

REPORT TO THE U.S. SECRETARY OF EDUCATION

2018 Accreditation Policy Recommendations on Regulatory Reform



U.S. DEPARTMENT OF EDUCATION

NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY

_____/s/_____
Arthur E. Keiser, Ph.D., Chair

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NACIQI MEMBERS*

Arthur E. Keiser, Ph.D., Chairman (H-R)

Chancellor, Keiser University
Fort Lauderdale, FL

Frank H. Wu, J.D., Vice Chair (ED)

Distinguished Professor, University of California Hastings College of Law
San Francisco, CA

Kathleen Sullivan Alioto, Ed.D. (H-D)

Strategic Advisor, Fundraiser, and Consultant
New York, NY, San Francisco, CA, Boston, MA

Simon Boehme-Student Member (ED)

Founder, JoinMagnify.com
San Francisco, CA

Jill Derby, Ph.D. (S-D)

Senior Consultant, Association of Governing Boards of Universities and Colleges
Gardnerville, NV

Roberta “Bobbie” L. Derlin, Ph.D. (ED)

Associate Provost Emeritus, New Mexico State University
Albuquerque, NM

John Etchemendy, Ph.D. (ED)

Provost Emeritus, Stanford University
Stanford, CA

George T. French, Jr., Ph.D. (H-D)

President, Miles College
Fairfield, AL

Brian W. Jones, J.D. (H-R)

President, Strayer University
Washington, D.C.

* The Committee is composed of 18 members of which six are appointed by the Secretary of Education (ED); six are appointed by the Speaker of the House of Representatives (H); and six are appointed by the President Pro tempore of the U.S. Senate (S). The appointing authority of each member is noted.

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Paul J. LeBlanc, Ph.D. (S-D)

President, Southern New Hampshire University
Manchester, NH

Anne D. Neal, J.D. (S-R)

President, The Garden Club of America
Washington, DC

Richard F. O'Donnell (S-R)

Founder and CEO, Skills Fund
Austin, TX

Susan D. Phillips, Ph.D. (ED)

Professor, University at Albany/SUNY
Albany, NY

Claude O. Pressnell, Jr., Ed.D., (S-R)

President, Tennessee Independent Colleges and Universities Association
Franklin, TN

Arthur J. Rothkopf, J.D. (H-R)

President Emeritus, Lafayette College
Washington, DC

Steven VanAusdle, Ph.D. (S-D)

President Emeritus, Walla Walla Community College
Walla Walla, WA

Ralph Wolff, J.D. (H-D)

President, The Quality Assurance Commons for Higher and Postsecondary Education
Oakland, CA

Federico Zaragoza, Ph.D. (ED)

Vice-Chancellor for Economic and Workforce Development, Alamo Colleges
San Antonio, TX

INTRODUCTION

In February 2017, President Donald Trump issued Executive Order 13777, “Enforcing the Regulatory Reform Agenda;” a broad-based order to examine unnecessary regulations throughout the U.S. Government. On June 22, 2017, Secretary Betsy DeVos put out a call for public comment seeking input on regulations that may be appropriate for repeal, replacement, or modification. During the June 2017 NACIQI meeting, Chairman Art Keiser responded to the Secretary’s call by forming a subcommittee to draft recommendations for review by the Committee for adoption, approval, and submission to the U.S. Secretary of Education related to regulatory relief in the accreditation space.

The subcommittee adopted the following working purpose statement:

The purpose of the subcommittee is to develop recommendations for NACIQI to provide advice to Secretary DeVos on an approach to accreditation that can promote innovation and reduce unnecessary regulatory burden, while ensuring quality and accountability.

The subcommittee held several teleconference meetings throughout late summer and fall. The recommendations are broken down into three general areas. The first seeks regulatory relief in the form of process changes within the current statutory framework. The second suggests specific statutory changes in light of an ever-changing higher education environment. The third is a recommendation related to the work of NACIQI and how it might better focus its work with accreditors.

REGULATORY RELIEF: COMPREHENSIVE IMPLEMENTATION OF A RISK-INFORMED APPROACH

In 2013 a group of four bi-partisan US Senators appointed a Task Force of higher education officials to examine federal regulations which apply to higher education and to provide recommendations for change. The American Council on Education provided staff support for the Task Force. In 2015 the Council published its final report entitled, “Recalibrating Regulation of Colleges and Universities: Report of the Task Force on Federal Regulation of Higher Education” (*Task Force*). The *Task Force* submitted a recommendation related to accreditation which states, “Provide unequivocal authority to accreditors for “Differentiated Review.” The goal of this recommendation is to reduce the regulatory burden on institutions with “a record of stability and successful performance,” (*Task Force*, #39, p.55).

More recently, in April 22, 2016, the then Under Secretary of Education Ted Mitchell, sent a letter to accrediting agencies encouraging the creation of differentiated reviews. Since then, minimal action has occurred. The summary of Mitchell’s letter states:

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This letter provides clarification for federally recognized accrediting agencies on the flexibility that they have in differentiating their reviews of institutions and programs, and encourages use of that flexibility to focus monitoring and resources on student achievement and problematic institutions or programs.

The Committee continues to see an opportunity to create efficiency and regulatory relief in a risk-informed approach to accreditation that would free up time and resources of accrediting agencies and the Department to focus on institutions that pose the greatest quality concerns. The current statutory requirements, however, make implementing a risk-informed review framework nearly impossible.

The Committee recommends that the Secretary request enabling legislative language be drafted which allows accreditors to create and implement risk-informed reviews.

This recommendation echoes a previous NACIQI report entitled, “2015 Accreditation Policy Recommendations” (2015 Report) which addressed the issue of deregulation and expedited review. **The Committee would like to reaffirm the following recommendation and request that legislative language be drafted to accomplish the following:**

Grant accrediting agencies greater authority to develop standards tailored to institutional mission; to create different substantive tiers of accreditation; and to use different processes for different types of institutions, including expedited processes. (2015 Report, #5, p.6)

The goal of this framework is to lessen the reporting and documentation burden of campuses that perform well on key student success measures and widely recognized benchmarks within their institutional/program type and region and have a history of quality program reviews. In those cases, the compliance reporting burden should be reduced for high-performing community colleges, four-year colleges and universities, thus allowing them to focus on more strategic and specific areas of institutional improvement. We see this recommendation applying equally to programmatic and specialized accreditors.

This approach, as well, will also allow accrediting agencies to focus more attention on struggling institutions with the goal of moving them toward high-performance or seeking student-protection strategies for failing institutions.

There has been forward movement on this approach by some of the regional accrediting bodies. The Western Association of Schools and Colleges Senior College and University Commission’s “Thematic Pathway for Reaffirmation” and the Higher Learning Commission’s “Open Pathway” reviews serve as emerging examples with promise.

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To help stimulate action toward this end, the Committee puts forth the following characteristics of a risk-informed approach for consideration and discussion by all institutional and programmatic accreditors.

Accrediting agencies should clearly define eligibility requirements for risk-informed processes and should be based largely on student success and financial stability measures. Consideration should be given to tiering the eligibility requirements according to institutional type and mission which would provide institutions and programs of all types and missions with the potential of qualifying for the risk-informed approach.

Accreditors would want to determine the fundamental eligibility criterion. For instance, they may want to take into account a previous reaffirmation status. Those campuses reaffirmed without conditions and no subsequent concerning indicators may be considered eligible to apply for a risk-informed review. Institutions reaffirmed with significant recommendations or sanctions would most likely not be eligible for a risk-informed review process, however, accreditors may wish to develop an appeal for inclusion.

Accreditors may consider collecting annual and mid-cycle review data from institutions to determine whether any red flags arise which would constitute an accreditor's immediate inquiry. Data collected for these reporting cycles could heavily rely on existing data sets, thus keeping to a minimum the institutional reporting burden. Such data sets may include IPEDS, National Student Clearinghouse, the College Scorecard and others.

It seems reasonable that two key areas of data collection may need to be considered: student success and financial stability. For example, student success data may include rates and trends related to enrollment, retention, course completion, graduation, relevant State licensure examinations, job placement, student loan repayment, and possibly other areas. As well, institutional financial stability data may include annual audit submissions and other sector relevant financial indicators.

Mid-cycle data reviews would examine data to see if there are any concerning trends. Any unusual or cautionary findings may trigger an early intervention for low performing campuses or may disqualify an institution from benefiting from risk-informed review.

Additional red-flags triggering an immediate review may include student complaints or other unsolicited information brought to the attention of the accreditor through other sources.

In summary, the risk-informed approach would provide significant reporting relief to those institutions which consistently perform well among their institutional type. It would still require that accreditors annually review routinely collected data to look for unusual variations that might result in an institutional inquiry. As well, the mid-cycle review would take a closer look at those same issues over time, in other words, through trend analysis. This abbreviated

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reporting would allow accreditors to focus more attention on at-risk institutions which would result in a better use of accreditation resources.

The risk-informed approach would accomplish much of what Mitchell suggested in his 2016 letter when he writes:

Differentiation of terms of recognition: An agency may provide a shorter period of recognition (i.e., fewer years) for an institution or program that has met the threshold standards but for which the agency continues to have concerns, and a longer period of recognition for an institution or program that has regularly exceeded the standards with no ongoing concerns. More frequent monitoring or unannounced visits can be applied for institutions or programs with less satisfactory reviews. Accreditors may also develop tiers of recognition, with some institutions or programs denoted as achieving the standards at higher or lower levels than others.

It should be noted that the *Task Force* report offers a good resource on the risk-informed approach in Appendix III, (pp. 59-89). The Appendix not only provides an implementation framework for a risk-informed model but cites examples of other government agencies which operate in a risk-informed manner.

SPECIFIC STATUTORY CONSIDERATIONS

It is the Committee's desire that current law and regulations align with the ever-changing higher education environment. Criticism is often voiced at higher education institutions because they lack innovation and market responsiveness; however, much of the current statutory and regulatory requirements placed on institutions do not allow for institutions to act as quickly as they wish.

In keeping with the desire to update current statutory and regulatory requirements, **the Committee would also like to affirm the following recommendations taken largely from the *Task Force* report and request legislative language be drafted which will:**

Strike the definition of "credit hour." Education Department has, through regulation, created a federal definition of "credit hour." It represents an inappropriate intrusion into the academic process. It also discourages the use of innovative models for measuring learning that are not tied to seat time. (Task Force, #40, p.55)

This will allow institutions and accreditors to use "credit hour" where needed yet use other progression measures as appropriate.

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To further encourage institutional responsiveness and innovation, the Committee believes that “substantive change” and “additional procedure” report should be managed in a risk-informed approach. Consequently, the Committee recommends:

Allow accreditors to waive certain types of “substantive change procedures” that would require approval by accreditors for high-performing institutions. Established institutions should have flexibility to make changes necessary to address their needs and those of their students.

Allow accreditors to waive “additional procedures” for high-performing institutions when establishing additional locations.

RECOMMENDATIONS CONCERNING NACIQI

The *2015 Report* provided several recommendations concerning the work of NACIQI with the goal of improving the reviews and reducing the regulatory burden on accrediting agencies. For example, the following recommendation, for which the Committee reaffirms, sought a path toward focusing on institutional success measures under the guidance of accreditors rather than on accreditor’s technical compliance.

Re-focus NACIQI reviews to direct greater attention to assessing the role of an accrediting agency in assessing the health and well-being and the quality of institutions of higher education, rather than on technical compliance with the criteria for recognition. These reviews should be supported by staff analysis that focuses on the effectiveness of the accrediting agency in performing its work, rather than technical compliance. (2015 Report, #3, p.6)

As well, the Committee recommends the drafting of legislative language which will support ongoing adjustments to NACIQI’s work to accommodate this newly developing risk-informed procedures and consider ways in which it might be implemented for institutional, programmatic, and specialized accrediting agencies within the advisory capacity of the Committee.

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REFERENCES

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