



Written by [Michael Tennant](#) on November 8, 2010

New Federal Rules Threaten Independence of Private Colleges and Universities

Keen observers of the political scene have noticed for decades, if not centuries, that when government policies create a problem, officials seldom rescind those policies. Instead they pile on new ones, which create additional problems, which they then attempt to fix with still more interventions, and so on, ad infinitum.

Congress, having created the Department of Education and various federal student aid programs in violation of the Constitution, has discovered that some for-profit institutions are accepting large numbers of students who obtain federal aid but not graduating them. Rather than identifying the problem as the existence of the loan and grant programs, which enable people to attend institutions of higher learning at others' expense, and then terminating those programs, Congress chose to pressure the Education Department into instituting new rules governing the programs. The result: nearly 900 pages of new regulations, including a directive that, [says Christianity Today](#), "could provide a back-door threat to the ability of Christian colleges to control curriculum, admissions, and hiring standards." (They also, ominously, "include a requirement that for-profits, receiving federal aid, get approval from the U.S. government in some cases before offering new courses in the future," [according to Politics Daily](#).)



Naomi Schaefer Riley, writing for *Christianity Today*, explains the danger in the new regulations:

The directive, mandated for implementation by July 1, 2011, asks states to develop a procedure (if they don't already have one) to license private educational institutions. The procedure must be a "substantive" one, and if schools do not comply the states are required to take "adverse action" against the institutions. (Under current law, as long as a school is approved by a federally recognized accreditor and is allowed to operate in a particular state, that school will be eligible to receive Title IV financial aid for its students.)



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The problem is immediately apparent: If states have the power to determine which private educational institutions may operate within their boundaries and to punish those which fail to comply with their mandates, state governments will then have a free hand to interfere in every aspect of those institutions' operations. Riley elaborates:

As Hank Brown, former president of the University of Colorado, and Bill Armstrong, president of Colorado Christian University, wrote in a recent op-ed in *The Denver Post*, "Who can doubt that various interest groups will soon begin to clamor for ideas to be mandated by law as requirements for college classrooms?" Armstrong said in an interview that the new regulations "could set the stage for the renewal of the culture wars" as various groups clamor to determine the content of the curriculum. Should states be involved, Armstrong asks, "in whether colleges teach evolution or intelligent design, or whether a family is a man and a woman or two men?"

Indeed, some states already impose a religious test in deciding which educational institutions receive funds from state coffers. Students at Houghton College and Nyack College, both in New York, are ineligible to receive certain state financial aid because the schools are considered "pervasively sectarian." So it would be easy to imagine states imposing similar tests for federal financial aid if they were made gatekeepers.

That government control comes with government money is nothing new. Pennsylvania's Grove City College and Michigan's Hillsdale College found that out the hard way, fighting federal control in federal court, where, not surprisingly, government judges ruled that he who pays the piper calls the tune. The two schools shortly thereafter stopped accepting federal financial aid for their students. In 2007 Hillsdale also stopped accepting state aid, seeking to preserve its independence even more strongly. The new regulations merely tighten the government's grip — albeit with states acting as middlemen, undoubtedly subject to federal requirements — on private educational institutions.

Congress should, of course, terminate all federal student aid and abolish the Department of Education. At the very least it should force the department to revise or, preferably, rescind the new regulations, particularly the state-licensing directive — especially since, as Riley points out, that directive is not likely to "prevent the kind of problems that inspired the regulations in the first place. The fraudulent practices engaged in by a few for-profit schools are already illegal under federal law."

Meanwhile, Christian colleges and universities would be well advised to consider how much control they have already given up in exchange for thirty pieces of silver (or Federal Reserve Notes) and to follow the examples of Grove City College and Hillsdale College lest they become wholly-owned subsidiaries of Leviathan. One cannot, after all, serve both God and Mammon.



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