

# NATIONAL ASSOCIATION OF SCHOOLS OF DANCE

## 44<sup>th</sup> Annual Meeting

September 12 – 14, 2024

### **Report of the Executive Director**

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As we leave 2023-2024 behind, we are in many ways relieved to watch aspects disappear in the rear-view mirror. However, we know that as the dust settles, ongoing and pervasive challenges will remain, and further, that they will be joined by those now out of plain sight. These conditions place on dance units and institutions, their administrators, and faculty and staff members burdens and pressures that must be realized, managed, and resolved. This condition has become all too familiar, but as well, so has the ability of dance administrators to come together to consider issues, explore options, and develop perspectives that enable them to advance their work in dance. The result of these collective efforts cannot be underestimated or forgotten. Although challenges remain in abundance today, the fortitude and spirit of the members of NASD have without question been unwavering—in short, they have served as beacons of hope and possibility. In the face of challenges, the members of NASD have remained true to their missions, unwavering in their commitment to educate to the highest-level students enrolled in dance study. NASD applauds the unfailing and enduring efforts of its members and appreciates the efforts of each and every individual involved in this noble pursuit. As we settle into the 2024-2025 academic year, efforts to support and advance dance as a profession, as a critical and indispensable aspect of collegiate study, and as an integral part of our nation's fiber which binds us together, remain a central focus of NASD. The effectiveness of NASD's work in various areas, including accreditation, professional development, research, and policy analysis pertaining to higher education and the arts, continues to be reviewed, discussed, improved, and enhanced. As NASD serves an ever-growing and diverse membership, its projects in accreditation and beyond continue to broaden and evolve. The Association's principal activities during the past year and issues of note are presented below.

#### **Accreditation Standards and Procedures**

Much of the yearly work of NASD involves accreditation. This includes preparation for the meetings of the Commission on Accreditation, scheduling accreditation visits, arranging consultations for member and potential member institutions, communicating with institutions preparing accreditation materials, receiving and reviewing accreditation materials, conducting the meetings of the Commission, and reviewing and developing standards and guidelines that articulate the rigors of dance study as well as expectations for those enrolled. The individuals involved in these activities—institutional representatives, dance administrators, faculty and staff members, the members of the NASD Commission, visiting evaluators, consultants, Annual Meeting presenters/moderators/recorders—work tirelessly to support each other and the efforts of NASD, and in doing so through these efforts, whether wittingly or not, assume a large role in advancing the cause of dance as an essential and invaluable aspect of human life.

Maintaining its responsibility to review accreditation applications, the important work of the Commission on Accreditation continues each year without pause or interruption, aided in large part by the dedication of its members. The NASD Commission reviews applications for accreditation, renewal of accreditation, Responses, Progress Reports, Plan Approval and Final Approval for Listing applications, requests for Substantive Change, and the like. The work of the Commission is assisted significantly by the work of the NASD corps of visiting evaluators. NASD continues to take steps to expand the breadth and depth of its pool of visiting evaluators. To this end, during this Annual Meeting, NASD will offer

training sessions for new and experienced evaluators, and a briefing for the entire evaluator corps. NASD deeply appreciates the service of those assuming this important role, and the assistance evaluators and consultants provide to applicant institutions. It is strongly recommended that representatives from accredited institutional members consider serving as evaluators. In addition to the wealth of information these sessions provide to participants regarding the work of NASD, service as an evaluator assists institutions and their students, and can be an invaluable opportunity which assists to broaden the perspectives of dance administrators.

The NASD *Handbook* includes all current national standards and guidelines for degree- and non-degree-granting institutions offering programs of study in dance, as well as the Association's Constitution, Bylaws, Code of Ethics, and Rules of Practice and Procedure. NASD continually reviews the information in the *Handbook* and conducts annual as well as multi-year comprehensive reviews of the entire *Handbook*. Such reviews provide to NASD an opportunity to focus on all standards. Though the most recent comprehensive review process, begun in 2015, was concluded in 2019, the standards as a whole remain open for comment. NASD welcomes feedback at any time. Following its commitment to proactively review in detail all standards in the *Handbook* on a scheduled basis, the next comprehensive review process is slated to begin in 2026. An amended *Handbook* typically is released following each Annual Meeting. The NASD *Handbook 2024-25* will be published later this fall. It will include current standards and guidelines as approved during the NASD Annual Meeting by the appropriate NASD deliberative body. Institutions are asked to remain cognizant of NASD standards and guidelines, and to consult the *Handbook* regularly, whether preparing for an NASD comprehensive review, planning institutional initiatives, and/or designing new curricular programs.

A comprehensive review of the Association's *Procedures* documents began during the 2022-2023 academic year. Revised editions of these documents are slated to be released prior to the beginning of the 2025-2026 academic year. Once new editions are released, institutions beginning to prepare for Commission reviews should use the amended editions. Institutions that have already begun to prepare their Commission materials should continue with the editions in hand when the preparations began.

All current accreditation-related documents, standards, and procedures are available for download from the Association's website located at <https://nasd.arts-accredit.org>. Institutions are reminded that the standards are set in a framework which allows for flexibility and creativity in approach. Should representatives wish to explore the depth, breadth, and latitude inherent in the standards, which can be invaluable when addressing local conditions and realities, contact with the NASD National Office staff is recommended.

The Association continues to encourage consideration of the use of the NASD review process and/or materials, particularly the national standards, in other review contexts. Consolidating reviews may assist institutions to conserve resources and realize economies of scale. Many institutions are finding efficiencies by combining required NASD comprehensive reviews with internal and/or other external reviews. The Association is willing to work with institutions and programs interested in exploring options in this regard and to assemble NASD reviews that are thorough, rigorous, efficient, and suitably dovetailed with other internal and external efforts.

The Association is cognizant of the many hours devoted by member and applicant institutions to research, study, consider, prepare, and present accreditation materials for review by the Commission. NASD is deeply grateful for these efforts extended on behalf of the field of dance and congratulates the institutions and their representatives for their many accomplishments and successes resulting from their work.

## Annual Meeting

The NASD Annual Meeting provides an opportunity for individuals to come together in community, to connect, to communicate, and to consider issues important to those who guide and participate in the work of dance units and institutions. The Annual Meeting provides to dance administrators a space and place where they can share and receive information which can broaden and hone understandings, particularly with regard to current and salient issues, and which can assist administrators to address local and national realities. As well, the Annual Meeting serves as a venue which enables the Association to conduct its business. NASD is pleased to gather in community on-site in Milwaukee in 2024 and looks forward to connecting with past attendees and welcoming new registrants.

Annual Meeting content is driven largely by the feedback offered by member institutions and Annual Meeting attendees and is informed by current issues faced by administrators responsible for guiding and leading collegiate programs in dance. NASD welcomes your thoughts, ideas, and suggestions, and stresses the important need for your feedback. NASD offers to all registrants an opportunity to provide comment through the use of the Annual Meeting app. In addition to the app, and subsequent to the Annual Meeting, NASD circulates a questionnaire to all members and Annual Meeting attendees requesting feedback. Please consider taking a moment to participate in these initiatives, and/or to merely communicate directly with the NASD staff.

## Availability of Informative Materials

NASD maintains a robust library of material focused on topics such as accreditation, professional development, policy analysis, and research. These materials are intended to assist accredited institutional members navigating the constantly changing higher education landscape. A recent addition to the NASD library includes an extensive web-based resource entitled, *Leadership: Navigating Difficult Situations and Conditions* (see <https://nasd.arts-accredit.org/leadership/>). Offering a wealth of information, this site is divided into six sections: *Facts, Principles, Considerations: Important Reminders; Strategic Thinking—An Intellectual Endeavor: Developing an Abiding Approach; Informed Decision-Making: The Importance of Distillation and Synthesis; Frequently Asked Questions (FAQs); The Long View: The Place of Reasonableness; and Concluding Thoughts: Support and Appreciation*. This and many other published resources found on the NASD website assist dance executives as they are called upon to articulate the benefits of and necessity for dance study. Whether looking for rationales or assistance to develop talking points, NASD publications are an invaluable source of support, assistance, and information. It is recommended that representatives of member institutions visit and review the site's content often and as needed, as well as the extensive list of publications available within the "Publications" section of the website (see <https://nasd.arts-accredit.org/publications/>).

## Financial Planning

Although the Association's Managed Assets account has not escaped the recent tumultuous movements of the market, the balance of funds in the account is growing at a slow and steady pace. The solid base now in place is intended to support NASD's work to advance its objectives and ensure its future, and therefore its ongoing contributions to its members and the field.

## Projects

NASD participates in the Council of Arts Accrediting Associations (CAAA) with NASAD (art and design), NASM (music), and NAST (theatre). The Council is concerned with issues that affect all four disciplines and their accreditation efforts. The NASD President (Larry Attaway) and Vice President (Mary Lisa Burns) are the dance Trustees of the Council and represented NASD during CAAA meetings, which were held in

Arlington, VA in January of 2024. CAAA sponsors the Accrediting Commission for Community and Precollegiate Arts Schools (ACCPAS), which reviews arts-focused schools at the K–12 level. Currently, there are 17 institutions accredited by ACCPAS. This undertaking is valuable in that it assists to connect precollegiate and higher education efforts.

NASD will once again offer to attendees of the 2024 Annual Meeting information through the use of a meeting app. This app provides to Annual Meeting attendees streamlined access to current Annual Meeting, hotel, and venue information. Noting the functionality of the app to provide Annual Meeting logistics and information, NASD is no longer providing hardcopy Annual Meeting. NASD welcomes your feedback regarding the use of the app.

During the 2021-2022 academic year, the National Office staff, in partnership with an external third-party vendor, began work to design and implement an accreditation data management system using Salesforce software that will enable institutions to submit accreditation materials and the Commission to review these submissions electronically. In addition to these features, institutions will also receive information such as visiting evaluator slates, Visitors' Reports, and Commission Action Reports through the new platform. Eventually, this new tool will enable NASD to sunset its requirement for hardcopy accreditation submissions. Work to complete this project is ongoing. During the summer of 2024, NASD migrated all information from its existing database to the new platform. At this time, NASD staff is checking the migrated data for accuracy and testing the functionality of the new platform. The platform will be launched by section as related to operational function—the first release of which occurred this summer. NASD is now storing data collected through the 2023-2024 HEADS Data Survey in the software. Information addressing the use of the system will be provided by the NASD staff as aspects become operational. Helpful and informative sessions regarding the system will be offered during future NASD Annual Meetings.

In addition to the initiatives outlined above regarding the Annual Meeting app and the electronic collection and provision of accreditation information, NASD, in conjunction with NASAD, NASM, and NAST, began work in the fall of 2020 to upgrade the HEADS Data Services Project, moving it to a new platform. The newly designed system is intended to mimic the existing features of the HEADS Data Survey and to combine the features of the previous HEADS Data Summaries and HEADS Special Reports into Navigable Dashboards which offer users the ability to create user-defined single- and multi-year reports populated by historical data collected through use of the survey tool.

Facing ongoing challenges with the migration of the system to its new platform, a decision was made in August of 2023 to engage a new third-party vendor to complete the implementation of the new system—both the data survey instrument and the Navigable Dashboards. A new vendor was contracted in September of 2023. Although this change has resulted in the need to retrace some steps in the design and implementation phases, the project is now well underway.

In anticipation of the electronic launch of the 2023-2024 HEADS Data Survey during the summer of 2024, on March 1, 2024, HEADS provided to all members and past participants a fillable copy of the 2023-2024 HEADS Data Survey requesting that 1) institutions collect and hold 2023-2024 data until the 2023-2024 HEADS Data Survey was launched and the 2023-2024 data could be entered into the new system, and 2) institutions conducting comprehensive reviews provide a copy of their 2023-2024 HEADS Data Survey in their 2023-2024 accreditation dossiers. The 2023-2024 Data Survey was launched for electronic entry on August 21, 2024. The deadline for submission of data is November 30, 2024. In an effort to return the project to its original schedule, the 2024-2025 HEADS Data Survey will be launched on November 1, 2024. The deadline for submission of data is January 31, 2025.

The Navigable Dashboards were launched during the spring of 2023 and include data collected through the HEADS Data Survey instrument from 2016-2017 through 2022-2023. However, and unfortunately, HEADS continues to face ongoing issues with regard to the operation of the Navigable Dashboard platform. To rectify this situation, the Navigable Dashboards are being moved to and enhanced by the new third-party vendor. Once all data from 2016-2017 through 2022-2023 is migrated into Salesforce, the new Navigable Dashboards will be made available for the use of members as they are completed. There are seven sets of Dashboards: Enrollment; Faculty Data; Administration; Budgets, Sources of Income and Tuition Remission; Demographics of Graduated and Non-Graduated Students; Ethnic Characteristics of Faculty and Students; and Ratio Tables. Once these new Dashboards are launched, it is hoped that users will find the Navigable Dashboards immensely helpful in supporting the ongoing work of arts units and institutions.

HEADS extends once again deepest appreciation for the kind patience and continuing support offered as work to implement the new system continues. Should questions arise regarding the HEADS Data Survey, please feel free to contact Nora R. Hamme in the National Office ([nhamme@arts-accredit.org](mailto:nhamme@arts-accredit.org)). With regard to the HEADS Navigable Dashboards, please contact Angie Elkins ([aelkins@arts-accredit.org](mailto:aelkins@arts-accredit.org)).

## **Policy**

### Leadership of Congressional Education Committees

The 118th Congress convened in January 2023 and saw the return of Virginia Foxx (R-NC) to the position of Chair of the House Committee on Education and the Workforce; Ranking Member is Bobby Scott (D-VA). The Senate Committee on Health, Education, Labor, and Pensions (HELP) is chaired at this time by Bernie Sanders (I-VT); Bill Cassidy (R-LA) serves as the Ranking Member. Representative Foxx has announced she will not seek to serve another term as Chair of the House Committee on Education and the Workforce due to a term limit on committee chair positions.

### Higher Education Act of 1965

The Association continues to follow and monitor carefully various federal and state initiatives and issues—one of particular import is the Higher Education Act (HEA). Bear in mind that while the HEA does not directly govern institutions, it does govern the flow of federal funding to institutions. This Act was last reauthorized in August 2008 and expired December 31, 2013. Although in recent years there have been attempts to re-energize the reauthorization process, to date, a comprehensive reauthorization has yet to begin in earnest. Given other pressing initiatives before the U.S. House and Senate, action regarding a wholesale reauthorization is not anticipated in the near term. However, there have been recent efforts to amend sections of the HEA in the form of stand-alone bills.

Lack of timely reauthorization (expected every fifth year) has resulted in substantial efforts to regulate and re-regulate the existing law (HEA). Although regulations are intended to clarify existing law, the re-regulation of various aspects of the law can and often does lead to re-interpretations of original and/or various rewritten regulations, the result of which requires institutions of higher education participating in Federal financial aid programs to be vigilant, remaining abreast of and paying careful attention to federal activities in this regard. Information provided below outlines initiatives pertinent to higher education which have either been completed, are ongoing at this time, or are anticipated. Although you may not be directly involved with federal and state policy on your campus, please feel free to share this information with those who may be.

## Department of Education

### Final Regulations Released:

**Ability to Benefit** (published October 31, 2023/effective July 1, 2024)—With regard to students who do not have a high school diploma or its equivalent, amends regulations which are meant to articulate State-defined processes which address a student’s “ability to benefit” from an educational program, including how to document and verify whether an institution offers an eligible career pathway program.

**Administrative Capacity** (published October 31, 2023/effective July 1, 2024)—Amends regulations that are associated with the administrative capability that must be achieved by institutions participating in programs under Title IV.

**Borrower Defense to Repayment** (published November 1, 2022/effective date delayed, facing legal challenge)—Determines the acts or omissions of an institution of higher education a borrower may assert as a defense for repayment of a loan made under the FDL and FFEL Programs. On August 7, 2023, a federal court issued an injunction delaying the effective date of the latest regulations governing borrower defense to repayment and closed school loan discharge. This case remains ongoing at this time.

**Certification Procedures** (published October 31, 2023/effective July 1, 2024)—Reassessment of provisionally certified institutions that have significant consumer protection concerns by the end of their second year of receiving certification.

**Changes in Ownership and Control (CIO)** (published October 28, 2022/effective July 1, 2023)—Amends existing regulations pertaining to institution and program eligibility associated with changes in institutional ownership which result in a change in control.

**Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees** (published April 26, 2024/effective July 1, 2024 and January 1, 2025, facing legal challenge)—Amends regulations which implement the exemptions from minimum wage and overtime pay requirements for executive, administrative, professional, outside sales, and computer employees. Prior to the July 1, 2024 effective date, employees other than those listed above making below \$35,568 per year were eligible for overtime pay. The new regulations raise this salary threshold to \$43,888 as of July 1, 2024, and to \$55,068 as of January 1, 2025. As well, the regulations require that the salary threshold be re-evaluated every three years based upon current data. To date, legal challenges to this rule have prevented it from being enforced in cases where the State of Texas serves as an individual’s employer.

**Determining the Eligibility of Faith-Based Entities to Participate in Federal Student Aid Programs** (published August 14, 2020/effective July 1, 2021)—Amends the current regulations regarding the eligibility of faith-based entities to participate in Federal Student Aid programs and the eligibility of students to obtain certain benefits under those programs.

**Distance Education and Innovation** (published September 2, 2020/amended September 3, 2020/effective July 1, 2021)—Amends the general eligibility, establishing eligibility, maintaining eligibility, and losing eligibility sections of the Institutional Eligibility regulations.

**Factors of Financial Responsibility** (published October 31, 2023/effective July 1, 2024)—Amends regulations which are meant to define the level of financial responsibility an institution must maintain in order to be eligible to participate in Title IV programs.

**Federal Education Assistance Funds Received by Institutions of Higher Education (90/10)** (October 28, 2022/effective July 1, 2023)—Governs whether proprietary institutions meet federal regulation that requires institutions to receive at least 10 percent of their revenue from sources other than federal education assistance funds.

**Financial Value Transparency\*** (published October 10, 2023/effective July 1, 2024, reporting requirements delayed to October 1, 2024)—Amends regulations which are meant to address transparency by providing information about financial costs and benefits to students at nearly

all academic programs at postsecondary institutions that are eligible to participate in Title IV of the HEA of 1965, as amended. These transparency measures apply to all programs in all sectors. Recall that under the heading of **Public Transparency for Low-Financial-Value Postsecondary Programs**, USDE released a request for feedback on how best to identify low-value postsecondary programs, how to calculate metrics that may be used to identify low-financial-value programs and inform technical considerations, and how best to publicly disseminate this information. (Comment period ended February 10, 2023.) (\*Related to Gainful Employment.)

**Gainful Employment** (published October 10, 2023/effective July 1, 2024, facing legal challenge)—Amends regulations which are meant to ascertain whether post-secondary educational programs prepare students for gainful employment in recognized occupations, and the conditions under which institutions and programs remain eligible for student financial assistance programs under Title IV of the Higher Education Act. Gainful Employment regulations pertain to all programs at for-profit institutions and all non-degree programs at public and private non-profit institutions. It does not pertain to students in Puerto Rico and other American territories due to concerns regarding the reliability of available earnings data. On December 22, 2023, the American Association of Cosmetology Schools filed a lawsuit in Federal court challenging the new rule, arguing that it is arbitrary and capricious, in excess of statutory authority, contrary to constitutional right, and claiming that it eliminates due process for institutions. A ruling is not expected until November 2024, at the earliest.

**Income Driven Repayment** (published July 10, 2023/effective July 1, 2024, implemented early on October 23, 2023, facing legal challenges)—Streamlines and standardizes loan repayment regulations and amends the income-driven Revised Pay-As-You-Earn plan (REPAYE) into the Saving on a Valuable Education plan (SAVE) to allow for expanded debt relief for certain borrowers. These regulations were implemented early, and some borrowers did receive relief under the SAVE plan. In August of 2024, the regulations were blocked by a federal court until further order of either that court or the Supreme Court.

**Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance** (published April 29, 2024/effective August 1, 2024, facing legal challenges)—Amends regulations regarding the scope and application of Title IX and the obligations of recipients of federal financial assistance from the Department to provide an educational environment free from discrimination on the basis of sex, including through responding to incidents of sex discrimination. The population of students covered by this new rule is expanded from previous Title IX regulations. Many states have challenged these regulations in courts, and as of August 2024 the rule is blocked in 26 states, and at more than 1,000 institutions that enroll a member or child of a member of certain advocacy groups which have pending lawsuits challenging the rule. USDE has appealed some active cases to the Supreme Court.

**Public Service Loan Forgiveness** (published November 1, 2022/effective July 1, 2023)—Enables borrowers to receive loan forgiveness after ten years of qualifying payments on qualifying loans while engaging in public service.

Notice of Proposed Rulemaking (NPRM) Published/Final Regulations Anticipated:

**Distance Education** (NPRM published July 24, 2024, comment period ended August 23, 2024)—Proposes amendments to, among other things, distinguish programs offered exclusively via distance education by adding a virtual location to the definition of “additional location” in regulation, remove the ability to provide asynchronous instruction in distance education programs measured in clock hours, and require institutions to report enrollment in distance and correspondence education courses.

**H-1B Specialty Occupation Program** (NPRM published October 20, 2023)—Intention to amend the H-1B specialty occupation worker program.

**Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance: Sex-Related Eligibility criteria for Male and Female Athletic Teams** (NPRM published April 13, 2023, anticipated October 2023/delayed to 2025)—Proposes amendments to address issues related to a recipient’s adoption or application of sex-related criteria that would limit or deny a student’s eligibility to participate on a male or female athletic team consistent with their gender identity.

**Return of Title IV, HEA Funds** (NPRM published July 24, 2024, comment period ended August 23, 2024)—Proposes to, among other things, amend regulations which specify the circumstances under which an institution must return unused Title IV funds to the Department

**Student Debt Relief** (NPRM published April 17, 2024, comment period ended May 17, 2024)—Proposes regulations under which the Secretary may waive repayment of a loan provided by the HEA to provide target debt relieve by modifying the Department’s existing debt collection regulations to provide greater specificity regarding certain non-exhaustive situations in which the Secretary may exercise discretion to waive all or part of any debts owed to the Department.

Recently Concluded Negotiated Rulemaking Sessions:

Student loans (concluded February 23, 2024, see Student Debt Relief NPRM above), addressing the topics of:

**Modification, Waiver, or Compromise of Federal Student Loans** (USDE Fact Sheet, June 30, 2023) (Fall 2023)—As a result of the Supreme Court decision to rule the Debt Relief Plan unconstitutional, an intention to 1) open alternative paths to debt relief, and 2) devise a new repayment plan (SAVE).

**Improving Use of Deferments and Forbearances** (Fall 2023)—Amend existing regulations associated with requirements which address the issuance of forbearances and deferments, particularly in relation to income-driven repayment.

Institutional Quality and Accountability (concluded March 7, 2024), addressing the topics of:

**Accreditation and Related Issues** (Fall 2023, NPRM expected in 2025)—Amend existing regulations associated with the Secretary’s recognition of accrediting agencies and accreditation procedures as a component of institutional eligibility for participation in federal student financial aid programs.

**Cash Management** (Fall 2023)—Amend existing regulations associated with cash management to ensure that students have and maintain timely access to student aid disbursed by their institutions.

**Distance Education** (Fall 2023, see NPRM above)—Amend the definition of “distance education”.

**State Authorization** (Fall 2023)—Amend existing regulations associated with State Authorization as a component of institutional eligibility for participation in federal student financial aid programs.

**Third-Party Servicers and Related Issues** (Fall 2023)—Amend existing regulations related to existing guidance for third-party services, reporting requirements, financial or other compliance requirements, and past performance requirements as a component of ongoing institutional eligibility for participation in federal student aid programs. Regulations are not intended to apply to international programs.

**Title IV** (Fall 2023, see NPRM above)—Amend existing regulations associated with the return of unearned Title IV Higher Education Act program funds, opportunities to protect students and taxpayers, and the easing of administrative burdens placed on institutions of higher education.



Notice of Intent to Commence Negotiated Rulemaking:

None announced at this time.

Guidance from the Department of Education Issued in the Form of “Dear Colleague” Letters and Other:

Of Note: “Dear Colleague” letters offer guidance provided by the staff of the United States Department of Education (USDE) as it pertains to both current Higher Education law and regulation.

- (GEN-24-04) **Regulatory Requirements for Financial Value Transparency and Gainful Employment** (USDE/OPE, March 29, 2024, updated May 28, 2024)
- (GE-24-01) **Timeline of Financial Value Transparency and Gainful Employment Reporting Requirements** (USDE/FSA, March 29, 2024)
- (GEN-23-24) **Regulations Governing the Recognition of Accrediting Agencies, Institutional Eligibility, and Arbitration** (USDE/OPE, November 3, 2023, updated December 5, 2023)
- Fact Sheet: **Regulations on Accountability, Transparency and Financial Value for Postsecondary Students** (USDE/OPE, October 31, 2023)
- Dear Colleague Letter: **U.S. Supreme Court decision regarding race in admissions** (USDE/DOJ, August 14, 2023)
- **Questions and Answers Regarding the Supreme Court’s Decision in *Students for Fair Admission, Inc. v. Harvard College and University of North Carolina*** (USDE/DOJ, August 14, 2023)
- **Guidance for Ensuring Complaint Procedures for Accrediting Agencies are Fair, Timely, and Equitable** (USDE/OPE, August 7, 2023)
- (GEN-23-10) **Implementation and Policy Guidance of Pre-Dispute Arbitration Agreement Provisions** (July 3, 2023)
- (GEN-23-09) **Accreditation and Eligibility Requirements for Distance Education** (May 18, 2023)
- (GEN-23-08) **Update to Third-Party Servicer Guidance in GEN-23-03** (February 28, 2023)
- (GEN-23-03) **Requirements and Responsibilities for Third-Party Servicers and Institutions** (February 15, 2023; Updated February 16, 2023; Updated May 16, 2023)
- (GEN-23-02) **2023-2024 Federal Pell Grant Payment and Disbursement Schedules** (January 28, 2023)
- (GEN-22-70) **Updated Guidance and Procedures for Change in Ownership** (September 15, 2022)
- (GEN-22-13) **Federal Student Aid Eligibility for Borrowers with Defaulted Loans** (August 17, 2022)
- Memorandum: **Changes of Ownership** (USDE/OPE, February 2, 2023)
- (GEN-22-11) **Procedures for Institutions Seeking Approval of a Request to Change or Add Accrediting Agencies** (July 19, 2022; Updated September 26, 2022)
- (GEN-22-10) **Guidance for Institutions Seeking to Change or Add Accrediting Agencies** (July 19, 2022)

## Other Initiatives

### Accreditation

**Increased Attention** (ongoing)—In recent years and in the 2024 election cycle, the topic of accreditation has received a higher than typical level of attention, as has the higher education

field more broadly. 2019 regulations regarding accreditation and the Secretary's recognition process for accrediting agencies caused some to begin to conceptualize and act to form new accrediting agencies. In the wake of these regulations and at this time, there are two new accreditors which publicize different approaches to accreditation: The Postsecondary Commission publicizes a focus on economic returns for students, transparency regarding results, accountability for wage gain provided to students, and innovation; The American Academy for Liberal Education publicizes a focus on liberal arts education. Lists of institutional and programmatic accrediting agencies recognized by the Secretary of Education can be found on the USDE website.

## Artificial Intelligence

**Impact on Higher Education** (ongoing)—Artificial Intelligence (AI) has increasingly become part of everyday and academic life. In October of 2023, the President issued an executive order guiding future action and research into AI, part of which focuses attention on the ways AI can be used in educational settings. All are encouraged to continue to monitor the ways in which AI impacts instruction and student learning.

## Carnegie Foundation for the Advancement of Teaching/American Council on Education (ACE)

**Changes to the Long-Standing Carnegie Classifications** (anticipated 2025)—Changes will include amendments to the manner in which research is recognized, recognition of research at non-doctoral institutions, the methodology for determining R1 status, and additional labels based upon size, location, program portfolio, and other factors.

## Department of Homeland Security

**Deferred Action for Childhood Arrivals (DACA)**—On September 13, 2023, the U.S. District Court for the Southern District of Texas issued a decision finding the *Deferred Action for Childhood Arrivals (DACA) Final Rule* unlawful and expanding the original July 16, 2021 injunction and order of vacatur to cover the Final Rule published by the Department of Homeland Security (DHS) on August 24, 2022. In general, the final rule codified existing policies and included limited amendments intended to preserve and fortify DACA. The final rule was to be effective October 31, 2022. However, on October 5, 2022, the U.S. Court of Appeals for the Fifth Circuit issued a decision on the DACA policy, partially affirming the District Court's July 2021 decision declaring the 2012 DACA policy unlawful. The Court of Appeals preserved the partial stay issued by the District Court in July 2021 and remanded the case back to the District Court for further consideration of the new DHS DACA regulation published on August 30, 2022. A May 2024 Senate Judiciary Committee hearing highlighted the need for action by Congress on this matter.

## Net Neutrality

**Net Neutrality Restored** (April 2024)—Following a vote by the Federal Communications Commission, net neutrality regulations were restored. These regulations prohibit service providers from treating websites and services differently by prioritizing some and deprioritizing others. Net neutrality is one of many factors that contributes to access to education and educational resources that require access to the internet.

National Advisory Committee on Institutional Quality and Integrity (Advisory Body to the Secretary of Education)

**Areas Recommended for USDE Review, Consideration, Re-regulation** (Summer 2023 Regulatory Subcommittee Report)—Speaks to and outlines concerns and suggestions regarding issues such as institution and accreditor complaint policies; outcomes/student achievement standards; public input into the recognition process; changes to the recruitment of public members; substantive change.

## States

**Florida**—Senate Bill 7044 (passed May 2022) requires all public educational institutions in the state to change their postsecondary institutional accreditor (Federal gatekeeper) during each review cycle.

**North Carolina**—HB 8 (passed October 2023) requires all public educational institutions in the state to change their postsecondary institutional accreditor (Federal gatekeeper) during each review cycle.

**Legacy Admissions**—To date, four states have passed legislation banning the practice of legacy admissions: Colorado (public universities); Illinois (public colleges and universities); Maryland (all colleges); Virginia (public universities). Many other states are considering similar proposals.

## Supreme Court

**Consumer Financial Protection Bureau (CFPB)**—In a ruling on May 16, 2024, the Supreme Court upheld the legality of the funding structure for the CFPB, sending *Consumer Financial Protection Bureau, et al. v. Community Financial Services Association of America, Limited, et al.* back to Federal court for further proceedings. The CFPB impacts the field of higher education mostly through rules and enforcement actions related to lending, in the form practices of student loan servicers.

**Race in Admissions**—With regard to its consideration of two cases pertaining to race in admissions, on June 29, 2023, the Supreme Court ruled the practice of race-conscious admissions to be unconstitutional. In early 2024, the Court declined to hear a case challenging admissions practices at the Thomas Jefferson High School for Science and Technology, which may have provided an opportunity to clarify ongoing legal questions resulting from the June 29, 2023 ruling.

**Regulatory Authority**—The Court in its *Loper Bright v. Raimondo* and *Relentless Inc. v. Department of Commerce* rulings on June 28, 2024 overturned the *Chevron* doctrine. *Chevron* held that courts were to defer to the expertise of agencies that crafted rules and regulations based on their statutory authority when laws are ambiguous or silent. While the decision to overturn *Chevron* does not prohibit executive branch agencies from crafting and enforcing regulation or void existing regulation, courts are no longer required to defer to the agency's regulation if that regulation is challenged. The full effect of this ruling is not known at this time; however, it does allow for all manner of regulation to be challenged in court.

## The White House

**The SAVE Plan** (June 2023)—An income-driven repayment (IDR) plan that calculates payments based on a borrower's income and family size – not their loan balance – and forgives remaining balances after a certain number of years. The regulations that created the SAVE plan (see Income Driven Repayment regulations above) are currently blocked by a court order, although

some borrowers have received forgiveness under this plan since implementation in October of 2023.

**Student Loan Forgiveness** (ongoing)—Subsequent to the June 30, 2023 Supreme Court decision regarding the Biden administration’s plan to forgive up to \$20,000 in student loans per borrower, the administration has forgiven a considerable amount of student loans through other means. As of early May 2024, the total amount of forgiven loans is nearly \$167 billion, impacting approximately 4.75 million borrowers. Avenues for forgiveness include fixes to the Income Drive Repayment system, Public Service Loan Forgiveness, total and permanent disability discharges, discharges related to school closures, court settlements, and forms of misrepresentation.

NASD will continue to monitor these conversations, providing salient information to its members as it may become available.

There is no doubt that the federal landscape associated with higher education has changed dramatically during these last years and will continue to change. Members and colleagues should remain abreast of unfolding activities, study federal writings, and offer feedback pertaining to federal requests and proposed regulation applicable to issues which may affect collegiate study, and the education and training of students enrolled in dance programs as deemed appropriate by the institution. Concerted effort is needed to ensure that neither law nor the regulation that follows restricts postsecondary institutions from designing and implementing effective programs of study. Protecting and maintaining institutional autonomy and freedoms vital to the success of our educational system, as well as our pursuit of creative and innovative undertakings, remains paramount.

It is of note that in addition to regular communications, NASD publishes advisories that describe regulations associated with the 2008 reauthorization of the HEA. These *Advisories on Federal Issues* may be found within the “Publications” section of the NASD website and are intended to provide helpful summary information. The advisory regarding misrepresentation found with the set of *Advisories on Federal Issues* was updated in May of 2024. A review of this advisory and the others found within the set is recommended.

In addition to policy areas mentioned above, the Association remains concerned about implications of tax policy, intellectual property rights, the preponderance of data collection absent useful purpose and associated issues of privacy and confidentiality, copyright and public domain, the disparity in educational opportunity at the K–12 level, and the pace of cultural changes enabled by technological advances and their impact. Many contextual issues that affect NASD institutions grow out of large social forces that can be understood, but not influenced significantly. Economic cycles and downturns have a profound effect, but no single person or entity controls them. NASD continues to monitor policy discussions regarding deductions for charitable contributions on federal income tax returns. Increasing personal philanthropy is a critically important element in future support for education and the arts, particularly in fluctuating economic times. As well, NASD keeps a watchful eye on proposals that would bring increased federal involvement in the activities of and control over non-profit organizations and philanthropies.

NASD will continue to monitor ongoing events, engage in the conversations that address such issues, assist to provide detailed and thorough information, and keep the membership informed as issues and initiatives progress.

## National Office

The NASD National Office is located in Reston, a Virginia suburb of Washington, D.C., and a stop on Metro's Silver Line. The office is about eight miles east of Dulles International Airport, and approximately 20 miles from downtown Washington, D.C. As a result of the pandemic, the NASD National Office staff has been working both in-person and remotely since March 17, 2020. Should your travels bring you to the area and you wish to visit the National Office, please feel free to schedule an appointment with a staff member.

The primary purpose of the National Office is to operate the Association under rules and policies established by the membership, the Board of Directors, and the Commission on Accreditation. Its strength rests in its peer governance operations and its peer review efforts. The work of the Association is carried out by many volunteers—elected officials, evaluators, and meeting participants—all willing to donate their valuable time and expertise, all holding and exhibiting unwavering commitment to the field. Noting that the availability of each member's time is precious, NASD continues to seek volunteers and enlist their assistance in the work of the Association. Such acts of support and volunteerism in NASD are a testament to the extraordinary spirit and dedication of its members. The work of our visiting evaluators and members of the Commission is an exemplary expression of our collective commitment to our field and faith in its future.

This outstanding corps of volunteers is joined by a dedicated and capable National Office staff: Stephen Cannistraci, Jane Creagan, Angie K Elkins, Nora R. Hamme, Jenny Rebecca G. Kuhlmann, Tracy L. Maraney, Stacy A. McMahon, Justin Medlen, Lisa A. Ostrich, and Ann B. Stutes. To support the work of accredited institutional members, the work of the staff and the services provided to accredited institutional members have grown over the years. Staff is focused on carrying out the daily work of the Association, developing new practices, creating new and refining established systems, assisting institutions seeking accreditation for the first time, and consulting with institutions seeking renewal of Membership. The staff is diligent in its efforts to assist and serve institutions, and to carry out the responsibilities of NASD effectively.

As a staff, we are able to see on a daily basis the great foundational strength of NASD. Fundamental to this foundation is wisdom about the need to remain informed, communicate, and work together to continue to build dance in higher education as a whole, as well as in each member and applicant institution. NASD has realized great success in maintaining its focus on issues of importance to institutions and the field, and in working to address these issues. It promotes collegial connections and centers its work on concepts, conditions, and resources necessary for competence and creativity. This foundation, now strongly in place, will serve NASD well as it faces changing and challenging times ahead.

The staff joins me in expressing appreciation for the support, cooperation, assistance, and kindness extended by the NASD membership. It is an honor and a privilege to have the opportunity to serve NASD, its member institutions, and its constituencies. We hope you will always feel free to contact the staff whenever you think we may provide assistance. We look forward to continuing our efforts together.

Please accept our heartfelt appreciation and best wishes as you advance the work of dance in higher education.

Respectfully submitted,

Karen P. Moynahan  
Executive Director