

An Advisory by the Arts Accrediting Associations on Repeated Courses

The Issue

In October 2010, the United States Department of Education (USDE) released final versions of a number of higher education regulations. These regulations, which went into effect on July 1, 2011, are referred to as the “program integrity” regulations. Included in these regulations is an amended federal definition of “full-time student.” In amending the definition, USDE specified that should a student choose to repeat a course in which he or she had previously received a passing grade (and received credit) more than once, then this particular course would not be included in the calculation of a student’s enrollment status. As such, the student would not be eligible to receive federal financial assistance for this particular course beyond the first repetition.

As amended, the opening sentences of the federal definition of full-time student, found in the [Code of Federal Regulations, Title 34, Part 668.2\(b\)](#), reads as follows. The amendment itself is indicated by italic font.

“Full-time student: An enrolled student who is carrying a full-time academic workload, as determined by the institution, under a standard applicable to all students enrolled in a particular educational program. The student’s workload may include any combination of courses, work, research, or special studies that the institution considers sufficient to classify the student as a full-time student, including for a term-based program, repeating any coursework previously taken in the program but not including either more than one repetition of a previously passed course, or any repetition of a previously passed course due to the student failing other coursework. However, for an undergraduate student, an institution’s minimum standard must equal or exceed one of the following minimum requirements...”

Locus of Concern and USDE Response

When the rule was first released, the arts accrediting associations and other organizations and institutions of higher education voiced concern that under this rule, departments would not be able to retain the same course number for more than one repetition for any type of course for which credit was awarded. As the regulation indicates, if a student passes a particular course and repeats it more than once, the costs of that credit cannot be covered with Title IV funds. Conversely, if a student fails a course, and thus receives no credit, he or she could repeat it as many times as the institution allows.

After receiving numerous calls for clarification, the U.S. Department of Education clarified the issue, explaining that multiple enrollments in courses of the same number is not of concern as long as the undergraduate student is being taught different material and engaging in different coursework during each subsequent enrollment in the designated course. In a related action, the Department created a [Q&A website](#) on the topic of “Retaking Coursework” in August 2011.

This important clarification by the Department acknowledges the great number of lab, studio, ensemble, and other courses offered by institutions that do not have the same coursework from term to term even if they are identified using the same course number.

Advice to Institutions

If there are questions regarding financial aid as it pertains to the definition of “full-time student” and/or questions about the documenting course numbers and course content, the arts executive should consult with federal Title IV compliance experts on campus.

Please remember that definitive information on USDE interpretations and compliance can come only from USDE. A careful review of the full text of this regulation is recommended.

The role of the arts accrediting associations is to provide the best information and analysis at any given point in time and to assist institutions by calling attention to current information.

Accreditation Implications

This rule and its application are the responsibility of the U.S. Department of Education.

The arts accrediting associations each regard the specifics of course numbering to be the prerogative of each institution. The arts accreditors would be engaged in this issue only in situations where institutional practices regarding course numbers or numbering systems appear not to be in compliance with other arts/design accreditation standards, for example inconsistency, lack of clarity, failure to publish, duplication for different content, etc.

Negotiated Rulemaking

Amidst much confusion on this issue, the USDE decided to further examine the issue of retaking coursework during a series of negotiated rulemaking sessions in early 2014. Negotiated rulemaking is the process by which certain government agencies draft, revise, and finalize federal regulations. Various stakeholders are represented during the negotiations, and the public is given the opportunity to provide comment on drafts prior to finalization.

On May 18, 2015, the USDE published a [Notice of Proposed Rulemaking \(NPRM\)](#) in the *Federal Register*. Among other issues, the NPRM proposes “eliminating the provision in the current regulations that prohibits an institution from counting for enrollment purposes any courses that a student previously passed if the student retakes those courses in the same term in which the student repeats a failed course.” The concern voiced by some institutions was that in certain programs, students must repeat an entire term if they fail just one course within that term. Others voiced concern that students in these programs, now no longer eligible for federal aid, would have no choice but to either withdraw from the program or take out private education loans. Public comment on these proposals was due on July 2, 2015. Final regulations which will serve to further amend the federal definition of “full-time student” will likely be issued in the coming months.

Conclusion

At present, the matter seems to have been resolved, in part due to guidance from the Department of Education; however, it is unclear what effect the new regulations may have. The arts accrediting associations will monitor these developments. Guidance on the regulations should be sought directly from USDE staff. For assistance in interpreting accreditation standards, please contact the National Office for Arts Accreditation.