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MAKING THE IMPLICIT EXPLICIT: DEMONSTRATING
THE VALUE ADDED OF HIGHER EDUCATION BY A
QUALIFICATIONS FRAMEWORK

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I. INTRODUCTION

There was a time when higher education in the United States enjoyed considerable autonomy as far as state and federal law were concerned.¹ Over the course of the past fifty years, however, enormous inroads have been made into that autonomy. Using its spending power, its taxing power, its commerce power, and its civil rights enforcement power, Congress now exerts enormous power over American higher education.² The states have created and continue to fund the vast majority of American public colleges and universities and have come to expect more from their institutional creations than they did in earlier times.³ The vast majority of American private colleges and universities are subject to state and federal laws regarding discrimination on the basis of sex, race, and disability, as well as to state-based contract law, tort law, and the law of not-for-profit corporations.⁴ Furthermore, an enormous portion of the research that is conducted in those institutions is subject to an intricate web of governmental regulation.⁵ Still, higher education in the United States has retained some of its former autonomy,⁶ and that autonomy contributes significantly to both the diversity that characterizes American higher education and to the relative decentralization of control exercised over it today.

The decentralized approach to education has resulted in tremendous variety in American higher education—to the benefit of both individuals and society. However, this approach can be problematic when there is need for a major transformation in higher education. In this article we are claiming that, at this point in our history, a major transformation is exactly what American higher education needs. First, the emergent global knowledge economy requires of us a higher education system that contributes significantly to the development of the knowledge and skills that will help us to become competitive in the global economy. Second, despite the enormous growth in higher education that took place in the decades that followed the end of the Second World War, our higher educational system has, in recent years, begun to stagnate, at least in regards to educational attainment. Third, as we seek to remedy that stagnation, we need to make transparent what is currently opaque in the educational process.

While the first part of this argument needs little explanation, the second and third parts, as expressed here, necessitate elaboration. When we speak of stagnation in educational attainment rates, here is what we mean: The educational attainment rate of a nation refers to the percentage of its people who have earned advanced degrees of one sort or another. In the United States today, roughly forty percent of adults have earned a two- or four-year degree, and this rate has held remarkably steady for the past forty years.⁷ In other nations, however, more than half of their young adults have earned degrees of this sort.⁸ Further, educational attainment rates in those nations are on the increase, while ours remains stagnant.⁹

1. William A. Kaplin & Barbara A. Lee, *The Law of Higher Education* § 1.2 (4th ed. 2006).

2. *Id.* at § 1.3.3. *See also infra* Part IV.D.1-3.

3. *Id.* at § 1.3.3.

4. *Id.* at §§ 1.4.2.4, 5.3, 6.4, 8.2.4.

5. *Id.* at §§ 13.2.3, 13.4.3.

6. *Id.* at § 7.1.6.

7. *See* Organization for Economic Cooperation and Development (OECD), *Education at a Glance 2009: OECD Indicators* (2009), available at www.oecd.org/edu/eag2009 [hereinafter OECD INDICATORS].

8. *Id.* *But see* Clifford Adelman, Institute for Higher Education Policy, *The Spaces Between the Numbers: Getting International Data on Higher Education Straight 13-15* (2009), available at [http://www.ihep.org/assets/files/publications/s-z/\(Report\)_The_Spaces_Between_Numbers-Getting_International_Data_on_Higher_Education_Straight.pdf](http://www.ihep.org/assets/files/publications/s-z/(Report)_The_Spaces_Between_Numbers-Getting_International_Data_on_Higher_Education_Straight.pdf) (pointing to reasons to doubt whether the data raises any cause for alarm).

9. OECD Indicators, *supra* note 7.

When we speak of opacity of the process in America, here is what we mean: In American higher education, students accumulate credits as they progress towards a degree. As long as they do well enough on the papers that they write, the tests that they take, etc., and once they have accumulated enough credits, with due regard for requirements of different sorts, they get a degree. We do not require the institutions at which students study to tell them, and the community, just what it is that someone who has been awarded a particular degree should have learned on his or her way to that degree. This is what we mean when we call American higher education “opaque.” We believe that opacity should be expelled from American higher education and that transparency should take its place. By that we mean that American higher education should develop the ability to tell its students and the rest of us just what learning outcomes any academic degree represents. When, a college or university confers a bachelor’s degree in, say, Geology on a cohort of its undergraduate Geology majors, it should be able and willing to tell us what knowledge those students have shown themselves to possess and in what skills they have demonstrated some level of competence.

Increasing the percentage of Americans with high-quality degrees and credentials has become a national priority.¹⁰ With increasing clarity, policymakers, educators, and business leaders are concluding that the social and economic challenges facing the United States can be addressed only by educating far more people beyond high school.¹¹

It is counterproductive to increase degree attainment without regard to what type of learning a degree represents and what opportunities are afforded to an individual based on a degree or credential. Quality is imperative: yet, how should quality be defined? A high-quality degree must have well-defined and transparent outcomes that provide clear pathways to further education and employment. The current higher education system lacks a mechanism that defines what a degree represents in terms of what a student knows, understands and is able to do. A degree is currently defined by time and credits.

The United States has long enjoyed the reputation of having the best higher education system in the world.¹² However, many countries are not only reforming their higher education systems, but are also radically transforming the educational experience. An array of international initiatives exist that address higher education, the most significant of which is the Bologna Process.¹³ The Bologna Process began in 1999 as an agreement among the education ministers of twenty-nine

10. President Barack Obama emphasized the importance of the United States regaining its place as number one in adult degree attainment, asserting that:

It is our responsibility as lawmakers and educators to make this system work. But it is the responsibility of every citizen to participate in it. And so tonight, I ask every American to commit to at least one year or more of higher education or career training. This can be community college or a four-year school; vocational training or an apprenticeship. But whatever the training may be, every American will need to get more than a high school diploma. And dropping out of high school is no longer an option. It’s not just quitting on yourself, it’s quitting on your country—and this country needs and values the talents of every American. That is why we will provide the support necessary for you to complete college and meet a new goal: by 2020, America will once again have the highest proportion of college graduates in the world.

Barack Obama, U.S. President, Remarks of President Obama, Address to Joint Session of Congress (February 24, 2009), available at http://www.whitehouse.gov/mejpress_office/remarks-of-president-barack-obama-address-to-joint-session-of-congress.

The Obama administration’s higher education initiatives are focused on more resources for community colleges, completion strengthening data and research, and improving remedial education for underprepared students. See Michael Shear & Daniel de Vise, *Obama Announces Community College Plan*, WASH. POST, July 15, 2009, at A02. The American graduation initiative proposal calls for an unprecedented federal investment in community colleges. *Id.*

11. See, e.g., Center on Education and the Workforce, <http://cew.georgetown.edu> (last visited Apr. 1, 2010). The Center on Education and the Workforce provides research and analysis on the future labor market and the skills and education needed for those jobs with the greatest increase being in jobs that need some sort of higher education. *Id.*

12. Secretary of Education’s Commission on the Future of Higher Education, *A Test of Leadership: Charting the Future of U.S. Higher Education 13* (2006) [hereinafter Commission], available at <http://ed.gov/about/bdscomm/list/hiedfuture/reports/fmal-report.pdf>.

13. See, e.g., Benelux Bologna Secretariat, Official Bologna Process Website, www.ond.vlaanderen.be/hogeronderwijs/bologna

European countries to address issues facing higher education—issues that, while not identical to challenges facing American higher education, are certainly similar.¹⁴ The Bologna Process is transforming higher education in Europe, and the United States should pay attention to what is happening in Europe with a view towards catalyzing a comparable transformation in our own unique higher education context. This should be a selective approach and not in any way or sense a replication of the European initiative.

....

The Bologna Process is an attempt on the part of the educational agencies of most every European nation to create a European Higher Education Area (EHEA).²² The primary purposes behind the creation of the EHEA include: to increase “the international competitiveness of the European system of higher education”;²³ to provide Europe with the highly educated workforce that is essential to success in a globalized economy;²⁴ and to contribute to the maintenance of “stable, peaceful and democratic societies in the European Union and in neighboring states.”²⁵

Within the EHEA, extending from Ireland in the west to Russia in the east, and from Norway in the north to Turkey in the south, metaphorical bridges will be built, facilitating the free movement of students from educational institutions in one “member-nation” (any of the signatory states) to those in other “member-nations.” For that free movement to occur, the degrees awarded by the institutions within the EHEA will have to be comparable. A bachelor’s degree in geology from the University of Moscow will, for example, have to be substantially similar in level and competencies to a bachelor’s degree in geology from the University of East Anglia in the United Kingdom.

To avoid the standardization of higher education in the EHEA—something that is recognized on all sides as baneful—the proponents of the Bologna Process are instead pursuing harmonization of the differing degree programs in thousands of institutions located in the forty-seven nations that are now committed to the Bologna Process.²⁶ This is to ensure transparency of the degrees. Under harmonization: “Everyone is singing in the same key, just not necessarily with the same tune,” as one advocate of the Bologna Process puts it.²⁷

This harmonization is to be achieved, first of all, by bringing some order to the current disparate state of the degrees that academic institutions in Europe have previously awarded. The basic idea is for all of the institutions in the EHEA to adopt a three-stage degree program, with the first stage identified as the bachelor’s degree stage, the second as the master’s degree stage, and the third as a the doctoral degree stage. The second step in harmonization is the development

(last visited Apr. 1, 2010) (describing the Bologna process); Open Society Institute & Soros Foundations Network, International Higher Education Support Program (HESP), <http://www.soros.org/initiatives/hesp/about> (last visited Apr. 1, 2010) (explaining the Open Society Institute program for the advancement of higher education); Organization for Economic Cooperation and Development (OECD), Feasibility Study for the International Assessment of Higher Education Learning Outcomes (AHELO), www.oecd.org/edu/ahelo (last visited Apr. 1, 2010).

14. See Clifford Adelman, Institute for Higher Education Policy, *The Bologna Club: What U.S. Higher Education Can Learn from a Decade of European Reconstruction* at xi, 5-8, 39 (2008) [hereinafter Adelman, Bologna Club], available at <http://www.ihep.org/assets/files/TheBolognaClub.pdf>. See also Clifford Adelman, Institute for Higher Education Policy, *The Bologna Process for U.S. Eyes: Re-learning Higher Education in the Age of Convergence 12-15,55* (2009) [hereinafter Adelman, Bologna Process], available at <http://www.ihep.org/assets/files/eyesfinal.pdf>.

22. At the ministerial meeting held on March 11-12, 2010, the Budapest-Vienna Declaration stated in paragraph 1 that it would “launch the European Higher Education Area (EHEA), as envisaged in the Bologna Declaration of 1999.” See www.ond.vlaanderen.be/hogeronderwijs/bologna/2010_conference/documents.htm (accessed 14/03/2010).

23. Bologna Declaration, *supra* note 19.

24. *Id.*

25. *Id.*

26. See *supra* text accompanying note 17.

27. Adelman, Bologna Process, *supra* note 14, at viii.

of “qualification frameworks” for each degree to sit within—and for the equivalent of each major in each degree—that each of the institutions award. The third step, used in an increasing number of countries, is known as the Tuning Process, and the fourth is a Credit Transfer and Accumulation System. It is to a brief description of these latter steps that we now turn.

....

2. Tuning Process

The Tuning Process was the academic response to the Bologna Process initiatives. It was designed to affirm institutional and academic autonomy, to respect the diversity of institutions and programs, and to provide a mechanism for faculty to provide the definition of quality.³³ Tuning began in 2000 as a project to link more directly the objectives of the Bologna Process and the Lisbon Strategy³⁴ with institutions and faculty. While the Bologna Process was initiated by education ministers, the Tuning Process was a “bottom up” approach, designed to involve a wide array of stakeholders, including employers, in defining what a degree in a subject matter should include.³⁵ Dr. Julia Gonzalez, a co-director of the European Tuning Project, has found that tuning has significantly changed approaches in teaching, learning and in assessment.³⁶

Tuning is a process that defines subject specific learning outcomes and transferrable skills that students should possess and be able to demonstrate to earn a degree in a particular discipline.³⁷ At least 145 universities in thirty-three European countries and 186 universities in nineteen Latin American countries have formally engaged in the process.³⁸ The name ‘tuning’ was chosen for the process to “reflect the idea that universities do not and should not look for uniformity in their degree programmes or any sort of unified perspective or definitive European curricula but simply look for points of reference, convergence and common understanding.”³⁹ Clifford Adelman writes that tuning “provides a common language for expressing what a curriculum at a specific institution aims to do but does not prescribe the means of doing it.”⁴⁰

Tuning is helpful in providing reference points for students to understand what they have accomplished or what they will be able to accomplish. These reference points include, for example: a demonstration of knowledge of the foundation and history of that major field, a demonstration of an understanding of the overall structure of the discipline and the relationships among its subfields and to other disciplines, and a demonstration of the ability to communicate the basic knowledge of the field incoherent ways and appropriate ways.⁴¹

33. See, e.g., Julia Gonzalez, *The TUNING Methodology* (2004), available at <http://www.sefi.be/technotn/wp-content/uploads/the-tuning-methodology-julia-gonzalez.ppt>.

34. See *infra* Appendix A (discussing the Lisbon Strategy).

35. See Gonzalez, *supra* note 33.

36. See *id.*

37. See Tuning Educational Structures in Europe, <http://tuning.unideusto.org/tuningeu/> (last visited Apr. 1, 2010) [hereinafter Tuning Educational Structures].

38. See *id.* See also Tuning America Latina, <http://tuning.unideusto.org/tuningal/> (last visited Apr. 1, 2010).

39. See Tuning Educational Structures, *supra* note 37.

40. Adelman, Bologna Process, *supra* note 13, at 48.

41. See *id.* at 52. Early in 2009, the Lumina Foundation for Education launched a pilot Tuning project involving three American states and six academic subject areas. The project, following the approach used by the Tuning Process in Europe and in Latin America, is faculty-led and has student representation at the meetings, a fundamental principle and requirement for Tuning, with academics working to build consensus within their fields (Indiana: history, education, and chemistry; Minnesota: biology and graphic arts; and Utah: physics and history) about what a student should learn and therefore be able to demonstrate at each degree level in a specific subject area. Thus, a bachelor’s degree in chemistry from Indiana University should convey the same information to stakeholders as the equivalent degree from the University of Minnesota because of established, shared expectations within the discipline about the learning an undergraduate chemistry student should be able to demonstrate. *Id.*

Tuning helps students understand how courses fit into curriculum and degree programs. Further, it aids employers in knowing what graduates with degrees in a discipline are able to do. Because it is an organic, on-going, and systematic methodology, which is faculty-led but invites the participation of students and others, the Tuning Process celebrates diversity while recognizing the need for common reference points. It is about learning outcomes and not about content.

A U.S. common degree framework,⁴² with subject specificity, would complement the Tuning Process by creating a common definition of the general learning outcomes that a student should achieve at each degree *level*—associate’s, bachelor’s, master’s, doctorate—across all higher education institutions in every state. The framework will make clear the “ratcheting up” that must occur between degree levels, and it will make explicit the additional skills and learning represented by one degree level as compared with another.⁴³

....

B. Comparing the U.S. Reality with What Faced Europe

Today in the United States we are faced with a new set of circumstances requiring action. We must address these circumstances by finding a way to increase educational attainment while maintaining quality, to control rising costs that go hand-in-hand with earning a degree, and to address other national issues. The business community increasingly demands accountability—a demonstration of the value added of a college degree and the assurance that those possessing a degree have the skills and abilities needed. Employers find themselves lacking workers with critical thinking and problem solving skills, and higher education often fears that in making itself “accountable” in this way, it will become akin to vocational training.⁵⁰ Interestingly, Europe faced a similar challenge in the late 1990s when it became clear that in a knowledge economy, higher education would be the driver and the Bologna Process would be the vehicle to transform European higher education.

....

II. WHAT AMERICA STANDS TO LEARN FROM THE BOLOGNA PROCESS

No one seriously doubts the need for a modern workforce to be both knowledgeable and skilled at a level significantly higher than was adequate even a generation ago. Neither does anyone doubt that each nation’s higher education institutions must play a major role in educating and training the members of its workforce in such a way that it can compete effectively in the global economy. The principal concerns that motivate us to recommend the Bologna Process to American educators are two-fold. First, other countries are increasing degree attainment with a focused intentionality. Second, the Bologna Process is a significant process that reframes higher education from what is taught to what is learned. In the process of putting the student at the

42. In this article, the terms “qualifications framework” and “qualifications frameworks” are used to refer to the frameworks that have been developed by other countries. The term “common degree framework” is used to refer to what the authors suggest should be developed in the United States.

43. See Adelman, Bologna Club, *supra* note 13, at 15-32; Adelman, Bologna Process, *supra* note 13, at 55.

50. See Association of American Colleges and Universities, Raising The Bar: Employers’ Views On College Learning In The Wake Of The Economic Downturn 9 (2010), available at http://www.aacu.org/leap/documents/2009_EmployerSurvey.pdf. See also Valerie Strauss, *Balancing Academic Tradition and Skills Employers Demand*, WASH. POST, Mar. 3, 2008, at B02. “A college education is increasingly recognized as critical for career success,” Cornell University President David J. Skorton said. “So much so, in fact, there is a real danger of thinking of higher education predominantly as a job training enterprise.” *Id.*

center, the Bologna Process is expanding educational opportunities and reframing the definition of “quality higher education”.

America is falling behind much of the industrialized world in educational attainment. Even with all of the imperfections and flaws in its implementation, the Bologna Process does provide an illustration of how change might be achieved both in terms of process and outcomes. We do not in any way, shape, or form recommend that America should adopt the Bologna Process, but we do urge that the United States analyze, adapt, and improve upon that which is appropriate, relevant, and useful in the Bologna Process.

Attracting more recent high school graduates into higher education and helping them to persevere to graduation is one obvious way for a nation to improve its educational attainment rate; facilitating the entry of adults into higher education—or their return to it—is another way to achieve the same result. With respect to either of these strategies, questions of costs and quality arise. As serious as the cost questions are, we will focus here on questions of quality. Historically, these questions have been left, in the first instance, to the academics who decide what the contents of any particular degree program should be, and in the second instance, to the accrediting institutions that, once every so many years, review either entire institutions or specific degree programs, in an attempt to “ensure a basic level of quality” in the education that the institution or program in question provides.⁶²

A. Degree Transparency and Accountability

Since the end of the nineteenth century, the U.S. higher education system has relied upon private accrediting agencies to perform quality assessment of its institutions and programs. Accrediting agencies serve to “ensure a basic level of quality” in institutions of higher education or specific academic programs within institutions.⁶³ Yet, accreditation conveys little information about the inherent value of a degree from an accredited institution or program for external stakeholders such as students and employers.

In addition, growing numbers of new for-profit and not-for-profit education providers have emerged to fill market voids. They are often unaccredited, however, which suggests that there is no existing way to measure or compare the quality of the credentials and degrees offered by these institutions.

The U.S. higher education accreditation system varies greatly from other countries around the globe. The United Kingdom, for example, operates under a Code of Practice for the Assurance of Academic Quality and Standards in Higher Education.⁶⁴ The Code explains that: “In the [United Kingdom’s] system of higher education, institutions are responsible for the quality of the education they provide and the academic standards of the awards they offer. External examining provides one of the principal means for maintaining nationally comparable standards within autonomous higher education institutions.”⁶⁵

As a result of the lack of information about the quality of a given institution or program, potential students and potential employers of an institution’s graduates rely upon information, such as institution and program rankings, institutional prestige, or personal familiarity with the specific institution to determine degree value. In order to redirect the focus of the existing quality

62. U.S. Dep’t of Educ, Financial Aid for Postsecondary Students: Accreditation in the United States, http://www.ed.gov/admins/finaid/accred/accreditation_pg2.html (last visited Apr. 1, 2010) [hereinafter Accreditation in the United States]. See also William K. Selden, Accreditation: A Struggle Over Standards in Higher Education 29 (1960) (describing the founding of the first accrediting agencies by higher education institutions).

63. Accreditation in the United States, *supra* note 62.

64. The Quality Assurance Agency for Higher Education, Code of Practice for the Assurance of Academic Quality and Standards in Higher Education, Section 4: External Examining 1 (2004), available at http://www.qaa.ac.uk/academicinfrastructure/codeOfPractice/section4/COP_external.pdf.

65. *Id.* at 3.

assessment function of the accrediting agencies from a self-contained process to a transparent system providing valuable information to the public, quality assessment in the United States needs to evolve. Drawing upon lessons from the European paradigm, American higher education should develop a common degree framework consisting of general student learning outcomes for each degree level. This would facilitate the development of a system in which each type and level of degree would hold universal meaning and value.

....

V. CONCLUSION

American higher education is faced with many challenges. The system that has effectively educated millions and has advanced unparalleled innovation is now confronted with the need to dramatically increase the number of citizens with high-quality degrees. This challenge comes at a time when many students approach higher education inadequately prepared for its rigors. Meeting the challenge of increased degree attainment given the complexity of the system and the escalating costs of higher education will require creative thinking.

The United States is not the only country needing to increase higher education attainment levels, nor is it the only country looking at ways to improve and reform its higher education system. The Bologna Process is transforming higher education in Europe and beyond. This process provides the United States with an opportunity to learn from an effort to transform higher education and to use that information to reform our system to meet the needs of today's citizens.

To increase degree attainment and maintain quality, American higher education needs to develop a common degree framework that makes explicit what a student knows, understands, and is able to do at each degree level. It is important that the framework be national and transparent as to the mastery that is represented by each degree level. The United States needs to compete globally, and in order to do so effectively, it must prove that students—regardless of state or institution—will obtain a quality degree that employers will value. This framework will shift the focus from what is *taught* to what is *learned* and provides a mechanism for higher education to demonstrate to stakeholders—students, parents, employers, and policymakers—the value added of a degree. As new providers and programs surface to meet the increase in demand, stakeholders will be assured of the quality of these degrees. A common degree framework will ensure that all degrees represent actual learning.

....

The development of a common degree framework will not result in a standardization or homogenization of American higher education. Each institution and each program will retain total autonomy. However, a common degree framework *will* establish an agreed-upon core of learning principles for each degree awarded at a particular level and will provide a clear mechanism for defining quality. Further, the framework will allow for the creation of an innovative system that expands on work currently in progress, allowing students to accumulate learning from various education providers while continuing to pursue a high-quality degree.

American higher education has before it an invaluable opportunity—an opportunity to learn from what has been transforming higher education in other countries and to construct a system that will make possible the higher education system that is needed to sustain the United States in the future and allow it to thrive in a globally competitive society.