

# The State of Federal Accreditation Regulations and Guidance

Recent Reforms and New Opportunities

*By Michael Brickman*

## Table of Contents

Executive Summary.....	2
Introduction.....	2
Accreditation Process Overview.....	2
Department Recognition and Guidance of Accreditors.....	5
2018–2020 Negotiated Rulemaking.....	5
Changes to Accreditation from the 2018–2020 Rulemaking.....	7
Regional vs. National Accreditation: A Distinction without a Difference.....	7
Promoting Innovation and Pathways to Careers.....	9
Impact of the DeVos Rulemaking.....	10
Seeking Further Accreditation Reform.....	12
Limitations of Some Proposals.....	12
What Congress Should Do.....	13
Prerequisites to Future Department Reforms.....	15
Other Steps the Department of Education Should Take.....	16
Conclusion.....	17
APPENDIX: Summary of Department Actions in the 2018–2020 Accreditation Rulemaking.....	19

## Executive Summary

- The higher education quality assurance system is broken. Accreditors share responsibility.
- Accreditors focus too little on student outcomes and generally seek to preserve the status quo.
- Federal and state policymakers have meaningful tools to reform accreditation, with broad implications for students, higher education, and the economy.
- Reform measures taken by Secretary Betsy DeVos are under threat. More policymakers must engage on accreditation reform to repair a broken quality assurance system.

## Introduction

Along with approval by an institution's state licensing authority and certification by the U.S. Department of Education, accreditation is a critical step in opening access to hundreds of billions of dollars each year in federal, state, and private student aid.<sup>1</sup> Congress designed accreditation to serve as the key determinant of whether a college or university maintains academic quality and provides a quality education to its students. Unfortunately, many colleges and universities—or at least a critical number of programs within them—are failing to meet the needs of students. As a result, too many students fail to graduate or, if they do, end up with more debt than they can pay off through the limited career options that their institutions enable them to access.

Many actors share the blame for these deficiencies. The K–12 education system, teacher unions, employers, states, postsecondary institutions, and of course, students and their parents must all bear some share of responsibility when a college or university fails to deliver on its promise. As the quality assurance entity, however, accreditors too often flounder in this role because of a variety of factors, including unwieldy regulatory requirements, a focus on issues other than quality assurance, incentives that encourage the status quo, and an unforgiving system in which most educational institutions have become entirely reliant on access to federal student aid.

As a result, when accreditors act against an institution, poor student outcomes are the reason only 2.7 percent of the time.<sup>2</sup> Yet, the Department takes an inconsistent approach: while it encourages FAFSA applications and lends to students (and their parents) for tuition, fees, and living expenses at an alarming rate, it also pursues generous policies regarding the payment, collection, cancellation, and forgiveness of Title IV loans. Something must change.

Accreditors must focus on basic academic quality and outcomes-based benchmarks for colleges and universities. If they refuse or cannot, policymakers must turn to another model. The Department's 2018–20 Negotiated Rulemaking led to improvement in many of these areas, but the Biden Education Department is taking steps to undermine those reforms. Congress must act if meaningful reform is to be achieved—currently an unlikely prospect given the politically divided chambers. As this paper details, options exist for federal and state policymakers to reform the higher education accountability regime to the benefit of both taxpayers and students.

## Accreditation Process Overview

The process for accreditation of a postsecondary institution is cumbersome, expensive, and ultimately ineffective from the perspective of the school, students, taxpayers, and employers.

Before an accreditation agency evaluates a college or university, the institution must provide mountains of documents regarding every aspect of its operations, leadership, program offerings, finances, and much more. It then must respond adequately to follow-up document requests, interviews, and in-person site visits. The entire process for initial accreditation can easily take years. Once initial accreditation is granted, it must be renewed periodically.

Most often, renewal has been on a ten-year cycle beginning with an institution's "self-study," but this tempo has evolved into an ongoing process of submitting reports, receiving document requests, and reporting or seeking approval of any substantive changes in programs. Accreditation teams will often conduct site visits, review documents, and interview faculty, administrators, and students. Even after accreditation is granted, it is often done with conditions or recommendations for changes that require monitoring over a given period of time.

Accreditation agencies evaluate each institution against a set of accrediting "standards" that each agency develops, publishes, and regularly updates. They then implement these standards through a set of "policies," which lay out the mechanics, such as the timing of each step of the evaluative process, a method of initiating an appeal, and how data should be retained and reported. These procedures appear facially rigorous, which is very much the point; however, it is less clear whether they drive improvement that benefits students.

The same processes are applied to individual programs within an institution.<sup>3</sup> Institutional accreditors are responsible for overseeing the *institutional* quality of universities and colleges, while *programmatic* accreditors are responsible for individual programs (e.g., engineering or nursing). The Department currently recognizes nearly forty institutional accreditors. Some, such as WASC Senior College and University Commission (WSCUC), accredit traditional institutions, often with many programs. Many others operate more like programmatic



accreditors but have the ability to approve standalone schools of law, midwifery, massage therapy, or rabbinical studies.<sup>4</sup>

Only accreditation agencies officially recognized by the U.S. Department of Education may grant institutions the power to provide enrolled students federal grants and loans under Title IV of the Higher Education Act of 1965 (HEA).<sup>5</sup>

Accreditation is a major hurdle to obtaining access to Title IV funding, but it is not the only one. An institution must also receive authorization from any state in which it operates and certify with the Department that it is adhering to various requirements imposed by the Higher Education Act and the Department's implementing regulations. States typically set requirements relating not only to health, safety, and consumer protection but also academics. Forty-nine states have also joined together to create the National Council for State Authorization Reciprocity Agreements (NC-SARA) to streamline the process for state approval of distance education programs offered by accredited institutions; NC-SARA imposes its own requirements for participation by schools. The Department's role is to certify the financial stability and administrative capability of institutions and their proper use and administration of federal financial aid.

The stakes of decisions by this regulatory triad are immense. Approval means access to a pool of hundreds of billions of dollars each year in grants and loans. This coveted status is, in turn, beneficial in other ways. For example, students at institutions with Title IV access are able to tap other financial aid from federal agencies, states, and private organizations, and only graduates of accredited programs are certified to pursue graduate studies or work in certain fields or occupations.

It is thus no exaggeration to say that Title IV access is often the difference between life and death for a school, even for many public institutions funded by states or private institutions that have been in operation for hundreds of years. With so much riding on the decision to accredit or not accredit, it is easy to see how the quality assurance process has devolved into one that focuses on the collective protection of each member's financial lifeline.

**It's no exaggeration to say that Title IV access is often the difference between life and death for a school.**

Although it is difficult to directly measure whether the accreditation process is driving "continuous improvement" (to use a common phrase in accreditation parlance), several points are clear:

- 1) postsecondary education has become more expensive for students and taxpayers;<sup>6</sup>
- 2) many postsecondary students, particularly first generation and low-income students, are failing to complete and obtain career-enhancing degrees;<sup>7</sup>
- 3) employers are left wanting for more skilled workers who can drive our economic productivity;<sup>8</sup>
- 4) although innovation could disrupt this ossified system, few new schools have been accredited in the past twenty years, and those schools collectively enroll less than ten percent of postsecondary

students;

5) accrediting agencies are not using their significant power to withdraw accreditation from those institutions that persistently fail to meet accreditation standards;<sup>9</sup> and

6) the disciplinary actions of accrediting agencies seem to have little to no impact on whether students are generally successful at the institutions.<sup>10</sup>

## Department Recognition and Guidance of Accreditors

Because agencies rarely deny outright accreditation renewals to already-approved institutions, there is fair skepticism about whether the many thousands of pages of documentation that can be generated through a review of a single institution drives improvement. Accreditation is ultimately an administrative process. Therefore, administrative changes, which often go overlooked, may improve the degree to which accreditation reviews are focused on student outcomes.

**Administrative changes may improve the degree to which accreditation reviews are focused on student outcomes.**

The process by which the Department reviews and recognizes accreditors is similar to how accreditors evaluate and accredit institutions. Reforms made during Secretary DeVos's tenure in the relationship between the Department and its recognized accreditors may provide a guide for how the process between accreditors and institutions might also be improved.

In 2019, the Department began to implement new regulations relating to accreditation. It also

updated its handbook that accreditors use when applying for new or renewed recognition by the Department.<sup>11</sup> The prior eighty-eight-page document was replaced with a twenty-eight-page version. Secretary DeVos said at the time that “too much of the accreditation process has become about paperwork and not people. The current process for recognizing accreditors generates accreditor applications that are tens of thousands of pages long, but it does little to improve the quality of education for students.”<sup>12</sup>

The new handbook omitted extraneous requirements that went beyond the statutory and regulatory text and replaced them with a chart that directly linked each regulatory requirement with a list of specific evidence required to meet it. Extraneous sub-regulatory requirements were removed, although most of the improvements are not “regulatory relief” in the traditional sense. Rather, the clearer requirements reduce guesswork and ensure equal treatment among applicants. The Department and other federal agencies could improve their oversight of regulated parties by taking similar steps in other areas.

## 2018–2020 Negotiated Rulemaking

Although these sub-regulatory changes were meaningful, significant policy changes required revisions to the Department's federal accreditation regulations. On July 31, 2018, the Department

kicked off a more-than-two-year process of rewriting its accreditation regulations, as well as a number of other important topics.<sup>13</sup> The Department ultimately published three regulatory packages: Distance Education and Innovation; TEACH Grants and Faith-Based Entities; and Accreditation and State Authorization.<sup>14</sup>

Unlike regulations written by most federal agencies, which only require notice to the public and the opportunity to offer comment, the HEA requires negotiated rulemaking for Title IV provisions. The process involves additional steps. First, after notice published in the Federal Register, the public is invited to attend hearings to suggest topics that the Department might consider for its negotiated rulemaking sessions. The Department then publishes its notice of negotiated rulemaking and invites nominations of stakeholders to serve during each session. Once appointed, the negotiated rulemaking commences, with negotiations taking place at several sessions of three or four full days at a time, with informal work and proposal refinement in between. In all, these additional steps can add as much as a year to an already lengthy rulemaking process.

When negotiated rulemaking has participants providing genuinely useful input and feedback, it works well. The parties ultimately agree on a regulation that balances various interests, minimizes burden, and provides stability to affected parties. This is very rare, and consensus is usually not achieved. In the latter case, the Department may then proceed with proposing any regulation it wishes. The former path provides greater political and legal certainty, ensuring that a regulation has staying power, but it is difficult and time-consuming to bring disparate parties to a consensus. The latter path offers the Department and its political appointees more influence over the provisions of new regulations. Different departmental leaders and administrations may weigh those incentives differently. To date, the Biden Education Department has shown little interest in achieving consensus on HEA regulatory changes.

**When negotiated rulemaking has participants providing genuinely useful input and feedback, it works well. The parties ultimately agree on a regulation that balances various interests, minimizes burden, and provides stability to affected parties.**

In its 2018 accreditation rulemaking, the DeVos Education Department offered specific proposals at the start of the negotiations. These drafts removed regulatory provisions that created unnecessary burdens on accreditors and institutions and amended those that restricted competition among them. A key goal was to carve out spaces for accreditors and institutions to adopt innovative practices. Although this aim was widely shared on the negotiated rulemaking committee, the odds of its members reaching consensus on specific policies, much less actual regulatory text, did not seem initially promising.

Bad weather and mutual mistrust hampered the early negotiating sessions. The Department's political leadership held very different political beliefs from most of the negotiators, and neither side believed the other was interested in ultimately reaching agreement. As time went on, however, both

sides earned trust by giving ground on preferred policy proposals and by effectively communicating their respective goals. For example, the Department came around on preserving safeguards and disclosures that consumer advocates felt were important while other negotiators came around to the Department's view that some such provisions made innovation and new entrants nearly impossible.

As small agreements began to broaden into larger ones, the Department arranged for an additional week of negotiations, which provided the time necessary to find common ground. In so doing, Department leadership convincingly demonstrated that it was willing to spend time, money, and political capital in order to reach a deal. Ultimately, full consensus was achieved on every word of the proposed regulations, not only in accreditation, but also on the other two packages. A final accreditation rule was published on November 1, 2019,<sup>15</sup> and went into effect on July 1, 2020. This regulatory regime currently governs accreditation.

### **Changes to Accreditation from the 2018–2020 Rulemaking**

This rulemaking effort resulted in numerous, significant changes to the federal accreditation regulations. (See the Appendix for a full list.) In general, the most significant changes achieved two major goals: 1) promoting innovation in postsecondary education, including career pathways; and 2) promoting innovation in accreditation.

#### **1) REGIONAL VS. NATIONAL ACCREDITATION: A DISTINCTION WITHOUT A DIFFERENCE**

The most significant change in the DeVos accreditation regulations was to address the monopoly that had been granted to six institutional accreditors over regions of the country. (See Figure 1 for a map of the regions.) For decades, colleges and universities could only be accredited by so-called “national” accreditors or the applicable “regional” accreditor. Due to history and state mandates for public institutions, more than ninety percent of students attended a college or university that was approved by its “regional” accreditor.<sup>16</sup>

Although there was no substantive difference between regional and national accreditation under federal law, regional accreditors and the institutions they accredit (which tend to be older and more selective) used this distinction without a difference to discriminate against national accreditation and the institutions they accredit.

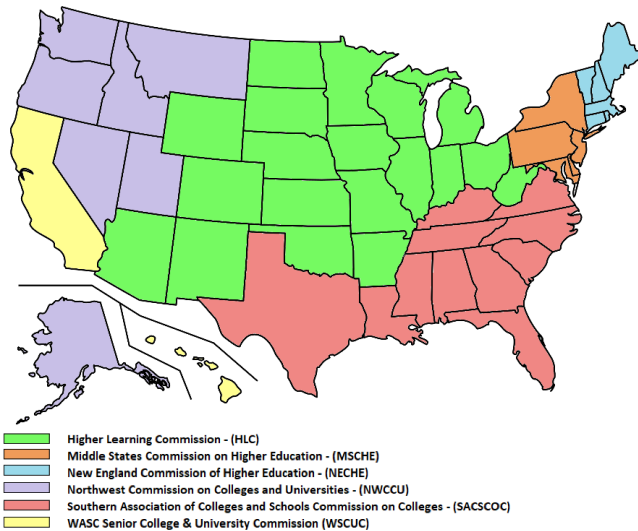
The practices of the regional accreditors harmed students by making it more difficult for students to transfer credits between institutions.<sup>17</sup> Some states even created barriers to state financial aid<sup>18</sup> or occupational licensure in professions such as teaching<sup>19</sup> for students who attended or currently attend local institutions with national accreditors. When postsecondary credits do not transfer, either taxpayers or students end up paying for the same course twice (or an entire degree for someone who cannot then work in that occupation).

Regional monopolies also created a “too big to fail” problem. If one of the regional accreditors failed financially or its standards devolved to unacceptable levels, the Department could not remove its recognition without causing massive chaos for all of the institutions (and their students) in that region.

Likewise, an institution that was being treated unfairly by its regional accreditor had little

recourse because it had to maintain regional accreditation in order to qualify for Title IV program participation. For example, in 2012, the University of Virginia's (UVA) governing board decided to replace the institution's president. In response, UVA's regional accreditor, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), put UVA on a warning status and eventually forced a reversal of the president's firing.<sup>20</sup>

1. THE MONOPOLIES HELD BY FORMERLY "REGIONAL" ACCREDITORS



SACSCOC effectively leveraged its power as a Title IV gatekeeper to overturn a decision by the state's duly elected officials and their appointees. Such challenges related to governance, the ability of students to work in a chosen occupation, and more demonstrated that the status quo was anti-competitive, intrusive upon state sovereignty, and unfair to taxpayers, students, and institutions.

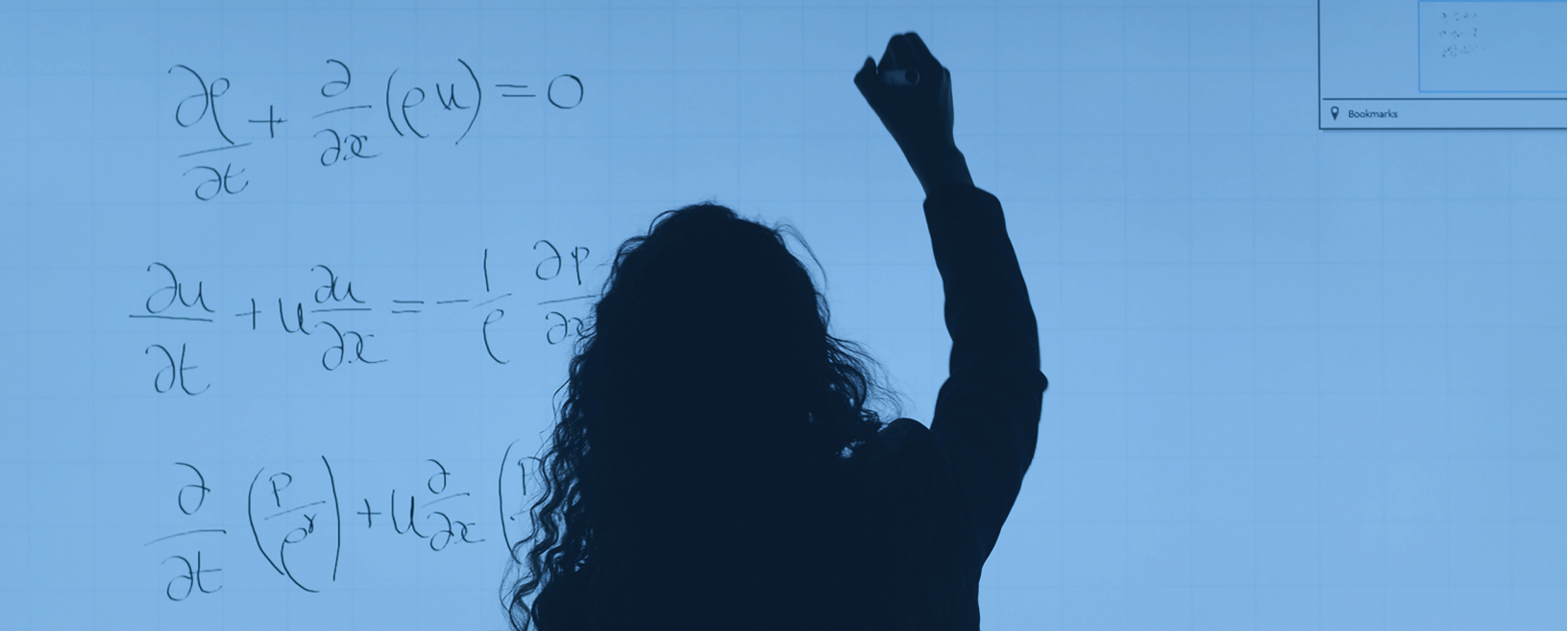
Although some rulemaking negotiators initially fought this shift away from regional accreditation monopolies and sought repeatedly to weaken the Department's proposal, they eventually relented after

other negotiators and the Department persisted and underscored the importance of a more competitive system. It also came to light during negotiations that, while regional accreditors were jealously guarding their territory when it came to main campuses, they allowed many institutions, including public universities, to create branch campuses and additional locations in other states, sometimes outside the boundaries of their regional accreditor. They were, in effect, acting as if they were national accreditors while benefitting from their regional cartels.

Eventually, the negotiators agreed to remove the artificial distinction between regional and national accreditation and treat members of each group as institutional accreditors on equal footing. Accreditors would be required to report any state in which they accredited any type of campus, and institutions would be free to go through the process to switch accreditors. Today, each of the formerly "regional" accreditors, with the exception of SACSCOC, officially acknowledges that it conducts accrediting activities "throughout the United States."<sup>21</sup>

In addition, although the HEA denies the Department the authority to regulate on transfer of credit policy, the negotiators added a disclosure requirement so that all colleges and universities will be forced to disclose to the public if they will not accept credits from certain types of institutions. They also must publish their policies for accepting credit for prior learning, including from service in the armed forces. These changes will give students more information and provide transfer- and veteran-friendly institutions a competitive advantage.

Further oversight is needed of whether institutions are following these new transparency requirements. States must also be encouraged to update their statutes and regulations if they still



refer to the incorrect term “regional accreditation.” **Congress could also do more to discourage institutions from denying transfer credits, including outright prohibitions. Of greater potential impact, Congress could deny financial aid for any courses similar to those a student passed at a prior institution, discouraging institutions from rejecting transfer credits.**

## 2) PROMOTING INNOVATION AND PATHWAYS TO CAREERS

The Department made a number of other important changes as well. First, the Department clarified that, under current law, accreditors have more flexibility to allow for innovative practices than the previous regulations contemplated. For example, the lack of workforce relevance in many academic programs is often conveniently blamed on accreditation, even though federal law and most accreditation standards do not include barriers to such workforce alignment. The Department attempted to remove excuses for misalignment in as many places as possible. The new regulations explicitly grant accreditors the ability to have “separate standards regarding an institution’s process for approving curriculum to enable programs to more effectively meet the recommendations of” employers or other related entities.<sup>22</sup>

“Further oversight is needed of whether institutions are following these new transparency requirements. States must also be encouraged to update their statutes and regulations if they still refer to the incorrect term ‘regional accreditation.’”

A second major shift was to recognize that colleges and universities serve different populations and have different missions, so accreditors should evaluate each institution based on its unique goals, as well as progress toward meeting them. The regulations bolster existing statutory language in a number of places by ensuring that accreditors’ decisions are made with consideration of whether, for example, the institution is a highly selective university serving elite students or an open-enrollment community college serving a broad and diverse population of students. The need to consider

institutional missions was also made more explicit, and the revised regulations carefully clarified that accreditation agencies must never intrude upon the religious mission of a faith-based institution.

Institutions also need to respond effectively to the dynamic needs of their students and local employers. The new regulations thus allow accreditors to streamline approvals if institutions want to open a new campus or start a new program, particularly if they have a proven track record of success.<sup>23</sup> Rather than sending every decision to the accreditor's board, some decisions can now be made more quickly by an accreditor's staff. The regulations also removed *de facto* prohibitions on innovation. For example, they deleted a requirement that any new "standards, policies, procedures, and decisions to grant or deny accreditation are widely accepted" by faculty, institutions, licensing bodies, and other incumbent players.<sup>24</sup>

The regulations then go a step further and allow accrediting agencies to create entirely new sets of standards in parallel to their existing ones in order to promote innovation or address what might otherwise cause "an undue hardship on students."<sup>25</sup> Agencies also now may grant waivers in response to emergencies or other sudden changes affecting an institution's programs. Although developed months before the pandemic, such flexibilities were soon embraced during COVID-related shutdowns.

### **Impact of the DeVos Rulemaking**

Over time, the regulatory changes to accreditation reflected in the 2020 rule will have untold impacts as accreditors, the Department, and institutions adjust their practices in response to them. Already there are positive signs that the changes are working as intended and will benefit students through a more dynamic and competitive accreditation landscape. For example, the Workforce Talent Educators Association is a new organization seeking to evaluate "workforce outcomes and skill development" in postsecondary education.<sup>26</sup> When paired with the improvements in the way that the Department recognizes accreditors and accreditors, in turn, recognize institutions, accreditation should evolve to be less about burdensome paperwork and more about genuine continuous improvement. New entrants can drive more competition and a greater focus on each institution's unique mission to provide positive outcomes for students.

Surely, the most high-profile and immediate change as a result of the regulations is the removal of regional accreditation monopolies. Although this new accreditation landscape may take years to mature, some institutions, including established public colleges and universities, are considering switching to a new accreditor. One state in particular has already been making waves: Florida.

In May 2021, in an echo of its interference into the presidential search at the University of Virginia, SACSCOC raised questions about Florida State University's potential selection of Richard Corcoran as president. The agency challenged the candidacy of Corcoran, a Republican, the former Commissioner of Education, and the former Speaker of the Florida House of Representatives, on the grounds that he was also a member of the Board of Governors.<sup>27</sup> Again, recognizing SACSCOC's power, Florida ultimately selected another candidate. In another incident, SACSCOC intervened to block the possible firing of the president of Florida A&M after a student died from a hazing incident.<sup>28</sup>

In an effort to improve postsecondary education in Florida and in response to SACSCOC's heavy-

handed approach, the Florida Legislature passed and, in April 2022, Governor Ron DeSantis signed Senate Bill 7044 into law. Among other things, the bill requires the state's public colleges and universities to seek a new accreditor when they are up for renewal.<sup>29</sup> The bill's provision requiring institutions to keep switching accreditors after each review cycle probably deserves some scrutiny; however, deserving of full embrace are the broader notions that states should control their own colleges and universities and that accreditors and institutions benefit from healthy competition.

**A move away from SACSCOC may mean a move toward higher standards and better student outcomes..**

Unfortunately, the Biden Education Department has gone in the opposite direction. In response to Florida's actions, the Department made significant changes to its processes for recognizing a change in accreditors. In fact, for the first time in agency history, the Department now claims the authority to demand pre-approval for such a change (rather than mere notification) and asserts that a public institution being directed to change accreditors by its own state is an insufficient and invalid reason for changing accreditors.<sup>30</sup> The Department

claims, without evidence, that any institution switching accreditors may be doing so to seek out less rigorous standards as part of a "race to the bottom."<sup>31</sup>

Such concerns were fully addressed over the multi-year accreditation rulemaking under Secretary DeVos, including in the final rule:

*These regulations enable accrediting agencies and institutions to be nimbler and more responsive to changing economic conditions and workforce demands, and they permit agencies to convey their intention to take negative action earlier by providing a period of time during which an institution may remain accredited and still participate in title IV programs in order to graduate students near the end of their programs or help students transfer to new institutions. The changes to the criteria used by the Secretary to recognize accrediting agencies by placing increased focus on education quality strengthen the value and effectiveness of accreditation. Additional tools available to accrediting agencies to hold institutions and programs accountable will also increase the value of accreditation.*<sup>32</sup>

Florida has also made clear that it is seeking better student outcomes and less political interference, not lower standards. If anything, a move away from SACSCOC may mean a move toward higher standards and better student outcomes. The Department itself has recently raised concerns that SACSCOC may be struggling to meet the basic standards for recognition.<sup>33</sup> The Texas Public Policy Foundation found that, when employing "a metric that determines whether accreditors approve programs that leave their students with excessive student loan debt . . . the Southern Association of Colleges and Schools stands out as the worst."<sup>34</sup>

Despite the Department’s new guidance, Florida is moving forward with implementing SB 7044. Two of Florida’s public institutions have already notified the Department that they intend to switch to other Department-recognized accreditors. Several former Department officials organized by the Defense of Freedom Institute have raised significant constitutional, statutory, and policy concerns with the Department’s posture, assertively challenging the Department’s inappropriate steps on this matter and noting that “Congress has delegated to the Department no authority to wrest control of the management of Florida’s public colleges and universities away from the state’s lawmakers and officials.”<sup>35</sup>

## Seeking Further Accreditation Reform

### Limitations of Some Proposals

The Department’s renewed interventions to limit competition and innovation in accreditation is troubling and shows that more changes are needed; however, accreditation reformers should resist the assumption that transformational higher education reform will follow from changes to accreditation alone. Although accreditation is a key component of higher education policy and often a barrier to more significant reform elsewhere, institutions need to be more willing to seek approval from accreditors for innovative, promising programs. Failing that, there must be new entrants—accreditors and institutions—that are willing to serve students in new and better ways.

**To achieve peak effectiveness, reforms should focus on areas that are likely to unleash innovation within accreditation itself, foster alternate forms of accountability, and incentivize changes within higher education institutions and programs that will lead to better student outcomes.**

To achieve peak effectiveness, reforms should focus on areas that are likely to unleash innovation within accreditation itself, foster alternate forms of accountability, and incentivize changes within higher education institutions and programs that will lead to better student outcomes. Unfortunately, such reforms are generally not possible under the limitations imposed by the current statutory regime. To effect substantial changes that will lead to better student outcomes, Congress must amend the HEA.

For example, some have suggested that accreditor overreach of the kind cited earlier could be prevented if accreditors evaluated decisions about Title IV access against only those accrediting standards prescribed by law. Accreditors could add on other standards for their full endorsement, but not for purposes of evaluating Title IV access. This suggestion is challenging because the standards required by law are so broad that they could potentially be used for all sorts of creative new mandates. An accreditor has all the power it needs under the headings of “faculty” or “fiscal and administrative capacity.” In fact, those are the sources of authority that accreditors have named in the examples of overreach cited earlier.

In addition, the HEA currently states, “Nothing in this Act shall be construed to prohibit or limit any

accrediting agency or association from adopting additional standards.” Moreover, the Secretary cannot “establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution’s success with respect to student achievement.”<sup>36</sup>

This language limits the ability of reformers to amend the Department’s accreditation rules to prohibit disliked practices. For example, some have proposed limits on an accreditor’s ability to require institutions to address social and cultural issues. Accreditors might be given permission to waive requirements not related to Title IV for its institutions. That is, of course, precisely what the DeVos Department did, but an accreditor is only likely to use this flexibility to serve its own aims. Accreditors may be hesitant to wade into most political controversies, and this is a near certainty if they are opposing the prevailing view in higher education.<sup>37</sup> Enduring reform in these areas requires legislative modifications to the HEA.

Another common idea is to hand accreditors’ responsibilities related to access to Title IV to the states. This option presents several challenges. First, Congress would need to enact such a major shift. Second, there is no evidence that state bureaucracies, with all of the political pressures that they must navigate, would do a better job policing quality than private accreditors. Third, giving states the exclusive power of quality assurance would likely result in an even more extreme version of the regional cartel problem that was just recently addressed by Secretary DeVos. States would likely enact incompatible requirements that would make it difficult for institutions or students to engage across state lines, or they would be forced into large interstate compacts. Although an interstate compact like NC-SARA might result, such an effort would take years and runs the risk of negating the advantages offered by the state-centered quality assurance model.

Another model exists. If states were to perform the quality assurance role *in addition* to the current slate of accreditation agencies, most of these concerns could be avoided. In fact, the Department currently recognizes a small number of states as accreditors for vocational and nursing education.<sup>38</sup> That approach has the residual benefit of ensuring that state approval for access to Title IV aligns with the state’s occupational licensing requirements. Much of that authority has been limited and the existing states grandfathered; however, **Congress could remove those curbs and permit any state to seek recognition as accreditors through a process that remains in the Higher Education Act and the Department’s regulations.**

## **What Congress Should Do**

When considering potential legislative changes, reformers should recognize the benefits of the current system. As long as federal funds support colleges and universities, Congress will want some entity to determine which institutions are eligible for funds and which are not.

Accreditors are adept at setting basic rules about how an institution employs faculty and administrators, enacts proper procedures for enrolling students and awarding degrees, and ensures basic operational stability. This competency is often too traditional and results in conformity; however, existing accreditors now have the ability due to the DeVos Rulemaking to enact innovative standards. If they do not seize this opportunity, it is worth the cost and effort to stand up new accreditors to oversee new and existing institutions that seek to do things differently.

Accreditors are less skilled at determining whether an institution’s academic programs—the actual teaching and learning that students experience—are high-quality, relevant to opportunity for employment, and likely to lead to good student outcomes. This shortcoming is most pronounced when reviewing innovative programs.

Congress should address the accrediting agencies’ weakness at discerning the quality of individual academic programs by allowing institutional accreditors to offload this specialized analysis while maintaining the core of what they do particularly well. Congress should:

- 1. Remove direct academic program oversight from institutional accreditation and instead allow each institutional accreditor to obtain certification using a combination of third-party outcomes data, field-specific subject matter experts, and validation of real-world relevance from employers who hire graduates.** When the Department clarified in its 2020 regulations that institutional accreditors should provide oversight “at both the institutional and program levels,” accreditors balked at first because they lacked experience, expertise, or capacity to evaluate specific academic programs. Indeed, institutional accreditors do not have the capacity to oversee perhaps hundreds of programs at a given institution, so they should instead be tasked with identifying program-level information about program quality and outcomes that they can trust. This program-based approach will tell institutions and the public more about whether specific programs are adding value and meeting stated academic goals, whether those be in career preparation, the liberal arts, or something else. Such an approach can also make meaningful accountability easier because a severe penalty may involve closing a few bad programs rather than closing an entire institution that is dragged down by a few poor performers.
- 2. Remove the requirement that accreditors or the Department evaluate institutional financial stability and require institutions to protect taxpayers and students by purchasing insurance in the private market.**<sup>39</sup> Neither entity is equipped to execute on this responsibility, and, in fact, they have done so poorly over the years. Indeed, when serious problems arise, they often intervene belatedly and then take steps that hasten precipitous institutional closures. Instead, accreditors should help facilitate easy transfer to nearby institutions when a college or university suddenly closes. These requirements were strengthened by the 2020 regulations, but new lessons are learned from each new precipitous closure.
- 3. Explore entirely new accreditation regimes that hold institutions and programs accountable for students’ postgraduation results without the “all or nothing” challenge that Title IV presents.** Institutions could be required to co-sign a percentage of each student loan in order to create a sliding scale of “skin in the game” based on the profile of the institution’s students balanced against the financial risk to taxpayers. However, this risk-

Accreditors are less skilled at determining whether an institution’s academic programs are high-quality, relevant to opportunity for employment, and likely to lead to good student outcomes.

sharing regime must be paired with flexibility for institutions to differentiate pricing by academic program, limit borrowing, and design creative financing terms, such as income share agreements or bundled financing that incorporates non-credit programs.<sup>40</sup>

- 4. Prohibit accreditors from using their Title IV gatekeeper status to impose their ideological views as a condition of accreditation or, worse, inserting those views into their standards for accreditation.** In today's progressive-dominated campus culture, these forays against institutional autonomy and academic freedom nearly always come from the left; however, progressives too must recognize that this power—and accreditors' willingness to use it—have grown in recent decades and could someday be used to push a political agenda with which they disagree. Congress can and must **add stronger language to the HEA that protects the rights of university leaders, employees, and students, including academic freedom, and the rights to freedom of speech, religion, and association.**

**Institutions frequently have little tolerance for risk when it comes to navigating grey areas in their accreditors' policies.**

More can also be done to prevent accreditors from stretching their authority beyond what Congress likely intended. In 2015, for example, the Higher Learning Commission (HLC) updated its guidance in such a way that many institutions feared they would no longer be able to offer courses for high school students to earn college credit. The policy requires a high school student to be taught by a teacher with a master's degree in order to receive college credit at a college or university accredited by HLC.<sup>41</sup>

Even though there is little to no evidence that teachers with expensive master's degrees produce higher achievement in their students,<sup>42</sup> the accreditor has defended its policy, partly by pointing to a process for teachers to prove that they have equivalent experience to a master's degree. Documenting equivalency can be difficult, however, and institutions frequently have little tolerance for risk when it comes to navigating grey areas in their accreditors' policies. Besides, nothing in HLC's approach indicated any focus on, or interest in, student outcomes, just faculty inputs.

Fortunately, the policy has been delayed multiple times since its announcement, likely due to pressure from states, COVID, and other factors.<sup>43</sup> Although the Department does not have the authority to prohibit such practices, its new regulations are explicit that accreditors can set different faculty standards in order to better support dual enrollment.<sup>44</sup> The DeVos Education Department did not make a requirement due to the HEA's statutory constraints. **Congress should prohibit practices by accreditors that drive credential inflation and make it more difficult for students to earn a degree.**

### **Prerequisites to Future Department Reforms**

Before any new administration can take the steps outlined above, however, it will likely have to reverse harmful policies enacted by the Biden administration. The previously mentioned guidance about switching accreditors, which seeks to reverse with sub-regulatory guidance and a blog post

the binding regulations negotiated during the 2018–2020 negotiated rulemaking, should be among the first items to be reversed (assuming it is not successfully challenged before a new administration takes office). In addition, some on the left wish to see the Department redo the consensus accreditation rulemaking entirely.<sup>45</sup>

In early January 2023, the Department indicated in its regulatory forecast that it would not only revisit the accreditation rulemaking, but also attempt to rewrite rules on distance education, as well as state authorization.<sup>46</sup> Such an initiative would reverse a move toward greater innovation and competition, and fighting it should be embraced by conservatives and other reformers. If that rulemaking is undone, a new administration should make it a priority to put it back in place absent congressional intervention.

A new administration should also codify in regulation some of the sub-regulatory efforts to reduce regulatory burden discussed above. Perhaps more importantly, the Department should act in unprecedented fashion and rein in its own administrative power as much as possible. Although the Department cannot use its regulatory power to refuse statutory requirements, it could be more disciplined about adhering closely to the HEA, **holding itself to deadlines and limiting documentation requirements so that regulated entities would have greater certainty about the time and cost of interacting with the Department.** Although such provisions were proposed during the 2018–2020 rulemaking, they were ultimately rejected at the behest of the Department’s career attorneys.

### **Other Steps the Department of Education Should Take**

There are other important moves that the Department may take without Congress that can meaningfully improve the performance of accreditors while exploring new ways of assigning responsibility for oversight and considering new accountability structures entirely.

- The Department could build upon its sub-regulatory reforms by working with accreditors to reduce accreditor-driven compliance costs. This could include **creating standardized yet flexible forms for use by institutional accreditors. These standardized forms would include limits on narrative and supporting documentation.** Standardized forms could also be developed to streamline and rationalize the process of accreditor recognition by the Department.
- One way to supplement the accountability that accreditors should be providing is to empower students (especially borrowers) with greater information about the outcomes that their postsecondary options produce. One key vehicle is the Department’s College Scorecard. While program-level data on debt and earnings in the College Scorecard has helped many students make smarter enrollment decisions, the Department relies heavily on external groups to tap the publicly available data and repackage it for students. Many of those entities have not yet added program-level debt and earnings information. Because relatively few students directly visit the Department’s College Scorecard, the debt and earnings information is not widely available to those who need it most. To ensure that more students and potential borrowers

actually see the program-level debt and earnings information before they enroll in a program and borrow, **the Department should continue to enhance the usability and availability of the College Scorecard, including through improved partnerships with search engines and tools such as the College Financing Plan.**<sup>47</sup>

- Such steps are also needed because many institutions are not being transparent with their students and doing so can ameliorate some of the need for top-down sanctions that may come too late. According to a recent Government Accountability Office report, ninety-one percent of colleges may be misleading their students when they present them with financial aid offers.<sup>48</sup> These steps, while small, could have a major impact in creating safe harbors for accreditors to lower the cost associated with obtaining accreditation.
- The Department can also pilot changes through the Experimental Sites authority. The Department's Educational Quality through Innovative Partnerships (EQUIP) program, for example, proposed a new accountability regime that put employers and credentialing bodies in the driver's seat. Ultimately, however, this new structure was merely appended onto the existing accreditation process as an extra requirement, so few institutions were interested in participating. **A more ambitious and flexible experiment, especially one that allows employers rather than accreditors to serve as assurers of quality, could prove that a viable alternative to the current accreditation regime is possible.**

## Conclusion

The steps outlined above will not come easily or without opposition. As noted, the Biden Education Department may abrogate even the modest reforms taken by Secretary DeVos to improve accreditation through the regulatory process. In any event, protecting these important changes is not enough.

Broad-based higher education reforms are needed in order to realign incentives to ensure that colleges and universities succeed only when their students succeed and are directed toward meaningful and achievable improvement when they do not. They must embrace more market-based accountability systems that align an institution's financial incentives with their mission to serve students. For too long, education reformers have decried the many challenges faced by students attending colleges and universities while effectively ignoring accreditation and broader quality assurance efforts as a means to improve outcomes. Accreditation is not the only means of realizing improvement in these areas, but without deliberate attention paid to this issue, there are limits to any set of reforms.

## About the Author

DFI contributor **Michael Brickman** is an Adjunct Fellow at the American Enterprise Institute and served in the U.S. Department of Education as Senior Advisor to the Under Secretary from 2017-2021.

## **The Defense of Freedom Institute for Policy Studies, Inc.**

DFI is a nonpartisan, nonprofit organization focused on providing thoughtful, conservative solutions to challenges in the areas of education, workforce, labor, and employment policy. Through a unique blend of policy and legal expertise, we fight to expand school and work opportunities for all Americans; to limit the power of federal agencies and government-sector unions; and to defend the civil and constitutional rights of all Americans in the classroom and the workplace. Among its initiatives, DFI highlights the activities of government-sector labor leaders that conflict with the best interests of families, students, teachers, and taxpayers.

## APPENDIX: Summary of Department Actions in the 2018–2020 Accreditation Rulemaking

Changes to Title 34 of the Code of Federal Regulations as printed in the Department’s Notice of Proposed Rulemaking on Accreditation. These proposals from the consensus rulemaking were little changed in the final regulation.<sup>49</sup>

Amend in § 600.2 the definition of “branch campus”;
Create in § 600.2 new definitions of “additional location,” “preaccreditation,” “teach-out,” “religious mission,” and remove the definition of “preaccredited”;
Move from § 602.3 to § 600.2, and modify, the definitions of “preaccreditation,” “teach-out agreement,” and “teach-out plan”;
Clarify in §§ 600.4, 600.5, and 600.6 that the Secretary does not recognize the accreditation or preaccreditation of an institution unless the institution agrees to submit any dispute involving an adverse action, such as the final denial, withdrawal, or termination of accreditation, to arbitration before initiating any other legal action;
Establish in § 600.9(b) that we consider an institution to be legally authorized to operate educational programs beyond secondary education if it is exempt from State authorization under the State constitution or by State law as a religious institution;
Amend § 600.9(c)(1), as published at 81 FR 62262 (December 19, 2016), to make the paragraph also applicable to institutions exempt from State authorization under proposed § 600.9(b); to substitute where a student is “located,” rather than where the student is residing, as a trigger for State authorization requirements; and to add provisions regarding when and how an institution is to make determinations regarding a student’s location;
Delete § 600.9(c)(2), as published at 81 FR 62262 (December 19, 2016), regarding State processes for review of complaints from students enrolled in distance or correspondence programs who reside in a State in which the institution is not physically located;

Establish in § 600.11 conditions under which the Secretary would prohibit a change in accrediting agencies and the utilization of multiple accrediting agencies;
Provide clarifying edits to § 600.31(a)(1), and to the definitions of “closely-held corporation,” “parent,” and “person;”
Rename the term “other corporations” in § 600.31(c)(3) to read “other entities,” and revise the definition of the term as renamed;
Rename the heading “Partnership or sole proprietorship” in § 600.31(c)(4) to read “General partnership or sole proprietorship”; revise the heading “Parent corporation” in § 600.31(c)(5) read “Wholly owned subsidiary”; and revise the content of § 600.31(c)(5);
Amend in § 600.32 the requirements for acquisitions of, or teach-outs at, additional locations of institutions that are closing;
Eliminate a provision regarding the long-repealed transfer-of-credit alternative to recognized accreditation from § 600.41;
Amend in § 602.3 the definitions of “compliance report,” “final accrediting action,” “programmatic accrediting agency,” “scope of recognition” or “scope,” and “senior Department official”;
Establish in § 602.3 new definitions for “monitoring report” and “substantial compliance”;
Add in § 602.3 new cross-references to definitions in part 600 for “accredited,” “correspondence course,” “credit hour,” “direct assessment programs,” “distance education,” “nationally recognized accrediting agency,” “Secretary,” and “State,” and otherwise eliminate definitions for these terms in § 602.3;

<p>Revise the “federal link” requirement in § 602.10 to permit an agency to comply by establishing that it dually accredits a program or institution that could use its accreditation to establish eligibility to participate in title IV, HEA programs;</p>
<p>In proposed §§ 602.11 and 602.12, transition from the concept of an accrediting agency’s “geographic scope” as determined by the Department, to one of “geographic area” as reported by the agency and reflecting all States in which main campuses, branches and locations accredited by the agency are located;</p>
<p>Under proposed § 602.12, no longer require an accrediting agency that is seeking its own recognition but is affiliated with an agency that is already recognized to document it has engaged in accrediting activities for at least two years;</p>
<p>Under proposed § 602.12, no longer require agencies applying for an expansion of scope to have accredited institutions or programs in the areas for which the expansion is sought, while reserving in the Department in such instances authority to establish a limitation on the agency or require a monitoring report;</p>
<p>Eliminate current § 602.13, relying on other regulations to ensure the Department obtains feedback on the agency from the academic community;</p>
<p>Revise § 602.14 to clarify the “separate and independent” requirement;</p>
<p>In proposed § 602.15, clarify requirements regarding conflict of interest controls and reduce agencies’ record-keeping requirements;</p>
<p>In proposed § 602.16, require agencies that accredit direct assessment programs to ensure their standards effectively address such programs, and provide additional flexibility to agencies in setting standards for occupational and dual enrollment programs;</p>

Revise § 602.17 to require accredited entities to meet their objectives at the institutional and program levels;
Further revise § 602.17 to encourage innovation, require substantiation of evidence, and provide greater flexibility to agencies in establishing requirements for verifying student identity;
In § 602.18, establish that agencies must not use religious-based policies, decisions and practices as a negative factor in applying various of their accrediting standards, while recognizing the agencies' authority to ensure that curricula are complete;
Also in § 602.18, acknowledge the ability of agencies in appropriate circumstances to establish alternative standards, policies and procedures, and to extend the time for complying with their standards, policies and procedures, while establishing guidelines for ensuring that agencies, institutions and programs remain accountable in such circumstances;
Revise § 602.19 to require a review, at the next meeting of NACIQI, of any change in scope of an agency when an institution it accredits, that offers distance education or correspondence courses, increases its enrollment by 50 percent or more within any one institutional fiscal year;
Revise § 602.20 to remove overly prescriptive timelines for agency enforcement actions;
Revise § 602.21 to clarify that, when reviewing standards, agencies must maintain a comprehensive systematic program that involves all relevant constituencies.
Modify substantive change requirements in § 602.22, by requiring more restrictive oversight of institutions posing higher risk, and less of other institutions; by permitting an agency to provide more expeditious review of certain kinds of substantive change by delegating decision-making authority to agency senior staff; and by permitting agencies to provide retroactive effective dates for substantive change approvals, subject to certain requirements;

<p>Add to § 602.23 a requirement for public notice of the procedures and steps required by agencies, States and the Department with respect to accreditation, preaccreditation and substantive change applications and decisions.</p>
<p>Also in § 602.23, add requirements related to grants of preaccreditation, and require each agency that serves as a title IV, HEA gatekeeper to use Department definitions of branch campus and additional location, as well as to notify the Department if it accredits part but not all of an institution participating the title IV programs.</p>
<p>In § 602.24, streamline requirements for approvals of branch campuses, establish new requirements for teach-out plans and teach-out agreements, remove the requirement related to accrediting agency review of institutional credit hour policies during comprehensive reviews, and, with respect to institutions participating in the title IV, HEA programs, conform agency definitions of branch campuses and additional locations with the Department's.</p>
<p>Remove reversal as an option available to agency appeals panels, and clarify the remand option, under § 602.25;</p>
<p>Under proposed § 602.26, add a requirement for notice to the Secretary, the State, other accrediting agencies, and current and prospective students of initiation of an adverse action, and modify other notice requirements;</p>
<p>Clarify in § 602.27(b) that requests from the Department for agencies to maintain confidentiality of Departmental information requests will be based on a determination by the Department that the need for confidentiality is compelling.</p>
<p>Revise §§ 602.31-602.37 to incorporate the substantial compliance standard and the use of monitoring reports; revise requirements regarding agency applications and staff review of the applications; require NACIQI involvement in any decision for initial recognition; allow greater flexibility in permitting agencies an opportunity to come into compliance; provide an opportunity for briefing by an agency and the Department staff if the senior Department official determines that a decision to deny, limit or suspend may be warranted; and make other procedural and technical changes.</p>

In § 603.24(c), remove the requirement for review by State approval agencies of institutional credit hour policies;
Remove and reserve part 654, regarding the Robert C. Byrd Honors Scholarship Program;
Add new § 668.26(e) to provide the Secretary with discretion, in specified circumstances, to permit an institution to disburse title IV, HEA funds for no more than 120 days after the end of participation to previously enrolled students for purposes of completing a teach-out.
Replace requirements in § 668.41 for disclosure of any program placement rate calculated, along with associated timeframes and methodology, with requirements for disclosure only of any placement rate published or used in advertising;
Revise § 668.43 to require disclosures, including direct disclosures to individual students and prospective students in certain circumstances, for each State, whether or not a program meets licensure and certification requirements, as well as any States for which the institution has not made a determination; and remove § 668.50;
Revise § 668.43(a)(12) to clarify that disclosures of written arrangements wherein a portion of a program are to be provided by an entity other than the institution are to be included in the program description;
Further revise § 668.43 to require disclosures of documents regarding—
<ul style="list-style-type: none"> <li>■ Any types of institutions or sources from which the institution will not accept transfer of credit;</li> </ul>
<ul style="list-style-type: none"> <li>■ Criteria used to evaluate and award credit for prior learning experience;</li> </ul>

<ul style="list-style-type: none"> <li>■ Any requirement by the accrediting agency that the institution be required to maintain a teach-out plan, and why the requirement was imposed;</li> </ul>
<ul style="list-style-type: none"> <li>■ 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; and</li> </ul>
<ul style="list-style-type: none"> <li>■ Several matters required to be disclosed under HEA § 485, but not currently included in regulation, with the statutory requirement for disclosures of placement rates under HEA § 485(a)(1)(R) clarifies to pertain to placement rates required by an accrediting agency or State.</li> </ul>
Revise the “federal link” requirement in § 602.10
Further revise § 602.17 to encourage innovation
Revise § 602.19 to require a review, at the next meeting of NACIQI, of any change in scope of an agency when an institution it accredits, that offers distance education or correspondence courses, increases its enrollment by 50 percent or more within any one institutional fiscal year;
Revise § 602.20 to remove overly prescriptive timelines for agency enforcement actions;
Revise § 602.21 to clarify that, when reviewing standards, agencies must maintain a comprehensive systematic program that involves all relevant constituencies; and
Add requirements in § 602.23 related to granting preaccreditation.

- 1 <https://research.collegeboard.org/trends/student-aid/highlights>
- 2 <https://college101.org/wp-content/uploads/2022/06/College101-Accreditor-College-Quality-Report-FINAL-062822.pdf>
- 3 [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg4.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg4.html)
- 4 [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg4.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg4.html)
- 5 [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg3.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html)
- 6 [https://nces.ed.gov/programs/digest/d21/tables/dt21\\_330.40.asp](https://nces.ed.gov/programs/digest/d21/tables/dt21_330.40.asp)
- 7 <https://cew.georgetown.edu/cew-reports/lowincome/>
- 8 <https://www.aacu.org/research/how-college-contributes-to-workforce-success>
- 9 <https://postsecondarycommission.org/report-on-the-age-of-colleges-and-an-analysis-of-new-college-accreditation/>
- 10 In 2014, the Government Accountability Office found that “schools with weaker student outcomes were, on average, no more likely to have been sanctioned by accreditors than schools with stronger student outcomes. <https://www.gao.gov/products/gao-15-59>
- 11 A 2022 study by the Texas Public Policy Foundation found that accreditor interventions are often disconnected from the outcomes students and taxpayers care most about. <https://www.texaspolicy.com/wp-content/uploads/2022/09/2022-09-RR-NGT-Which-College-Accreditors-are-Failing-Students%E2%80%93Gillen.pdf>
- 12 <https://www.ed.gov/sites/default/files/accreditation/accreditation-handbook.pdf>
- 13 <https://web.archive.org/web/20190704231601/https://www.ed.gov/news/press-releases/secretary-devos-rethinks-departments-recognition-accreditors>
- 14 <https://www.federalregister.gov/documents/2018/07/31/2018-15929/negotiated-rulemaking-committee-public-hearings>
- 15 <https://www2.ed.gov/policy/highered/reg/hearulemaking/2018/index.html>
- 16 <https://www.federalregister.gov/documents/2019/11/01/2019-23129/student-assistance-general-provisions-the-secretarys-recognition-of-accrediting-agencies-the>
- 17 <https://www.educationnext.org/college-accreditation-explained-ed-next-guide-how-it-works-whos-responsible/>
- 18 <https://www.sac.edu/AcademicProgs/HST/OTA/os/Pages/FAQ.aspx>

- 19** <https://www.insidehighered.com/news/2009/08/14/accreditation-discrimination>
- 20** <https://ed.sc.gov/educators/teaching-in-south-carolina/epp/accreditation/>
- 21** [https://www.washingtonpost.com/local/education/u-va-receives-warning-from-accreditors-after-failed-ouster-of-president-in-june/2012/12/11/3a5553d0-43b1-11e2-8e70-e1993528222d\\_story.html](https://www.washingtonpost.com/local/education/u-va-receives-warning-from-accreditors-after-failed-ouster-of-president-in-june/2012/12/11/3a5553d0-43b1-11e2-8e70-e1993528222d_story.html)
- 22** [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg3.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html)
- 23** 34 CFR 602.16
- 24** 34 CFR 602.22
- 25** 34 CFR 602.13
- 26** 34 CFR 602.18
- 27** <https://www.workforcetalent.org/about-us>
- 28** <https://www.tallahassee.com/story/news/2021/05/13/agency-head-concerned-richard-corcorans-bid-fsu-president/5083165001/>
- 29** [https://www.realcleareducation.com/articles/2022/05/27/florida\\_challenges\\_the\\_college\\_accreditation\\_empire\\_110734.html](https://www.realcleareducation.com/articles/2022/05/27/florida_challenges_the_college_accreditation_empire_110734.html)
- 30** <https://www.flsenate.gov/Session/Bill/2022/7044/BillText/er/HTML>
- 31** <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-07-19/procedures-institutions-seeking-approval-request-change-or-add-accrediting-agencies>
- 32** <https://blog.ed.gov/2022/07/postsecondary-accreditation-cannot-become-a-race-to-the-bottom/>
- 33** <https://www.federalregister.gov/documents/2019/11/01/2019-23129/student-assistance-general-provisions-the-secretarys-recognition-of-accrediting-agencies-the>
- 34** <https://surveys.ope.ed.gov/erecognition/#/public-documents>
- 35** <https://www.texaspolicy.com/wp-content/uploads/2022/09/2022-09-RR-NGT-Which-College-Accreditors-are-Failing-Students%E2%80%93Gillen.pdf>
- 36** <https://dfipolicy.org/press-release-dfi-led-coalition-of-former-education-department-officials-calls-on-the-biden-administration-to-end-its-politically-motivated-harassment-of-floridas-governor/>
- 37** 20 U.S.C. 1099b
- 38** 34 CFR 602.16

- 39** [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg6.html](https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html)
- 40** <https://dfipolicy.org/wp-content/uploads/2022/05/Closed-School-Discharge-Reform-A-Roadmap.pdf>
- 41** <https://www.aei.org/research-products/report/risk-sharing-income-share-agreements-how-a-new-financing-mechanism-can-protect-taxpayers-and-incentivize-universities-to-offer-affordable-career-oriented-programs/>
- 42** <https://www.insidehighered.com/news/2015/10/20/colleges-and-states-scramble-meet-higher-learning-commissions-faculty-requirements>
- 43** [https://www.mhec.org/sites/default/files/resources/teacherprep1\\_20170301\\_3.pdf](https://www.mhec.org/sites/default/files/resources/teacherprep1_20170301_3.pdf)
- 44** <https://www.hlcommission.org/News-Reports/guidelines-on-accreditation-requirements.html>
- 45** 34 CFR 602.18
- 46** <https://www.americanprogress.org/article/how-the-us-department-of-education-can-fix-damaging-accreditation-regulations/>
- 47** [https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION\\_GET\\_AGENCY\\_RULE\\_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=1800&csrf\\_token=-737DA8331380086C1926655266E205B50F063058E5D68E39800A9A7BBCE2846B9B9E9A74BB1ACD-83980497CC7807E3EA053B](https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=1800&csrf_token=-737DA8331380086C1926655266E205B50F063058E5D68E39800A9A7BBCE2846B9B9E9A74BB1ACD-83980497CC7807E3EA053B)
- 48** <https://www2.ed.gov/policy/highered/guid/aid-offer/index.html>
- 49** <https://www.gao.gov/products/gao-23-104708>
- 50** <https://www.federalregister.gov/documents/2019/06/12/2019-12371/student-assistance-general-provisions-the-secretarys-recognition-of-accrediting-agencies-the>



**DFI**

Defense of  
Freedom Institute