

U.S. Department of Education Proposes Accreditation Rules Changes

By Don Sutherland

On June 12, 2019, the U.S. Department of Education published proposed [new rules](#) for the recognition of accrediting agencies in the *Federal Register*. There will be a 30-day comment period that will end on July 12.

According to the published document, the proposed regulations would:

- Revise existing requirements of accrediting agencies to make their “oversight of member institutions and programs...less prescriptive” and to provide them with “greater autonomy and flexibility” to foster innovation.
- Revise the criteria by which the Secretary of Education recognizes accrediting agencies.
- Clarify oversight responsibilities among the U.S. Department of Education, states, and accrediting agencies.
- Create “roles and responsibilities of institutions and accrediting agencies in the teach-out process.”
- Recognize an “institution’s authorization to operate postsecondary educational programs” when such an institution is exempt from State authorization.
- Revise State authorization requirements related to “institutions offering distance education and correspondence courses.”

The proposal argues that the current “risk-averse, peer-oriented review process often discourages innovations that challenge the status quo in higher education.” It states that the status quo discourages risk, even as risk is essential to innovation.

Changes that have implications for institutions include:

- “Higher priority” for “activities directly related to the student experience”
- A streamlined substantive change process that allows institutions to “respond more quickly to changing programmatic needs.” Institutions posing “higher risk” would face more “restrictive oversight” while others would be subject to “more expeditious review.” If an institution has been accredited for at least 10 years (or has completed at least one accreditation cycle of maximum length offered by an agency and one renewal e.g., 8 years for MSCHE institutions), has at least three additional locations, and has met acceptable agency criteria for capacity to add additional locations, substantive change requests for additional locations at which the institution offers at least 50% of its educational program must be approved. A substantive change would only be required for a “substantial changes” to an institution’s established mission or objectives of its programs rather than “any change in the established mission or objectives of the institution.” Substantive change requirements related to the “addition of courses or programs that represent a significant departure from the existing offerings of education programs” would be relaxed to include only the addition of graduate programs for those that previously offered only undergraduate programs or certificates.

- Eliminate the timelines by which institutions or programs must come into compliance when they are out of compliance with one or more accreditation standards or Requirements of Affiliation e.g., the two-year period for institutions offering one or more programs of at least two years in length. Instead, institutions would be given a “reasonable written timeline for coming into compliance based on the nature of the finding, the stated mission, and educational objectives of the institution or program.” The maximum timeline would be the lesser of four years or 150% of the longest program offered by an institution. A written policy would also be required by which accrediting agencies evaluate and approve or disapprove monitoring or compliance reports.
- The Student Achievement/Consumer Information/Student Right to Know page would include new disclosures related to “any types of institutions or sources from which the institution will not accept the transfer of credit, criteria used to evaluate and award credit for prior learning experience” and, if applicable, any requirement that the institution maintain a teach-out plan/why that requirement was imposed and “any investigation, action or prosecution by a law enforcement agency of which the institution is aware for an issue related to academic quality, misrepresentation, fraud, or other severe matters.” In addition, Pell Grant-related disclosures, “types of graduate and professional education in which graduates of the institution’s four-year degree programs enrolled” and the institution’s fire safety report would be included.