

# The Rise and Fall of SPRE: A Look at Failed Efforts to Regulate Postsecondary Education in the 1990s

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*As new accountability measures are considered, we should take note of past successes and failures in that arena. Terese Rainwater presents a case study of the State Postsecondary Review Entity (SPRE) program instituted in the 1990s and later eliminated. She offers a historical perspective and lessons learned.*

—Editors' note

## I. Introduction

**W**aste, fraud and abuse. This was the clarion call of government reform in the late 1980s and the early 1990s. In the context of higher education, critics claimed that postsecondary institutions were abusing student aid programs and students were being left with debt and no degree. Newspaper headlines proclaimed “Student-Loan Program Lambasted in Subcommittee Report,” “Lenders Assailed in Senate Investigation of Student-Loan Programs” and “Billions for School are Lost in Fraud, Waste, and Abuse.”<sup>1</sup> The United States Department of Education was criticized for allowing scams to proliferate and for mismanaging federal money. Sen. Sam Nunn (D-GA) held a series of highly publicized hearings designed to draw attention to concerns over student aid oversight and higher education accountability. During the hearings, Nunn reported that “[a]t this point in our investigation we have yet to hear of even a single part of the student-loan program that is working effectively.”<sup>2</sup> Negative media attention and public response to the Nunn hearings threatened support for the guaranteed student loan and the Pell Grant programs. As the 1992 reauthorization of the Higher Education Act (HEA) drew near, focus sharpened on three areas: 1) student loan default rates, 2) student loan abuse and fraud by the proprietary sector, and 3) higher education accountability.

This article analyzes one part of the reforms contained in the 1992 amendments to the HEA: the creation of State Postsecondary Review Entities (SPREs). In

their original conception, SPREs would be part of a joint federal/state effort to rein in the proprietary sector of postsecondary education, which many considered the main culprit in the student aid abuses. However, the purpose of the SPREs, and their regulatory reach, became much more expansive by the time the 1992 amendments were passed and the Department of Education's implementing regulations were promulgated in 1994. This article examines the historical context in which SPREs were conceived and enacted; the specific SPRE mechanism contained in the 1992 amendments to the HEA and the 1994 Department of Education regulations; and ultimately why the SPREs failed and the lessons to be learned by their failure.

## **II. Historical Context**

Between 1952 and 1992, the mechanism of postsecondary education accountability at the federal level evolved into an affiliation among the federal government, states, and national and regional accreditation agencies called the "Triad."<sup>3</sup> Each member of the Triad had designated oversight responsibilities. States were responsible for establishing requirements for and granting institutional licensure. Accreditation agencies were responsible for making judgments about institutional quality.<sup>4</sup> And the federal government was responsible for allocating and ensuring that federal funds for student aid were used for their intended purpose. In the 1992 Higher Education Amendments, Triad roles and responsibilities were clarified and expanded in what was called the "Program Integrity Triad."<sup>5</sup>

By the early 90s, there was a perception that the Triad was weak.<sup>6</sup> In addition, Congress felt that postsecondary education broadly speaking was not responsive to its concerns about the need for better higher education performance. In this context, congressional leaders approached the 1992 Higher Education Amendments with the goal of eliminating student aid abuses and improving performance by creating stricter accountability for postsecondary education through the establishment of SPREs. Under the 1992 law, each state was required to establish or designate an agency—a SPRE—to strengthen state oversight of postsecondary education in "partnership" with the federal government. However, due to flaws in the scope of the regulatory authority granted to these partnerships in the 1992 law, the SPRE concept ended almost before it began.

Like many education reforms, the origins of the SPRE concept are linked to

events that happened many years prior. The Higher Education Act of 1965, the National Vocational Student Loan Insurance Act of 1965, and the 1972 Higher Education Amendments “increased the federal dollars flowing for student assistance and, more important to the issue here, expanded the nature of the education for which those students could secure support.”<sup>7</sup> In combination, “these acts created a new world of federally supported ‘postsecondary’ education.”<sup>8</sup> Language shifted from “higher education” to “postsecondary education.”<sup>9</sup> The consequence of this small change was great: The reach of federal aid expanded from traditional degree-granting providers to include a much wider range of providers and led to a proliferation of new providers.<sup>10</sup> Soon thereafter, cases of fraud and student loan abuse rose dramatically.<sup>11</sup>

Although headlines trumpeted abuse in federal student aid programs, many states<sup>12</sup> and the Department of Education<sup>13</sup> had begun efforts in the early 1990s to control student loan default rates and other abuses of student aid programs. Sensing that the future of all student aid programs was threatened and that better regulation of the proprietary sector was needed, the State Higher Education Executives Organization (SHEEO) and a small number of states led by New York submitted a proposal during the 1992 reauthorization of the HEA. The intent behind the proposal was to strengthen the capacity of states to better perform their role in the Triad.<sup>14</sup> David Longanecker, then chairman of SHEEO and the commissioner of higher education in Minnesota, and later assistant secretary of postsecondary education, recalls, “I knew we could solve the abuse and fraud problems in student aid through good regulation and oversight. I had seen it work in Colorado and Minnesota.”<sup>15</sup>

The SHEEO proposal, which was later introduced by Reps. Goodling (R-PA) and Lowey (D-NY) as the Integrity in Higher Education Act of 1991 (HR 2716), had three primary components. First, the secretary of education was given the authority to enter into agreements with states for the purpose of approving education programs that received Title IV funds. Second, a state agency would be designated and would submit a state plan for licensing in multiple areas including student performance and institutional capacity. Third, the federal government would assist states by helping to pay for the additional oversight and regulation.<sup>16</sup>

As an outside agency, SHEEO quickly lost control of its proposal in Congress.

As the bill moved through the legislative process, it changed in important ways. Originally, the bill was targeted at improving state oversight and eliminating student aid abuses in the proprietary sector, particularly non-degree-granting institutions. In the final bill, the focus broadened to encompass concerns about accountability in postsecondary education as a whole. According to James R. Mingle, SHEEO's executive director, the SHEEO community became divided over the SPRE issue. In general, states with strong oversight and regulation were in favor of the SPRE legislation while states with weak oversight and regulation were opposed.<sup>17</sup> In addition, the final bill used the rhetoric of "partnership," but the federal government maintained a dominant role in the law's approach to regulating postsecondary accountability. State plans and standards had to be submitted to the Department of Education for their review and approval. Moreover, the Department of Education maintained oversight of both SPREs and accreditors.<sup>18</sup>

Finally, the bill included multiple points of redundancy for the three Triad partners, hoping that overkill would end student aid abuses. For example, accreditors, which had been left out of the original bill, were included in the final version, "but with new statutorily-defined requirements."<sup>19</sup> Contrary to the historical role of accreditors, the new requirements included "federally mandated review standards that included default rates in student loan programs" as well as "curricula, admission practices, and student success."<sup>20</sup> Redundancy extended to the state part of the Triad as well in that, once "triggered" review began, SPREs found that they were required to consider matters of student assessment as well as institutional viability.<sup>21</sup> Finally, as a result of its oversight of the other Triad partners, the Department of Education "was seen as beginning a new federal involvement in the substance of the education process."<sup>22</sup>

The SPRE concept was the George H.W. Bush administration's solution to the problems of better consumer protection and better state oversight in postsecondary education. The administration was confident that it would be serving another term when rule-making began.<sup>23</sup> Against the odds, SPRE survived a change in presidential leadership. Bill Clinton won the 1992 elections and embraced the SPRE legislation as part of his "New Federalism."<sup>24</sup>

Legislation authorizing SPRE was enacted in 1992 and implementation was under discussion soon thereafter. As they related to SPREs, the 1992 amendments

had three primary requirements. First, each governor was required to establish a SPRE. Second, each SPRE was required to develop a plan, submitted to the Department of Education for approval, based on 17 standards enumerated in the law, explaining how it would oversee institutional performance. Third, each SPRE was required to conduct reviews of postsecondary institutions that had “triggered” a performance review due to failure to meet as few as one of 11 different statutory criteria.<sup>25</sup> For example, an institution would trigger a review if its student-loan default rates for fiscal year 1992 were at least 25 percent or if two-thirds or more of its education and general expenditures came from the federal student aid programs.<sup>26</sup>

In April 1994, the Department of Education promulgated final SPRE regulations.<sup>27</sup> By August 1994, the department had notified approximately 2,000 institutions that they had failed to meet one of the trigger areas. Simultaneously, states were engaged in the difficult process of developing state plans for department review. Concurrent to state implementation efforts, other groups in the higher education community, particularly the independent sector, were deeply and publicly concerned about the new oversight requirements. In large part, the higher education community as a whole was unaware of the implications of the law until after it had passed. Many understood that the House of Representatives strongly desired change, but they also were aware that the Senate did not feel as strongly. As a result, they believed that the Senate would protect their interests. The bill passed and the higher education community was taken unaware.<sup>28</sup> Thus SPRE materialized in a context that was defined by four factors: a focus on student aid abuses, weak oversight structures, a growing accountability movement in postsecondary education, and a higher education community that was surprised by the law.

After the 1992 amendments and the promulgation of the department’s regulations, a vigorous debate ensued among the postsecondary education community about how and whether to implement SPRE. The independent sector was the most outspoken in its objections to the regulations. The primary objection to SPRE was that the “provisions undermine[d] the historic independence of private colleges and universities” through “haphazard and capricious regulatory enforcement.”<sup>29</sup> For those who were opposed to SPRE, help was about to arrive. In November 1994, the Republicans in the House, led by Newt Gingrich, introduced their Contract with America. They promised to reduce government

regulation, and eliminating SPRE was a promise they could fulfill.<sup>30</sup>

In March 1995, Congress withdrew funding and ended implementation, thereby eliminating SPRE, in a vote on budget rescissions.<sup>31</sup> Even though SPRE was mandated for every state wanting to participate in federal student aid programs, only two states—New York and Tennessee—successfully completed the implementation process.<sup>32</sup> Once SPRE was eliminated, the debate about SPRE immediately ceased. Policymakers and educators were exhausted from the debate and there was little examination of the viability of future state/federal relationships in higher education, the viability of the work states had engaged in to implement SPRE, or the implications of greater federal or state concerns about higher education accountability.

### **III. Why SPRE Failed**

The primary reasons for SPRE's failure are detailed below. Each sector of the higher education community had different objections to the idea. In order to understand why SPRE failed, it is helpful to understand the objections of each sector.

#### **State perspective**

From the state point of view, the fraud and abuse problem in student aid programs was the result of the federal government's decision to expand Part H eligibility to the proprietary sector. Most state higher education agencies had not regulated the proprietary sector. The proprietary sector, in some states, was considered part of the business community, not the postsecondary education community, and therefore oversight from state higher education agencies was inappropriate.<sup>33</sup> The states that had supported the original SHEEO proposal were actively pursuing higher education accountability agendas and, equally important, they had developed a strong regulatory capacity to pursue this agenda. In addition, these states had already laid the necessary groundwork for accountability in their states and had built trust among the (nonproprietary) higher education institutions in their states. Despite their readiness and initial support for SPRE, even these states eventually objected to the dominance the Department of Education assumed as implementation began.

For states that had not pursued higher education accountability, the uniform

requirements of SPRE were at best unnecessary and at worst unfair. SPRE's final regulations stated that the purpose of the legislation was to "eliminate fraud and abuse." But some states did not have high default rates and did not see a need for SPRE. For other states, the issue of capacity seemed insurmountable. They did not have large staffs as some states did, and the process of developing standards was "enormously difficult," requiring "multiple drafts."<sup>34</sup> Building capacity meant more than adding staff. It meant building support among policymakers, institutions, and the public for higher education accountability. Some states felt that SPRE conflicted with their traditional roles of coordinating, planning and policy.<sup>35</sup> For these states, "SPRE's regulatory and adversarial emphases were fundamentally inconsistent with [the] state's own policy agenda and its relationship with the higher education community."<sup>36</sup>

Yet some problems with implementation plagued every state, despite their differences. States found the process of developing state plans and acceptable standards for the Department of Education cumbersome and fraught with miscommunication. While the legislation maintained that SPRE's were a "partnership" between the states and the federal government, the process of developing state plans seemed to reveal a federal "recipe for success" at which the states needed to guess until they got it right.<sup>37</sup> There was no assessment on behalf of the federal government about the ability to implement SPRE in the states, and there was no training for implementation. Deadlines were tight and technical assistance was seemingly unavailable.

Taken together, the lack of attention to skill, culture, and relationships...might well have resulted in paced and deliberate programs of training and consultation among the parties as a first step in implementation. The scope of the law and the schedule demands left little room for such an effort.<sup>38</sup>

### **Independent perspective**

The independent sector was deeply opposed to the SPRE legislation.<sup>39</sup> The 17 designated standards for state plans and the 11 statutory criteria for institutional review threatened institutional autonomy and academic freedom by providing both the federal government and the states with too much authority. Accreditation was the appropriate venue to insure quality and the means by which institutions should be held accountable. The National Association for Independent

Colleges and Universities (NAICU) vociferously and effectively lobbied against SPRE. NAICU argued that the new “regulations go well beyond the increased oversight of financial aid programs, and extend federal and state authority into curricula, faculty and tuition.” SPRE “could be particularly damaging to independent colleges by applying standards intended for short-term vocational programs to nonprofit liberal arts institutions with fundamentally different missions.”<sup>40</sup>

### **Proprietary perspective**

In general, the proprietary sector was in favor of SPRE. Proprietary institutions were used to more directive accountability measures and regulations. Most were confident that their performance was high and welcomed the chance to be more fully included in the higher education community. Once the implementation began, however, concerns arose. As states began developing the standards required by SPRE, it was not clear if the proprietary sector was going to be faced with more or stricter standards than the other sectors. While SPRE required that states consult with institutions in the process of developing state plans and standards, it did not specify when or how often institutions were to be consulted.<sup>41</sup> The result was that some states developed two sets of standards: one for the proprietary sector and another for everyone else. Maryland, for example, developed two sets of standards, and the proprietary sector was isolated from the rest of the state’s higher education community.<sup>42</sup> Thus, the chance for the proprietary sector to sit at the higher education table was entirely dependent upon the state.

## **IV. Lessons Learned**

### **Lesson One**

SPRE had positive and lasting effects on the ways that states understood their role in regulating higher education. First, because states took their implementation of the SPRE requirements seriously, they became keenly aware of the importance of the boundaries between state and federal authority over postsecondary education. Second, the SHEEO agencies in states, traditionally focused on public and private institutions, had the opportunity to learn about and from the other higher education providers in their states. Third, state information systems that were improved or created as a result of the SPRE process had the effect of improving the data used in assessing performance and outcomes.<sup>43</sup>



### **Lesson Two**

As the SHEEO proposal moved through Congress, it changed from a bill with a clear but narrow problem definition to a bill that regulated all of higher education without recognition of difference. This uniformity was based on a principled decision that all of higher education could benefit from greater accountability.<sup>44</sup> Ultimately, however, state culture must be acknowledged. States are different, and applying the same solutions without regard to this difference is likely to produce poor results. A “one-size-fits-all” accountability system is not the solution to increasing performance in higher education.

### **Lesson Three**

The bitter debate surrounding SPRE made it nearly impossible to form another federal/state partnership of this kind. “SPRE had a disastrous effect on the relationship between the DOE and the states and institutions.”<sup>45</sup> And there is widespread agreement that another SPRE-like experiment would be a mistake. A better implementation structure would have been contracts between the federal government and each state with clearly defined outcomes. Contracts would have provided better problem definition and provided the states with the flexibility they needed to address different issues in their states.<sup>46</sup>

### **Lesson Four**

On their own initiative, states needed to address the broad question of higher education accountability before the issue reached Congress. Waiting for Congress to impose regulation was a mistake because Congress did not have the capacity to regulate with the unique aspects of each state in mind.<sup>47</sup> Applying force to produce change did not work. “Congress was wrong about their ability to make states do the federal government’s business.”<sup>48</sup> What the federal government could and did do well was make the Department of Education act against fraud and abuse, particularly in the proprietary sector.<sup>49</sup> Subsequently, over 1,000 institutions went out of business as a result of the department’s actions.<sup>50</sup>

### **Lesson Five**

The solution to waste, fraud and abuse in student aid programs was to clarify the definition of each Triad partner’s role without the redundancy introduced by the 1992 amendments. For many, support for the 1992 amendments came because they thought that roles of the Triad would be clarified and strengthened. The opposite was true. The overlap in the Triad roles caused confusion among the

Triad partners and the institutions they served. It did not solve the fraud and abuse problems in student aid programs. The overlap violated the long-standing principle that roles should be distinct and mutually exclusive.

## **V. Conclusion**

Is higher education accountability headed in the right direction? Did SPRE set higher education accountability on the right path? While the answers to these questions vary, there is widespread agreement on basic principles. Higher education accountability needs to move beyond statements of institutional mission and measurement of institutional outputs (e.g., measuring productivity in terms of credit hours). Instead, the focus should be on student outcomes. Degree completion should be defined not only in terms of what program of study students have completed, but by what students have learned, what skills they have attained, and whether they are able to participate as citizens, community members and workers. In addition, higher education should be held accountable for research it conducts on behalf of the public. And higher education should be held accountable for contributing to the community and regions in which institutions belong: for being “stewards of place.”<sup>51</sup> Higher education accountability systems should be performance-based, transparent, accountable to the public and benchmarked to the performance of other states.<sup>52</sup>

The danger in any accountability system is that process becomes more important than substance. Performance measures are identified to meet the requirements of the accountability system, but the substantive issues are little affected. SPRE is a case in point. While there was broad agreement about the need end to student aid abuses, the legislation and implementation of SPRE became the focus of the higher education community’s collective frustration. Additionally, performance measures can be too narrowly defined or used to obscure real problems by overwhelming users with information and by overwhelming institutions with the demand to provide it.

Accountability systems need to be developed with specific state needs in mind. Is higher education serving fairly and justly all of the people it should be serving? What do citizens need? How can higher education improve educational attainment? Should it help to create jobs and build workforce capability, to improve civic participation and strengthen communities? The answers to these questions will identify the public purposes of higher education and should form

the basis for higher education accountability.

The good intentions behind SPRE—better consumer protection, better accountability and better data—continue to play an important role in postsecondary education despite the overall failure of the regulatory scheme. SPRE failed because Congress lost sight of the problem, which was student aid abuse in the proprietary sector. Had Congress and the Department of Education remained focused on that problem, the newly created SPREs probably would still be overseeing the administration of federal aid dollars at proprietary institutions.<sup>53</sup> Instead of that, Congress in the mid 1990s turned to direct federal intervention to address these issues.

#### ENDNOTES

<sup>1</sup> Mark Pitsch, "Student-Loan Program Lambasted in Subcommittee Report," *Education Week*, May 29, 1991, 20; Christopher Myers, "Lenders Assailed in Senate Investigation of Student-Loan Programs," *Chronicle of Higher Education*, October 3, 1990, A29.; William A. Morrill and Rebecca Adamson, "Gatekeeping" (Washington, D.C.: U.S. Department of Education, Office of the Under Secretary, Planning and Evaluation Service, 1997, photocopied), 3.

<sup>2</sup> Myers, "Lenders Assailed in Senate Investigation," A29.

<sup>3</sup> 59 Fed. Reg. 22286.

<sup>4</sup> For information about how the 1992 Higher Education amendments affected accreditation see: Mathew W. Finkin, "The Unfolding Tendency in the Federal Relationship to Private Accreditation in Higher Education," *Law and Contemporary Problems*, Autumn 1994; Jeffery C. Martin, "Recent Developments Concerning Accrediting Agencies in Postsecondary Education," *Law and Contemporary Problems*, Autumn 1994; Mark L. Pelesh, "Regulations under the Higher Education Amendments of 1992: A Case Study in Negotiated Rulemaking," *Law and Contemporary Problems*, Autumn 1994.

<sup>5</sup> *Ibid*; See also, Higher Education Amendments of 1992, P.L. 102-325(S1150), Title IV, Part H.

<sup>6</sup> David A. Longanecker (Assistant Secretary of Postsecondary Education, United States Department of Education, 1993-1999 and current Executive Director, Western Interstate Commission for Higher Education), interview by author, notes, 30 June 2005, Education Commission of the States, Denver.

<sup>7</sup> Finkin, "The Unfolding Tendency," 99.

<sup>8</sup> *Ibid*, 99-100. The author explains the impact the language change had on quality control by noting that "...a major problem with this broadened inclusiveness was that the antecedent quality control system, reliance on private accreditation, hinged upon a

concept of institutional eligibility that derived from the stable world of traditional public and nonprofit degree-granting institutions. The concept was inapplicable to the world of vocational education, in which the key concern is the individual course of instruction... These courses are offered not only in stable, publicly operated community colleges or vocational/technical schools, but also in the unstable world of anywhere from 7,000 to 30,000 proprietary schools (no one seems to know quite how many) that might close, reopen, change hands, or alter their courses on a moment's notice."

<sup>9</sup> National Center for Higher Education Management Systems, "Federal State Partnerships in Postsecondary Education: SPRE as a Test Case" (Boulder, Colo.: National Center for Higher Education Management Systems, 1999, photocopied) 12.

<sup>10</sup> Ibid. See also, Larry E. Gladieux, and Thomas R. Wolanin, *Congress and the Colleges* (Lexington, Mass.: Lexington Books, 1976).

<sup>11</sup> Ibid., 14.

<sup>12</sup> For example, California, Florida, Georgia and New York strengthen oversight laws for the proprietary sector. Ibid.

<sup>13</sup> "Prior to 1992, the department had already taken measures to reduce the default rate and had removed 607 schools with high cohort rates (up through and including the FY 1992 rates) since statutory authority for removing high default schools was enacted under the Omnibus Reconciliation Act (OBRA) of 1990." Morrill "Gatekeeping," 5. By 1998, the Department of Education had made huge strides in fixing the fraud and abuse problems in student aid programs. In testimony to the U.S. House of Representatives in March, 1998, David Longanecker, Assistant Secretary of Postsecondary Education, reported, "Over the past six years, the department has collected almost \$4.5 billion on defaulted loans." At the same time, the department reduced the Federal Family Education Loan (FFEL) default rate from 22.4 percent in 1990 to 10.4 percent in 1995. U.S. Department of Education, "Statement of David A. Longanecker, Assistant Secretary, Office of Postsecondary Education to the Subcommittee on Government Management, Information, and Technology, U. S. House of Representatives Committee on Government Reform and Oversight," Hearing on Legislative Proposals in the Debt Collection Area, March 2, 1998. Accessed on the Internet, October 24, 2005. [www.ed.gov/offices/OLCA/longnk2](http://www.ed.gov/offices/OLCA/longnk2)

<sup>14</sup> Don Nolan (Former Deputy Commissioner of Higher Education, Board of Regents, New York State Department of Education), interview by author, notes, 23 August 2005, Education Commission of the States, Denver.

<sup>15</sup> Longanecker, interview by author, 30 June 2005.

<sup>16</sup> National Center for Higher Education Management Systems, "Federal State Partnerships in Postsecondary Education: SPRE as a Test Case," 12.

<sup>17</sup> James R. Mingle (Executive Director, State Higher Education Executive Officers, SHEEO, 1984-2000), interview by author, notes, 8 August 2005, Education Commission of the States, Denver.

<sup>18</sup> Morrill, "Gatekeeping," 17.

- <sup>19</sup> National Center for Higher Education Management Systems, "Federal State Partnerships in Postsecondary Education: SPRE as a Test Case," 15.
- <sup>20</sup> Morrill, "Gatekeeping," 17. See also, (Section 496(a)(5)).
- <sup>21</sup> See (Section 494C(d)).
- <sup>22</sup> Morrill, "Gatekeeping," 17.
- <sup>23</sup> Longanecker, interview by author, 30 June 2005.
- <sup>24</sup> Ibid.
- <sup>25</sup> Title IV, Part H of the Higher Education Act.
- <sup>26</sup> Morrill, "Gatekeeping," 14.
- <sup>27</sup> Ibid, 20.
- <sup>28</sup> Longanecker, interview by author, 30 June 2005.
- <sup>29</sup> David L. Warren "Why Faculty Should Care about Federal Regulation of Higher Education," *Academe*, July-August 1994: 19.
- <sup>30</sup> Longanecker, interview by author, 30 June 2005.
- <sup>31</sup> Morrill, "Gatekeeping," 20.
- <sup>32</sup> Ibid, 15.
- <sup>33</sup> Mingle, interview by author, 8 August 2005.
- <sup>34</sup> Peter Ewell, (Vice-President, National Center for Higher Education Management Systems), interview by author, notes, 11 August 2005, Education Commission of the States, Denver.
- <sup>35</sup> Morrill, "Gatekeeping," 21.
- <sup>36</sup> National Center for Higher Education Management Systems, "Federal State Partnerships in Postsecondary Education: SPRE as a Test Case," 17.
- <sup>37</sup> Peter Ewell, interview by author, 11 August 2005.
- <sup>38</sup> Morrill, "Gatekeeping," 33.
- <sup>39</sup> New York is the exception. "...[T]he association of independent institutions in New York—unlike independent associations elsewhere—found little new or alarming in...the enacted legislation." Morrill, "Gatekeeping," 13.
- <sup>40</sup> David Warren (President of the National Association of Independent Colleges and Universities), statement to his membership, 16 November 1993.

<sup>41</sup> Morrill, "Gatekeeping," 33. This was true for all sectors.

<sup>42</sup> Ibid, 39.

<sup>43</sup> Peter Ewell, interview by author, 11 August 2005.

<sup>44</sup> Tom Wolanin (Former Staff Director, U. S. House of Representatives Subcommittee on Postsecondary Education and current Senior Associate, Institute for Higher Education Policy), interview by author, notes, 16 August 2005, Education Commission of the States, Denver.

<sup>45</sup> Morrill, "Gatekeeping," 41.

<sup>46</sup> Peter Ewell, interview by author, 11 August 2005. See also, Morrill, "Gatekeeping," 48-50.

<sup>47</sup> Edward Elmendorf, (Senior Vice President, American Association of State Colleges and Universities), interview by author, notes, 31 August 2005, Education Commission of the States, Denver.

<sup>48</sup> Mingle, interview by author, 8 August 2005.

<sup>49</sup> Ibid.

<sup>50</sup> Edward Elemendorf, interview by author, 31 August 2005; Longanecker, interview by author, 30 June 2005.

<sup>51</sup> American Association of State Colleges and Universities, *Stepping Forward as Stewards of Place* (Washington, D.C: American Association of States Colleges and Universities, 2002).

<sup>52</sup> Peter Ewell, interview by author, 11 August 2005.

<sup>53</sup> Edward Elemendorf, interview by author, 31 August 2005.

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