

**Report from the Distance Learning and Educational Innovation Subcommittee  
on definitions related to accreditation in Sections 600.2 and 602.3**

Several members of the subcommittee raised concerns about some of the Department's changes to the accreditation process. These members expressed worry that the proposed changes - especially when viewed in light of the other changes regarding short-term and distance education programs – could open the door to unscrupulous actors and harm students and taxpayers.

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- The Subcommittee forwards the following three proposed definitions from Section 602.3 to the Accreditation and Innovation Committee with support and without comment:

*Final accrediting action* means a final determination by an accrediting agency regarding the accreditation or preaccreditation status of an institution or program. A final accrediting action is the decision made by the agency, at the conclusion of any appeal process available to the institution or program under the agency's due process policies and procedures.

*Programmatic accrediting agency* means an agency that accredits specific educational programs, including those that prepare students in specific academic disciplines or for entry into a profession, occupation, or vocation.

*Senior Department official* means the senior official in the U.S. Department of Education designated by the Secretary to make decisions on accrediting agency recognition.

- The Subcommittee forwards the following proposed “Preaccreditation” definition from Section 600.2 to the Accreditation and Innovation Committee with mostly guarded support and some opposition:

*Preaccreditation* (sometimes referred to as candidacy status) means the status of accreditation and public recognition that an accrediting agency grants to an institution or program for a limited period of time that signifies the agency has determined that the institution or program is progressing towards a full term of accreditation and is likely to attain a full term of accreditation before the expiration of that limited period of time.

(1) An agency’s preaccreditation standards should predict success for an institution or program seeking accreditation.

(2) All credits and degrees earned and issued by an institution or program holding preaccreditation from a recognized agency are considered by the Secretary to be from an accredited institution or program;

(3) All institutions or programs holding preaccreditation must have a teach-out agreement in place with an institution or program that is accredited by a nationally recognized agency, and meets applicable requirements for professional licensure. If an agency denies accreditation to an institution or program it has preaccredited, the agency may maintain the institution’s or program’s preaccreditation until the institution or program has had a reasonable time to complete the activities in its teach-out agreement to undertake to assist students in transferring or completing their program(s); and

(4) An accredited institution or program cannot be moved from accredited to preaccredited status unless, following the loss of accreditation, the institution or program applies for initial accreditation and is awarded preaccreditation status under the new application. Institutions that participated in the Title IV, HEA programs before the loss of accreditation are subject to the requirements of 34 CFR 600.11(c).

*Areas of concern noted by the Subcommittee members for this definition include:*

- Access to Title IV for non-compliant institutions via preaccreditation, particularly predatory institutions
- Concern over what happens to students in programs for which the school does not ultimately receive preaccreditation

- The Subcommittee forwards the following proposed definitions from Section 602.3 to the Accreditation and Innovation Committee with support and without comments:

*Compliance report* means a written report that the Department requires an agency to file when that agency is found to be out of compliance to demonstrate that the agency has addressed deficiencies specified in a decision letter from the senior Department official or the Secretary. Compliance reports must be reviewed by the Department staff and the Advisory Committee and approved by the senior Department official to renew or, in the case of an initial award, grant recognition.

- The Subcommittee forwards the following options for the proposed “Monitoring Report” and “Substantial compliance” definitions from Section 602.3 to the Accreditation and Innovation Committee with mostly guarded support and some opposition:

*Monitoring report* means a report that an agency is required to submit to the Department when it is found to be substantially compliant. The report contains documentation to demonstrate that –

- (1) The agency is implementing its current or corrected policies;
- (2) The agency has had more time to document that it is compliant; or
- (3) The agency, which is compliant in practice, has updated its policies to align with those compliant practices.

#### *Substantial compliance*

##### Option 1:

*Substantial compliance* means the agency has the necessary policies, practices, and standards in place, with minor exception, and generally adheres with fidelity to those policies, practices, and standards; or the agency has policies, practices, and standards in place that need minor modifications to reflect its generally compliant practice.

##### Option 2:

*Substantial compliance* means the agency has the necessary policies, practices, and standards in place, except in extenuating and controlled documented instances, and generally adheres with fidelity to those policies, practices, and standards; or the agency has policies, practices, and standards in place that need minor modifications to reflect its generally compliant practice.

#### *Areas of concern noted by Subcommittee members for these definitions include:*

- *Public availability of documents and decisions related to these definitions, which ED indicates would be limited to FOIA availability.*
- *Public transparency for such accreditation decisions, which ED notes would not necessarily go before NACIQI*
- *Usage of a monitoring report would not be limited to a minor or technical issue*
  - *Though, there was some support from the committee that accreditors not appear before NACIQI when the review involves a monitoring report*
- *Concern that the usage of substantial compliance would not be limited to a minor or technical issue*
- *Lack of clarity over how ED considered the application of this concept to past cases in providing a rationale for the change*

- The Subcommittee forwards the following proposed “Scope of recognition” definition from Section 602.3 to the Accreditation and Innovation Committee with mostly guarded reserve and some opposition:

*Scope of recognition or scope* means the range of accrediting activities for which the Secretary recognizes an agency. The Secretary may place a limitation on the scope of an agency's recognition for title IV, HEA purposes. The Secretary's designation of scope defines the recognition granted according to—

- (1) Geographic area of accrediting activities such that the inclusion of a particular geographic area (including but not limited to a State or tribal lands) in one agency's scope does not preclude the inclusion of that same or a similar geographic area in another agency's scope;
- (2) Types of degrees and certificates covered;
- (3) Types of institutions and programs covered;
- (4) Types of preaccreditation status covered, if any; and
- (5) Coverage of accrediting activities related to distance education or correspondence courses.

*Areas of concern noted by Subcommittee members for this definition include:*

- *Complexity of potential transfer of credit issues*
- *Potential for accreditation shopping*
- *Potential effect on currently-accredited institutions or programs if an agency changes geographic scope based on the definition change*
- *Proposed change to the current accreditation system*