

MAINE STATE LEGISLATURE

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JAMES E. TIERNEY
ATTORNEY GENERAL



87-8

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

May 21, 1987

The Honorable Marge L. Kilkelly
House of Representatives
State House Station #2
Augusta, ME 04333

Dear Representative Kilkelly:

You have requested an opinion from this Office interpreting whether 32 M.R.S.A. § 551 requires applicants for chiropractic licensure to have graduated from a chiropractic college accredited by a specialized chiropractic educational accrediting agency, as distinguished from a chiropractic college accredited only by a regional or institutional accrediting agency. For the reasons set forth below, it is the opinion of this Department that 32 M.R.S.A. § 551 requires that applicants who matriculated in chiropractic college on or after January 1, 1984 must be graduated from a chiropractic college which is accredited by a specialized chiropractic educational accrediting agency approved by the U.S. Department of Education. Graduation from a chiropractic college accredited only by a regional or institutional accrediting agency, albeit approved by the U.S. Department of Education, does not satisfy the requirements of section 551.

32 M.R.S.A. § 551 was amended by the Laws of 1983 (Chapter 176, Part A, § 10). Prior to the 1983 amendment, section 551 provided, in pertinent part:

The diploma of any applicant matriculating in a chiropractic college after January 1, 1974 shall show that it was granted by a chiropractic college which has been approved by a national accrediting agency, which agency has been approved by the board
(Emphasis added.)

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As noted above, in 1983, 32 M.R.S.A. § 551 was amended. It now provides, in pertinent part:

If an applicant matriculated in a chiropractic college on or after January 1, 1984, his diploma shall show that it was granted by a chiropractic college accredited by a chiropractic educational accrediting agency approved by the United States Department of Education (Emphasis added.)

The issue you have presented is whether section 551 requires accreditation by a specialized chiropractic accrediting agency or whether the statute permits accreditation by either specialized or regional/institutional accrediting agencies, as was the case prior to the 1983 amendment.

Significant differences exist between specialized and regional/institutional accrediting agencies. According to the Council on Postsecondary Accreditation ("COPA"), a nongovernmental organization of which both types of accrediting agencies are members, specialized and regional/institutional accrediting agencies perform different functions. Specialized accreditation usually involves occupational and professional schools. Specialized accreditation activities are undertaken "primarily to provide quality assurances concerning educational preparation of members of the profession or occupation." By contrast, regional/institutional accreditation involves most educational institutions chartered or licensed in the United States, and it pertains to the institution as a "total operating unit only." COPA, The Balance Wheel for Accreditation, Annual Directory, July, 1986, page 2. (Copy attached.)

The confusion regarding the interpretation of the Maine statute derives from the fact that both types of accrediting agencies are "approved by the United States Department of Education." The Department of Education recognizes both specialized and regional/institutional accrediting agencies. ("Recognition" is the term used by the Department of Education, and for the purposes of statutory interpretation, should be considered essentially the same as "approval".) Within the profession of chiropractic, the Department of Education recognizes one specialized chiropractic educational accrediting agency: the Council on Chiropractic Education. However, it recognizes different regional/institutional accrediting agencies, such as Southern Association of Colleges and Schools, which also can accredit chiropractic colleges. The U.S. Department of Education determines only whether a particular

accrediting agency shall be recognized; beyond recognizing an accrediting agency as either specialized or regional/institutional, the Department of Education does not qualitatively distinguish among them nor does it rate the extent to which or opine on whether one or the other better assesses the quality of the chiropractic education provided.

The plain language of the statute reveals that, in amending section 551 in 1983, the Legislature intended to change the then existing situation that chiropractic colleges needed only to be "approved" by any "national accrediting agency." 32 M.R.S.A. § 551 (1978). No purpose would have been served by substituting the clause "chiropractic educational accrediting agency" had the Legislature intended to permit the continued accreditation of chiropractic colleges by either specialized or regional/institutional accrediting agencies.

An examination of the legislative history of section 551 reveals a consistent legislative intent. The history regarding this amendment consists of two paragraphs which are contained in A Report of the Joint Standing Committee on Audit and Program Review for 1982, regarding the Health Profession Licensing Boards, at Recommendation 39 (on page 55).

Recommendation 39. Require that an applicant for licensure by the Board of Chiropractic Examiners graduate from a chiropractic college accredited by an approved accrediting agency.

Currently, the statutes governing chiropractic practice require that an applicant for licensure either be a graduate of a chiropractic college accredited by an approved accrediting agency or be a diplomate of the National Board of Chiropractic Examiners. Hence, a graduate of a chiropractic college that is not properly accredited can obtain a license in Maine.

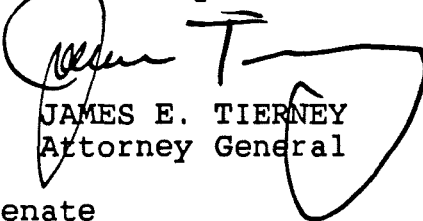
The Committee recognizes the value of national accrediting agencies in assessing the training required to become a competent health professional. The Committee recommends that all future applicants for a chiropractic license be graduates of chiropractic colleges accredited by an approved accrediting agency. This will help ensure that the education of chiropractors in the state meets standards necessary to protect the public health.

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As stated in Recommendation 39, a principal purpose of the amendment to section 551 was to ensure that the accrediting agency properly assessed whether the chiropractic college provides the "training required to become a competent health professional [to] help ensure that the education of chiropractors in the state meets standards necessary to protect the public health." Therefore, an interpretation that the statute requires accreditation by a specialized chiropractic educational accrediting agency is consistent with the Legislature's expressed recognition of the "value of national accrediting agencies" which assess the quality of the chiropractic training required to become a competent health professional. In short, while the Legislature may not specifically have provided for accreditation by a "specialized" chiropractic accrediting agency, its intent is clear and should be given full effect.

I trust this information is helpful to you. Please do not hesitate to contact this Office if we can be of further assistance to you.

Sincerely,



JAMES E. TIERNEY
Attorney General

cc: Senator John E. Baldacci, Senate
Chair of Business Legislation Committee

Representative Carol M. Allen, House
Chair of Business Legislation Committee

Board of Chiropractic Examiners



**The Balance
Wheel
for
Accreditation**

**Annual Directory
July 1986**

**Council on
Postsecondary Accreditation**

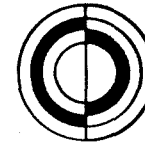
As the "balance wheel for accreditation," COPA unites and balances the interests of recognized accrediting bodies and national postsecondary organizations in relation to national (as opposed to federal) interests in accreditation and in relation to the improvement of postsecondary educational quality. The Council mediates both federal and state concerns and helps to educate federal and state interests on the positive contribution of accreditation. In addition, it helps to protect the integrity of the accrediting community and of legitimate accrediting bodies by insuring that only those organizations which meet the high standards developed and agreed upon by the accrediting and academic communities are recognized.

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THE ACCREDITING PROCESS



Accreditation is a system for recognizing educational institutions and professional programs affiliated with those institutions for a level of performance, integrity, and quality which entitles them to the confidence of the educational community and the public they serve. In the United States this recognition is extended primarily through nongovernmental, voluntary institutional or professional associations. These groups establish criteria for accreditation, arrange site visits and evaluate those institutions and professional programs which desire accredited status, and publicly designate those which meet their criteria.

In most other countries, the establishment and maintenance of educational standards is the responsibility of a central government bureau. In the United States, however, public authority in education is constitutionally reserved to the states. The system of voluntary nongovernmental evaluation, called accreditation, has evolved to promote both regional and national approaches to the determination of educational quality. While accreditation is basically a private, voluntary process, accrediting decisions are used as a consideration in many formal actions — by governmental funding agencies, scholarship commissions, foundations, employers, counselors, and potential students. Accrediting bodies have, therefore, come to be viewed as quasi-public entities with certain responsibilities to the many groups which interact with the educational community.

In America, accreditation at the postsecondary level performs a number of important functions, including the encouragement of efforts toward maximum educational effectiveness. The accrediting process requires institutions and programs to examine their goals, activities, and achievements; to consider the expert criticism and suggestions of a visiting team; and to determine internal procedures for action on recommendations from the accrediting body. Since accreditation status is reviewed on a periodic basis, recognized institutions and professional programs are encouraged to maintain continuous self-study and improvement mechanisms.

* **Institutional Accreditation** is granted by the regional and national accrediting commissions of schools and colleges, which collectively serve most of the institutions chartered or licensed in the United States and its possessions. These commissions and associations accredit total operating units only.

* **Specialized Accreditation** of professional and occupational schools and programs is granted by commissions on accreditation set up by national professional organizations in such fields as business, dentistry, engineering, and law. Each of these groups has its distinctive definitions of eligibility, criteria for accreditation, and operating procedures, but all have undertaken accreditation activities primarily to provide quality assurances concerning educational preparation of members of the profession or occupation. Many of the specialized accrediting bodies will consider requests for accreditation reviews only from programs affiliated with institutions holding comprehensive accreditation. Some specialized bodies, however, accredit professional programs at institutions not otherwise accredited. These are generally independent institutions which offer only the particular specified discipline or course of study in question.

Procedures in Accreditation

The accrediting process is continuously evolving. The trend has been from quantitative to qualitative criteria, from the early days of simple checklists to an increasing interest and emphasis on measuring the outcomes of educational experiences.

The process begins with the institutional or programmatic self-study, a comprehensive effort to measure progress according to previously accepted objectives. The self-study considers the interests of a broad cross-section of constituencies — students, faculty, administrators, alumni, trustees, and in some circumstances the local community.

The resulting report is reviewed by the appropriate accrediting commission and serves as the basis for evaluation by a site-visit team from the accrediting group. The site-visit team normally consists of professional educators (faculty and administration), specialists selected according to the

or program in light of the self-study and adds judgments based on its own expertise and its external perspective. The team prepares an evaluation report, which is reviewed by the institution or program for factual accuracy.

The original self-study, the team report, and any response the institution or program may wish to make are forwarded to the accreditation commission. The review body uses these materials as the basis for action regarding the accreditation status of the institution or program. Negative actions may be appealed according to established procedures of the accrediting body.

Although accreditation is generally granted for a specific term (e.g., five or ten years), accrediting bodies reserve the right to review member institutions or programs at any time for cause. They also reserve the right to review any substantive change, such as an expansion from undergraduate to graduate offerings. Such changes may require prior approval and/or review upon implementation. In this way, accrediting bodies hold their member institutions and programs continually responsible to their educational peers, to the constituents they serve, and to the public.

Accreditation's Functions

Throughout the evolution of its procedures, the aims of postsecondary accreditation have been and are to:

- foster excellence in postsecondary education through the development of uniform national criteria and guidelines for assessing educational effectiveness;
- encourage improvement through continuous self-study and review;
- assure the educational community, the general public, and other agencies or organizations that an institution or program has clearly defined and appropriate objectives, maintains conditions under which their achievement can reasonably be expected, is in fact accomplishing them substantially, and can be expected to continue to do so;
- provide counsel and assistance to established and developing institutions and programs; and

- endeavor to protect institutions against encroachments which might jeopardize their educational effectiveness or academic freedom.

Postsecondary education in the United States derives its strength and excellence from the unique and diverse character of its many individual institutions. Such qualities are best sustained and extended by the freedom of these institutions to determine their own objectives and to experiment in the ways and means of education within the framework of their respective authority and responsibilities.

Public as well as educational needs must be served simultaneously in determining and fostering standards of quality and integrity in the institutions and such specialized programs as they offer. Accreditation, conducted through nongovernmental institutional and specialized organizations, provides a major means for meeting those needs.

ROLE OF THE COUNCIL ON POST SECONDARY ACCREDITATION

The Council on Postsecondary Accreditation (COPA) is a nongovernmental organization that works to foster and facilitate the role of accrediting bodies in promoting and insuring the quality and diversity of American postsecondary education. The accrediting bodies, while established and supported by their membership, are intended to serve the broader interests of society as well. To promote these ends, COPA recognizes, coordinates, and periodically reviews the work of its member accrediting bodies, and the appropriateness of existing or proposed accrediting bodies and their activities, through its granting of recognition and performance of other related functions.

Objectives and Activities

COPA seeks to accomplish the following major objectives:

- Recognize accrediting bodies that accredit institutions and programs of postsecondary education on the basis of demonstrated need and specified standards related to accrediting policies and practices;
- Provide national leadership and understanding in speaking for postsecondary accreditation by:
 - Cultivating a broad understanding of accreditation,
 - Serving as a spokesman for accreditation at the national level, and
 - Interacting with interested parties such as educational institutions, foundations, government agencies, and other organizations and groups on matters of accreditation;
- Provide services to accrediting bodies, postsecondary educational institutions, and the public by:
 - Assisting in improving the general accrediting process, as well as the policies and practices of recognized accrediting bodies,

- Facilitating coordination among accrediting bodies,
- Encouraging, sponsoring, and conducting research relating to the understanding and improvement of accreditation,
- Publishing research findings and other information on accreditation, including annual lists of recognized accrediting bodies and the institutions and programs which they accredit, and
- Engaging in such other activities as may be desirable in serving colleges and universities, the accrediting community, and the public.

Constituents

COPA is primarily concerned with:

- the approximately 5,000 institutions of postsecondary education, currently accredited or seeking accreditation, which look to COPA to bring order and value to the overall accrediting process;
- the 50 accrediting bodies which have met established standards for recognition by COPA and with whom COPA works to coordinate and improve nongovernmental accreditation;
- the major presidential higher education organizations; and
- the public, as individual consumers of education and as a collective source of public funds supporting education. The public, and the public's representatives in government, have traditionally depended upon nongovernmental accreditation as an indication that institutions and programs of postsecondary education meet certain established minimum standards of educational quality.

COPA also has a responsibility to serve the broader interests of the educational community and the society of which it is a part. In particular, COPA recognizes the need for maintaining an awareness of the changing environment of postsecondary education and for encouraging increasingly relevant indicators of educational quality. In support of this goal, COPA concerns itself with such current issues as

accountability, student consumer protection, validity and reliability of standards, educational outcomes, self-regulatory initiatives, eligibility for public funds, and non-traditional and continuing education.

Research Projects and Publications

In addition to the *Balance Wheel for Accreditation*, regular COPA publications include:

- a monthly bulletin sent to all COPA-recognized accrediting bodies and interested constituents;
- a quarterly newsletter mailed to the chief executive officers of all accredited institutions;
- an annual directory of institutions and professional programs which are accredited, or are candidates for accreditation, by COPA-recognized accrediting bodies; and
- a biennial factbook of information about the organization and procedures of COPA-recognized accrediting bodies.

In an effort to improve methods and techniques of accrediting as a vehicle for improving postsecondary education, COPA establishes, promotes, or directs research projects which are published either as technical reports, policy statements, or occasional papers.

COPA also sponsors funded projects related to accreditation — e.g., "Accreditation Common Data Base Project," funded by the Ford Foundation; "Assessing Long Distance Learning Via Telecommunications," funded by the Fund for the Improvement of Postsecondary Education; "A Case Study Report on Military Base Education," funded by the Department of Defense; and "Assessing Nontraditional Education," funded by the W. K. Kellogg Foundation.

Founding:

COPA was organized in January 1975 through the merger of the Federation of Regional Accrediting Commissions of Higher Education (FRACHE) and the National Commission on Accrediting (NCA). FRACHE (1964-1975) represented the nine postsecondary commissions of the six regional accrediting associations. NCA (1949-1975), founded by the national institutional higher education organizations, recognized and monitored specialized or programmatic accrediting groups.

The new COPA organization was expanded beyond the original constituency of FRACHE and NCA to include four national groups accrediting approximately 1,000 specialized institutions: the American Association of Bible Colleges, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, and the National Home Study Council. It also continued on its board of directors representatives of the institution-based national associations involved in NCA, which endorsed COPA as the lead organization for establishing policies and practices in postsecondary accreditation.

Organization

In 1981, the major groups concerned with and involved in accreditation were reorganized into three constituent assemblies, which meet concurrently twice each year.

These are:

- the Assembly of Institutional Accrediting Bodies (AIAB),
- the Assembly of Specialized Accrediting Bodies (ASAB), and
- the Assembly of National Postsecondary Educational Organizations (ANPEO).

The members of the Assembly of Institutional Accrediting Bodies include the nine regional commissions and five national associations which accredit total institutions. The Assembly of Specialized Accrediting Bodies comprises the 36 specialized accrediting groups. The

Assembly of National Postsecondary Educational Organizations includes the major presidential higher education organizations which do not sponsor accreditation but which currently participate in COPA: the American Association of Community and Junior Colleges, the American Association of State Colleges and Universities, the American Council on Education, the Association of American Colleges, the Association of American Universities, the Association of Governing Boards, and the National Association of State Universities and Land-Grant Colleges.

The Assemblies provide a forum for member groups to exchange views, debate issues and make recommendations for action to the Board of Directors which governs the Council.

The 19-member COPA Board represents institutional and specialized accreditation, national associations of colleges and universities, and the public. The composition of the Board includes:

- Three members elected by the Assembly of Institutional Accrediting Bodies;
- Three members elected by the Assembly of Specialized Accrediting Bodies;
- Three members elected by the Assembly of National Postsecondary Educational Organizations;
- Three chief executive officers or chief academic officers of accredited institutions, elected by the Board;
- Three public representatives from outside the academic accrediting community, elected by the Board; and
- Four ex officio members including:
 - the Chairman of the Assembly of Institutional Accrediting Bodies,
 - the Chairman of the Assembly of Specialized Accrediting Bodies,
 - the Chairman of the Assembly of National Postsecondary Educational Organizations, and
 - the President of the Council.

The COPA Board meets twice a year, in April and October. It delegates to a five-member Executive Committee responsibility for overseeing COPA operations and for recommending appropriate action to the full Board. In addition to the Executive Committee, Committee on Recognition, and Committee on the Public Interest, the Board may establish other committees and assign their duties as it deems necessary to carry out the functions of the Board or the Council. Such groups include the Professional Development Committee, COPA/State Higher Education Executive Officers Liaison Committee, and committees working to develop Council policy on particular issues of concern.

Financing

COPA is primarily supported by annual dues and assessments paid by COPA-recognized accrediting bodies and the seven national postsecondary organizations. As a nonprofit organization, COPA deals in services to its constituents. The largest percentage of its expenditures is for personnel and costs associated with the work of the Board and its various committees and task forces.

Summary

With the creation of COPA, postsecondary education for the first time has a national coordinating organization designed to help maintain the balance of the total accrediting process, monitor its relationship to government interests, and increase the awareness and understanding of the various publics concerned with the soundness of institutions and their programs.

With a constituency that includes all types of education beyond high school, it is the most broadly representative of the national education associations.

COPA OFFICE

COPA's daily activities are conducted by a full-time staff in Washington which handles the organizational operations of the Council. Present COPA staff members are:

Richard M. Millard, *President*
 Marjorie Peace Lenn, *Director, Professional Services*
 Gloria Chernay, *Director, Constituent Services*
 Janet D. Froom, *Coordinator, Public Affairs*
 Donald B. Kaveny, *Executive Assistant to the President*
 Theresa Branch and Barbara L. Ross, *Secretaries*

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The Council on Postsecondary Accreditation

