

INTERNAL MEMORANDUM

TO: Kent Carlson and Michael Wishnie, Co-Chairs, Task Force to Study the Use of
MOS Specialty Training as a Substitute for State Licensing Requirements
FROM: Law Student Interns, Veterans Legal Services Clinic, Yale Law School
DATE: November 3, 2013
RE: Crediting Military Experience in Higher Education

I. OVERVIEW

Ensuring that military veterans receive appropriate credit for their training and experience is an issue of vital importance to veteran employment. Although approximately one million veterans nationwide have enrolled in college after their service, many have not received adequate academic credit for skills they gained in the military.¹ Maximizing and standardizing the amount of credit that veterans receive for relevant service—and streamlining the process for obtaining it—will help veterans obtain degrees more quickly, and thereby assist them in entering the workforce more rapidly. It will also allow them either to save money, or to retain as much GI Bill eligibility as possible for further education. Other states have recognized the importance of this endeavor, and have enacted reforms that Connecticut could also adopt. Possible recommendations include the following:

- The Board of Regents of Higher Education (the Board of Regents) should mandate that Connecticut public institutions of higher education accept the maximum American Council on Education (ACE)-recommended credit, thereby standardizing the granting of credit for military experience across the Connecticut system. It should also work with Connecticut institutions of higher education to develop more comprehensive guidelines. Legislation should be enacted to mandate this action.
- The Office of Higher Education should enact regulations that mandate that private institutions in Connecticut credit military skills in accordance either with ACE recommendations or other guidelines in order to maintain their accreditation. Legislation should be enacted that mandates that if guidelines are not set by a certain date, the ACE recommendations will automatically go into effect.
- The Board of Regents should join with the Multi-State Collaborative on Military Credit to work toward greater transparency by the Department of Defense (DOD) and ACE in their recommendations of what military skills, training, and experience should count toward academic credit, and to ensure that the transcripts that are granted to service members are accurate and properly updated. Legislation should be enacted to mandate this action.
- The Board of Regents should enact an advisory committee under CONN. GEN. STAT. § 10a-6(12) to gather and evaluate data about the effectiveness of practices surrounding veterans in higher education, and the crediting of military training and experience, and

information dissemination about these programs to veterans. Legislation should be enacted to mandate this action.

- The Board of Regents should take measures to ensure that veterans-related education information reaches veterans. This could include following the models of Maryland and Minnesota in ensuring that there are user-friendly websites where veterans can easily access relevant information. Legislation should be enacted to mandate this action.

II. NATIONWIDE PRACTICES

The Maryland Veterans' Full Employment Act of 2013 represents the most comprehensive veterans employment measure to date. Among its provisions, the Act instructed that the Maryland Higher Education Commission consult with the public institutions of higher education and enact "guidelines on awarding academic credit for a student's military training, coursework, and education," and that each public institution of higher institution implement policies in line with the guidelines adopted by the Commission.² The statute also directs the Emergency Medical Services Board to credit any "substantially equivalent" training or education toward certification, provided that doing so would not be contrary to another licensing requirement; the Board of Regents must also credit "all relevant experience" when calculating a service member's years of experience.³

New York's "Experience Counts" Program has implemented similar reforms utilizing the authority of the state executive branch. Governor Cuomo directed the State University of New York (SUNY) and City University of New York (CUNY) systems to improve their procedures for awarding academic credit for military training. Both systems now flag applications received from veterans and active duty personnel in order, and have developed centralized guidance that they distribute to veterans in order to ensure that they are awarded the maximum amount of credit for their prior military experience and training.⁴

The American Council on Education (ACE) is an organization under contract with DOD that "collaborates with the [DOD] to review military training and experiences and recommend appropriate college credit for members of the Armed Forces."⁵ It does so by conducting reviews of the programs of instruction and manuals for military courses, occupations, and training in specific academic areas and making recommendations about what credits should be awarded based on those reviews.⁶ It places "a credit recommendation at the highest appropriate level."⁷ Evaluators are drawn from the faculties of universities (51%), four-year colleges (27%), community colleges (19%), and practitioners or other representatives (3%).⁸ Military training that receives credit given one of four levels: Vocational (typical of yearlong certification program), Lower Division (typical of associates degree program or first two years of baccalaureate), Upper Division (typical of last two years of baccalaureate), and Graduate (post-baccalaureate).⁹

ACE also "provides quality assurance and policy guidance to the Army, Navy, and Marine Corps for military transcripts."¹⁰ Military transcripts are the means through which ACE translates military training and education into "documented evidence to colleges and universities of the professional military education, training, and occupation experiences of service members and veterans."¹¹ The Army, Marine Corps, Navy, and Coast Guard have synchronized their transcript, creating the Joint Services Transcript (JST). It eliminates the need for veterans to obtain their DD Form 295, provides online access to information, and streamlines procedures for

corrections and updates.¹² However, ACE warns that its transcripts are not always complete, and recommends that veterans search their “Military Guide” to ensure that they capture the maximum credit.¹³ Indeed, members of the VLSC team found that the transcripts they obtained from the JST system were incomplete, and that the Military Guide fails to return results for numerous military occupational specialties.

ACE has been criticized for counting too many transfer credits only towards general elective courses, which can cause the unnecessary duplication of credit by filling superfluous elective slots instead of degree requirements.¹⁴ It has also been criticized for lack of transparency in its review process.¹⁵

In September 2013, a coalition of seven midwestern state higher education authorities agreed to work together to pursue military educational credit reform. State higher education executive officers in Illinois, Indiana, Ohio, Kentucky, Michigan, Minnesota, and Missouri formed the Multi-State Collaborative on Military Credit (the Collaborative). They have directed their efforts primarily towards the standardization of accreditation and the expansion of access to data. Collaborative state education systems use the ACE credit recommendations to ensure that veterans achieve standardized amounts of credit for their prior experience. They have also pushed DOD to release more information on the credit recommendation process in order to enable ACE to recommend the maximum amount of credits for particular experience. They have argued that ACE recommendations too often apply transfer credits only to general electives rather than majors. The Collaborative have asked ACE to “open their books” so that the recommendation process could be evaluated and critiqued.¹⁶

Minnesota has been particularly lauded for its work to increase the number of transfer credits granted, assist veterans in their adjustment to college, and disseminate information to veterans about the programs available to them.¹⁷ The Minnesota system of State Colleges and Universities has an exemplary website, at which veterans can easily access information about their education benefits, planning for college, career and life planning, and military credit transfer.¹⁸

III. CONNECTICUT STATUTES & REGULATIONS

The Connecticut Board of Regents for Higher Education serves as the governing body for Connecticut’s regional community-technical college system, the Connecticut State University System, and Charter Oak State College.¹⁹ The Governor appoints members of the Board of Regents with the advice and consent of the General Assembly.²⁰

The Board of Regents has nearly unfettered discretion in its control of the Connecticut system of higher education. Among its many mandates, it has the authority to

- establish state-wide policy and guidelines;
- establish state-wide tuition and student fee policies;
- merge or close institutions;
- review and approve any recommendations for the establishment of new academic programs;
- provide for the initiation, consolidation or termination of academic programs; and
- develop criteria to ensure acceptable quality in programs and institutions and enforce standards through licensing and accreditation.²¹

It has wide discretion over these decisions so long as they are “consistent with the [statutory] goals” of the Connecticut higher education system.²²

The Office of Higher Education (OHE) can regulate private institutions by determining the requirements they must fulfill for their accreditation and licensure.²³ OHE is empowered to “establish regulations” concerning the accreditation of any entity or person that wishes to “confer any degree,” “operate a program or institution of higher learning,” or use any “descriptive matter tending to designate that it is an institution of higher learning.”²⁴ OHE is authorized to establish regulations concerning “administration, finance, faculty, curricula . . . student admission and graduation and any other criteria pertinent thereto, as well as the periods for which licensure and accreditation may be granted, and the costs and procedures of evaluations.”²⁵ As the Office of Higher Education has the power to prescribe and enforce regulations regarding “curricula” and “student admission and graduation”—failure of which will result in loss of accreditation or licensure—the state has all the statutory power it needs to mandate that private institutions of higher education accept military experience as credit toward degrees.

Connecticut statutes also created an Office of Veterans Affairs for Higher Education within the Office of Higher Education.²⁶ This Office is tasked with “providing administrative services to veteran affairs programs,” including:

- (1) Promoting a comprehensive state-wide outreach program which coordinates existing funds and programs, (2) collecting and disseminating information on the availability of public and private funds for educational programs for veterans, (3) advising and counseling organizations and institutions applying for funds to aid veterans in their pursuit of higher education, and (4) acting as a clearinghouse for such other information as may be helpful to veterans seeking a postsecondary education.²⁷

The education statute also provides that both service members stationed in Connecticut pursuant to military orders and their dependent children are entitled to classification as in-state students.²⁸ Connecticut also exempts completely from the cost of tuition at Connecticut public colleges and universities “any veteran who performed service in time of war” or any active member “in good standing” of the Air or Army National Guard who is domiciled in Connecticut at the time of acceptance.²⁹

Connecticut State Colleges and Universities utilize the ACE Military Guide recommendations as a reference for awarding college credit for military skills.³⁰ However, it seems that credits and recommendations are awarded on a largely ad hoc basis, and that there is no standardized statewide policy for the awarding of credit for military skills either at public or private institutions.

IV. ANALYSIS

The combination of the Board of Regents’ wide discretion and the state’s exceedingly generous tuition waiver mean that higher education credit reform is an area where significant progress appears possible. More expansive recognition of military skills would speed veterans’ entrance into the workforce, and could also save the state funds that it would otherwise lose through the veterans’ tuition waiver. It should also be relatively easy to accomplish without legislative action. A standardized policy for the granting of credit for military skills—likely most easily effected by making mandatory the maximum grant of ACE-authorized credit—would increase amount of credit given for military skills, and also increase the regularity of the system. The Board of Regents could also develop or authorize its own pilot program to test the applicability of certain military training to academic credit in excess of that recommended by ACE.

The Board of Regents could also join with the Collaborative to share best practices and push transparency and transcript reform at the national level. It also should enact measures to obtain data on veterans' participation in the state higher education system. The Board of Regents can also consult with institutions of higher education within the state in order to develop more detailed guidelines for acceptance of military skills and experience as military credit.

The ripest area of possible reform may concern the regulation of private institutions within the state. The Office of Higher Education has the power to enact regulations regarding "curricula" and "student admission and graduation" that govern the requirements for accreditation.³¹ The state executive branch thereby has the statutory power to mandate that private institutions of higher education accept military experience as credit toward degrees. They could establish regulations ordering all institutions of higher education within the state to accept either the ACE-recommended credits for military experience, or credit in accordance with other guidelines that the Office may promulgate.

However, enacting such important and sweeping reform unilaterally may create strong political resistance from private institutions. This resistance will likely be especially strong if they do not have a role in or input into the guidelines. Therefore, it may be best to enact legislation that creates an advisory committee of representatives from the state Department of Veterans Affairs, public institutions, private institutions of higher learning, and any other relevant agencies. The legislation would task the advisory committee with developing regulations for the minimum standard of military experience-related credit to be accepted by private institutions across the state. It would also mandate that the ACE-recommended credits go into effect as the minimum standard if the advisory board should fail to recommend satisfactory regulations by a specified date.

¹ Paul Fain, *Credit for Service*, INSIDE HIGHER ED (Sept. 19, 2013), <http://www.insidehighered.com/news/2013/09/19/seven-state-coalition-pushes-more-information-about-military-credit-recommendations>.

² See MD. CODE ANN., EDUC. § 15-113.

³ See *id.* § 13-516(B)(2).

⁴ Press Release, Governor Andrew M. Cuomo, Governor Cuomo Launches Experience Counts Campaign to Help Veterans Qualify for Jobs Upon Their Return to New York (Nov. 10, 2011), <http://www.governor.ny.gov/press/11102011ExperienceCountsCampaign>.

⁵ *College Credit for Military Service*, AMERICAN COUNCIL ON EDUCATION (Nov. 4, 2013), <http://www.acenet.edu/higher-education/topics/Pages/College-Credit-for-Military-Service.aspx>.

⁶ *Guide to the Evaluation of Educational Experiences in the Armed Services*, AMERICAN COUNCIL ON EDUCATION (Nov. 4, 2013), <http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx>.

⁷ *Military Guide Frequently Asked Questions*, AMERICAN COUNCIL ON EDUCATION (Nov. 4, 2013), <http://www.acenet.edu/news-room/Pages/Military-Guide-Frequently-Asked-Questions.aspx>.

⁸ Michele S. Spires, ACE, *An Evaluator's Primer: Understanding Military Transcripts and Ensuring Academic Integrity* 31 (May 30, 2012), <http://www.calstate.edu/veterans/documents/ACE.pdf>.

⁹ ACE, *A TRANSFER GUIDE: UNDERSTANDING YOUR MILITARY TRANSCRIPT & ACE CREDIT RECOMMENDATIONS* 3 (2009).

¹⁰ *Transcripts for Military Personnel*, ACE, <http://www.acenet.edu/newsroom/Pages/Transcripts->

for-Military-Personnel.aspx.

¹¹ ACE, JOINT SERVICES TRANSCRIPT BROCHURE.

¹² *Id.*

¹³ *Id.* at 4.

¹⁴ Lesley Kawaguchi, *Issues Regarding Academic Credit for Veterans and Military Service Members: Doing What is Best for Students*, ROSTRUM (December 2012), <http://www.asccc.org/content/issues-regarding-academic-credit-veterans-and-military-service-members-doing-what-best-stude>.

¹⁵ *Id.*

¹⁶ See Fain, *Credit for Service*.

¹⁷ See Fain, *Credit for Service*.

¹⁸ See MINNESOTA STATE COLLEGES & UNIVERSITIES, <http://www.mnscu.edu/military/index.html> (last visited Nov. 4, 2013).

¹⁹ See CONN. GEN. STAT. § 10a-1(a).

²⁰ See *id.*

²¹ *Id.* § 10a-6.

²² *Id.* (b).

²³ The Office of Higher Education is housed within the Board of Regents for “administrative purposes only,” *id.* at § 10a-1d(a), which means that it exercises its authority independent of the Board of Regents, but must report its activities to the Board of Regents. See *id.* at § 4-38f.

²⁴ See CONN. GEN. STAT. § 10a-34(b-f).

²⁵ *Id.* § 10a-34(b).

²⁶ See *id.* § 10a-12; *Veterans Services*, CONNECTICUT BOARD OF REGENTS FOR HIGHER EDUCATION (Nov. 5, 2013), <http://www.ct.edu/admission/veterans>.

²⁷ CONN. GEN. STAT. § 10a-12.

²⁸ *Id.* § 10a-29(6).

²⁹ *Id.* § 10a-105(e).

³⁰ *The ACE Military Guide For College Credit*, VETERAN SERVICES, CONNECTICUT BOARD OF REGENTS FOR HIGHER EDUCATION (Nov. 5, 2013), <http://www.ct.edu/admission/veterans#ace>.

³¹ CONN. GEN. STAT. § 10a-34(b).