



One Dupont Circle, NW | Suite 510
Washington, DC 20036-1135
Tel: 202.955.6126
Fax: 202.955.6129
Email: chea@chea.org
Web: chea.org

July 12, 2019

Mr. Jean-Didier Gaina
Department of Education
400 Maryland Avenue, SW, Mail Stop 294-20
Washington, DC 20202

RE: Student Assistance General Provisions, The Secretary's
Recognition of Accrediting Agencies, The Secretary's Recognition
Procedures for State Agencies

ID: ED-2018-OPE-0076-0644

Dear Mr. Gaina:

The Council for Higher Education Accreditation (CHEA) appreciates the opportunity to comment on changes that the U.S. Department of Education (USDE) proposes in the Notice of Proposed Rulemaking titled "Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, The Secretary's Recognition Procedures for State Agencies" ID: ED-2018-OPE-0076-0644.

CHEA is a national organization of degree-granting colleges and universities. We recognize regional, national career-related, national faith-related and programmatic accrediting organizations in the United States. We are the only national organization focused exclusively on higher education accreditation and the only private-sector organization that recognizes U.S. accrediting organizations. CHEA has as its core purpose the national coordination of accreditation, the longstanding and historically effective means of assuring and improving academic quality in higher education.

There are a number of things that CHEA likes in these proposed regulations, consistent with CHEA's *Position Paper on Appropriate Accountability for Accreditation and Federal Policy*. These include:

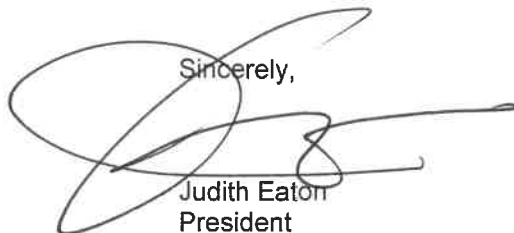
- Providing more flexibility for innovation for institutions and accreditors.
- Protecting students through enhanced disclosure and teach-out requirements.
- Simplifying the recognition process for both USDE and accrediting organizations.
- Simplifying substantive change provisions.
- Requiring that disputes between institutions and accreditors go to arbitration before any litigation, something CHEA has long advocated.

However, CHEA has questions and concerns about several provisions included in the NPRM.

- **Retroactive accreditation for institutions and programs (§§ 602.18 (6)).** Retroactive accreditation, as framed in the proposed rules, appears to enable an institution or program to claim it is accredited at the beginning of candidacy or pre-accreditation status. However, neither achieving candidacy nor pre-accreditation is intended to mean that accreditation standards have been met. How is the public to understand that an institution's or program's claim of accredited status no longer assures that the standards of the accrediting organization have been consistently met? Retroactive accreditation needs to be framed in a way that the public can have confidence that an institution or program has met accreditation standards throughout the full period that it claims accredited status.
- **Increasing the time allowed for institutions and programs to come into compliance with accreditor requirements (§§ 602.20) (a) (2).** Current proposed language allows up to four years to come into compliance, without required intermediate checkpoints being met. While some changes to come into compliance can take a number of years, other do not. This rule might be amended to be clear that changes that can be made expeditiously are implemented more quickly. The accrediting organizations can develop explicit timeframes for these changes. Students are not protected when an institution or program is out of compliance for four years.
- **Continuing the definition of credit hour in the regulations (§§ 600.2).** The higher education community has operated with a common understanding of the credit hour for decades. The federal definition neither enhances nor improves that understanding. CHEA's position is that the credit hour definition should be removed from federal regulation.
- **Providing a simpler path for new accrediting organizations to gain recognition with USDE oversight (§§ 602.12).** While CHEA supports the simpler path for new accrediting organizations, the proposed rules involve significant additional federal oversight by USDE, beyond the oversight of currently recognized accreditors, that involves USDE in, e.g., determining the number of institutions or programs that can be accredited by new organizations and monitoring accreditation decisions. While careful scrutiny of new accreditors needs to be part of the simpler path, USDE involvement in these areas interferes with the independence of these accreditors to determine how they will operate and to make their independent decisions about accredited status.

Thank you for considering CHEA's comments. We are ready and willing to work with USDE and other interested parties to assure that the final rule protects students, advances innovation and sustains the current strengths of accreditation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Judith Eaton', is written over a horizontal line. The signature is fluid and cursive, with a large loop at the beginning and a long tail extending to the right.

Judith Eaton
President