation, regular peer review, and an on-going commitment to educational excellence are critical to the process and goals shared by accrediting agencies. For more than 100 years, accreditation has been extremely successful in safeguarding the quality of American higher education. Past performance is no guarantee of future success, however, and accrediting agencies must be willing to grow and change with the times.

Reauthorization of the Higher Education Act represents an important inflection point and an opportunity for change.

A federal SUR database would provide powerful new metrics for voluntary self-regulation. Self-assessment is the foundation of robust accreditation. While an internal review is important and necessary, it is with the comparison with others that evaluation takes on its most significant meaning. SUR data would provide the benchmarks needed for schools to make these comparisons.

In addition to self-assessment, peer review provides an outside check on the educational quality and integrity of school programs. As with other industries and professions, peer review in higher education brings the weight of practitioners and subject matter experts to the assessment process. A SUR database would help peer review take place on an even more probing, analytical basis. Finer grained analysis would produce a clearer picture of school operations and outcomes, issues that need remediation, and the results of corrective actions. Such a database would also aid accreditors in determining the validity of current standards, in exploring new avenues for quality and integrity assessment, and in predicting the impacts of proposed standards.

From the ACICS perspective, a federal SUR database would be a major step in a broader mandate shared by all accrediting agencies to assure the continued excellence of U.S. higher education.

A federal SUR database would provide powerful new metrics for voluntary self-regulation.

Conclusions

Does U.S. higher education stand at the precipice of decline or the threshold of improvement and growth? Much will depend on the ability of stakeholders to answer fundamental questions about cost, benefits, relevance, effectiveness, access, quality and affordability. These questions cannot be completely answered with partial information or surrogate metrics. Unfortunately, too much of the conventional wisdom about higher education today is based on surrogates and proxies, leading to false comparisons and unwarranted controversy.

The education community may view student data as a figurative ark of the covenant, a collection too powerful or potentially dangerous to create or use. While privacy concerns present important care considerations, the direction of postsecondary inquiry

must always be forward. Academia must never resist the opportunity to study itself and better understand the value of higher education.

The National Student Clearinghouse, a nonprofit organization, tracks student enrollments and related information. NSC contains student records from more than 3,500 postsecondary institutions and nearly 99 percent of the student population. Participating colleges and universities submit data on student enrollment and awards. The information is used to verify enrollment and deferment status for financial aid, transcript ordering, and academic research into postsecondary enrollment and outcomes.[16] The NSC resource demonstrates that collection of student unit records is possible in a safe and secure manner, enjoying broad participation by colleges and universities. The success of the clearinghouse, created by the student loan industry in 1993, shows that a publicly funded and available SUR clearinghouse with broader range

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and larger national purpose could be built with privacy, security and broad participation in 2013.

Trusting in the ability of objective information to define a clear path and a better way, ACICS supports creation of a federal database of student unit records. The empirical data would help to strengthen and lend greater credibility to the enterprise of quality assurance in higher education.

About the Accrediting Council for Independent Colleges and Schools

Founded in 1912, the Accrediting Council for Independent Colleges and Schools (ACICS) is one of the most respected and longest established national accreditors of academic institutions in the United States. It is recognized by the U.S. Department of Education and the Council for Higher Education Accreditation (CHEA). ACICS accredits more than 800 private post-secondary institutions offering certificates or diplomas, as well as institution offering associate's, bachelor's, and master's degrees in programs designed to educate students for professional, technical, or occupational degrees. For more information, please visit www.acics.org.

[15] http://www.studentclearinghouse.org/about/clearing-house_facts.php

Generating Student Referrals Through Social Media

By Andy Kelley, President, Effective Student Marketing

Word of mouth advertising and referrals are nothing new. Schools have always relied upon their current students and graduates to tell friends about the campuses, programs, and services they provide. Those trusted recommendations could have a ripple effect that helps to fill classrooms far into the future. People listen to what their friends and family have to say and trust their opinions.

For today's prospective students, those conversations are increasingly taking place online. The personal and peripheral relationships, which may have once happened in school hallways, now occurs across cellphone towers and a range of social media sites. And digital natives, those people who have grown up with this technology, are perfectly comfortable with the medium. So if schools expect to remain relevant to that targeted demographic, they cannot just have a tepid presence on social media; they must fully embrace the medium, harness its full potential and integrate it into an overall student acquisition strategy, the results of which can be measured in quantifiable terms.

Educate Students on Their Way to Enrollment

Facebook, Twitter, Instagram, Pinterest and a host of online review sites are just neighborhoods in a

> **According to Google some 80 percent of prospective students searching online do not know what school they want to attend as they begin their postsecondary education journey.**

larger online community where prospective students interact with their real and virtual friends. And these prospective students are on a search for their future. According to Google some 80 percent of prospective students searching online do not know what school they want to attend as they begin their postsecondary education journey.

Student acquisition in this new online community begins long before enrollment. It has to. Google has also found that 61 percent of education researchers arrive on a school's website at least 30 days prior to a conversion. That means students

are learning from and listening to the message of an institution long before they consider enrollment and fill out a form or pick up the phone. Prospective students might have some vague idea that what they are currently doing, or not doing, is not what they want, but they may have no idea what other options are available to them.

EDU searches were up 6 percent on YouTube and represent an incredible opportunity for schools.

In Google's first quarter 2014 Education Search Analysis study, the highest volume keywords centered on whether or not postsecondary school is even feasible. With terms like "why is college so expensive" and "how long does it take to get a bachelor's degree" increasing by 16 percent year over year, it is up to schools to teach prospects about the options available to them on all subjects. A school's website and social media presence can become the library in their prospects' online community. More and more, the content a school posts to social media is the answer to a prospect's query. EDU searches were up 6 percent on YouTube and represent an incredible opportunity for schools. Combining video posted to social media with targeted pay-per-click advertising can reach prospects where they are searching and bring them closer to enrollment. Prospects are also searching from wherever they happen to be: mobile EDU searches were up 23 percent in the 2014 report. Schools have an opportunity to be the place prospects turn to find information on programs, future careers and financial aid options. By helping prospects with the questions they have as they face their future, schools can set themselves up as the answer.

Reach Digital Natives (And Their Friends) on Social Media

Through social media, schools have an incredible opportunity to forge relationships with prospective students just as they are trying to decide where they belong. By finding prospects where they are—on Facebook, Twitter, Instagram—and giving those prospective students the valuable information they are looking for, schools can differentiate themselves from their

ANDY KELLEY, a graduate of the Boston College Carroll School of Management ('83), has worked in higher education for over 25 years, specializing in marketing and admissions for private sector schools.

A direct marketing mechanic by trade, he has a strong marketing and financial analysis background as well as a passion for technology. Add those three things together - marketing, technology and finance - and you end up with someone you would want on your side if you are looking to dramatically grow your business.

Before founding Effective Student Marketing, Inc. in 2004, Kelley managed the marketing and admissions departments of Boston University's Corporate Education Center, helping to grow the award-winning vocational training division within a traditional higher education environment.

Now as president of Effective Student Marketing, Kelley and his team have helped private, proprietary schools across the country reach their admissions and retention goals by building lifelong relationships with prospective students, enrolled students, and graduates through pay-per-click advertising, social media and reputation management, content creation and distribution, and search engine optimization.

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competitors. Reaching students in an environment where they are already comfortable builds a foundation for a long-term relationship of trust. The more schools can do to educate prospective students early in their research journey, the more likely prospects will consider those schools as trusted partners in the process.

Posts, likes and comments on social media have the potential to go viral, but more importantly for schools, the simple interactions of their current students and graduates can reverberate to future students. By choosing to post content that truly matters to its students, schools invite engagement and opportunity for positive interactions. Then, when current students share content about their school on their Facebook walls, and their friends "like" it, that good news is shared with those students' friends. It is also shared with secondary connections and can show up in newsfeeds far from the original source. The life cycle of a simple like or tweet can be long-lived. Social media can enhance the experience of the student and help to build relationships of trust between an institution and its students, graduates and community. Schools need to give current students a reason to trust and endorse them and prospective students a reason to listen to what they have to say. While it has always been the role of schools to educate, now they must move far beyond their classroom walls and current students. Rather than target a single segment, schools need to start honest conversations with the people who are speaking to the people they intend to attract. These influencers can be reached through social media, but schools must plan out their efforts effectively. Social

media cannot be an afterthought delegated to someone who happens to have some extra time. Social media contributions should come from across departments, programs and campuses, but are generally managed by marketing departments as a coordinated strategy. A disorganized social media strategy will achieve lackluster results.

Your Students Own Your Brand

As schools build their positive reputation and garner trust within the social media community, they also need to be willing to trust their brand in the hands of their students and graduates. An infographic produced by education company Chegg noted that among those with whom prospects most want to interact, are admitted students

> **No one can tell a potential student what a program or school is like better than someone who has been there.**

and current students. And schools need to let them. Their current students and graduates are among the most important cogs in the referral engine that will produce future students. No one can tell a potential student what a program or school is like better than someone who has been there.

Schools sometimes shun these honest conversations and they are often afraid of bad reviews and negative comments. In a passionate, but knee-jerk reaction, they will mistakenly hide negative posts rather than respond in a way that could serve their brand in the long run. Handling complaints head-on sends a powerful message to any individual complainant, but also to the social media community at large. Genuine grievances deserve attention and a solution. But unfair

criticism will be seen for what it is. For schools suffering a hit on social media with negative posts, dedicated and devoted students will often jump to the rescue of their school. Happy students and graduates are often the most passionate defenders and will not let anyone mess with "their school." Students often own their school's brand even more passionately than the schools do themselves, and when their friends see that, it speaks volumes about what a school might offer to others.

Students often own their school's brand even more passionately than the schools do themselves, and when their friends see that, it speaks volumes about what a school might offer to others.

How Social Media Fits into a Bigger Marketing Picture

While social media is all about building relationships, it is not a cure-all to every student acquisition, enrollment and retention dilemma. However, when incorporated into a coordinated marketing strategy that uses other media tools, it could well redefine what constitutes the full student life cycle and revolutionize how things are done in the arena of higher education. By combining content that speaks to a prospect's challenges, positive student engagement on social media and effective pay-per-click advertising, search engine optimization and vigilant reputation management, schools can create a referral network that has the potential to regenerate far into the future. Current students and graduates can become advocates and ambassadors for a school, its programs and its brand. The student life cycle can reverberate much further into the future than it ever did before.

Measuring the Results

Any efforts to increase student acquisition are apt to seem pretty futile if schools cannot determine the overall effectiveness of a campaign. That may be one of the most valuable components to campaigns based on a social media foundation. The results are trackable. Schools can watch as "Likes," impressions and inbound traffic to their website all increase. A social media campaign should be treated just like any other form of advertising and lead generation and be given the full attention and tracking it deserves. IT and marketing need to work together to ensure that tracking codes and systems are in place and can be used by the people managing social media. Done properly, schools can follow students who are following them and note as they move from engagement to enrollment. Schools can trace their actions directly from efforts to results.

None of the pieces of a long-term marketing strategy is a silver bullet to attracting, enrolling and retaining career education students. Rather, it is a combination of all the methods that have a proven success rate, along with continual adjusting for better results. Schools need to implement tracking from the first action to the last, monitor those results, and be willing to change course whenever the need arises.

About Effective Student Marketing

Effective Student Marketing specializes in integrated online marketing strategies that bring together social media marketing, pay-per-click advertising, and content creation to help schools achieve their enrollment goals and engage with prospects, students, and graduates at all stages of the student life cycle.
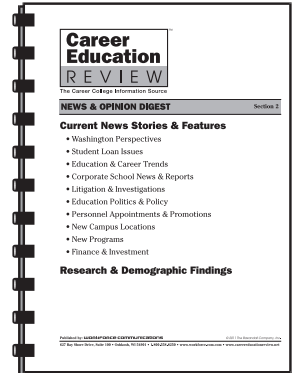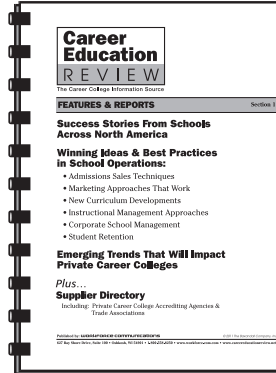
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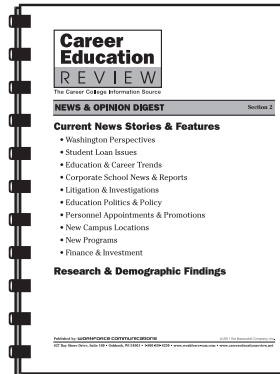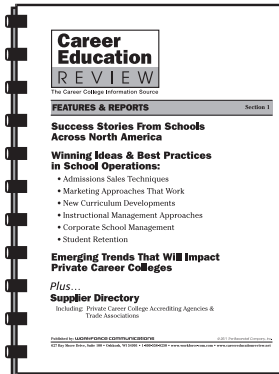Address _____ City _____ State _____ Zip _____

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