

INSIDE HIGHER ED

New Rules for Accreditors

An appointed federal panel reaches consensus to loosen restrictions on accreditors and online learning. Some of those not on the panel see student protections shrinking.

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WASHINGTON -- Trump administration officials opened champagne and shook hands with negotiators Wednesday after a lengthy rule-making process led to consensus on a broad array of changes to federal standards governing college accreditors and online education.

Those changes will allow colleges to get faster approval for changes to their programs, facilitate quicker federal recognition of new accreditors and allow for more targeted, less comprehensive federal reviews of accreditors. And they would give accreditors discretion over when to take action against a college that is out of compliance with standards.

Accreditors are the primary oversight bodies for college quality and act as the gatekeepers for federal student aid. But Education Department leaders **said last year** that too many burdens have been placed on accreditors at the expense of flexibility and innovation.

“We are being more respectful of accreditors for knowing their institutions and knowing their standards. And making sure that schools get to those standards in a way that’s appropriate,” said Diane Auer Jones, principal deputy under secretary at the Education Department, who set the agenda for the process last year.

Wednesday marked the first time in nearly a decade that the process, known as negotiated rule making, ended in formal consensus on changes to federal rules sought by the department. Absent a unanimous agreement by negotiators, the Trump administration would write the rule itself.

The panel of 15 negotiators plus alternates assembled by the Education Department included representatives from college groups, regional accreditors, national accreditors and financial aid administrators, as well as two negotiator spots for student representatives, who were often at odds with other negotiators but ultimately voted for the package of changes.

The department got consensus in part by pulling back on its proposals that were most controversial with regional accreditors and college groups.

Consumer advocates, though, warned that the package of changes agreed to by negotiators took federal standards in exactly the wrong direction, given that the department’s **own inspector general** had recently warned that its oversight of the organizations fell short.

“This just reinforces for them that they don’t need to be doing much of anything to protect students,” said Beth Stein, vice president for the Institute for College Access and Success, after observing the negotiations.

The next step for the Trump administration is the release of proposed rule changes based on the consensus reached by negotiators. The department will then solicit public comments on the proposal before issuing a final rule.

“The work is just about to begin,” said Michale McComis, executive director at the Accrediting Commission of Career Schools and Colleges, who represented national accrediting agencies.

Education Secretary Betsy DeVos said in a statement that each person at the table was forced to challenge their own assumptions and examine best practices to serve students better.

“The committee recognized that higher education has changed in many ways since the last reauthorization of the Higher Education Act, including in the use of innovative technologies,” she said. “These changes will allow students to work at their own pace to earn a college degree, obtain credit for proving what they already know and earn a credential aligned with employers’ job requirements.”

In addition to loosening the rules for accreditors, the changes agreed to Wednesday include updates to federal distance education standards that sought to clarify requirements for faculty interaction with students. Negotiators also approved a fix to the TEACH grant program that will allow thousands of teachers whose grants were converted into loans to appeal those decisions. They agreed to keep language from a now delayed 2016 state authorization rule and convene a workgroup involving higher ed associations to address issues with the rule.

Negotiators also approved changes to restrictions on religious colleges' participation in federal aid programs.

Jones said changes to requirements for teach-out plans -- which help students at closed schools to finish their degrees elsewhere -- would also help the Education Department coordinate a response to closures of large institutions involving multiple accreditors.

The negotiators got the Trump administration to backtrack on two proposals that would have **redefined the scope** of regional accreditors and allowed colleges to outsource **more than 50 percent** of a program to a third-party entity. The final language clarifies the geographic scope of regional accreditors but likely won't require them to significantly change either how they operate or the colleges they currently oversee.

The agreement also keeps the current cap on outsourcing of higher ed programs, although it would allow colleges to get faster approval for outsourcing arrangements from their accreditors.

Barbara Gellman-Danley, who as president of the Higher Learning Commission represented regional accreditors on the negotiating panel, said the consensus agreement would "strengthen our nation's higher education system while maintaining appropriate oversight, rigor and accountability." The package of changes the Trump administration said it wanted to pursue last year was so broad that most observers doubted the process would lead to a consensus agreement from negotiators. Many said the process appeared designed to fail.

In a public hearing last fall, most of the public comments warned the department that its agenda was too unwieldy and suggested it narrow its focus. But Jones said she continued to believe an agreement was possible.

"I never gave up hope," she said. "The biggest thing we accomplished today is we restored faith in negotiated rule making."

But critics said that student advocates faced pressure to go along in a process tilted toward the interests of accreditors and colleges. On Wednesday, frustrations mounted when Robyn Smith, a lawyer at the Legal Aid Foundation of Los Angeles and student representative on the panel, said she wasn't sure she could go along with changes to current rules that would give accreditors as much 150 percent of a program's length -- six years for a four-year program -- to take action against colleges out of compliance with their standards.

Eventually, negotiators added language saying that accreditors should take action within that time frame or four years, whichever came first. But Smith was warned by other negotiators that students would get a worse deal if consensus was not reached.

"You could tell she was under intense pressure and was very conflicted," said Antoinette Flores, the associate director for postsecondary education at the Center for American Progress. "It's not necessarily surprising when you have the higher ed lobby writing the rules, and a very limited voice for consumer advocates, that they would come to agreement."

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