

Challenges Ahead for Competency-based Education

By Barmak Nassirian



The reauthorization of the Higher Education Act (HEA), technically required every five years, is now four years overdue, and, the constant talk about its impending arrival notwithstanding, nowhere in sight. On Sept. 22, the Department of Education's Inspector General (IG) provided a timely, albeit unfortunate, illustration of how congressional gridlock and the breakdown of regular legislative process can have real-world consequences.

The IG issued a much anticipated audit report on the question of whether Western Governors University (WGU)—an early pioneer in distance education and competency-based education (CBE)—is legally eligible to participate in federal student aid programs. She found that WGU programs do not satisfy the black letter of the law, which requires “regular and substantive interaction” between students and faculty in distance education programs for these to be eligible for federal aid. That the finding, if accepted by the secretary, would render WGU—since its founding, the darling of politicians, foundations, and progressive and conservative reformers—prospectively ineligible for aid was bad enough. But the IG's recommendation that the department should therefore recoup more than \$700 million in improperly disbursed federal funds added fuel to the firestorm of outrage and indignation.

Much of the immediate criticism was directed at the IG and focused on how her report subjected WGU's innovative delivery model to antiquated metrics that were devised for vestigial practices from an earlier era. There is merit to this criticism, but it should have been, as it ultimately was, directed at a paralyzed Congress, not to an IG doing her job of reviewing compliance with the law. Even the most vocal defenders of the WGU model have come around to the position that the IG's interpretation of the law is difficult to dismiss, and that the law itself needs to be clarified. Fortunately for WGU and for similar programs offered at other institutions, the IG's recommendations are not binding on the secretary, and the Department of Education is unlikely to adopt them in the foreseeable future. But the fundamental issue of how new delivery models can be recognized and financed will have to be formally addressed sooner or later.

How Did We Get Here?

The 1992 reauthorization of the HEA, coming on the heels of the Senate hearings on waste, fraud and abuse by for-profit schools, identified correspondence programs as the worst offenders and categorically eliminated their eligibility for federal aid. Congress associated the significantly higher rate of fraud in these programs to their defining attributes, which included the geographic separation of students and instructors and their limited, as opposed to regular and substantive, interactions with one another. The 1992 amendments were enacted at dawn of the Internet's transformative rise, and it quickly became obvious, in no small part due to WGU's founding and promise, that distance education would need to be accommodated in the federal financing system. The 1998 and the 2008 reauthorizations of the HEA satisfactorily addressed some of the then-unresolved issues around aid eligibility and packaging, and codified "regular and substantive interaction" between students and faculty as the statutory distinction between emerging Web-based distance education programs and old-school correspondence programs, which remained ineligible for aid.

What Went Wrong?

The last two reauthorizations of the HEA managed to provide financing accommodations for "traditional" distance education, i.e., a delivery that generally mirrors the classroom model of faculty-student interactions, with technology facilitating communication despite their geographic separation.

Even this generally workable resolution of whether and how such distance education programs could establish eligibility for federal financing has had its shortcomings, most evident in the alarming growth of sub-par and predatory distance education programs within the for-profit sector. Fortunately, it appears that legitimate institutions of higher education, particularly a number of important AASCU institutions, are now well positioned to promote quality distance education programs that have put an end to the frenzied decade of low-quality for-profit dominance of the field. A future reauthorization would codify some of their most important attributes into law so as to avoid federal policy mistakes of the past 15 years. But while traditional distance education programs may need some minor tweaking in federal law, the emerging

field of competency-based education (CBE) will require fundamental policy agreements and significant congressional choices, neither of which are currently at hand. The current statutory language was never intended to address CBE, and the fact that, as the IG has pointed out, it does not accommodate such programs should therefore not come as a surprise.

How to Legislate Eligibility for Competency-based Programs

The IG report and her specific citing of WGU programs' failure to demonstrate "regular and substantive" interaction between students and the faculty have led to a chorus of calls for the elimination of this requirement for purposes of eligibility. But Congress and legitimate providers of CBE programs should be careful in simply deleting that language, which, as has been pointed out, was never intended to accommodate CBE in the first place. **In the wrong hands and without adequate quality safeguards, CBE programs could amount to nothing more than the provision of a curriculum and an assessment, leaving students on their own to master the material with little or no instructional support.** Legislating eligibility for this stripped-down version of CBE would be tantamount to incentivizing a race to the bottom that would inevitably place many students in programs identical to pre-1992 correspondence programs, except for their use of the Internet instead of the U.S. Postal Service and their significantly higher costs.

For CBE to be done right, the higher education community must first provide a definition that describes eligible programs and clearly delineates them from traditional, distance education, and bare-bones correspondence programs. While there is abstract agreement that CBE programs are distinct in their focus on final competencies as opposed to the more traditional procedural metrics that are widely assumed to lead to them (such as seat time), articulating this in a concrete and regulatorily discernable fashion is a task that has yet to be completed. Beyond the missing consensus definition, much more work needs to be done on identifying and coalescing around upfront metrics for CBE quality to guard against fraudulent knock-offs and sub-par programs. Yet a third set of discussions and agreements would focus on specific student support

services unique to high-quality CBE programs. One of the objections that the IG has raised to the WGU model is to the manner in which WGU disaggregates the generic faculty role and assigns different functions currently lumped together as faculty responsibilities to different officials. This "unbundled" faculty model, through which WGU separates subject-matter expertise of course mentors from pedagogical tutoring functions, may well be one of the most important strengths of CBE at the same time as it could prove to be its greatest vulnerability to fraud and abuse.

Conclusion

Despite the intensity of interest in CBE, the higher education community still has serious work ahead before it can provide authoritative solutions to these baseline issues. The wise course of action over the short term, therefore, may well be to let things be as they are until a satisfactory definition, a robust framework for quality, and a broad consensus on the faculty role and student support services can be articulated in a coherent and actionable set of policy recommendations. While it is woefully late in conducting its cyclical review of the federal policies it has authorized, Congress should commit to first doing no harm by now over-reacting to the IG report. Rushing to legislate on CBE without a consensus blueprint from the higher education community could produce significant unintended consequences. The wrong kind of legislative intervention into this nascent delivery model could repeat the distance education mistakes of the 2000s and end up harming high-quality CBE programs that are just emerging by allowing cheap counterfeits to undercut them. **P**

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