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An Overview of Accreditation of Higher Education in the United States

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Summary

Title IV of the Higher Education Act (HEA) authorizes programs that provide financial assistance to students to assist them in obtaining a postsecondary education at certain institutions of higher education (IHEs). IHEs wishing to participate in Title IV federal student aid (FSA) programs must meet several requirements, including being accredited by an agency recognized by the Department of Education (ED) as a reliable authority on the quality of the education being offered.

There are three general types of accrediting agencies, each of which serves a specific purpose. Regional accrediting agencies operate in six regions of the United States and concentrate their reviews on IHEs within specific regions of the country. National accrediting agencies operate across the United States and review institutions with a common theme (e.g., religiously affiliated institutions). Finally, programmatic accrediting agencies operate nationwide and review programs and single-purpose institutions.

The accreditation process is voluntary and must be requested by educational institutions or programs. While accrediting agencies' review processes are guided, in part, by federal requirements, specific procedures for reviews are adopted by the individual agencies and vary among them. In general, however, the review process begins with an institutional self-assessment, then an institution is reviewed by an outside team of peers primarily composed of higher education faculty and practitioners, and finally, a comprehensive report is submitted by the team of peers to the accrediting agency, which then makes an accreditation determination.

Although the federal government relies on accrediting agencies to evaluate the quality of education offered at IHEs, the HEA and ED regulations provide a variety of requirements that accrediting agencies must meet to be recognized by ED. Key provisions require that accrediting agencies

- meet general membership requirements (e.g., agencies must have a voluntary membership of IHEs);
- consistently apply and enforce standards that ensure the education programs, training, or courses of study offered are of sufficient quality to meet the stated objective for which they are offered;
- use review standards that assess student achievement in relation to the institution's mission, including, as applicable, course completion, passage of state licensing examinations, and job placement rates;
- evaluate, among other considerations, an institution's or program's curricula, faculty, facilities, and fiscal and administrative capacity; and
- meet due process requirements with respect to the institutions and programs they accredit.

Congress may wish to focus on several issues related to accreditation as it considers HEA reauthorization. These issues may include further development of institutional quality measures, the potential to restructure or streamline the accreditation system, accreditation's role in the changing higher education landscape, and transparency and potential conflicts of interest in the accreditation process.

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Background

Historical Role of Accreditation in Higher Education

Historically, accreditation in higher education developed as a part of the evolution of the American higher education system, at a time when it was becoming problematic that no single point of control or central body existed to set educational standards. In the late 19th century, there was no consensus on the content of the educational programs offered by postsecondary educational institutions or the distinctions between educational offerings at secondary and postsecondary institutions. Because the boundaries were unclear, the first voluntary association of postsecondary institutions was formed in 1895 to define the difference between high school and college and to develop some guidelines and procedures for peer review as a condition for membership.

Over time, a number of regional associations formed whose membership was contingent on accreditation. The associations established separate accrediting bodies or commissions that were responsible for developing standards and passing on the institutional qualifications for membership. By the early 1970s, all but a small percentage of degree-granting institutions of higher education were either accredited or applicants for accreditation.

Purpose of Accreditation in Higher Education

The United States does not have a centralized authority exercising singular national control over postsecondary educational institutions. The states assume varying degrees of control over education, but in general, institutions of higher education (IHEs) are permitted to operate with considerable independence and autonomy. Consequently, the character and quality of IHEs' programs can vary widely. The role of accreditation in higher education, therefore, is to help ensure a level of acceptable quality across the wide array of programs and institutions in higher education.

The U.S. Department of Education (ED) describes the practice of accreditation as “a means of conducting nongovernmental, peer evaluation of educational institutions and programs” and lists the following as some of the purposes of accreditation:

- assess the quality of academic programs at institutions of higher education;
- create a culture of continuous improvement of academic quality at colleges and universities and stimulate a general raising of standards among educational institutions;
- involve the faculty and staff comprehensively in institutional evaluation and planning; and
- establish criteria for professional certification and licensure and for upgrading courses offering such preparation.¹

The Council for Higher Education Accreditation (CHEA)—a membership organization currently made up of approximately 3,000 colleges and degree-granting universities, and the primary nongovernmental higher education organization that scrutinizes the quality of higher education

¹ See U.S. Department of Education, “Accreditation in the United States,” <http://www2.ed.gov/admins/finaid/accred/accreditation.html#Overview>.

accrediting agencies—similarly describes accreditation as “a process of external quality review created and used by higher education to scrutinize colleges, universities, and programs for quality assurance and quality improvement.”² CHEA specifically identifies the following roles or purposes of accreditation:

- **Assuring quality.** Accreditation is the primary means by which colleges, universities, and programs assure quality to students and the public. Accredited status is a signal to students and the public that an institution or program meets minimum threshold standards for, as examples, its faculty, curriculum, student services, and libraries. Accredited status is conveyed only if institutions and programs provide evidence of fiscal stability.
- **[Providing access] to federal and state funds.** Accreditation is required for access to federal funds such as student aid and other federal programs. Federal student aid funds are available to students only if the institution or program they are attending is accredited by [an ED-recognized] accrediting organization.... State funds to institutions and students are generally contingent on accredited status.³
- **Engendering private sector confidence.** Accreditation status of an institution or program is important to employers when evaluating credentials of job applicants and when deciding whether to provide aid support for current employees seeking additional education. Private individuals and foundations look for evidence of accreditation when making decisions about private giving.
- **Easing of transfer [of credits].** Accreditation is important to students for smooth transfer of courses and programs among colleges and universities. Receiving institutions take note of whether or not the credits a student wishes to transfer have been earned at an accredited institution.

Accrediting Agencies

There are three general types of accrediting organizations, or agencies, which are discussed in detail below. Both ED and CHEA scrutinize accrediting agencies and determine whether they are reliable authorities as to the quality of education offered. ED recognition is viewed as more important because IHEs must be accredited by an accrediting agency recognized by ED in order to participate in student financial assistance programs under Title IV of the HEA or other federal programs.

Regional Accrediting Agencies

There are currently seven regional accrediting agencies operating in six regions of the United States.⁴ These accreditation agencies concentrate on specific regions of the country. Regional

² Much of this section was adapted from *An Overview of U.S. Accreditation* by Judith S. Eaton, CHEA, Washington, DC, Revised November 2015, <http://chea.org/userfiles/uploads/Overview%20of%20US%20Accreditation%202015.pdf> (hereinafter CHEA, *Overview of Accreditation*).

³ For more information on how states use accreditation status in decisions to authorize postsecondary institutions, see *State Uses of Accreditation: Results of a Fifty-State Survey*, by P. Ewell, M. Boeke, and S. Zis at the National Center for Higher Education Management Systems, http://www.nchems.org/c2sp/documents/CHEAStateStudy_2010.pdf.

⁴ Unless otherwise noted, the source for this section is CHEA, *Fact Sheet #1*, August 2012, <http://chea.org/userfiles/uploads/Fact%20Sheet%201%20Revised%202012%20Updated.pdf> (hereinafter CHEA, *Fact Sheet #1*).

accreditation agencies started as leagues of traditional universities and colleges in particular areas of the country.⁵ Accreditation status from regional accrediting agencies is granted to an entire institution, including all of its programs, for purposes of participating in Title IV FSA programs, but such status does not guarantee the quality of individual programs. As of February 2017, these organizations accredited 3,509 institutions and their locations.⁶ **Table 1** lists the regional accrediting organizations recognized by ED, CHEA, or both.

Table 1. Recognized Regional Accrediting Agencies

(as of March 2017)

Regional Accrediting Organizations Recognized by the U.S. Department of Education, CHEA, or Both
Middle States Association of Colleges and Schools, Middle States Commission on Higher Education (Both)
New England Association of Schools and Colleges, Commission on Institutions of Higher Education (Both)
North Central Association of Colleges and Schools, The Higher Learning Commission (Both)
Northwest Commission on Colleges and Universities (ED Only)
Southern Association of Colleges and Schools, Commission on Colleges (Both)
Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (Both)
Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges (Both)

Source: The Council for Higher Education Accreditation (CHEA), *Recognized Accrediting Organizations*, March 2017, http://chea.org/userfiles/Recognition/CHEA_USDE_AllAccred.pdf.

National Accrediting Agencies

These entities operate across the United States and also accredit entire institutions. National accreditation agencies started as associations of schools with a common theme. Many served schools that were not initially founded as colleges or universities. There are two types of national accrediting organizations—faith-based and private career. The five faith-based accreditors review religiously affiliated or doctrinally based institutions and represent a small percentage of the institutions accredited by national accrediting organizations (241 institutions and locations as of March 2017).⁷ The seven private career accreditors accredit a substantially larger number of institutions (2,801 as of March 2017), many of which are single-purpose institutions (e.g.,

⁵ Although regional accrediting agencies initially defined their own boundaries, these boundaries have now been adopted by ED for purposes defining of an accrediting agency’s scope of recognition by ED. Scope of recognition of accrediting agencies is discussed later in this report.

⁶ U.S. Department of Education, “Institutional Accreditors and Institutions of Higher Education,” available at <http://www2.ed.gov/admins/finaid/accred/summaryoutcomesdata.xls>, accessed March 17, 2017. Regional accrediting may also accredit for-profit institutions, this is rare. CHEA, *The Fundamentals of Accreditation: What Do You Need to Know?*, September 2002, http://www.chea.org/pdf/fund_accred_20ques_02.pdf.

⁷ U.S. Department of Education, “Institutional Accreditors and Institutions of Higher Education,” available at <http://www2.ed.gov/admins/finaid/accred/summaryoutcomesdata.xls>, accessed March 17, 2017, and Association of Institutions of Jewish Studies, “Accredited Institutions,” http://theaijs.com/accredited_institutions, accessed March 23, 2017.

focused on business and technology).⁸ **Table 2** lists the national accrediting agencies recognized by ED, CHEA, or both.

Table 2. Recognized National Accrediting Agencies
(as of March 2017)

National Accrediting Organizations Recognized by the U.S. Department of Education, CHEA, or Both
National Faith-Related Accrediting Organizations
Association for Biblical Higher Education, Commission on Accreditation (Both)
Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission (Both)
Association of Institutions of Jewish Studies (ED Only)
Commission on Accrediting of the Association of Theological Schools (Both)
Transnational Association of Christian Colleges and Schools, Accreditation Commission (Both)
National Career-Related Accrediting Organizations
Accrediting Bureau of Health Education Schools (ED Only)
Accrediting Commission of Career Schools and Colleges (ED Only)
Accrediting Council for Continuing Education and Training (ED Only)
Accrediting Council for Independent Colleges and Schools (CHEA Only)
Council on Occupational Education (ED Only)
Distance Education and Training Council, Accrediting Commission (Both)
National Accrediting Commission of Career Arts and Sciences, Inc. (ED Only)

Source: The Council for Higher Education Accreditation (CHEA), *Recognized Accrediting Organizations*, March 2017, http://chea.org/userfiles/Recognition/CHEA_USDE_AllAccred.pdf.

- a. Prior to December 12, 2016, the Accrediting Council for Independent Colleges and Schools (ACICS) was recognized by ED. ACICS has appealed ED's decision to federal district court and litigation is pending.

Specialized or Programmatic Accrediting Agencies

These entities also operate nationwide and review programs and single-purpose institutions (e.g., engineering and technology). In many instances, particular programs (e.g., law) are accredited by a specialized accrediting organization, while the institution at which the program is offered is accredited by a regional or national accrediting organization. Programmatic accreditation can demonstrate that a specific department meets established standards for a certain field of study. For example, many prospective employers require graduation from a program accredited by a certain programmatic organization and licensure requirements for some fields in certain states require recognized programmatic accreditation. Most of the specialized or programmatic accrediting agencies review units within an IHE that is accredited by one of the regional accrediting agencies; however, certain accrediting agencies also accredit professional schools and other specialized or vocational IHEs that are freestanding in their operations. Thus, a specialized or programmatic

⁸ *Ibid.* This figure includes IHEs accredited by the Accrediting Council for Independent Colleges and Schools. Prior to December 12, 2016, the Accrediting Council for Independent Colleges and Schools (ACICS) was recognized by ED. ACICS has appealed ED's decision to federal district court and litigation is pending.

accrediting agency may also function in the capacity of an institutional accrediting agency. As of March 2017, there are approximately 66 programmatic accrediting agencies recognized by CHEA, ED, or both.⁹

The Accreditation Process

The accreditation process is voluntary and must be requested by educational institutions or programs. Accreditation of institutions takes place on a cycle that may range from every few years to as many as 10 years.¹⁰ Accreditation is an ongoing process and the initial earning of accreditation does not guarantee indefinite accredited status.

Funding

Accrediting organizations are funded primarily by annual dues from IHEs and programs that are accredited and fees that institutions and programs pay for accreditation reviews. In some cases, an accrediting organization may receive financial assistance from sponsoring organizations. Accrediting organizations sometimes obtain funds for special initiatives from government or private foundations. Funds may also be derived from conferences and meetings. Accrediting organizations reported they spent more than \$137 million in 2012-2013.¹¹ Additionally, accrediting organizations employed more than 832 paid full- and part-time staff and worked with more than 19,600 volunteers.¹²

Evaluations and Review Procedures

To gain accreditation, an institution must be evaluated through a number of steps outlined by the accrediting organization. These procedures are guided, in part, by the federal requirements discussed later in this report. However, the specific procedures for evaluation reviews adopted by accreditation agencies do vary among them.¹³ The following description of the evaluation process is intended to provide a general overview of how institutions are evaluated for initial or renewal accreditation status.

The process typically begins with institutional self-study. This self-study is designed to be an examination of whether an institution's operation and performance meet the basic requirements or standards of the accrediting organization (which differ somewhat from organization to organization). The self-study typically involves the preparation of detailed written reports showing how the institution or program determines whether it meets or exceeds the agency's standards, as well as how it plans to improve in the future.

The next phase in the evaluation process typically involves a peer review and site visit at the institution. Peer review is conducted by an outside team primarily composed of higher education

⁹ CHEA, *Recognized Accrediting Organizations*, March 2017, http://chea.org/userfiles/Recognition/CHEA_USDE_AllAccred.pdf.

¹⁰ Some opponents of the accreditation process claim that current accreditation cycles are too long and fail to account for changes in institutional quality over shorter periods of time.

¹¹ CHEA, *Overview of Accreditation*.

¹² *Ibid.*

¹³ The major work products of an accreditation review, such as the self-study, team report, and other official communications between the accrediting agency and the institution are generally kept confidential. Accrediting agencies are required under federal law to provide the public, the Secretary, and state licensing agencies a summary of any review resulting in a final accreditation decision involving denial, termination, or suspension of accreditation, together with the comments of the affected institution.

faculty and administrators. These peers review the self-study and serve on visiting teams, which also include practitioners in specific fields and members of the public (nonacademics who have an interest in higher education). After analyzing the self-study, the visiting team conducts a site visit to determine whether the standards of the accrediting organization are being met; the self-study analysis provides the basis for scrutiny by the team during the visit to the campus. During the visit, team members have an opportunity to talk to faculty, students, staff, and administrators about issues and questions arising from the self-study. The team usually conducts an exit interview with the president or dean to discuss issues that have surfaced during the review. All team members are volunteers and are generally not compensated.

Following the visit to an institution, the team typically prepares a comprehensive accreditation report that includes judgments about the institution's or program's strengths, weaknesses, and potential for improvement. Staff of the accrediting organization may meet with the visiting review team to discuss the draft report. The final report is submitted to the accreditation agency, with recommendations about which actions should be taken.

Based on the results of the self-assessment, peer review, and site visit, the decisionmaking bodies of accrediting organizations (commissions) determine whether accreditation should be awarded to a new institution, renewed for an existing institution, denied, or put on provisional or probationary status. All accreditation agencies have an appeals process and some requirements are determined by federal law.¹⁴

Accrediting agencies also monitor institutions and programs between reviews and may require annual reporting, interim reviews, or substantive change reports from the institutions and programs they have accredited. Annual reporting could include financial statements and updated curricular or planning information. Interim reviews are required when issues are left unresolved from a comprehensive evaluation.

According to CHEA, accreditation is “a trust-based, standards-based, evidence-based, judgment-based, peer-based process.”¹⁵ Over the years, the accreditation process has come under scrutiny amid calls for reform. Some critics argue the accreditation process places too much emphasis on inputs rather than outputs.¹⁶ Others say accreditation only demonstrates that an institution is following what the accrediting body believes to be the appropriate formula for a successful educational institution, not that it is in fact a successful institution.¹⁷

Formal Actions Taken by Accrediting Organizations

Accrediting agencies take a range of formal actions following evaluations and reviews at institutions or of programs for initial or continuing accreditation. **Table 3** below highlights the types and frequency of actions reported by accrediting agencies to CHEA in 2014, displayed by type of organization. It is important to note that accrediting agencies do not use a common set of

¹⁴ Information on federal due process requirements is presented later in this report.

¹⁵ CHEA, *Overview of Accreditation*.

¹⁶ For example, in September 2006, the Secretary of Education's Commission on the Future of Higher Education made several recommendations regarding changes to the accreditation process. One of the key recommendations was that accrediting agencies should make performance outcomes the priority over measures of inputs or process. For more information, see *A Test of Leadership: Charting the Future of U.S. Higher Education*, <http://www.ed.gov/about/bdscomm/list/hiedfuture/reports/final-report.pdf>.

¹⁷ George C. Leef and Roxana D. Burris, *Can College Accreditation Live Up to Its Promise?*, American Council of Trustees and Alumni, Washington, DC, July 2002, p. 18.

definitions for the actions displayed below, so some actions are categorized by their relevancy to more commonly defined actions.

Table 3. Accreditation Actions Taken by ED- and CHEA-Recognized Accrediting Agencies

January 1, 2016-December 31, 2016

Accreditation Action	Regional Accrediting Agencies	National Faith-Related Accrediting Agencies	National Career-Related Accrediting Agencies	Programmatic Accrediting Agencies	Totals
Grant Accreditation	19	13	123	904	1,059
Reaffirm Accreditation	362	21	459	2,099	2,941
Deny Accreditation	2	1	25	14	42
Withdraw Accreditation	4	13	236	138	391
Defer Accreditation	6	3	127	169	305
Show Cause or Probation Order ^a	26	4	195	179	404
Notice or Warning ^b	37	0	67	28	132
Actions Under Appeal	0	0	2	0	2
Totals	456	55	1,234	3,531	5,276

Source: CHEA Almanac Online, “Summary of Accreditation Actions for January 1, 2016-December 31, 2016, http://chea.org/4DCGI/cms/review.html?Action=CMS_Document&DocID=29&MenuKey=almanac.

Notes: The terms used here are meant to provide general descriptions of the types of actions taken by accrediting agencies, as accrediting agencies’ definitions for these terms may vary. Additionally, some accrediting agencies may use additional types of actions that are not included in this table.

- a. Show cause and probation orders are both “determination[s] that accreditation requirements have not been met and the accretor mandates corrective action to resolve one or more deficiencies within a specified period of time.” However, under show cause, in general, the accrediting agency requires the institution to “show cause” why an action should not be taken.
- b. Notice/warning is a “determination that although one or more accreditation requirements have not been met, the institution has the capacity to make appropriate improvements within a reasonable period of time and fully meet accreditation standards for the long term.”

The Federal Role in Accreditation

Early Recognition

Federal recognition of accrediting agencies was initiated in 1952, shortly after the passage of the Veterans’ Readjustment Assistance Act of 1952 (the Korean GI Bill; P.L. 82-550), to assess higher education quality and link it to determining which institutions would qualify to receive federal aid

under the GI Bill. Rather than creating its own system of quality assurance, the federal government opted to rely on existing accrediting agencies and assumed accreditation agencies were reliable indicators of educational quality. A recognition process was established in the (then) Office of the U.S. Commissioner of Education to produce a list of federally recognized accrediting agencies and associations.¹⁸

The National Defense Education Act of 1958 (NDEA; P.L. 85-864) also addressed the federal role in accreditation of higher education. In defining the term “institution of higher education” for the purposes of identifying institutions eligible to receive federal funds to assist in making low-interest loans to postsecondary students in need,¹⁹ the NDEA maintained the criterion that institutions be accredited by an agency or association recognized by the U.S. Commissioner of Education.

Higher Education Act of 1965

In 1965, the importance of the accrediting agencies was augmented further with the enactment of the Higher Education Act (HEA; P.L. 89-329). Title IV of the HEA created new federal student aid programs for nonveterans, and only accredited institutions recognized by the (then) Office of the U.S. Commissioner of Education were eligible to receive these funds.²⁰ As a result, nonaccredited institutions stood to lose access to billions of dollars in federal funds; thus, achieving and maintaining an accredited status became almost essential for the financial survival of some, if not most, institutions and programs.

Role of the U.S. Department of Education in Accreditation

ED does not accredit IHEs or programs of higher education. Its primary role is to recognize, through the process and conditions set forth in Section 496 of the HEA and Title 34 of the Code of Federal Regulations (C.F.R.), Part 602, an accrediting agency or association as “a reliable authority as to the quality of education or training offered” at IHEs for the purposes of Title IV funding and other federal programs.²¹ As part of the recognition process, the accreditation agency must show that it is “effective in its performance” with respect to the criteria established in the law and regulations. Recognition may be revoked at any time if ED determines the agency has become ineffective in its performance.

¹⁸ For an in-depth look at how the federal role in accreditation evolved, see John R. Proffitt, “The Federal Connection for Accreditation,” *JSTOR. The Journal of Higher Education*, 1979, <http://www.jstor.org/stable/1980935?seq=1>.

¹⁹ This program was known as the National Defense Student Loan Program (NDSL), the precursor to the federal Perkins Loan program.

²⁰ Accreditation currently serves as one of the three aspects of the program integrity triad intended to provide balance in assuring the eligibility of institutions for Title IV purposes. The other two aspects include state authorization and certification by ED. The federal government historically has relied on these approaches to avoid generating concerns about federal interference in educational decisionmaking.

²¹ ED also recognizes state agencies for the approval of public postsecondary vocational education and nurse education. The criteria and procedures used by the Secretary in designating a state agency as a reliable authority concerning the quality of public postsecondary vocational education in a state are contained in Part 603 of Title 34 of the Code of Federal Regulations (C.F.R.). The criteria and procedures used by the Secretary in designating a state agency as a reliable authority concerning the quality of training offered by schools of nursing in a state are contained in regulations published in the January 16, 1969 *Federal Register*. For more information, see U.S. Department of Education, “Accreditation in the United States, National Recognition of State Approval Agencies by the U.S. Secretary of Education,” http://www2.ed.gov/admins/finaid/accred/accreditation_pg16.html#StateApprovalAgencies.

The Accreditation Group²² was established within ED to help facilitate accreditation matters.²³ In effect, the Accreditation Group carries out the statutory and regulatory requirements of ED as they relate to the application and approval of accrediting agencies. One of its primary functions is to “continuously review standards, policies, procedures, and issues in the area of [ED’s] accreditation responsibilities.”

Evolution of Federal Requirements for Accrediting Agency Recognition

Section 496 of the HEA sets forth the standards and criteria accrediting agencies must meet to be recognized by ED as reliable authorities as to the quality of education offered at IHEs. Between the 1965 enactment of the HEA and its reauthorization in 1992, accrediting agencies were required to be recognized by ED for Title IV purposes, but the HEA specified few, if any, criteria for ED recognition.

Leading up to the 1992 reauthorization of the HEA, concerns about fraud and abuse in the accreditation process by the proprietary school sector were evident.²⁴ Rather than singling out the proprietary institutions for special oversight, Congress opted to strengthen the criteria for ED recognition of accrediting agencies of all types of institutions.²⁵ Thus, HEA Section 496 was added in the Higher Education Amendments of 1992 (P.L. 102-325) in an effort to require accrediting agencies to exercise genuine oversight of the schools they accredited. The new Section 496 described the types of organizations eligible for ED recognition (e.g., state, regional, or national agencies with voluntary memberships). It also detailed the types of school assessment standards—such as recruitment and admissions practices; program length; and “success with respect to student achievement in relation to [the school’s] mission,” which could include consideration of course completion, state licensing examinations, and job placement rates—that agencies were to apply consistently to all IHEs.²⁶

The 1998 reauthorization (the Higher Education Amendments of 1998; P.L. 105-244) saw changes in the scope of the criteria for ED recognition of accrediting agencies, especially in regard to changing education delivery methods and distance education programs. Specifically, the act permitted the Secretary of Education (Secretary) to include within an accrediting agency’s scope of recognition the ability to assess an IHE’s distance education programs. In doing so, Congress sought to ensure that the federal government was providing Title IV support only to quality programs in the rapidly growing area of distance education.²⁷

²² Formerly known as the Accrediting Agency Evaluation Unit.

²³ See U.S. Department of Education, “Accreditation in the United States, History and Context of Accreditation in the United States,” <https://www2.ed.gov/admins/finaid/accred/accreditation.html>.

²⁴ For instance, some Members of Congress were particularly concerned about the close relationship between the proprietary school trade associations and their respective accrediting bodies.

²⁵ For additional information on the Higher Education Amendments of 1992 as they relate to institutional eligibility, see out-of-print CRS Report 93-861, *Institutional Eligibility: The Higher Education Amendments of 1992*, by Margot A. Schenet, available to congressional clients upon request.

²⁶ Federal regulations related to ED recognition of accrediting agencies were in effect prior to 1992. The most recent regulations published immediately before the legislative enactment of ED-recognition criteria contained many of the same concepts that were eventually codified in the 1992 amendments (e.g., evaluation of school assessment standards, including student achievement, and applying review criteria consistently to all IHEs). See Department of Education, “Secretary’s Procedures and Criteria for Recognition of Accrediting Agencies,” 53 Federal Register 25088, July 1, 1988.

²⁷ See, for example, U.S. Congress, House Committee on Education and the Workforce, *Higher Education Amendments of 1998*, report to accompany H.R. 6, 105th Cong., April 17, 1998, H.Rept. 105-481 (Washington: GPO,

Congress provided a host of additional criteria for ED recognition of accrediting agencies in the Higher Education Opportunity Act of 2008 (HEOA; P.L. 110-315). The 2008 additions included provisions relating to how accrediting agencies were to review distance education programs; transparency of agency policies and decisionmaking processes; due process requirements for IHEs subject to an adverse agency action; and various other standards related to IHE operations, including ensuring that IHEs make transfer-of-credit policies publicly available and submit teach-out plans to accrediting agencies in specified circumstances.²⁸

Current Federal Requirements

Today, many of the ED-recognition requirements put into place since 1992 remain. According to Section 496 of the HEA, an accrediting agency must be a state, regional, or national agency or association that demonstrates the ability and expertise to serve as an accrediting agency or association. These agencies or associations must then meet one of the following specific criteria:

- For the purpose of determining eligibility for Title IV programs, the agency or association must have a voluntary membership of IHEs and have the accreditation of these institutions as one of its primary purposes; or, for the purposes of participation in other ED or federal programs, the agency must have a voluntary membership and have its primary purpose be accrediting IHEs or programs.
- It must be a state agency approved by the Secretary as an accrediting agency or association on or before October 1, 1991.²⁹
- For the purpose of determining eligibility for Title IV programs, the agency or association must either conduct accreditation through a voluntary membership organization of individuals participating in a profession, or the agency or association must have as its primary purpose accrediting programs within institutions that have already been accredited by another agency or association recognized by the Secretary.

Accrediting agencies or associations meeting the first or third criterion must also be administratively and financially separate and independent³⁰ from any associated or affiliated trade organization or membership organization. For accrediting organizations meeting the third criterion and that were recognized by the Secretary on or before October 1, 1991, the Secretary may waive the requirement that the agency or association be administratively and financially separate and independent if it can be shown that existing relationships with associated or

1998), p. 148.

²⁸ A teach-out plan is a written plan developed by an institution that provides for the equitable treatment of its own students if an institution, or an institutional location that provides 100% of at least one program, ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency, a teach-out agreement between institutions.

²⁹ The New York State Board of Regents and Commissioner of Education is the only such state agency in existence.

³⁰ Section 496 (b) defines "separate and independent" to mean that (1) members of the postsecondary education governing body of the accrediting agency or association are not selected or elected by the board or chief executive officer of any related, associated, or affiliated trade associations or membership organizations; (2) the board must have at least one public member for every six board members; (3) dues paid to the accrediting agency or association must be separate payments from any dues paid to any related, associated, or affiliated trade associations or membership organizations; and (4) the accrediting agency or association develops and determines its own budget without consulting any other entity or organization.

affiliated trade organizations or membership organizations have not compromised the independence of the accreditation process.

Regardless of the type of accrediting association or agency, the organization must consistently apply and enforce standards that ensure that the education programs, training, or courses of study offered by an IHE are of sufficient quality to meet the stated objectives for which they are offered. The standards used by the accrediting agency or association must assess student achievement³¹ in relation to the institution's mission, including, as applicable, course completion, passage of state licensing examinations, and job placement rates.

The accrediting organization must consider the institution's curricula, faculty, facilities, fiscal and administrative capacity, student support services, recruitment and admissions practices, measures of program length, objectives of the credentials offered, and student complaints received directly by the agency or association or those that are available to the agency or association.³² The institution's record of compliance with the institutional requirements of Title IV must also be examined with respect to the most recent student loan default rate data provided by ED, the results of financial or compliance audits, program reviews, and other information provided to the agency or association by ED.

Accrediting organizations must confirm that the institutions or programs they accredit (1) have transfer of credit policies; (2) make transfer of credit policies public; and (3) make public the criteria by which an institution makes a determination with regard to accepting credits from another institution.

Under Section 496(a)(6) of the HEA, accrediting agencies recognized by ED must meet certain requirements with respect to due process. That is, an accrediting agency is required to implement specific procedures to resolve disputes between the accrediting agency and any institution that is subject to the accreditation process. Under current law, accrediting agencies are required to provide an IHE or program with, at minimum, the following:

- adequate written specification of requirements and deficiencies at the IHE or program being examined;
- sufficient opportunity to provide a written response to any deficiencies prior to final evaluation and withdrawal proceedings;
- the opportunity to have a hearing;
- the right to appeal any adverse action against it; and
- the right to be represented by counsel.³³

Accrediting agencies and associations must meet additional requirements that focus on operating procedures, including reviewing newly established branch campuses at accredited institutions and publicly disclosing when an institution is considered for accreditation or reaccreditation.

Accrediting agencies and associations must also perform regular onsite inspections that focus on

³¹ Institutions set their own standards for student achievement, and accrediting agencies, with their members, set student achievement standards for their individual organizations. Section 496(a)(5)(A) of the HEA explicitly states that success with respect to student achievement may include different standards for different institutions or programs, as established by the institution.

³² As part of an accrediting agency's administrative and fiscal responsibilities under federal laws and regulations, its accreditation teams must include competent and knowledgeable individuals, qualified by education and experience in their own right and trained by the agency on their responsibilities, as appropriate for their roles, regarding the agency's standards, policies, and procedures to conduct on-site evaluations.

³³ Accrediting agencies may provide additional procedures beyond the statutory minimum if they choose.

educational quality and program effectiveness.³⁴ Additionally, accrediting agencies must monitor³⁵ the expansion of programs at institutions that are experiencing significant enrollment growth and must require institutions to submit a teach-out plan in certain circumstances.³⁶

Accrediting agencies are required to notify ED, state licensing or authorizing agencies, and other appropriate accrediting organizations of adverse accrediting decisions³⁷ at the same time the institution or program being evaluated is notified of the decision. Accrediting organizations must provide the aforementioned parties and the public with a statement summarizing the reasons for the adverse decision, along with evidence that the affected institution has been offered an opportunity to provide official comment.³⁸

2010 Regulations

In a *Federal Register* dated October 29, 2010,³⁹ ED published amended regulations pertaining to the eligibility of IHEs to participate in Title IV programs under the HEA. Among these amended regulations was a new requirement, effective July 1, 2011, that accrediting agencies review an institution's policies and procedures for determining credit hours and the application of those policies and procedures to programs and coursework in accordance with a new federal definition of a credit hour⁴⁰ for the purposes of Title IV aid eligibility.⁴¹

³⁴ Prior to the 1998 HEA amendments, accrediting agencies were required to make unannounced visits to institutions. Unannounced visits are no longer required but are permitted in Section 496(c)(1) of the HEA.

³⁵ Such monitoring includes the identification of problems with an institution's continued compliance with accreditation standards that takes into account the strength and stability of institutions and programs. Reevaluation of programs must include periodic reports and collection and analysis of key data and indicators, identified by the accreditor, including but not limited to, fiscal information and measures of "student success" as defined by the institution.

³⁶ An institution is required to submit a teach-out plan in the event of any of the following: (1) ED notifies the accrediting agency of any emergency or initiated a limitation, suspension, or termination action against the institution; (2) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of the institution; and (3) the institution notifies the accrediting agency that the institution intends to cease operations.

³⁷ Adverse accrediting decisions include final denial, withdrawal, suspension, or termination of accreditation or placement on probation of an institution, together with any adverse action with respect to an institution.

³⁸ Prior to the enactment of the HEOA, accrediting agencies were required to provide information to the public and federal government "upon request." The HEOA made the "summary" of actions a requirement. Recently, ED announced a set of executive actions to improve transparency and accountability in accreditation. One executive action requires accreditors to submit to ED the reasons for placing an IHE on probation or warning or equivalent actions (as set forth in an accrediting agency's final decision letter to an institution). U.S. Department of Education, "Clarification on Terminology and Requirements for Accrediting Agency Reporting to the U.S. Department of Education," November 17, 2016, <https://www.regulations.gov/contentStreamer?documentId=ED-2016-ICCD-0035-0024&attachmentNumber=1&contentType=pdf>.

³⁹ For more information see U.S. Department of Education, "Negotiated Rulemaking for Higher Education 2009-2010, Team 1—Program Integrity," <http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/negreg-summerfall.html>.

⁴⁰ According to ED, the new credit-hour definition in 34 C.F.R. Section 600.2 is intended to establish a quantifiable, minimum basis for a credit hour that, by law, is used in determining eligibility for, and the amount of, federal program funds that a student or institution may receive. Accrediting agencies recognized by ED for the purposes of Title IV aid eligibility are required to use the definition in 34 C.F.R. Section 600.2 for federal program purposes such as determining institutional eligibility, program eligibility, and student enrollment status and eligibility.

⁴¹ 34 C.F.R. Section 602.24(f) is the basis for this requirement; this section of the also provides the conditions necessary for accrediting agencies to meet this requirement.

Process for Recognition

Like the standards and criteria an accrediting agency must meet to be recognized by ED, the process for ED recognition was not established in the HEA until the 1992 reauthorization. At that time, Congress prescribed the major components of the recognition process, which largely have gone unchanged since that time. The Section 496 procedures for recognition include requirements to conduct independent evaluations. These independent evaluations are to include (1) the solicitation of third party information related to the performance of the accrediting agency; (2) site visits, including, as appropriate, unannounced site visits to accrediting agencies; and (3) at the discretion of the Secretary,⁴² site visits to representative member institutions. Other requirements specified in Section 496 include the requirement for ED to make records of the decisionmaking process available and to publish reasons for denial of recognition. ED is specifically prohibited from basing recognition decisions on anything other than the statutory criteria, while accrediting agencies are expressly permitted to have criteria in addition to those needed for recognition.

Once granted, recognition is established for up to five years. The accrediting organization must then be reapproved for inclusion on the list of recognized accrediting entities.

ED-Recognized Accrediting Agencies

ED recognizes agencies that accredit all types of institutions (public, private nonprofit, and proprietary) and a variety of educational programs. They include agencies that accredit multi-disciplined universities, as well as those that accredit smaller, specialized institutions or a specific program within an institution.⁴³ ED publishes lists of recognized accrediting agencies in certain categories that may be used by institutions to seek accreditation or by students to ensure a reasonable assurance of program quality and acceptance of diplomas and degrees by employers. Two of these categories are discussed below.

For Title IV Purposes

As of March 2017, ED recognizes 36 accrediting agencies for Title IV purposes. These agencies include national, regional, and programmatic accrediting organizations.⁴⁴ Institutions may apply to these accrediting agencies to establish eligibility to participate in Title IV programs under the HEA.

⁴² The statutory language relating to accreditation primarily references the Secretary of Education when outlining federal requirements. In this report, references to the Secretary of Education and U.S. Department of Education are used interchangeably.

⁴³ Generally, institutions are accredited by only one accrediting agency or association. Dually accredited institutions must choose one accrediting agency for the purposes of Title IV eligibility.

⁴⁴ ED places some conditions and limitations on the types of institutions that may be accredited for Title IV purposes by accrediting agencies that specialize in programmatic accreditation. For a list of the 36 accrediting agencies and any conditions that may apply, see U.S. Department of Education, "Accreditation in the United States, Accrediting Agencies Recognized for Title IV Purposes," http://www2.ed.gov/admins/finaid/accred/accreditation_pg9.html.

Distance Education

Distance education programs⁴⁵ must be evaluated by an accrediting agency recognized by ED as having the evaluation of distance education programs within its scope of recognition.⁴⁶ Accrediting agencies that accredit distance education programs are not required to have separate standards, procedures, or policies for the evaluation of distance education. They are, however, required to ensure that institutions track the identity of students who participate in distance education or correspondence education offerings while protecting students' privacy and notifying students of any additional costs associated with such verifications. As of March 2017, ED recognizes 31 accrediting agencies as having distance education within their scope for Title IV purposes.⁴⁷

National Advisory Committee on Institutional Quality and Integrity (NACIQI)

Establishment in HEA

NACIQI advises the Secretary on matters related to accreditation, including decisions to recognize accrediting organizations. Section 114 of the HEA provides for the establishment of NACIQI, along with the qualifications for membership, meeting procedures, and other reporting requirements. NACIQI was originally established under the HEA under the 1992 Amendments to the Higher Education Act (P.L. 102-325).⁴⁸

In 2008, the HEOA amended the structure of NACIQI. Prior to enactment of the HEOA, NACIQI consisted of a 15-member committee appointed solely by the Secretary. Under the HEOA, NACIQI was expanded to an 18-member committee, with 6 appointments made by the Speaker of the U.S. House of Representatives,⁴⁹ 6 appointments made by the President pro tempore of the

⁴⁵ On July 1, 2010, regulations issued by ED came into effect, distinguishing distance education from correspondence education. In general, correspondence education is provided through one or more home study courses by an institution to students who are separated from the instructor whereby interaction between the instructor and student is limited, not regular and substantive, and is primarily initiated by the student. Accrediting organizations are required to consider correspondence education as separate and distinct from distance education as it relates to accreditation, pre-accreditation, and expansion of scope.

⁴⁶ An accrediting agency that has been reviewed since the new distance education and correspondence education regulations came into effect is required to demonstrate its evaluation of distance education and/or its evaluation of correspondence education in order to retain distance education and/or correspondence education in its scope of recognition. Agencies that have not yet been reviewed for renewal of recognition and that previously had distance education within their scope of recognition are recognized for both distance education and correspondence education. That status may change upon their next review. Currently for Title IV purposes, six accrediting agencies were recognized for distance education prior to the new definitions and have yet to undergo a recognition review.

⁴⁷ These 31 accrediting agencies do not include the 8 accrediting agencies that have not undergone a recognition review since the new distance education and correspondence education regulations came into effect in July 2010. Thus, in total, 39 accrediting agencies currently have distance education within their scope of recognition. For more information, see U.S. Department of Education, "Accreditation in the United States, Accrediting Agencies Recognized for Distance Education and Correspondence Education," http://www2.ed.gov/admins/finaid/accred/accreditation_pg10.html.

⁴⁸ Prior to NACIQI, the National Advisory Committee on Accreditation and Institutional Eligibility assisted the Secretary with recognition of accrediting agencies. NACIQI replaced this committee.

⁴⁹ Section 114(b)(1)(B) of the HEA specifies that of the six appointments made by the Speaker of the House of Representatives, three will be made at the recommendation of the majority leader of the House of Representatives and three will be made at the recommendation of the minority leader of the House of Representatives.

U.S. Senate,⁵⁰ and 6 appointments made by the Secretary. These appointees will serve staggered six-year terms.⁵¹

Mission

NACIQI advises the Secretary on matters related to accreditation and to the eligibility and certification process for institutions of higher education. Specifically, NACIQI provides recommendations to the Secretary regarding

- the establishment and enforcement of criteria for recognition of accrediting agencies or associations under Subpart 2 of Part H, Title IV, of the HEA;
- the recognition of specific accrediting agencies or associations or a specific state approval agency;
- the preparation and publication of the list of nationally recognized accrediting agencies and associations;
- the eligibility and certification process for IHEs under Title IV of the HEA;
- the relationship between (1) accreditation of IHEs and the certification and eligibility of such institutions and (2) state licensing responsibilities with respect to such institutions; and
- any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe.

Process

By law, NACIQI is required to meet not less than twice a year to review applications for recognition submitted by accrediting agencies. The usual times for the meetings are spring (May-June) and fall (November-December).

Accrediting agencies seeking initial recognition from the Secretary and those seeking renewals of recognition typically submit application packages to ED in advance of the next scheduled NACIQI meeting. In preparation for the meeting, NACIQI members are provided with the accrediting agencies' applications and supporting documentation, any analyses performed by ED staff, and other information. During the NACIQI meetings, accrediting agencies applying for recognition, ED staff, and third parties who request to be heard are invited to make oral presentations.

NACIQI conducts its business in public, and transcripts of the proceedings are made available for public dissemination. After each meeting, recommendations offered by NACIQI concerning recognition are forwarded to the Secretary, who makes the final determination regarding recognition. An appeals process is available to any agency that disagrees with the

⁵⁰ Section 114(b)(1)(C) of the HEA specifies that of the six appointments made by the President pro tempore of the Senate, three will be made at the recommendation of the majority leader of the Senate and three will be made at the recommendation of the minority leader of the Senate.

⁵¹ The HEA authorized NACIQI through September 30, 2014. NACIQI's authorization has been extended since then numerous times, including most recently through April 28, 2017, under the Further Continuing and Security Assistance Appropriations Act, 2017 (P.L. 114-254).

recommendation provided by NACIQI⁵² and to any agency that disagrees with the Secretary's final recognition decision.⁵³

Current Members

The following list provides the names, titles, and affiliations of the current NACIQI members, by appointment authority.

Appointments by the Secretary of Education:⁵⁴

- Simon J. Boehme (Student Member), Independent Consultant, San Francisco, CA;
- Roberta L. Derlin, Associate Provost Emeritus, New Mexico State University at Albuquerque;
- John Etchemendy, Provost, Stanford University;
- Susan D. Phillips, Former Provost and Vice President for Academic Affairs and Former Vice President for Strategic Partnerships, University at Albany, State University of New York;
- Frank H. Wu, NACIQI Vice Chair Distinguished Professor, University of California, Hastings College of Law; and
- Frederico Zaragoza, Vice Chancellor of Economic and Workforce Development, Alamo Colleges.

Appointments made by the House:⁵⁵

- Kathleen Sullivan Aliota, Strategic Advisor, Fundraiser, and Consultant, New York, NY, San Francisco, CA, and Boston, MA;
- George T. French, President, Miles College;
- Arthur E. Keiser, NACIQI Chair, Chancellor and CEO, Keiser University;
- Arthur J. Rothkopf, President Emeritus, Lafayette College;
- Ralph Wolff, Independent Consultant, Oakland, CA;
- Vacant position.

Appointments made by the Senate:⁵⁶

- Steven Van Ausdle, President Emeritus, Walla Walla Community College;

⁵² 34 C.F.R. §602.34 et seq.

⁵³ 34 C.F.R. §602.38.

⁵⁴ These are the second set of Secretarial appointments. The first set had three-year terms that expired in September, 2013. From here on out, Secretarial appointees will serve six-year terms. These members' terms will expire in September 2019.

⁵⁵ These are the second set of House appointments. The first set had four-year terms that expired on September 30, 2014. From here on out, House appointees will serve six-year terms. These members' terms will expire in September 2020.

⁵⁶ These are the second set of Senate appointments. The first set had four-year terms that expired on September 30, 2016. From here on out, Senate appointees will serve six-year terms. These members' terms will expire in September 2022.

- Jill Derby, Senior Consultant, Association of Governing Boards of Colleges and Universities;
- Paul J. LeBlanc, President, Southern New Hampshire University;
- Anne D. Neal, Senior Fellow, American Council of Trustees and Alumni;
- Richard F. O'Donnell, Founder and CEO, Skills Fund; and
- Vacant position.

Issues for Consideration

Among the issues that could receive consideration during a reauthorization of the HEA⁵⁷ are several issues related to the role of accreditation in determining institutional eligibility to participate in Title IV federal student aid programs. Some issues that may receive attention include the use of accreditation as a measure of quality, potential ways of restructuring or streamlining the accreditation process, accreditation's role in the changing postsecondary education landscape, and transparency and potential conflicts of interest in the accreditation process.

Quality Measures

Both institutional accreditation and programmatic accreditation are often viewed as measures of the quality of education provided by an IHE. Institutional accreditation may be seen as a measure of institutional quality, signaling that an IHE meets a set of institution-level performance standards, while programmatic accreditation indicates that a specific program meets established standards for a certain field of study. Whether and to what extent the federal government should rely on these two types of accreditation as measures of educational quality are issues that may receive attention during HEA reauthorization.

Institutional Accreditation

IHEs must be accredited by an ED-recognized accrediting agency to participate in Title IV federal student aid programs and thus gain access to a source of revenue that is vital for many IHEs. Institutional accreditation by an ED-recognized accrediting agency may be considered a measure of institutional quality, because it indicates that an IHE meets performance standards delineated by the accrediting agency and maintains financial stability, as determined by an accrediting agency's review.

Issues arise perennially regarding whether accreditation is a true measure of institutional quality and what role the federal government should play in measuring or ensuring institutional quality. Some proponents of accreditation as a measure of institutional quality believe that the accreditation process should be refocused on student achievement or student outcome measures. They suggest accreditation is currently too reliant on assessing inputs (e.g., the proportion of

⁵⁷ Many HEA programs were authorized through FY2014 and were extended for an additional year, through FY2015, under the General Education Provisions Act (GEPA). Additionally, many HEA programs due to expire at the end of FY2015 have been specifically extended or received appropriations since the end of FY2015. Most recently, most HEA programs were extended through April 28, 2017, under the Further Continuing and Security Assistance Appropriations Act, 2017 (P.L. 114-254).

professors with Ph.D.s or the maintenance of facilities and learning resources) and propose incorporating student outcome metrics into the accreditation process, which could include

- graduation rates;
- retention rates;
- job placement rates; and
- student performance in skills assessment (e.g., critical thinking and communication).⁵⁸

There is disagreement, however, as to how such metrics should be determined. Some believe that they should be determined by individual IHEs, based on their own missions,⁵⁹ while others advocate for standard metrics to be applied to IHEs participating in the Title IV programs.⁶⁰ Under either scenario, accrediting agencies could be the entity to evaluate whether the metrics were met by an IHE. If federal standards were set, consideration might be given to what extent the characteristics of students enrolled at an individual IHE would affect its expected performance (e.g., for-profit IHEs and community colleges enroll a higher proportion of low-income students who tend to have lower graduation rates) and how much discretion accrediting agencies could have in evaluating outcomes based on such characteristics.⁶¹

Also, while this information may prove useful to the federal government in determining which IHEs are of an acceptable quality to participate in the Title IV FSA programs and to consumers choosing which IHE to attend, there are several potential issues relating to the collection of data for determining whether student outcome metrics have been met. For instance, various federal and state entities, accrediting agencies, and individual IHEs already collect data relating to student performance. An analysis of the types of data currently collected by each of these entities could be performed to avoid duplication of collection efforts and the potential for adding time and costs to the accreditation process.

The creation of a federal unit record system—a longitudinal data collection system that allows for the collection of individual students’ education records over time (i.e., throughout their education careers and time in the workforce)—is a tool that could be used by the federal government and accrediting agencies to aid in collecting data relating to student performance and in evaluating institutional performance. Currently, Section 134 of the HEA specifically prohibits the establishment of a federal unit record system. If permitted, however, such a system may be an efficient means of tracking student progress, because comprehensive data would be accessible in one location. Yet the collection of student outcome data necessarily involves tracking individual students’ performance; efforts would need to be made to safeguard individual students’ privacy during the collection, merging, and reporting of data.⁶² Concerns about privacy have figured prominently in the discourse of tracking student outcomes.

⁵⁸ Serena Golden, “How Best to Assess?,” *Inside Higher Education*, November 18, 2013.

⁵⁹ See, for example, The Council for Higher Education Accreditation, *Accreditation and Accountability: Looking Back and Looking Ahead*, Washington, DC, August 2011, p. 8.

⁶⁰ U.S. President (Obama), “The President’s Plan for a Strong Middle Class & A Strong America,” *Public Papers of the Presidents of the United States*, February 2013, p. 5, https://obamawhitehouse.archives.gov/sites/default/files/uploads/sotu_2013_blueprint_embargo.pdf.

⁶¹ For an in-depth analysis of how student outcome metrics compare across institutional sectors, see U.S. Government Accountability Office, *Student Outcomes Vary at For-Profit, Nonprofit, and Public Schools*, GAO-12-143, December 2011, <http://www.gao.gov/assets/590/586738.pdf>.

⁶² For supporting and opposing views of the policy option to implement a student unit record system, see Hans Peter

Opponents of using accreditation as a measure of institutional quality believe that accreditation's dual role as Title IV gatekeeper and reviewer of institutional quality is inherently in conflict. They suggest that it would be desirable to sever the link between accreditation and access to Title IV funds and return accreditation to its role as a private, voluntary system of quality assurance. Under this paradigm, the federal government might conduct separate reviews of institutions' financial stability, administrative capabilities, and performance with regard to student outcomes.⁶³

Programmatic Accreditation

There is often a lack of understanding by consumers about the meaning of programmatic accreditation, as compared to other types of accreditation (i.e., regional or national). Regional and national accreditation attests to the overall quality of institutions and their programs, in general, and allows students at institutions to receive Title IV aid, but it does not address the quality of individual programs with regard to specialized programmatic criteria, such as whether the curriculum offered meets professional guidelines. Programmatic accreditation can demonstrate that a specific educational program within an IHE meets established standards for a certain field of study and often serves as a signal of program quality.

While programmatic accreditation is not required for Title IV eligibility,⁶⁴ access to some employers, acceptance to some advanced educational programs, and eligibility for professional licensure in some states require individuals to complete a program accredited by certain programmatic accrediting agencies. For example, a student may enroll in a program at a Title IV participating institution that is accredited by a regional or national accrediting agency, but the program may lack programmatic recognition from a professional body, which can result in the benefits associated with program completion being diminished (e.g., the student may not be able to become licensed within his or her state). Congress might consider whether it is desirable to support attendance, via Title IV eligibility, at programs that lack professional recognition from programmatic accrediting agencies, when such accreditation is available.

Restructure or Streamline Accreditation

The American postsecondary education landscape is broad and varied, with institutions providing numerous educational offerings to a diverse body of students. The approximately 7,300 Title IV participating institutions have assorted missions (e.g., research university, liberal arts college, sub-baccalaureate certificate programs), offer differing degrees in numerous subject areas, and serve students who range from traditional, full-time college-aged students to part-time, older students. To participate in the Title IV programs, however, most of these varied institutions must, in general, be accredited by one of 18 regional or national accreditation agencies. As part of HEA reauthorization, attention may be devoted to the extent to which the current structure of

L'Orange and Frank J. Balz, "Two Perspectives on Student Unit Records," *Student Aid Perspectives*, July 10, 2013.

⁶³ See, for example, National Advisory Committee on Institutional Quality and Integrity, *Report to the U.S. Secretary of Education: Higher Education Act Reauthorization, Accreditation Policy Recommendations*, April 2012, Appendix: Alternative Draft to the NACAQI Draft Final Report, pp. 11-15. See also Hank Brown, *Protecting Students and Taxpayers: The Federal Government's Failed Regulatory Approach and Steps for Reform*, American Enterprise Institute, September 2013, pp. 8-9 and Lindsey M. Burke and Stuart M. Butler, *Accreditation: Removing the Barrier to Higher Education Reform*, The Heritage Foundation, September 21, 2012, p. 18.

⁶⁴ Under the new gainful employment regulations, an institution must certify to ED that each gainful employment program it operates is programmatically accredited, if such accreditation is required by a federal government entity or by the state in which the institution is located, to participate in the Title IV student aid programs. This certification requirement effectively requires programmatic accreditation for Title IV eligibility in certain instances. 34 C.F.R. §668.414(d)(1).

accreditation meets the needs of such differing institutions and their students and whether the federal accreditation agency recognition process could be restructured or streamlined to help meet those needs. These issues are explored in greater depth below.

Restructure the Accreditation System

Regional accrediting agencies alone accredit over 3,500 of the approximately 7,300 Title IV participating institutions, with institutions in each region including two-year, four-year, and less-than-two-year public, private nonprofit, and private for-profit institutions. Additionally, these institutions have diverse missions and student populations.

The wide array of institutions served by regional accrediting agencies has led some to propose a restructuring of the accreditation system, with accreditors focusing more narrowly on types of institutions accredited (e.g., community colleges, research universities), rather than on institutions that fall within a particular geographic region. By doing so, they argue, peer reviewers and professionals familiar with the operations of each type of institution would evaluate institutions within that category, thus ensuring a strong peer-review foundation, and help to establish better measures of outcomes and accountability.⁶⁵

Congress might consider whether restructuring the current accreditation system is desirable and, if so, how a new structure could be fashioned. Restructuring options that Congress might consider include

- encouraging or facilitating the transformation of the current regional accreditation system into one organized on the basis of institutional type or mission or
- allowing other entities, such as a state regulatory body, to serve the accreditation agency role of determining the quality of an institution.

Streamline the Accreditation Agency Recognition Process

The process of receiving initial accreditation and then periodically having it renewed is often viewed as time- and resource-intensive. Although the federal government does not set specific accreditation requirements, it indirectly influences the criteria accrediting agencies review based on the federal standards accrediting agencies must meet to be recognized by the ED. Accrediting agencies often state that the numerous ED-recognition criteria are onerous and unnecessary, potentially discouraging accrediting agencies from placing greater emphasis on educational rigor and innovation.⁶⁶

Congress may wish to consider whether all aspects of the federal recognition process are necessary in determining whether an accrediting agency is a reliable authority on the quality of the education being offered or whether other steps could be taken to reduce the costs and burdens associated with the overall process. Some items that have been raised include

⁶⁵ See, for example, U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Training, *Keeping College Within Reach: Discussing Program Quality Through Accreditation*, Prepared Statement of Dr. Michale McComis, Executive Director, Accrediting Commission of Career Schools and Colleges, 113th Cong., 1st sess., June 13, 2013, H.Hrg. 113-22 (Washington: GPO, 2013), pp. 17-18.

⁶⁶ Judith S. Eaton, *What Issues Are Critical to Consider in Advancing Quality Assurance in Higher Education?*, Council for Higher Education Accreditation, May 2014, p. 5.

- decreasing or modifying the existing statutory and regulatory criteria for federal recognition of accrediting agencies and
- redistributing the responsibilities between accrediting agencies and ED (e.g., shifting more oversight of institutional financial sustainability to ED).⁶⁷

The Changing Postsecondary Education Landscape

Efforts to provide access to postsecondary education to a broad variety of students (e.g., older, working, and/or low-income students) and potentially reduce postsecondary educational costs for students have resulted in the emergence or further proliferation of nontraditional educational delivery models and providers. For instance, although competency-based education (CBE) has been used by some schools for decades, recently there has been an increased interest in CBE as a means to potentially decrease time to degree completion and, therefore, costs to students.⁶⁸ Additionally, CBE and other models of online education delivery enable students to participate in education in ways that give students the flexibility to work around time constraints and focus on coursework when convenient. While some accrediting agencies have already begun to address such issues in their review processes, Congress could consider whether accreditation is the best way to address these types of educational offerings and, if so, to what extent it should do so.

Competency-Based Programs

Undergraduate educational programs at public, private nonprofit, and proprietary institutions must meet standards pertaining to minimum amounts of instructional time to be eligible to participate in Title IV federal student aid programs. Generally, these programs are measured in credit hours, with one credit hour typically equaling two hours of homework for each hour of class attendance required of a student per week.⁶⁹ Historically, the amount of time a student spent receiving instruction was seen as an indication of the quality of the education being provided (i.e., the more instruction time required, the more a student was expected to learn); however, ED has explicitly stated that there is no implicit “seat time” requirement under the credit hour regulations and that it is used only for federal program purposes, thus allowing institutions to set their own academic standards.⁷⁰ As part of the institutional accreditation process, accrediting agencies are required to review an institution’s policies for determining credit hours but do not evaluate the course content at IHEs.

CBE, an educational delivery model that has gained significant attention in recent years, focuses on assessing a student’s mastery of specified learning objectives or competencies. Unlike a traditional educational program in which students must meet a specified number of credit hours to progress and graduate, students in CBE programs progress through a program by demonstrating the mastery of a competency. However, for purposes of participating in the Title IV FSA

⁶⁷ See, for example, National Advisory Committee on Institutional Quality and Integrity, *Report to the U.S. Secretary of Education: Higher Education Act Reauthorization, Accreditation Policy Recommendations*, April 2012, p. 6 and Judith S. Eaton, “Accreditation and the Next Reauthorization of the Higher Education Act,” *Inside Accreditation*, vol. 9, no. 3 (June 3, 2013), http://www.chea.org/4DCGI/cms/review.html?Action=CMS_Document&DocID=257&MenuKey=mainno.

⁶⁸ Paul Fain, “Competent at What?,” *Inside Higher Ed*, December 12, 2013.

⁶⁹ For additional information on the use of the durational requirements (i.e., clock and credit hours) institutions must meet to be eligible to participate in HEA Title IV federal student aid programs, see CRS Report R43159, *Institutional Eligibility for Participation in Title IV Student Financial Aid Programs*, by Alexandra Hegji

⁷⁰ U.S. Department of Education, Office of Postsecondary Education, Higher Education, “Program Integrity Questions and Answers—Credit Hour,” CH-A4, <http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/credit.html>.

programs, institutions offering CBE programs must be able to demonstrate how the method of measuring learning equates to the credit hour (i.e., the institution must “convert” competencies into credit hours). This framework, therefore, requires accrediting agencies to examine how the program’s competency requirements match up to the traditional federal credit-hour requirement.

Some argue that the accreditation framework may need to shift to enable accrediting agencies to better evaluate actual student learning and skills acquired, rather than time spent working. For instance, because CBE programs are not based on time spent on work, might two paths to accreditation—a traditional path based on credit hours and a competency-based path—be established to better serve these two differing educational approaches? Doing so may provide agencies accrediting CBE programs with the ability to focus more attention on learning outcomes in such programs, but may also take time to fully implement, as well-designed assessments of learning outcomes need to be identified and/or developed.⁷¹

Accreditation agencies argue that the regulatory definition of credit hour discourages the use of CBE because it mandates measuring programs with seat time; they recommend that accreditation agencies be given discretion to define the relevant elements of assessing student learning.⁷² Additionally, the issue of whether the credit hour should be completely decoupled from the accreditation process for CBE programs (i.e., institutions and their accrediting agencies would not be required to equate self-paced competency completion with credit hours) may arise.⁷³ Such decoupling could take place within the current accreditation framework or could be used in the above-described two-path framework. As with the creation of a two-path framework, decoupling credit hours from CBE programs could provide accrediting agencies with greater ability to focus on learning outcomes, but it would take time to implement and develop well-designed assessments of learning outcomes.

Online Education Providers and Credentials

Under current law, the Secretary may include within an accrediting agency’s scope of recognition the ability to assess an IHE’s distance education programs, which include online education programs. Over the last several years, the use of online education has increased significantly and new forms of online education have developed.⁷⁴

⁷¹ Paul J. LeBlanc, “Accreditation in a Rapidly Changing World,” *Inside Higher Ed*, January 31, 2013.

⁷² Letter from Michale S. McComis, Executive Director, Accrediting Commission of Career Schools and Colleges, to Susan D. Phillips, Chairperson, National Advisory Committee on Institutional Quality and Integrity, May 23, 2014, <http://www2.ed.gov/about/bdscomm/list/naciqi-dir/policy-initiatives-2014.pdf>.

⁷³ ED regulations define a subset of CBE programs, known as direct assessment program, which provides IHEs with an option to measure student learning based solely on competencies mastered and does not rely on credit hours at all. The regulatory definition of direct assessment programs reads “A direct assessment program is an instructional program that, in lieu of credit hours or clock hours as a measure of student learning, utilizes direct assessment of student learning, ... [which means] a measure by the institution of what a student knows and can do ...” However, the regulation then requires that an IHE offering a direct assessment program must “establish a methodology to reasonably equate the direct assessment program ... to [credit hours].” 34 C.F.R. §668.10(a). Many believe this new definition of direct assessment is a step closer to decoupling competency-based programs from the credit hour; however, guidance issued by ED following the enactment of the direct assessment regulation caused confusion among IHEs. In response to a report from ED’s Office of Inspector General, ED’s Office of Postsecondary Education has agreed to publish additional guidance on the differences between CBE programs and direct assessment programs.

⁷⁴ See I. Elaine Allen and Jeff Seaman, *Grade Change: Tracking Online Education in the United States*, Babson Survey Research Group, January, 2014, p. 15 and I. Elaine Allen and Jeff Seaman, *Online Report: Tracking Online Education in the United States*, Babson Survey Research Group, February 2016, p. 16.

One such new form is massive open online courses (MOOCs), which are typically free or low-cost online versions of college courses available to individuals outside of an institution's regular student body, and usually no credits are awarded for class completion. Although the initial view of MOOCs as potential higher education "game changers" has been muted, MOOC-type offerings still remain viable options for the delivery of postsecondary education.⁷⁵ For instance, some IHEs are integrating MOOCs into their course offerings in various ways, including

- offering "flipped classrooms," in which students learn content online at home and then complete assignments in class with faculty support and feedback;
- offering "blended learning," in which courses are taught in a traditional classroom setting but also incorporate online components; or
- providing supplementary materials for students.

Alternatively, some providers of MOOC-type offerings give students the opportunity to receive certificates of completion or "badges" that signify their mastery of a skill for a fee. Mastery of a skill can be illustrated in a number of ways, such as the passing of an exam, completing a project, or attending classes. Some IHEs have begun exploring whether to award transfer of credit for obtaining badges and some employers may consider them when determining whether to employ an individual.⁷⁶

While many of these offerings are currently free-of-charge or incorporated into traditional classes, with some providers there may be fees associated with assessment to certify the mastery of a skill. For instance, providers may charge students a fee for certification of course completion or IHEs may charge students a fee for assessing a course before allowing them to transfer credits. Such charges are currently ineligible for coverage with Title IV aid.

Such innovative approaches to delivering a postsecondary education are promising, because they may provide more students with more convenient and lower cost access to postsecondary educational offerings. As such, Congress may be asked to consider whether such programs are prudent investments for federal student aid funds. In doing so, issues of how to delineate accreditation's role in determining the quality of such new educational options might be addressed.⁷⁷ For example, different levels of accreditation (e.g., institutional- or course-level assessment) may be needed to evaluate these offerings. Evaluating individual credentials, rather than entire institutions or degrees, may serve as a signal to employers that a student has a very specific skill that the employer may desire, rather than a broader skill set encompassed by an entire degree but that may not include the specific, employer-sought skill. Creating such a

⁷⁵ For a more detailed discussion on the evolution of MOOCs and their potential uses in postsecondary education, see Andrew P. Kelly, *Disruptor, Distractor, or What? A Policymakers Guide to Massive Open Online Courses (MOOCs)*, Bellwether Education Partners, May 2014.

⁷⁶ Fiona M. Hollands and Devayani Tirthali, *MOOCs: Expectations and Reality*, Center for Benefit-Cost Studies of Education, Teachers College, Columbia University, May 2014, p. 49.

⁷⁷ In recognition that providers of innovative approaches to delivering postsecondary education are often ineligible to participate in the Title IV programs because, among other reasons, they fall outside of the purview of many ED-recognized accreditors, ED recently launched the Educational Quality through Innovative Partnerships (EQUIP) experiment as part of its Experimental Sites Initiative. EQUIP "seeks to learn about [new nontraditional providers] and their costs and educational and employment outcomes for students." Through the initiative, partnerships of nontraditional providers, IHEs, and third-party quality assurance entities (e.g., accreditors or other organizations) will be provided waivers of specified Title IV eligibility requirements to test new ways of permitting students to access innovative learning and training opportunities. U.S. Department of Education, FACT SHEET: Department of Education Launches the Educational Quality through Innovative Partnerships (EQUIP) Experiment to Provide Low-Income Students with Access to New Models of Education and Training, October 14, 2015, <https://www.ed.gov/news/press-releases/fact-sheet-department-education-launches-educational-quality-through-innovative-partnerships-equip-experiment-provide-low-income-students-access-new-models-education-and-training>.

bifurcated system, however, may require an assessment of whether currently recognized accrediting agencies or other entities, such as professional organizations, are the appropriate bodies for reviewing these offerings.

Other Potential Considerations

Congress may consider whether to implement other changes to the current accreditation framework, including reforms to address accrediting agencies' transparency and potential conflict-of-interest issues.

Transparency

Currently, ED-recognized accrediting agencies must make publicly available basic information about an IHE's accreditation status. They must also make available to the Secretary, the relevant state licensing or authorizing agency, and the public, upon request, a summary of an accreditation review leading to a final accreditation decision involving the denial, termination, or suspension of accreditation.⁷⁸ Other documents pertaining to the accreditation process may remain private and their release to external parties is often at the discretion of the accrediting agency or IHE.⁷⁹

Individuals, including industry participants, argue that more detailed information (e.g., reasons for why accreditation decisions were made, IHEs' self-studies) should be provided to potential consumers to enable them to make well-informed decisions.⁸⁰ Such additional information, they assert, could increase public accountability and allow external stakeholders (e.g., potential and current students) to make better informed decisions as to whether funds should be spent at a particular IHE.⁸¹ There are concerns, however, that requiring additional information to be made available may hinder the private and candid discussions between accrediting agencies and institutions. While additional information may be useful, some argue, decisionmakers must be wary of encumbering the candor that is inherent in the peer review-based accreditation process.⁸²

⁷⁸ HEA §496(a)(8).

⁷⁹ Recently, ED announced a set of executive actions to improve accreditation transparency and accountability in accreditation. One executive action requires accreditors to submit to ED the specific reasons for placing an IHE on probation or warning or equivalent actions (as set forth in an accrediting agency's final decision letter to an institution). U.S. Department of Education, "Clarification on Terminology and Requirements for Accrediting Agency Reporting to the U.S. Department of Education," November 17, 2016, <https://www.regulations.gov/contentStreamer?documentId=ED-2016-ICCD-0035-0024&attachmentNumber=1&contentType=pdf>.

⁸⁰ Many regional accrediting agencies have already taken the step of providing information relating to accreditation decisions beyond that which is federally required. For instance, the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, now requires member institutions to post their self-evaluations, evaluation team reports, and Commission action letters on their websites. See, for example, U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Training, *Keeping College Within Reach: Discussing Program Quality Through Accreditation*, 113th Cong., 1st sess., June 13, 2013, H.Hrg. 113-22 (Washington: GPO, 2013), pp. 11-12.

⁸¹ Letter from Darla Spence Coffey, President and Chief Executive Officer, Council on Social Work Education and Jo Ann R. Coe Regan, Director, Office of Social Work Administration, Council on Social Work Education, to Carol Griffiths, National Advisory Committee on Institutional Quality and Integrity, May 30, 2014, <http://www2.ed.gov/about/bdscomm/list/naciqi-dir/policy-initiatives-2014.pdf>.

⁸² See, for example, U.S. Congress, Senate Committee on Health, Education, Labor, and Pensions, *Accreditation as Quality Assurance: Meeting the Needs of 21st Century Learning*, Statement of Dr. Arthur Levine, President of the Woodrow Wilson National Fellowship Foundation, 113th Cong., 2nd sess., December 12, 2013, p. 3.

Conflicts of Interest

The foundation of accreditation is the peer-review process, in which the majority of members of the accrediting commissions or boards that make judgments about accreditation status are institutional faculty and administrators. Some view the idea of colleagues reviewing colleagues in accreditation evaluations as a weakness, citing the potential for conflicts of interest⁸³ in a process that essentially serves a gate-keeping role for access to billions of dollars in federal student aid.⁸⁴ Others, however, claim that such a review helps accentuate the difference between genuine quality review by industry experts and bureaucratic scrutiny for compliance, while pointing to the major role peer review plays in government and other nongovernment organizations in research, medicine, and other sciences.⁸⁵ To address these concerns, Congress could explore whether a different methodology for institutional review is proper and to what extent peers may be involved in that evaluation.

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⁸³ Currently, most accrediting organizations are composed of and funded by the institutions they accredit or function as extensions of professional bodies.

⁸⁴ See, for example, U.S. Congress, House Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Training, *Keeping College Within Reach: Discussing Program Quality Through Accreditation*, Statement of Anne D. Neal, President, American Council of Trustees and Alumni, 113th Cong., 1st sess., June 13, 2013, H.Hrg. 113-22 (Washington: GPO, 2013), p. 19.

⁸⁵ Judith S. Eaton, "Accreditation 2.0," *Inside Higher Ed*, January 18, 2010.