

Feb 21, 2018

Dear Colleague:

There has been much discussion in the higher education and accreditation communities about the bill in the House of Representatives (H.R. 4508) to reauthorize the Higher Education Act, introduced in December 2017. The bill has been passed by the House Education and the Workforce Committee and awaits moving to the floor of the House. Some of the discussion has been thoughtful and reflective, mostly focused on student financial aid and, to a lesser extent, accountability. Some of the discussion, both within higher education and without, has been quite partisan.

Little of the discussion, however, has focused on the bill's accreditation provisions and its far-reaching implications for determination of quality, quality assurance and quality improvement in higher education. *Yet, these provisions, if implemented, will upend accreditation as we know it, with powerful repercussions for both the recognized accrediting organizations and the institutions and programs they review.* As H.R. 4508 makes clear, the goal of the bill is to reform higher education, not just reauthorize the Higher Education Act – and this includes accreditation.

Attached is a description of the [challenges that H.R. 4508 poses for accreditation](#), the [key accreditation provisions](#), [the accreditation provisions as they relate to](#) the Council for Higher Education Accreditation (CHEA) *Position Paper on Regulatory Relief for Accreditation* (Spring 2017), [enduring issues for accreditation](#) and [suggestions](#) and [talking points](#) for institutions and programs.

At present, there is no timetable for H.R. 4508 to go to the floor of the House. Nor is there a specific timetable in the U.S. Senate for the introduction of a reauthorization bill, including accreditation. Both houses and parties have expressed interest in having a bill this year, but whether this can occur is yet to be known.

CHEA, moving forward, will continue to monitor developments in the reauthorization of the Higher Education Act as these affect accreditation. Most important, we will represent our members' interest in preserving the commitment to institutional mission, to peer review, to academic freedom and to quality improvement that are at the heart of all that we do.

Thank you.

Sincerely,



Judith Eaton  
President

## Major Accreditation Challenges Of H.R. 4508

---

The House bill poses four major challenges for accreditation, calling on accrediting organizations to address the following:

***Public accountability as the dominant role of accreditation –***  
in contrast to the historic dominance of quality improvement as the major role. Primary emphasis is on student achievement, institutional performance and transparency.

***Increased emphasis on innovation as encouraged for accrediting organizations, including creation of other forms of quality review –***  
with commensurate regulatory relief and flexibility, although within federal requirements.

***Accreditation standards, policies and practices needing overhaul –***  
forcing change and rethinking that will reverberate throughout accreditation and higher education.

***Congressional authority and oversight of accreditation strengthened –***  
in relation to the current role of the U.S. Department of Education-- altering, perhaps in fundamental ways, the relationship between accrediting organizations and the federal government in the development of federal policy.



© February 2018

# The Accreditation Provisions Of H.R. 4508

The key accreditation provisions address the operation of the three major actors in the determination of quality in higher education: accrediting organizations, institutions and the federal government:

## **Accreditation Operation**

### **The bill:**

1. Establishes a single recognition standard – “student learning and educational outcomes” – removing the current ten recognition standards in the law.
2. Provides for differentiated review of institutions and programs, putting into law a practice that most accrediting organizations have long engaged – varying the scope and intensity of accreditation review based on past performance.
3. Further manages the composition of accrediting decision-making bodies by requiring that at least one member is from business.
4. Requires that accrediting organizations demonstrate their capacity to undertake competency-based reviews.
5. Requires that accrediting organizations identify and monitor substandard institutions and programs.
6. Adjusts the definition of “religious mission” and requires full acknowledgment of this mission when applying accreditation standards.
7. Allows for waivers of accreditation requirements to encourage innovation.
8. Replaces the requirement that accrediting organizations be “separate and independent” with a requirement to be “separately incorporated.”

## **Institutions**

### **The bill:**

9. Allows institutions to change accreditors without accreditor approval, providing that there are no existing sanctions against the institution.
10. Reduces the number of “substantive change” provisions or changes that institutions must submit to accreditors for approval; institutions can move forward with more changes in, e.g., curriculum, programs, without going to accreditors.

## **Federal Government**

### **The bill:**

11. Allows a newly appointed Secretary of Education to replace prior Secretary appointments to the National Advisory Committee on Institutional Quality and Integrity (NACIQI), the advisory body that recommends to the Secretary whether an accrediting organization is to be recognized.
12. Limits the authority of NACIQI to making recommendations only on recognition status and no longer providing general advice to the Secretary.
13. Provides for Title IV support to students taking coursework or other offerings from non-institutional (alternative) providers without accredited status

Several other features of H.R. 4508 are not accreditation provisions but, nonetheless, will have a significant impact on accreditation. These are removal of the federal definition of credit hour and the introduction of program-level evaluation for purposes of Title IV as well as removal of the gainful employment requirements, the borrower defense requirements and the state authorization requirements

## Council For Higher Education Accreditation Goals And *Position Paper*

---

The Council for Higher Education Accreditation (CHEA), in Spring 2017, released its *Position Paper on Regulatory Relief for Accreditation*. This document included three major goals to address in any attempts at regulatory relief, including a reauthorization bill. These goals are:

- ***Protect students: Strengthen accreditation rigor and provide expanded, readily understandable and accessible information about institutions and programs.***
- ***Advance innovation: Encourage fresh approaches to quality review of traditional providers and expand quality review to new providers and new credentialing.***
- ***Sustain the strengths of accreditation: Maintain and enhance the academic leadership of institutions and programs, peer review and the commitment to academic freedom.***

The proposed legislation addresses the three major goals that CHEA has set. The CHEA goals are also consistent with expectations for accreditation that have been discussed broadly by both Democrats and Republicans in the U.S. Senate as well as the House of Representatives.

Specifically, the accreditation provisions of H.R. 4508 address the following recommendations in the Position Paper:

- ***Streamlining substantive change***
- ***Removing the federal definition of credit hour***
- ***Encouraging innovation***
- ***Additional restricting of federal oversight***
- ***Centrality of accountability for accreditation credibility***
- ***Attention to non-institutional providers of higher education and alternative providers of quality review***



© February 2018

# Enduring Issues For Accreditation

---

Whatever the fate of the specific provisions of H.R. 4508, we all need to focus on six issues that likely will be addressed in any reauthorization bill that emerges. Decisions by members of Congress in these areas will frame the future accreditation provisions with which we all live.

## ***Congress, the Department of Education and the public will:***

- Seek reliable evidence of effective institutional and program performance and student success as dominant in judging quality. ***(Student Learning Outcomes)***
- Call for adequate safeguards with regard to not only the quality of performance of institutions and programs, but also their responsibility for effective operation and the conduct of their business and the use of federal funds. ***(Public Accountability)***
- Expect routine, robust information from accrediting organizations, institutions and programs, readily accessible and understandable by the public, about student achievement, the strengths and limitations of institutions and programs, the reasons for accreditation decisions and what accredited status means. ***(Transparency)***
- Expect accrediting organizations, to fully carry out their role in serving students and society, to identify and assure minimally acceptable institution and program performance as well as continuing the longstanding focus on quality improvement. ***(Credibility)***
- Encourage innovation in accreditation, beyond the investment in longstanding accreditation practices, and strengthening an accreditation culture of openness and responsiveness to change. ***(Innovation)***
- Expect assurance that accreditation is responsibly carrying out its role in providing eligibility for Title IV and other federal funds for accredited institutions and programs, in order to assure that the federal resources are used effectively. ***(Gatekeeping)***



© February 2018

## What Can College and University Presidents, Chief Academic Officers And Government Affairs Executives Do About H.R. 4508?

---

- **Stay in Touch.** Be aware of the developments at the federal level. CHEA will keep you informed of the progress of the House bill, reactions, progress in the House and the emergence of a bill in the Senate as these relate to accreditation.
- **Be Strong Advocates.** Continue to be strong advocates for the fundamental strengths of accreditation – commitment to mission, peer review, academic freedom, institutional autonomy and quality improvement – without which quality in higher education would be seriously compromised. When meeting with members of a Congressional delegation, promoting these key features of accreditation is essential.
- **Focus on Accreditation's Enduring Issues.** The issues of student learning outcomes, public accountability, transparency, credibility, innovation and gatekeeping are likely to be central to any reauthorization bill that becomes law. Discussions, letters and commentary on these issues and how they can be effectively addressed in accreditation are vital to furthering the value of accreditation.
- **Further Enhance Institutional Credibility.** Focus on further strengthening accountability appropriate to an institution – evidence of student success, efforts to strengthen programs and offerings, commitment to improve student completion and achievement and greater transparency.

## Talking Points

---

In discussions with members of Congress and state and local officials as well as comments to media and in opinion pieces, making the following points will further the cause of accreditation, peer review and quality improvement. These points:

1. Acknowledge the vital and essential role that accreditation has played in U.S. higher education and society, fundamental to high-quality in institutional performance and student success.
2. Increase the value of accreditation to students and society, including greater attention to protecting students, enhancing student success and greater accountability to the public for student achievement.
3. Preserve the strengths of accreditation that have been central to the effectiveness of higher education: institutional mission and autonomy, peer review, academic freedom and quality improvement.
4. Enable accreditation to respond vigorously and effectively to calls for change and innovation in higher education and quality review – apprenticeships, credentials for short-term education or training and competency-based education.
5. Sustains a strong and effective partnership among accrediting organizations, states and the federal government in expanding and improving higher education opportunity.

For additional talking points that provide a general overview of accreditation, please [click here](#).