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](http://www.regulations.gov)
  - Contains public comments
  - Docket ID: ED-2018-OPE-0076

- Website: [www.federalregister.gov](http://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*
*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
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- 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