

Comparison of H.R. 609 with Current U.S. Law

for Several Key Accreditation-Related Issues



Number 25, September 6, 2005

Topic	Current Law	H.R. 609
Distance education	<p>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).]</p>	<p>The bill would still allow accreditors to review distance education programs without separate accreditation standards. [495]</p> <p>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]</p> <p>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]</p>
Transfer of credit	<p>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).]</p>	<p>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 accretor is recognized by the U.S. Secretary of Education. [495]</p> <p>The bill would require institutions to make transfer policies publicly available. [486]</p> <p>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]</p>

Comparison of HR 609 and Current Law

<p>Public information</p>	<p>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).]</p> <p>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).]</p>	<p>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]</p> <p>The bill would retain current operating-procedure requirements related to disclosure and would add a requirement that accreditors publicly disclose information about their evaluation teams from the prior calendar year, along with the accreditation responsibilities of the team members. [495]</p> <p>The bill would give the U.S. Secretary of Education (not institutions with accretor 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 each institution that participates in federal student financial aid programs, such as cost, student enrollment, faculty/student ratios, and completion rates. [131]</p>
---------------------------	--	--

Comparison of HR 609 and Current Law

<p>Due process</p>	<p>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).]</p>	<p>The bill would expand provisions on due process to include (1) opportunity for written response to be included in evaluation and withdrawal proceedings and (2) opportunity to appeal an adverse action at a hearing prior to final action. 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 accreditors procedures provide (1) adequate notice and (2) right to representation by counsel. [495]</p>
<p>Missions of religious institutions</p>	<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 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).]</p>	<p>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]</p> <p>The bill would retain current law provisions regarding adverse action related to religious mission or affiliation.</p>
<p>State accreditors</p>	<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 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]</p>

Comparison of HR 609 and Current Law

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]
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 other forms of evidence. [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 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]</p> <p>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]</p> <p>The bill would call for a study of best practices in student learning outcomes. [925]</p>
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 include a “sense of Congress” that intellectual pluralism should be promoted and that student speech and association rights should be protected. [103]