Comparison of Current Law, H.R. 609 and S. 1614

for Several Key Accreditation-Related Issues

Topic	Current law	H.R. 609	S. 1614
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 bill would still allow accreditors to review distance education programs without separate accreditation standards. [495] The bill would require accreditors to ensure that institutions offering distance education programs have processes to confirm that a registered student is the same student who completes the required work. [495] The bill would require accreditors to monitor "the enrollment growth of distance education to ensure that an institution experiencing significant growth has the capacity to serve its students effectively." [Ehlers amendment]	Like H.R. 609, the bill would still allow accreditors to review distance education programs without separate accreditation standards. [499] Like H.R. 609, the bill would require accreditors to ensure that institutions offering distance education programs have processes to confirm that a registered student is the same student who completes the required work. [499] Like H.R. 609, the bill would require accreditors to monitor growth, but unlike H.R. 609, S. 1614 apparently would not limit such requirement to distance education. Specifically, the bill would require accreditors to monitor "the growth of programs at institutions that are experiencing significant enrollment growth." [499]

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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 bill would codify the "CHEA Transfer Principle" – that institutions are not to refuse to consider transfer requests based solely on the accredited status of an institution as long as the accreditor is recognized by the U.S. Secretary of Education. [495] The bill would require institutions to make transfer policies publicly available. [486] The bill would call for a report by September 30, 2007, on transfer of credit study originally authorized in 1998 Higher Education Act reauthorization. [922]	Like H.R. 609, the bill would codify the "CHEA Transfer Principle" and would require institutions to make transfer policies publicly available. [499] The bill also would add a new provision under which accreditors would be required to confirm that an institution has transfer of credit policies "in which acceptance or denial of transfer of credit is decided according to criteria established in guidelines developed by the institution's admissions committee." [499] Unlike H.R. 609, the bill would not call for a report on transfer of credit study.
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 bill would continue to require accreditors to make public certain final accrediting decisions, together with the comments of the affected institution, but would make such disclosure mandatory (i.e., not upon request) and would specify additional final accrediting decisions that would trigger the disclosure requirement. Those additional decisions would be final withdrawal and "any other final adverse action taken with respect to an institution." [495] The bill would retain current operating-procedure requirements related to disclosure and would add a requirement that accreditors	Like H.R. 609, the bill would continue to require accreditors to make public certain final accrediting decisions, together with the comments of the affected institution, but would make such disclosure mandatory (i.e., not upon request) and would specify additional final accrediting decisions that would trigger the disclosure requirement. Those additional decisions would be final withdrawal – which H.R. 609 also would add – and probation – which H.R. 609 would not add. In addition, like H.R. 609, the bill would require accreditors to make public "any other adverse action taken with respect to an institution," but, in contrast to H.R. 609, the bill does not specify whether

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		disclose publicly information about their evaluation teams from the prior calendar year, along with the accreditation responsibilities of the team members. [495] The bill would give the U.S. Secretary of Education (not institutions with accreditor oversight, as proposed in an earlier version of the bill) responsibility for publishing the college consumer profile. The college consumer profile would provide data on higher education institutions, such as cost, student enrollment, faculty/student ratios, and completion rates. [131]	the comments of the affected institution must be disclosed in connection with such "other adverse action." [499] Unlike H.R. 609, the bill would require accreditors to make public "the award of accreditation or reaccreditation of an institution," although current law already requires accreditors to make public the accreditation status of each institution under its jurisdiction. [499] In contrast to H.R. 609, the bill would not add a new requirement that accreditors disclose publicly information about evaluation teams. The bill would give the U.S. Secretary of Education responsibility for publishing the college consumer profile. The college consumer profile would provide data on higher education institutions. Although there is some overlap, H.R. 609 and S. 1614 would request different data. For example, unlike H.R. 609, S. 1614 would include percentage of students successfully transferring academic credit from another institution. S. 1614 would also include "information" regarding certificate or degree completion, placement in jobs, and enrollment in graduate education. [108]

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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 bill would expand provisions on due process to include (1) "opportunity for a written response… to be included in the evaluation and withdrawal proceedings" and (2) opportunity "to appeal any adverse action at a hearing prior to such action becoming final." In addition, the bill would require that the appeals panel not include individuals involved in an initial adverse accreditation decision. The bill would retain the requirement that an accreditor's procedures provide (1) adequate notice and (2) right to representation by counsel. [495]	The bill's due process provisions are comparable to H.R. 609's due process provisions. The only substantive difference between the bills is that S. 1614 would specify that an opportunity for written response must occur prior to final action. [499]
Missions of religious institutions	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).] Current law provides that if an institution has had its accreditation withdrawn, revoked, or otherwise terminated, the Secretary of Education 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).]	The bill would require that accreditors consistently apply and enforce standards "that consider the stated missions of institutions of higher education, including but not limited to such missions as inculcation of religious values." [McKeon amendment] The bill would retain current law provisions regarding adverse action related to religious mission or affiliation.	The bill would require that accreditors consistently apply and enforce standards "that respect the stated mission of the institution of higher education, including religious missions". [499] The bill would retain current law provisions regarding adverse action related to religious mission or affiliation.

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State accreditors	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).]	The bill would remove the date restriction and allow states to become federally recognized accreditors even if they were not recognized on or before October 1, 1991. [495]	The bill would not amend current law regarding state accreditors.
Governance	Current law does not require accreditors to have accreditation standards that address governance. [20 U.S.C. § 1099c.]	The bill would require institutional accreditors to evaluate board governance "within the context of the institution's mission." [495]	The bill would not amend current law with respect to accreditation standards that address governance.
Student achievement	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 other forms of evidence. [20 U.S.C. § 1099b(a)(5).] 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).]	The bill would still require accreditors to examine institution or program success with regard to student achievement by taking into account the school's mission with other forms of evidence. [495] The bill would retain current law requirements related to institutional publication of completion rates, but would remove the term "full time" with respect to undergraduate student. The bill also would require institutional publication of "other student outcome data, qualitative or quantitative, including data regarding distance education, deemed by the institution to be appropriate to its stated educational mission and goals, and, when applicable, licensing and placement rates for professional and vocational programs." [486] The bill would call for a study in states of best practices in student learning outcomes. [926]	The bill would still require accreditors to examine institution or program success with regard to student achievement by taking into account the school's mission with other forms of evidence. [499] The bill would not amend current law regarding institutional disclosure of completion or graduation rates, except (1) to modify under certain circumstances the calculation applied to address students who leave school to serve in the armed services, on official church missions, or with a federal foreign aid service and (2) to require that such information be disaggregated by gender, by each "major racial and ethnic subgroup," and by "low-income background status as measured by Federal Pell Grant eligibility," if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual

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			student. [487] Unlike H.R. 609, the bill would not call for a study in states of best practices in student learning outcomes.
Intellectual pluralism and student speech	Current law includes a "sense of Congress" that student speech and association rights should be protected. [20 U.S.C. § 1011a.]	The bill would maintain the current "sense of Congress" regarding student speech and association rights and would add a "sense of Congress" that intellectual pluralism should be promoted. [103]	The bill would maintain the current "sense of Congress" regarding student speech and association rights and would add, with language that differs from H.R. 609, a "sense of Congress" that intellectual pluralism should be promoted. [104]