

Session #12

Regulatory Update - Accreditation

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2019 FSA Training Conference *for Financial Aid Professionals*

Abbreviations

- Code of Federal Regulations (CFR)
- Department of Education (ED)
- Higher Education Act (HEA)
- Institution of Higher Education (IHE)

Negotiated Rulemaking - 2019

- Website: www2.ed.gov
- Search: rulemaking
- Subject: 2018-2019 Rulemaking

- Contains rulemaking public hearing and session documents, negotiator list, links to Federal Register Notices, etc.

Negotiated Rulemaking - 2019

- Website: www.regulations.gov
 - Contains public comments
 - Docket ID: ED-2018-OPE-0076
- Website: www.federalregister.gov
 - Contains Federal Register Notices and related documents (official)
 - Various search and filter options

Negotiated Rulemaking - 2019

- Main Committee:
 - Accreditation and Subcommittee Topics
- Subcommittees:
 - Distance Education*
 - TEACH Grant*
 - Faith-Based Initiatives*

Negotiated Rulemaking - 2019

*Other sessions covering rulemaking topics:

#13 Distance Education
State Authorization for Distance Education

#14 TEACH Grant
Faith-Based Initiatives

Negotiated Rulemaking - 2019

- Accreditation Rulemaking:
 - Public hearings:
 - 9/6/2018 - Washington, DC
 - 9/11/2018 - New Orleans, LA
 - 9/13/2018 - Sturtevant, WI

Negotiated Rulemaking - 2019

- Accreditation & Innovation Committee Constituencies:
 - Two-year public IHEs
 - Four-year public IHEs
 - Private, non-profit IHEs
 - Private, proprietary IHEs
 - IHEs primarily offering distance education
 - IHEs eligible for aid under parts of HEA title III & title V
 - Faith-based IHEs
 - Financial aid administrators

Negotiated Rulemaking - 2019

- Accreditation & Innovation Constituencies (cont.):
 - Regional Accreditation Agencies
 - Programmatic Accreditation Agencies
 - National Accreditation Agencies
 - Students
 - Employers
 - Veterans
 - Legal aid organizations that represent students
 - State Higher Education Executive Officers

Negotiated Rulemaking - 2019

- Accreditation Rulemaking:
 - January 15-16 (14th weather cancellation)
 - February 19-22
 - March 25-28 (with extended hours)
 - April 1-3 (additional session added)
- Topics grouped into three “buckets”
- Consensus reached on all

Negotiated Rulemaking - 2019

- Accreditation Rulemaking:
 - 6/12/2019 - NPRM published
 - 7/12/2019 - 30-day comment period ended
 - ~200 substantive public comments received & reviewed
 - 11/1/2019 - regulations published
 - 7/1/2020 - regulations effective
 - 7/1/2021 - remaining provisions effective

Negotiated Rulemaking - 2019

- Final Accreditation Regulation Package
 - Recognition of Accrediting Agencies
 - Acceptance of the Agency by Others
 - Standards for Participation in the Title IV, HEA programs
 - Institutional Eligibility
 - Disclosures
 - State Authorization

Purpose of Regulations (Goals)

Purpose of Regulations

- Strengthen the regulatory triad
 - Clearly define roles and oversight responsibility
- Establish “substantial compliance” as the standard for agency recognition
- Increase academic and career mobility for students by eliminating regulatory barriers to work in a profession

Purpose of Regulations

- Modification: “substantive change” requirements
 - Flexibility for institutions
 - Encouraging innovative educational practices
 - Responding to student and workforce needs
 - Protect institutional autonomy and missions
 - Allow institutions to build campus communities based on shared values
 - Maintain oversight of more complex/higher risk changes
 - e.g., mission, program mix, or level of offering

Purpose of Regulations

- Clarify ED's accrediting agency recognition process
 - accurate recognition of the geographic area where an agency conducts business
- Encourage and enable agencies to support innovation
- Support agencies when they take adverse actions

Purpose of Regulations

- Enable accrediting agencies to update standards
 - meet the needs of today's students and institutions
- Support innovation at institutions with strong outcomes
- Provide for controlled and monitored experimentation
- Clarify that traditional faculty-led decision-making models are not the only acceptable model for program/curricula approval
- Clarify the importance of employers in working with institutions to identify needed curriculum updates and reviewing program quality

Purpose of Regulations

- Eliminates ED distinctions between regional and national accreditors and holds all accreditors to the same standards
- ED will recognize accreditors in three categories:
 - 1) institutional accreditors
 - 2) programmatic accreditors
 - 3) specialized accreditors, which are programmatic accreditors that also accredit single-program institutions

Accreditation Regulations

Accreditation Regulations

Major policies - The final regulations:

- Clarify that institutional mission, rather than geographic location, should guide the quality assessment of an institution and its programs
- Eliminate geography in determining an agency's scope of recognition
- Affirm that accreditors must respect the mission of an institution of higher education that relies upon religious tenets, beliefs, or teachings

Accreditation Regulations

- Encourage institutions to fairly evaluate the merit of transfer credits and prior learning assessment
 - reduce the need for students to take/pay for classes twice
- Allow for different methods of monitoring institutional success, based on the institution's mission and the goals of its students
- Provide flexibility for agencies to support innovation, recognizing risk, and monitoring the innovation carefully to intervene when student success is at risk

Accreditation Regulations

- Engage employers more directly in the evaluation of program quality
- Allow for institutional decision-making models that give employers a more prominent role in recommending program or curriculum updates
- Provide opportunities for agencies to increase accountability standards
- Provide appropriate time for institutions to make changes to meet accountability standards

Accreditation Regulations

- Allow agencies to take earlier action:
 - require struggling institutions to submit teach-out plans of
 - permit teach-out agreements before a school announces its closure
- Reduce credential inflation, especially in programs that lead to State license, to allow low-income students an opportunity to pursue those occupations
 - Ensure that the cost of qualifying for work does not exceed likely earnings
- Reduce the time and complexity for approving an agency's initial or renewal recognition application

Questions and Answers