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**POSITION PAPER**

**APPROPRIATE ACCOUNTABILITY FOR ACCREDITATION  
AND FEDERAL POLICY**

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The Council for Higher Education Accreditation (CHEA) is a national, nongovernmental membership organization of degree-granting colleges and universities, the only organization with the sole purpose of providing national coordination of accreditation of higher education institutions and programs. CHEA serves as an advocate, national authority and thought leader on U.S. accreditation and quality. CHEA plays a significant nongovernmental role in oversight of accreditation as the only source of quality review of accrediting organizations outside the federal government. In these roles, CHEA works with Congress and the U.S. Department of Education (USDE) on accreditation issues.

Appropriate accountability for accreditation through federal oversight has become a prominent topic of discussion. The purpose of this CHEA *Position Paper* is to offer proposals for changes in federal oversight as this applies to accreditation, whether in law, regulation or sub-regulatory guidance. The suggestions are not intended nor should result in reduced accountability for accreditation, but can provide a more effective and efficient regulatory framework for this important work.

CHEA sees appropriate accountability as central to achieving three major goals to move accreditation forward. These goals are doing more to:

- **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, the commitment to mission, peer review and the commitment to academic freedom.

The federal government maintains an extensive scrutiny of accreditation, a process known as “recognition.” Accredited status is a requirement for institutions and programs to obtain and maintain eligibility for federal funds. At present, approximately \$170 billion in student grants and loans, research and program funds go to institutions and programs annually.

Accreditation activity, at present, is governed by 10 pages of law, 27 pages of regulation and 88 pages of sub-regulation. Sub-regulation is sometimes augmented by “Dear Colleague” letters and “Guidance Letters” issued by USDE. There are more than 200 separate requirements that accrediting organizations must address in order to be considered federally recognized or to have emerged successfully from the USDE recognition review that they must undergo at least every five years. The recognition review requires, for all practical purposes, that an accreditor must attend to expectations of the federal government on an annual basis.

### ***Proposal One: Appropriate Accountability and Regulation***

1. Rethink the requirements for the extent of experience in order to become a recognized accreditor ([602.12](#)).
2. Streamline what is considered “substantive change” for an institution or program in order that fewer changes are subject to this process, including the establishment of branch campuses ([602.22](#)).
3. Remove the definition of credit hour (§§ [600.2](#), [602.24 \(f\)](#)).
4. Eliminate the requirement for confidentiality such that accreditors cannot inform institutions of investigations ([section 602.27 \(a\) 6, 7; \(b\)](#)).

***Likely Impact:*** These changes in regulation will enable institutions to engage innovation absent fear of loss of accreditation and enable accrediting organizations to more fully embrace innovation absent fear of loss of federal recognition. These changes will help to diminish barriers to the establishment of new accrediting or quality assurance bodies. Students will be better served and better protected as a result of innovative and competitive new entrants to the accreditation space. These changes will not compromise the accountability expected of accreditation. Absent such changes, the federal presence can discourage creativity and experimentation needed to achieve the innovation sought by both the accreditation community and the federal government.

### ***Proposal Two: Appropriate Accountability and Sub-Regulation: Dear Colleague Letters/Guidance Communications***

1. Eliminate requirement for common definitions and terms  
<https://www.regulations.gov/document?D=ED-2016-ICCD-0035-0024>.
2. Remove USDE final oversight in posting accreditor actions and decision letters  
(<https://www.regulations.gov/document?D=ED-2016-ICCD-0035-0024>)
3. Eliminate USDE oversight of differentiated review  
[https://www.chea.org/sites/default/files/2018-08/Mitchell\\_042216\\_ED\\_Accreditation%20Letter.pdf](https://www.chea.org/sites/default/files/2018-08/Mitchell_042216_ED_Accreditation%20Letter.pdf)

***Likely Impact:*** These changes will provide accreditation with greater flexibility to design their own innovative practices. At the same time, they do not preclude accreditors being held accountable for providing clear and readily accessible information to the public about the performance of institutions and programs. They do not preclude meeting high expectations of rigor in quality review and preserving as well as encouraging creativity in the service of students. Absent these changes, the range and diversity of institutions and programs can be diminished by standardized expectations.

### ***Proposal Three: Appropriate Accountability and Federal Law***

1. Retain the Rule of Construction ([20 U.S.C. 1099b Section 496 \(p\)](#))
2. Oppose federal intrusion into academic leadership, institutional mission peer review or academic freedom.
3. Rethink the role of the National Advisory Committee on Institutional Quality and Integrity, including the creation of an alternative committee structure and operation ([20 U.S. Code § 1011c](#)) (602.34).
4. Further revise Negotiated Rulemaking to assure that it is routinely a balanced, transparent and consultative process ([20 U.S. Code 1098 a Section 492](#)).
5. Require consultation with academics and accreditors for Dear Colleague Letters and Guidance Letters and clarify their role in federal oversight of accreditation.

***Likely Impact:*** These proposed changes will result in future law that is more effective and responsive to the needs of students. These changes will also sustain and enhance greater opportunity for innovation in accreditation. They can only strengthen the contribution that accreditation makes to students and society by enhancing its effectiveness and accountability. Absent such changes, federal oversight of accreditation can be unduly cumbersome, reducing accreditors' ability to be responsive to and protect students.