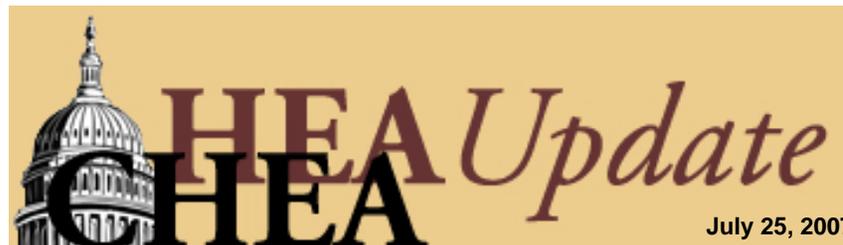


Accreditation Provisions of the Senate Bill to Reauthorize the Higher Education Act (S. 1642)

July 25, 2007 Comparison of

- Current Law
- S. 1642



Topic	Current law	S. 1642
Distance education	Current law allows accreditors to review distance education programs without separate accreditation standards. Accreditors must apply and enforce consistently standards that ensure that an institution's courses or programs – including distance education courses or programs – are of sufficient quality to achieve the stated objective for which the courses or programs are offered. [20 U.S.C. § 1099b(a)(4)]	The Senate bill would permit accreditors to address the quality of an institution's distance education offerings without a requirement to establish separate standards, procedures or policies for the evaluation of distance education. [491] Accreditors must require institutions to establish that the student who registers for a distance education course or program is the same student who participates in and completes the program and receives the academic credit. [491]
Transfer of credit	Current law generally is silent on transfer of credit. The 1998 Higher Education Act reauthorization called for a U.S. Department of Education study to evaluate policies or practices instituted by federally recognized accreditors regarding treatment of transfer of credit from one higher education institution to another. [Pub. L. No. 105-244, § 804 (Oct. 7, 1998)]	The Senate bill would require accreditors to review that institutions have a transfer of credit policy that establishes the criteria regarding transfer of credit earned at another institution and that the policy is publicly disclosed. [491]
Public information	Under current law, accreditors must disclose to the public “upon request” a summary of any review that results in a final accrediting decision involving denial, termination, or suspension of accreditation, together with comments of the affected institution. [20 U.S.C. § 1099b(a)(8)] Current law also requires accreditors, as part of their operating procedures, to disclose accreditation standards and procedures and accreditation status of each institution under its jurisdiction, including whether the institution is being considered for accreditation or reaccreditation. [20 U.S.C. § 1099b(c)(5), (6)]	The Senate bill would require accreditors to make available to the public and the State licensing or authorizing agency, and submit to the Secretary of Education a summary of agency or association actions, including (1) the award of accreditation or reaccreditation (2) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution and (3) any other adverse action taken with respect to an institution. Current law requiring accreditors to disclose their accreditation standards and procedures remains unchanged. [491]
Due process	Current law requires accreditors to apply procedures that comply with “due process” (procedural fairness), including (1) adequate specification of requirements and deficiencies at the institution under examination; (2) notice of an opportunity for a hearing; (3) right to appeal any adverse decision against such institution; and (4) right to representation by counsel for any such institution. [20 U.S.C. § 1099b(a)(6)]	The Senate bill would require accreditors to establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for (1) adequate specification of requirements and deficiencies at the institution or program examined, (2) an opportunity for a written response to be included prior to final action,

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Due process (continued)		<p>(3) upon the written request, an opportunity to appeal any adverse action, including placement on probation, at a hearing prior to such action becoming final.</p> <p>In the event of an appeal, an appeals panel shall not include anyone who was on the underlying decision-making body that made an adverse decision; and panel members are subject to a conflict of interest policy.</p> <p>The institution has the right to representation by counsel during an appeal. [491]</p>
Missions of religious institutions	<p>Current law requires accreditors to consider student achievement in relation to institutional mission but otherwise does not address accreditation standards related to institutional mission. [20 U.S.C. § 1099b(a)(5)(A)]</p> <p>Current law provides that if an institution has had its accreditation withdrawn, revoked, or otherwise terminated, the Secretary may allow an institution to remain certified as an institution of higher education for purposes of federal student financial aid programs for a period sufficient to allow the institution to obtain alternative accreditation if the Secretary determines that the reason for withdrawal, revocation, or termination is related to the institution's religious mission or affiliation and is not related to the accreditation criteria required by law. [20 U.S.C. § 1099b(k)]</p>	<p>The Senate bill requires accreditors to consider student achievement in relation to institutional mission and adds "including religious missions." [491]</p>
States as accreditors	<p>Under current law, a state may serve as a federally recognized accreditor only if it was recognized by the Secretary for that purpose on or before October 1, 1991, and has been continuously recognized since that date. [20 U.S.C. §§ 1099b(a)(2)(B), (a)(3)(C)]</p>	<p>The Senate bill would not amend current law regarding states as accreditors.</p>
Student achievement	<p>Current law requires accreditors to examine institution or program success with regard to student achievement by taking into account the school's mission along with certain forms of evidence, "including, as appropriate, consideration of course completion, State licensing examinations, and job placement rates." [20 U.S.C. § 1099b(a)(5)]</p> <p>Current law also requires institutions to publish completion or graduation rates for "certificate- or degree-seeking, full-time undergraduate students." [20 U.S.C. § 1092(a)(1)(L)]</p>	<p>The Senate bill would require accreditors to have standards that assess success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates. [491]</p> <p>In addition the bill prohibits the Secretary from promulgating any additional regulations with respect to this subsection. [491]</p>

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Review of federally required institutional disclosures	Current law does not address specifically accreditor review of federally required institutional disclosures.	The Senate bill would require accreditors' on-site evaluation for accreditation or reaccreditation to include a review of the federally required information the institution or program provides its current and prospective students. [491]
National Advisory Committee on Institutional Quality and Integrity	Current law establishes an advisory committee of 15 members that advises the Secretary concerning recognition of accreditors for federal purposes. The committee is appointed by the Secretary. [Public Law 102-325 Section 114 of the Higher Education Act, as amended (HEA)]	The Senate bill eliminates the National Advisory Committee on Institutional Quality and Integrity and would establish an Accreditation and Institutional Quality and Integrity Advisory Committee which would advise the Secretary with respect to recognition of accrediting agencies. The Committee would have 15 members, 5 appointed by the Secretary, 5 appointed by the Speaker of the House of Representatives and 5 appointed by the President pro tempore of the Senate. [105]