

Rewriting the Rules for Accreditors

Many regulatory changes sought by the Trump administration in an accreditation overhaul reflect shortcomings found at for-profit accretor restored by Betsy DeVos.

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[An ITT Tech campus](#)

When an appointed federal panel met at a hotel ballroom in Alexandria, Va., this week, it marked something of a turning point for oversight of college accreditors, the organizations that serve as gatekeepers of federal student aid.

It was the last meeting of the National Advisory Committee on Institutional Quality and Integrity for six Obama-administration appointees (17 total sit on the panel) who had pushed accreditors to apply tougher scrutiny of college performance. It was also the first chance for Trump administration officials to give the panel their assessment of a regulatory overhaul of accreditation standards that began more than a year ago.

While the Obama appointees had pushed for a more activist approach from accreditors during an unprecedented series of high-profile for-profit college failures, the Education Department's proposed regulatory changes would make clear the distinct roles of accreditors, states and the federal government -- the so-called triad, in higher ed parlance. Diane Auer Jones, the principal deputy under secretary at the department and the primary architect behind the new standards, told NACIQI members that the Trump administration wanted accreditors to spend more time and energy focusing on what matters most.

"We think accreditation over time has become focused on bureaucracy, paperwork, pages and pages and pages of documents," she said. "What we really want is for accreditors to be focused on student experiences."

Although several accreditors were scheduled for regular reviews before NACIQI, one agency that didn't appear on the agenda, the Accrediting Council for Independent Colleges and Schools, still drew scrutiny from board members. In response to questions from NACIQI members, Education Department officials said they are **reviewing the financial status** of ACICS eight months after Education Secretary Betsy DeVos reinstated the accreditor.

NACIQI **recommended in 2016** that the Education Department pull recognition from the organization, which oversaw the Corinthian Colleges and ITT Tech chains, among others, before their collapse. At the time, that was an unprecedented step by federal officials. And although accreditors occasionally face tough questions from NACIQI appointees, it's exceedingly rare that they would actually face the loss of federal recognition. Consumer advocates now say the regulatory overhaul sought by the Trump administration would remove several of the standards that the panel and federal officials previously found that ACICS failed to meet.

The overhaul of accreditation standards was agreed to by an appointed panel of negotiators in April after a months-long process known as negotiated rule making. The Education Department offered regulatory language it wanted to alter, but -- as Trump administration officials have pointed out -- the changes had to be agreed to by all negotiators.

The number of colleges overseen by ACICS has **shrunk dramatically** since 2016, when the Obama administration's decision to yank approval led many institutions to seek recognition elsewhere; other college chains overseen by ACICS have abruptly **closed their doors**. Critics of the administration, though, say many of the changes open the door to negative outcomes under another accreditor approved with lower standards.

Overhauling Standards Where Troubled Accreditor Fell Short

When Jones issued a recommendation last year that the department permanently reinstate federal recognition of ACICS, she cited support from several other national accreditors. The problem for the Education Department? Those agencies had never offered their endorsements. After **news reports** pointed out the discrepancy, the Trump administration said including those endorsements was an editing mistake and said it planned a correction.

Instead of tightening that standard, the new regulations proposed by the department this month drop the requirement entirely. But administration officials said the standard itself was inconsistently enforced. "The widely accepted criteria was a primary example of a criterion that was vaguely written and interpreted differently among the staff and for different agencies over time," said Liz Hill, a spokeswoman for the department.

But Clare McCann, deputy director for federal higher education policy at New America and a former Obama administration official, said when state attorneys general **called on** the federal government to pull recognition for ACICS in 2016, it was that standard that allowed the department to consider those comments in its assessment of the agency.

The Trump administration also plans to introduce a new status for approved accreditors known as substantial compliance. Instead of requiring that accreditors meet all federal standards, it would allow organizations to keep their recognition if they meet requirements in all but a technical sense. Critics say that effectively lowers the bar for organizations to get federal approval without fully meeting standards. And they note that the department has already begun designating ACICS as substantially compliant even before the rule changes are finalized. But supporters, including the Council of Regional Accrediting Commissions, **say the change** would allow the department to conserve resources by allowing department staff to follow up on any technical shortcomings later.

"Over the years, accreditors have at times been faced with unnecessary follow-up at NACIQI or shortened periods of recognition based upon very technical issues, such as not providing a full roster of staff or board members - something that can be easily addressed," said Barbara Gellman-Danley, chair of C-RAC and president of the Higher Learning Commission, in public comments on the rule changes.

The updated regulations also would change the standards for how accreditors hold colleges accountable. The Trump administration is also proposing that accreditors be judged on whether they establish clear expectations for colleges, not on whether they effectively address quality issues at those institutions. A staff report produced by the department in 2016, before the

Obama administration yanked federal recognition, found evidence that ACICS hadn't effectively monitored widespread misconduct involving recruiting, admissions and advertisement of job-placement rates.

They would double the amount of time accreditors could allow colleges to come into compliance with their standards. Under the new rules, colleges could fall short of accreditor standards for up to four years without losing their recognition. An internal review of ACICS produced by career staff at the Education Department last year found that the organization allowed institutions a longer time period than regulations allowed to come into compliance without meeting student achievement standards. C-RAC found that the change was a common-sense move that reflected the reality that many institutions can't quickly come back into compliance with standards. McCann though aid the proposed changes eliminate those pitfalls for ACICS by removing the minimum requirements for effectiveness of accreditors.

"They're pretty clearly designed to protect the department from having to go through another ACICS," she said. "The Trump administration saw how the recognition process could be used to hold poor-quality accreditors accountable, and it tried to foreclose the possibility of those same things happening again."

McCann noted that it was Jones who oversaw the rule-making process and drafted a report recommending the reinstatement of ACICS last year.

"Part of the upside for the individuals involved is it offers cover for their decision to bring back ACICS in light of overwhelming evidence that the agency was not compliant with many criteria," she said.

Hill said it was "dead wrong" to suggest that an entire rule-making panel was shilling for a single accreditor, or that negotiators would agree to changes if

those changes were identified as a problem for a single accreditor or the institutions it accredits.

“The department’s accreditation regulations were outdated, overreaching and overly prescriptive -- and they weren’t working to encourage innovation or competition or to improve student outcomes,” Hill said. “It is hard to understand why New America defends the status quo when it was the status quo that resulted in catastrophic closures for which taxpayers and students will be suffering for decades.”

Read more by *Andrew Kreighbaum*

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