



The Unwatched Watchdogs

How the Department of Education Fails to Properly Monitor College Accreditation Agencies

By Antoinette Flores

September 2019



The Unwatched Watchdogs

How the Department of Education Fails to
Properly Monitor College Accreditation Agencies

By Antoinette Flores

September 2019

Contents

1 Introduction and summary

4 Background

**12 Challenges and solutions for improving
the recognition process**

24 Conclusion

25 About the author and acknowledgments

26 Endnotes

Introduction and summary

In February 2018, a U.S. Department of Education advisory committee gathered in a dimly lit Washington, D.C., hotel ballroom to consider the fate of the four organizations that oversee the majority of America's colleges and grant access to nearly 60 percent of the roughly \$120 billion in federal financial aid awarded each year.¹ These four private nonprofits under review were accreditation agencies that determine which colleges are of sufficient quality to participate in the federal aid programs.²

However, it wasn't much of a review, particularly since the Department of Education had already concluded its own evaluations, finding no problems—not even minor ones—with the four accrediting agencies. While the advisory committee serves as a check and balance on the department's review and makes its own independent recommendations, it lacks the power to ask for further evidence or to participate in the months-long review process. As a result, over two days, the advisory committee spent only about five of a total of 12 hours of meeting time examining these four agencies. In each case, committee members voted unanimously for the most favorable outcome for each accreditor: recognition for five years.³ It is telling that the committee discussed the Higher Learning Commission—the country's largest accreditor, overseeing more than \$33 billion in federal aid each year—for about an hour and 40 minutes.⁴ Reviews of small agencies that approve midwifery, physical therapy, and nursing programs, which represent just a drop in the bucket of federal student aid, receive a similar level of attention.⁵

Despite ongoing national concerns about poor outcomes at America's colleges—including high debt, defaults, low repayment, and a spate of for-profit colleges that have defrauded students—many of these accreditation agencies are not receiving much scrutiny. The reviews by the Education Department illustrate that accreditors alone are not to blame for the problem; the federal government is also culpable for having failed to fulfill its role in ensuring that accreditors are effective at their job.

Last year, an investigation by the Department of Education's Office of Inspector General (IG) found that the department does not exercise adequate control over the evidence agencies submit and that it fails to effectively monitor agencies to ensure that they are

fulfilling their responsibilities.⁶ As a result, the Education Department is not meeting requirements to evaluate accrediting agencies for federal recognition and ensure that they are reliably evaluating the quality of education in the schools they accredit.

The federal government's failure to conduct adequate oversight of accreditation agencies raises the risk that students enroll and draw on billions in federal funding—often in the form of loans—to pay for low-quality schools without receiving the educational or financial rewards that should come with a higher education.

For current and prospective students, accreditation acts as a safety seal of approval signaling that a college has been vetted by an expert. This seal matters, since enrolling in college may be one of the biggest investments that students can make in their future. The federal government's relationship with accrediting agencies was intended to protect students and taxpayers from poor-performing institutions. Yet accreditors were not supposed to perform this oversight role on their own; Congress gave responsibility to the Department of Education to make sure agencies fulfill the job. Unfortunately, the department has, in many ways, failed this duty.

This report lays out a vision for redesigning the federal process of reviewing accreditation agencies to ensure that the Education Department conducts thorough investigations that accurately assess whether these agencies are demanding good student outcomes from the colleges they accredit. Today, the Department of Education is far less focused on student success than it is on whether accreditors comply with arcane compliance rules, such as submitting board member resumes, which is why the review process is sometimes derided as mere “box-checking.”⁷

The report begins with an overview and history of the Department of Education's recognition, or approval, process of accrediting agencies. It then discusses challenges and provides recommendations for addressing them, including:

- Focusing the Department of Education's efforts on institutional accreditors that serve as gatekeepers to the vast majority of taxpayer funds and federal student aid
- Conducting thorough, open-ended investigations that take into account all pertinent information at the department's disposal—particularly data on student outcomes, risk factors such as weak institutional finances, lawsuits, and investigations
- Making better use of the department's ability to limit agency recognition

- Better incorporating the National Advisory Committee on Institutional Quality and Integrity (NACIQI) into the federal recognition process by providing them with proper training and resources, empowering them to make decisions, and requiring that their recommendations operate as a floor that the Department of Education must honor in final decisions

The recommendations in this report are informed by an extensive review of Department of Education documents, as well as interviews with former department officials, accrediting agency representatives, and members of NACIQI—an advisory board that participates in accreditor reviews and makes recommendations on recognition of agencies to the secretary of education. The author conducted interviews with more than a dozen of these experts to gain a deep understanding of the recognition process and how it might be improved. There was general consensus that the department should expand beyond a box-checking exercise to fully assess the quality and success of agencies' work.

Using public records requests and publicly available information, the author also reviewed hundreds of pages of accreditor applications for recognition; Department of Education staff reports; NACIQI transcripts; the accreditation handbook, which provides guidance to agencies filing applications for recognition; and other background materials.⁸

Unfortunately, at a time when better oversight is needed, the Department of Education is engaged in a rewrite of the rules that would weaken both what is expected of accrediting agencies and the department's ability to hold accreditors responsible when they fail.⁹ It is the Department of Education's responsibility to ensure that accrediting agencies are fulfilling their duty to keep low-quality educational providers from tapping into federal financial aid dollars. The changes proposed in this report would help to ensure that students are attending quality institutions and that taxpayers' investments are sound.

Background

The government's reliance on accreditors

The Department of Education currently recognizes 62 accreditation agencies that can approve colleges for access to financial aid or other federal programs. This includes 37 agencies that serve as a link to federal financial aid,¹⁰ 16 that serve as a link to other federal programs such as health education programs under the U.S. Department of Health and Human Services (HHS),¹¹ and 9 state agencies that approve either nursing or vocational education—some of which may also provide a link to federal student aid.¹² Of the 37 agencies that serve as gatekeepers to federal aid, 17 are institutional accreditors that oversee entire institutions and 20 are specialized or programmatic accreditors that approve programs or institutions of a certain category—for example, religious institutions.¹³ (see Table 1)

While some accrediting agencies long predate the first federal student assistance programs, they were officially brought into the federal aid system with the passage of the Veterans Readjustment Assistance Act in 1952, following concerns that unreliable education providers were taking advantage of students served by the 1944 GI Bill.¹⁴

While the federal government tapped accreditors to verify which colleges merited access to federal aid, it did not have a thorough process for determining which agencies could be relied on as judicious approvers. Instead, the government recognized agencies primarily based on the membership list of a national association of regional accrediting agencies; moreover, it adopted much of that organization's criteria for membership into its own standards.¹⁵

However, as legislation expanded the amount of aid available and the types of eligible institutions, it became obvious that accreditors needed oversight as much as colleges. Fraud, waste, and abuse plagued the aid programs, and student loan defaults skyrocketed, particularly at for-profit schools.¹⁶ This crisis came to a head in the late 1980s and early 1990s when for-profit institutions had almost four times the default rate as traditional schools. Over a period of six years, loan defaults at these institutions increased by 338 percent—to 39 percent, compared with a 10 percent default rate for four-year public and nonprofit schools.¹⁷

TABLE 1

Accrediting agencies that are federally recognized by the U.S. Department of Education

Agency	Type ^a	Category ^b	Title IV gatekeeper?	Institutions	Campuses	Title IV loan volume
Accrediting agencies recognized for Title IV purposes						
Academy of Nutrition and Dietetics	Specialized/ programmatic		Yes	N/A	N/A	N/A
Accreditation Commission for Acupuncture and Oriental Medicine	Specialized/ programmatic		Yes	30	33	\$43M
Accrediting Bureau of Health Education Schools	Specialized/ programmatic		Yes	131	228	\$1,068M
Accrediting Commission of Career Schools and Colleges	Institutional	National	Yes	398	618	\$2,375M
Accreditation Commission for Education in Nursing	Specialized/ programmatic		Yes	58	59	\$54M
Accrediting Council for Continuing Education and Training	Institutional	National	Yes	64	95	\$235M
Accrediting Council for Independent Colleges and Schools	Institutional	National	Yes	97	265	\$926M
American Bar Association	Specialized/ programmatic		Yes	18	19	\$407M
American Board of Funeral Service Education	Specialized/ programmatic		Yes	8	8	\$11M
American Osteopathic Association	Specialized/ programmatic		Yes	3	3	\$158M
American Podiatric Medical Association	Specialized/ programmatic		Yes	1	1	\$9M
Association for Biblical Higher Education	Institutional		Yes	49	49	\$59M
Association of Advanced Rabbinical and Talmudic Schools	Institutional		Yes	66	66	\$59M
Commission on Accrediting of the Association of Theological Schools	Specialized/ programmatic		Yes	72	75	\$64M
Commission on Massage Therapy Accreditation	Specialized/ programmatic		Yes	22	27	\$13M
Council on Chiropractic Education	Specialized/ programmatic		Yes	N/A	N/A	N/A
Council on Accreditation of Nurse Anesthesia Educational Programs	Specialized/ programmatic		Yes	1	1	\$0M
Council on Occupational Education	Institutional	National	Yes	409	519	\$712M
Distance Education Accrediting Commission	Institutional	National	Yes	20	20	\$189M
Joint Review Committee on Education in Radiologic Technology	Specialized/ programmatic		Yes	13	14	\$1M
Middle States Commission on Higher Education	Institutional	Regional	Yes	481	670	\$20,415 M
Middle States Commission on Secondary Schools	Specialized/ programmatic		Yes	19	22	\$26M
Midwifery Education Accreditation Council	Specialized/ programmatic		Yes	4	4	\$2M

continues

Agency	Type ^a	Category ^b	Title IV gatekeeper?	Institutions	Campuses	Title IV loan volume
Montessori Accreditation Council for Teacher Education	Specialized/ programmatic		Yes	3	3	\$0M
National Accrediting Commission of Career Arts and Sciences	Institutional		Yes	784	1,000	\$878M
National Association of Schools of Art and Design	Specialized/ programmatic		Yes	7	7	\$30M
National Association of Schools of Dance	Specialized/ programmatic		Yes	2	2	\$1M
National Association of Schools of Music	Specialized/ programmatic		Yes	5	5	\$14M
National Association of Schools of Theatre	Specialized/ programmatic		Yes	8	8	\$47M
New England Commission of Higher Education	Institutional	Regional	Yes	217	234	\$6,847M
New York State Board of Regents	Institutional		Yes	10	10	\$24M
North Central Association of Colleges and Schools: The Higher Learning Commission	Institutional	Regional	Yes	939	1,264	\$33,308M
Northwest Commission on Colleges and Universities	Institutional	Regional	Yes	158	177	\$5,359M
Southern Association of Colleges and Schools Commission on Colleges*	Institutional	Regional	Yes	769	870	\$31,345M
Transnational Association of Christian Colleges and Schools	Institutional		Yes	38	38	\$78M
Western Association of Schools and Colleges Accrediting Commission for Community and Junior Colleges	Institutional	Regional	Yes	131	163	\$2,006M
Western Association of Schools and Colleges Senior College and University Commission	Institutional	Regional	Yes	162	222	\$9,403M
Other federally recognized accreditors						
Accreditation Commission for Midwifery Education	Specialized/ programmatic		No	N/A	N/A	N/A
Accreditation Council for Occupational Therapy Education	Specialized/ programmatic		No	N/A	N/A	N/A
Accreditation Council for Pharmacy Education	Specialized/ programmatic		No	N/A	N/A	N/A
Accreditation Council on Optometric Education	Specialized/ programmatic		No	N/A	N/A	N/A
American Dental Association	Specialized/ programmatic		No	N/A	N/A	N/A
American Physical Therapy Association	Specialized/ programmatic		No	N/A	N/A	N/A
American Psychological Association	Specialized/ programmatic		No	N/A	N/A	N/A
American Speech-Language-Hearing Association	Specialized/ programmatic		No	N/A	N/A	N/A
American Veterinary Medical Association	Specialized/ programmatic		No	N/A	N/A	N/A

continues

Agency	Type ^a	Category ^b	Title IV gatekeeper?	Institutions	Campuses	Title IV loan volume
Association for Clinical Pastoral Education Inc.	Specialized/programmatic		No	N/A	N/A	N/A
Association of Institutions of Jewish Studies	Specialized/programmatic		Yes	6	6	\$3M
Commission on Collegiate Nursing Education	Specialized/programmatic		No	N/A	N/A	N/A
Commission on English Language Program Accreditation	Specialized/programmatic		No	N/A	N/A	N/A
Liaison Committee on Medical Education	Specialized/programmatic		No	N/A	N/A	N/A
Council on Education for Public Health	Specialized/programmatic		No	N/A	N/A	N/A
Council on Naturopathic Medical Education	Specialized/programmatic		No	N/A	N/A	N/A
State-approval agencies						
Kansas State Board of Nursing	State agency—nursing		No	N/A	N/A	N/A
Maryland Board of Nursing	State agency—nursing		No	N/A	N/A	N/A
Missouri State Board of Nursing	State agency—nursing		No	N/A	N/A	N/A
New York State Board of Regents, State Education Department, Office of the Professions (Public Postsecondary Vocational Education, Practical Nursing)	State agency—vocational		Yes	16	16	\$12M
New York State Board of Regents, State Education Department, Office of the Professions (Nursing Education)	State agency—nursing		Yes	1	1	\$0M
North Dakota Board of Nursing	State agency—nursing		No	N/A	N/A	N/A
Oklahoma Department of Career and Technology Education	State agency—vocational		Yes	26	38	\$15M
Pennsylvania State Board for Vocational Education	State agency—vocational		Yes	6	6	\$6M
Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs	State agency—vocational		No	N/A	N/A	N/A

***Correction, September 23, 2019:** This table has been updated to reflect that the Southern Association of Colleges and Schools Commission on Colleges is a regional accrediting agency.

^a For institutions recognized for Title IV purposes under the Higher Education Act, agencies are listed as “specialized/programmatic” if their Title IV gatekeeping status is limited in any way. Otherwise, the agency is listed as an institutional accreditor. The Distance Education Accrediting Commission is listed as a Title IV accreditor only for institutions certified by the agency for Title IV purposes, meaning that it could be listed as specialized/programmatic; however, it is also listed by the U.S. Department of Education as an institutional accreditor. Several agencies are listed in the table as a Title IV gatekeeper that are not included as such on the department’s list because data indicate Title IV aid authorized by the agency. U.S. Department of Education, “Accrediting Agencies Recognized for Title IV Purposes,” available at https://www2.ed.gov/admins/finaid/accred/accreditation_pg9.html (last accessed July 2019); U.S. Department of Education, “Institutional Accrediting Agencies,” available at https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html (last accessed July 2019).

^b Institutional agencies are further categorized as either regional in scope—meaning that the accrediting agency accredits institutions in a defined geographic area—or national, when it accredits institutions across the United States.

Sources: U.S. Department of Education, “Accrediting Agencies Recognized for Title IV Purposes”; U.S. Department of Education, “Programmatic Accrediting Agencies,” available at https://www2.ed.gov/admins/finaid/accred/accreditation_pg7.html (last accessed July 2019); U.S. Department of Education, “National Recognition of State Approval Agencies by the U.S. Secretary of Education,” available at https://www2.ed.gov/admins/finaid/accred/accreditation_pg16.html (last accessed July 2019); U.S. Department of Education, “Institutional Accrediting Agencies.” Data are provided unless they are not available in the Department of Education data file. U.S. Department of Education National Advisory Committee on Institutional Quality and Integrity, “Archive of Meetings: 2019 Meetings: July 30-31, 2019, Accreditor Data File,” available at <https://sites.ed.gov/naciqi/archive-of-meetings/> (last accessed July 2019).

In response to these concerns, the 1992 reauthorization of the Higher Education Act laid out a much clearer set of requirements for accreditation agencies to serve as a link to federal aid. This included greater specificity about how the Department of Education should oversee these organizations.¹⁸

The Department of Education's historical role in oversight

The Higher Education Amendments of 1992 required the secretary of education to conduct a comprehensive review and independent evaluation of the performance of accrediting agencies in order to ensure that they are meeting federal criteria.¹⁹ This federal review must consider information collected from sources other than the accreditor, also known as “third-party information”; include site visits to the agency and the schools it accredits; and take into account any other relevant information. The law also required that agencies have standards in 10 core areas, including student achievement, fiscal and administrative capacity, and curricula.

The bulk of the accreditor recognition process that exists today is informed by the Higher Education Amendments as well as a 1994 Department of Education statutory and regulatory framework that enables it to make a thorough and independent analysis that does not rely “solely on written submissions from the accrediting agency or on announced visits to the institutions the agency accredits.”²⁰

However, very little of what was outlined in the goals of the 1994 rule-making was ever incorporated into the current process, and the department still relies almost entirely on written submissions from accreditors and announced visits. The broad vision of a Department of Education as an independent quality check on accrediting agencies has not come to fruition.

Congress' role

The statutory language about accreditation can complicate the Department of Education review process. These challenges are threefold.

First, each accreditor is generally examined in isolation, rather than compared with other agencies. This makes it difficult to establish best practices and can lead to unacceptably lax oversight standards. For example, even if presented with evidence that one agency has weaker standards than others that are limiting its effectiveness, the role of the Department of Education's Accreditation Group is to determine whether an agency has a standard, not to evaluate the quality of the standard and if it is sufficient.²¹

Moreover, the secretary of education is prohibited by statute from establishing any criteria on student achievement, thereby discouraging the department from weighing in on the strength and effectiveness of student achievement standards.²²

Second, accreditors are required by statute to have standards on issues that are not key to their effectiveness in evaluating college quality—for

example, facilities, equipment, and supplies.²³ These types of requirements distract from core concerns.

Finally, the Accreditation Group bases its recommendations very narrowly on statute and regulation. If it is not spelled out clearly, or at all, the group avoids making judgements about the overall quality or effectiveness of standards.²⁴

While the Department of Education under its current authority can fix most of the problems highlighted in this report, several legislative fixes would also help to ensure proper government oversight of accreditors. Namely, Congress could more explicitly define the expectations of accreditors, particularly those related to student achievement; focus federal oversight on Title IV accreditors; and outline a rigorous oversight process that compares standards across agencies and considers actual results.

The recognition process

In order to gain federal recognition, an accrediting agency must submit an application at least once every five years, providing evidence that it meets federal recognition criteria. These criteria address 10 core areas, including student achievement, fiscal and administrative capacity, and curricula. The Accreditation Group within the Department of Education's Office of Postsecondary Education then evaluates the evidence to determine whether the agency meets federal standards.²⁵

The application process typically starts one year before the agency's recognition is set to expire. Several months before the final decision, the department asks for public comments on the agency. Those comments and the information submitted by the agency are then reviewed by the Accreditation Group. The group's work typically includes at least one site visit to watch the accreditor review a college and another visit to observe

the accreditor's decision-making board. The department has authority to include information collected by third-parties, information directly related to institutions or programs the agency accredits, and observations gathered during announced or unannounced site visits to the agency or any of the institutions it accredits.

The Accreditation Group sends the accreditor a draft report, including a draft recommendation to which it has the opportunity to respond. The Accreditation Group then uses the agency's responses to write a final report and makes a recommendation on recognition to a senior Department of Education official, which is then made public.

To provide one example of how this process works: Federal criteria require accrediting agencies to have clear and effective controls against conflicts of interest on their boards, commissioners, reviewers, and staff. To address these criteria, agencies typically must submit their conflict of interest policies, signed conflict of interest forms, and evidence of recusals in cases of conflict of interest. Figure 1 shows the type of evidence an accreditor would submit to the Department of Education, as well as the department's analysis.

At this stage, an independent bipartisan group known as NACIQI gets involved in the process. NACIQI is an advisory body tasked with making recommendations to the secretary of education on individual accrediting agencies' recognition applications, on accreditation more broadly, and on institutional quality. The body consists of 18 members who serve six-year terms. Six members are chosen by the secretary, six are chosen by the House of Representatives, and six are chosen by the Senate. Among members chosen by the House and Senate, half are nominated by the minority and half are nominated by the majority, to ensure a partisan balance.²⁶

NACIQI receives the department's final report and supporting documentation. One week later, it conducts a public meeting where it reviews and questions the accreditation agency, before voting on its recommendation. That recommendation, along with the recommendation and information from the Accreditation Group, is submitted to a senior department official, who makes a final decision on recognition. Both NACIQI and the Accreditation Group can recommend full approval, limited approval, or continued approval pending the results of a 12-month compliance report—assuming the accreditor does not meet the federal requirements. Limiting recognition would involve a limited approval, for example, prohibiting an agency from accrediting new institutions until it comes into compliance. Yet the Department of Education has not typically taken such an action.

While both NACIQI and the Accreditation Group review the accrediting agency, their findings are only considered recommendations, which can be overruled by the senior department official. This official makes the final recommendation, which must then be approved by the secretary.

FIGURE 1
Example of the U.S. Department of Education's accreditor review

Criteria: 602.15(a)(6) Conflict of Interest			
Narrative			
<p>██████ policies and procedures maintain clear and effective controls against potential conflicts of interest by Commissioners, Appeals Panel members, evaluation team members, and staff. As an example, during the onboarding process for Commissioners, ██████ General Counsel provides training on conflicts of interest and other crucial governance matters (Exhibit 15Q7).</p> <p>All Commissioners, Appeals Panel members, Team Leaders, Education Specialists, Distance Education Specialists, Occupation Specialists, and ██████ staff are required to adhere to the appropriate Code of Conduct and to disclose all interests, financial or otherwise, in any institution that is accredited or has applied for accreditation. Exhibit 15MM includes a variety of signed disclosures and signed Codes of Conduct by Commissioners, Appeals Panel Members, Team Members, and staff.</p> <p>██████ staff regularly review school records and other available information, including affiliations disclosed by an institution user review, as a means to assist Commissioners, members of the Appeals Panel, and on-site evaluation teams in screening for actual or potential conflicts of interest. Commissioners are required to recuse themselves from any discussion or decision in which they have, or may appear to have, a conflict of interest. Recusal means that the Commissioner participates neither in the discussion nor in the vote. Exhibit 15NN references a sample recusal/show out record from a Commission meeting (Commissioner initials under Show Out (S/O) column).</p> <p>██████ maintains a Code of Conduct for Appeals Panel Members (Exhibit 15Ji) that governs their activities and duties while performing appeal functions. ██████ also maintains a Code of Conduct for on-site Evaluation Team members (Exhibit 15U). The Code of Conduct governs their activities and behavior during an on-site evaluation at an accredited institution, as well as prior to and subsequent to the on-site evaluation. ██████ utilizes this Code of Conduct not only to provide team members with a clear understanding of their roles and responsibilities but also to address instances that present a potential conflict of interest or the appearance of a conflict of interest. As part of the accreditation process, an institution is afforded an opportunity to clear the members of the on-site evaluation team, in writing, to ensure that there is no conflict of interest between an on-site evaluation team member and the institution (Exhibit 15H). Furthermore, Commission staff strictly adhere to the Code of Conduct (Exhibit 15OO). It is of paramount importance that the Commission employs highly qualified individuals of the highest integrity to work in the field. There must be no appearance of a conflict of interest or affiliations that might cause a conflict of interest with an accredited institution. Section III (E), Rules of Process and Procedure, Standards of Accreditation (Exhibit 15 PDF pg. 24) identifies the Commission's policy regarding the notice to the school of team members selected to participate in an on-site evaluation.</p>			
Document(s) for this Section			
Document Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 15	Exhibit 15 Standards of Accreditation.pdf		This document is applicable to all required sections of the Petition
Exhibit 15H	Exhibit 15H Investment Policy.pdf		
Exhibit 15Ji	Exhibit 15Ji Appeal Code of Conduct.pdf		
Exhibit 15MM	Exhibit 15MM Codes of Conduct Disclosures.pdf		
Exhibit 15NN	Exhibit 15NN Show Out Record.pdf		
Exhibit 15OO	Exhibit 15OO Staff Code of Conducts.pdf		
Exhibit 15Q7	Exhibit 15Q7 Legal Presentation.pdf		
Exhibit 15U	Exhibit 15U Team Leader Application.pdf		
Analyst Worksheet - Narrative			
Analyst Review Status: Meets the requirement of this section.			
Analyst Remarks to Narrative: ██████ provided an ample amount of documentation including the following: disclosure of interest signed by commissioners, disclosures for site visitors, signed code of conduct documents for appeal panel members, signed code of conduct documents for commissioners, conflicts of interest documents signed by the agency's administrative staff, and evidence of recusals demonstrating the application of its clearly defined set of conflict-of-interest policies and procedures. The agency also provided its code-of-conduct legal presentation used for training its commissioners. Per the agency's narrative, the agency's legal counsel provides training to the appeal panel on the code of conduct prior to the beginning of an appeal hearing.			
List of Documents Uploaded by Analyst - Narrative			
No Files uploaded			
Analyst Worksheet - Response			
Analyst Review Status for Response: Not reviewed.			

Source: U.S. Department of Education Application for Recognition, obtained under the Federal Advisory Committee Act, March 2019, on file with author.

Challenges and solutions for improving the recognition process

The Department of Education's recognition process is plagued with challenges that prevent it from adequately assessing an accrediting agency's success as a reliable authority of quality. These issues, evident in both interviews and the IG report, include limitations within the Accreditation Group; a bureaucratic review process that is narrowly focused on documentation and whether an accreditor has a standard but that neglects actual results; failure to use authority to differentiate between accreditors; and an advisory committee with limited ability to play a constructive role in oversight, which creates tension and confusion in the recognition process.

Challenge 1: Limited capacity to conduct in-depth reviews

One challenge to proper oversight is limited staffing and high workload within the Accreditation Group, which oversees 62 accrediting agencies that must undergo review at least once every five years.²⁷ Moreover, the group must conduct additional reviews when agencies do not meet standards and when they want to expand their scope to include new degree types or delivery methods. On top of that, the Accreditation Group oversees accreditation standards on medical education for foreign countries that have submitted applications to allow U.S. citizens access to federal student loans to attend an institution outside of the United States. It does all of this with a staff of just eight—six analysts, one support staff, and one director—amounting to a workload of roughly 10 accreditors per analyst.²⁸

While the Department of Education and NACIQI review 62 agencies at least once every five years through the recognition process, significantly fewer accrediting agencies are responsible for the majority of federal financial—or Title IV—aid. Only 14 agencies authorize 99 percent of total federal financial aid.²⁹ For example, the National Association of Schools of Dance, which serves as the Title IV gatekeeper to just two colleges that receive about \$1.5 million combined in federal aid each year, gets roughly the same amount of scrutiny from both the department and NACIQI as the Higher Learning Commission, which accredits 941 schools and authorizes access to more than

\$33 billion in federal aid per year.³⁰ While reviews do vary for institutional and programmatic accreditors because some criteria only apply to agencies that accredit entire institutions, each agency is evaluated for much of the same criteria over the same time period.³¹

As a consequence, reviews sometimes get bogged down by issues that are largely irrelevant to the federal role of the agency under review. For example, during a 2016 NACIQI meeting where the American Psychological Association (APA) was up for review, a significant amount of time was spent discussing required standards of internship programs for psychological students;³² however, the APA does not serve as a gatekeeper to any federal student aid, and the issue of internship standards has no bearing on federal recognition.

In response to concerns and recommendations made by the inspector general, the Office of Postsecondary Education pointed to limited staffing as a barrier, stating that it did not believe the agency was sufficiently staffed to perform routine monitoring.³³

[Solution: Focus resources on agencies that represent greater risk](#)

The first step in improving the recognition system is devoting more time and resources to the accreditors that serve as gatekeepers for the most federal student aid. While it would be ideal for the Accreditation Group to hire more staff and expand capacity, even with its current staffing level, it could more effectively vet accreditors simply by reducing oversight of those that have little to no impact on federal financial aid dollars. The Accreditation Group already does this to a small extent. Some criteria for recognition only apply to agencies that accredit entire institutions, which include substantive change requirements and state authorization.³⁴ However, these agencies are still reviewed once every five years for most of the same criteria as institutional accreditors.

And to expand capacity, recognition of non-Title IV accreditors should be moved to other decision-making bodies. For example, programs requiring approval for health education funding under HHS could be moved to review by the agency providing the funds—particularly when these programs already exist at an institution approved by a federally recognized accreditor reviewed by the Department of Education. In many cases, the department is essentially doing twice the work, reviewing the accreditor that oversees the institution as well as the accreditor that oversees an individual program within the institution. However, adjusting the review process would require a change in other federal laws outside of the Higher Education Act that require the Department of Education to review these programs.

Another way to build capacity would be to increase the time in between reviews for agencies that serve as links to low levels of federal student aid or non-Title IV accreditors. For example, there are 23 accreditors recognized for Title IV purposes that grant access to

less than \$200 million in federal aid each year. (see Table 1) Rather than reviewing these agencies every five years, the Accreditation Group could extend recognition to every seven or 10 years. This would, however, require a change in federal statute.

Moving review of non-Title IV accreditors to other agencies and lengthening time in between reviews for agencies that pose less risk would significantly increase the capacity and focus of the Accreditation Group so that it can spend more time on what matters most and the Department of Education can conduct more in-depth reviews and additional routine monitoring.

Department of Education's change to accreditor oversight

In early 2019, the Department of Education began a rule-making process that would substantially deregulate accreditation and loosen rules on what is expected of accreditors as gatekeepers to Title IV aid.³⁵ As a result, the recognition process could change significantly in the very near future. For example, the department has proposed moving some of the physical evidence it collects in accreditor applications for recognition to an on-site review, which would mean that there is less information in the public record to substantiate the department's claims. The Department of Education has also proposed allowing accreditors to remain in compliance as long as they have standards in place, even if they have not used these standards to evaluate institutions. The department reasons that institutions that update their standards should not be penalized if they have not yet applied them.³⁶ However, under this change, an agency could quickly change its standards to meet criteria and therefore retain federal recognition without providing any evidence that it is applying the standards effectively. This would eliminate the expectation that the department evaluate an accreditor's effectiveness in applying its standards, resulting in more of a box-checking approach.

Second, the Department of Education has proposed a new definition of substantial compliance that would allow accreditors to remain compliant even if they do not meet all of the criteria in practice. Agencies that fall under this category would go through Department of Education review without NACIQI review or public input. Therefore, under this change, there would be limited public transparency or accountability.

Among the few positive changes, the department has proposed lengthening the accreditor review process to take place over a period of two years, as opposed to one year, and giving NACIQI at least one month to review applications, instead of one week. This would theoretically allow for a more thorough review. The department has also proposed selecting which college reviews it considers in its evaluation, which could help eliminate cherry-picking by accreditors.

However, the department has already taken steps to reduce the evidence it collects in accreditor recognition reviews. In June 2019, it released a revised version of the Accreditation Handbook, which provides guidance on what type of evidence agencies should submit for recognition criteria.³⁷ However, the new version has implemented much of what the department proposed during its rule-making, even though its proposal was still open for public comment.

Moreover, the new guidance shows that, in some areas, the department would decrease the level of evidence it demands. For example, under earlier guidance, accreditors had to submit a list of institutions required to report back to the agency, the first noted instances of any problems, and what requirements they imposed on the institutions, among other things.³⁸ Evidence is supposed to make sure that the agency is acting in a timely manner to address problems. Yet the new guidance only requires accreditors to provide a list of institutions on sanction and whether these issues were resolved.

It is important to note that the rule-making is still underway and could change before the department publishes its final rules.

Challenge 2: Reviews are narrowly focused and lack substantial evidence

The recognition process is an overly bureaucratic, box-checking exercise that misses the big picture of whether accrediting agencies are reliable authorities of college quality. As a result, accrediting agencies may be criticized for minor shortcomings while larger issues go unaddressed.

The first challenge is that the department looks to determine if an agency has a standard and, if so, whether it has documentation proving that it has implemented the standard; yet it does not necessarily address whether the standard or implementation has been effective in ensuring and improving quality. In other words, accreditors are asked whether they accomplished what they said they would accomplish, not whether what they accomplished was effective in improving quality of oversight. A 2014 analysis from the Government Accountability Office (GAO) found that accrediting agencies were no more likely to take action against institutions with poor student outcomes than they were against institutions with strong outcomes, yet the department has done nothing to improve its oversight.³⁹

Of the 14 main institutional accrediting agencies, only three were marked noncompliant with at least one criterion in their most recent cycle of review, while the other 11 agencies were marked fully compliant with all criteria. (see Table 1) Of the three agencies that were found noncompliant, two were marked for lack of documentation. For example, the Southern Association of Colleges and Schools Commission on Colleges was found out of compliance with the criteria on fiscal and administrative capabilities because it failed to provide the resumes of its appeals board. In its response to the department, the agency provided the needed documentation but was again marked noncompliant because it did not provide a roster and the resumes of the 77 members on its board of trustees.⁴⁰

By focusing on rote compliance issues instead of larger substantive questions, the Department of Education is missing the forest for the trees. For example, in its 2016 review of the American Bar Association (ABA), the department found the agency noncompliant because it had failed to provide the resumes of agency staff and council members, among several other compliance issues.⁴¹ In contrast to the department's review process, much of the conversation during NACIQI's review centered on the agency's failure to focus on student achievement or to take action against institutions—in this case, law schools—with low bar exam pass rates, enrolling students and leaving them with high debt when many had a low likelihood of entering the profession.⁴²

TABLE 2

U.S. Department of Education findings of noncompliance among the main institutional accrediting agencies

Agency	Areas of noncompliance	Date of review
Accrediting Council for Continuing Education and Training	None	July, 2019
Accrediting Commission for Community and Junior Colleges	None	July, 2019
Northwest Commission on Colleges and Universities	None	May, 2018
Middle States Commission on Higher Education	None	February, 2018
New England Commission of Higher Education	None	February, 2018
Western Association of Schools and Colleges Senior College and University Commission	None	February, 2018
Higher Learning Commission	None	February, 2018
Distance Education Accrediting Commission	None	June, 2017
Commission on Colleges of the Southern Association of Colleges and Schools	<ol style="list-style-type: none"> §602.15 Administrative and fiscal responsibilities: Did not provide curricula vitae for appeal committee members or resumes for 77 board members (6) Clear and effective controls against conflicts of interest or the appearance of conflicts of interest: Did not provide evidence that members with conflicts recused themselves; submitted email evidence instead of signed documentation §602.22 Substantive change: Did not provide evidence of a full cycle of review of a substantive change 	June, 2017
Accrediting Commission of Career Schools and Colleges	§602.15 Administrative and fiscal responsibilities: Representatives of the public on all decision-making bodies: Did not include documentation on how it defines a public member, and language provided did not meet the secretary of education's criteria	June, 2016
Accrediting Council for Independent Colleges and Schools	<p>Noncompliance in 35 areas, some of which include:</p> <ol style="list-style-type: none"> §602.13 Acceptance of the agency by others: Did not provide documentation of continued positive relationships with state licensing-related entities and nurse accrediting agencies §602.15 Administrative and fiscal responsibilities: Agency needs to provide specifics as to how it plans to operate efficiently and effectively in light of reduced revenue §602.17 Application of standards in reaching an accrediting decision: Did not demonstrate effective mechanisms for evaluating an institution's or a program's compliance with the agency's standards before reaching a decision to accredit or preaccredit the institution or program 	June, 2016
Council for Opportunity in Education	None	June, 2016
National Accrediting Commission of Cosmetology Arts and Sciences	None	December, 2015

Sources: U.S. Department of Education Accreditation and State Liason, "Final Staff Reports: 2017–2019," available at <https://opeweb.ed.gov/e-Recognition/PublicDocuments> (last accessed September 2019). Reports prior to 2017 can be found through the WayBack Machine web archive. U.S. Department of Education Accreditation and State Liason, "Final Staff Reports: 2015–2017," available at <https://web.archive.org/web/20171204025515/https://opeweb.ed.gov/aslweb/finalstaffreports.cfm> (last accessed July 2019).

NACIQI recommended that the ABA be found out of compliance with standards on student achievement and monitoring and that its recognition be limited to prevent it from approving new programs for at least a year. However, the senior department official disagreed, and the ABA simply had to provide resumes and other documentation without ever addressing NACIQI's far more important concerns.

The second major challenge to conducting meaningful reviews is that the department does not consider all of the information at its disposal and instead relies primarily on limited evidence provided by accreditors themselves. The 2018 IG report on the department's recognition process argued that it was critical for reviews to consider and incorporate readily available, relevant information that could indicate weaknesses in accreditors' oversight.⁴³ Such information could include Federal Student Aid financial and audit reports, program reviews, risk assessments, complaints, and accreditor dashboards that detail student outcomes—by accrediting agency. This information would help tell the department how the agency enforces its standards, for example, when institutions are financially unstable or the majority of their students fail to graduate or repay their loans.

Instead, the review process, as currently structured, is largely limited to the information that accreditors decide to share. This means that reviews are subject to potential “cherry-picking,” by which an agency only puts forth its best work. For example, the IG report found that the Department of Education requires accreditors to submit as few as two reviews of the institutions they accredit, regardless of agency size. As a result, in 2016, one agency that accredits 388 schools submitted only two examples of institutional reviews, while another agency that accredits 375 schools submitted 16 examples of institutional reviews.⁴⁴

[Solution: Conduct investigative, evidence-informed reviews](#)

The federal government's reliance on accreditation is based on the notion that accreditors will keep out low-performing schools and protect students from bad actors. Therefore, the department's role in recognizing agencies should be grounded in how accreditors evaluate and accredit institutions, which institutions they deem to be of high enough quality to remain in the aid programs, and how they act against institutions that exhibit risk factors that might not serve students well.

The Department of Education should adopt a more investigatory approach to recognition in which it chooses the evidence it considers. In particular, it should demand more information on how each accreditor handles its riskier schools. The department should conduct a quantitative analysis of each agency's institutions and use that methodology to select a subset of schools to consider in its review of each accreditor.

The analysis could consider student outcomes, total Title IV student aid dollars, the number of campuses or locations, the number of students, colleges in financial trouble, lawsuits and investigations against the schools agencies accredit, whether they have been placed on sanction by an accreditor, substantive changes, and other factors.

Based on its quantitative risk analysis, the department should assign a list of schools for which the agency must provide documentation of its review process. The examples submitted should encompass a representative sample of the institutions that the agency accredits and include both institutions that represent significant risk and those that do not in order to evaluate the agency's ability to effectively monitor issues and identify and address risk factors.

In addition, the department should request more narrowly focused information. Each agency application consists of tens of thousands of pages of documents, which often contain documentation that has little bearing on the agencies' work. Instead of requiring the entire evaluation of an institution and the agency's review process, the department should ask for only information that is relevant to the particular federal recognition criteria and to how it has evaluated the risk factors of each institution for larger samples. For example, on student success, the accreditor would provide a sample of institutions that rate low and high on student outcomes based on the agency's standards, how the agency evaluated the institution and applied its standards in relation to the institution's performance, and what it recommends for the institution going forward. By following this approach, the department could cut down on the thousands of pages of documents that are irrelevant to federal recognition criteria.

As part of its review, the Department of Education should also make greater use of its authority to conduct unannounced site visits to the institutions that agencies accredit.

Focusing on risk and asking for a broader sample of examples would eliminate bias in the samples that accreditors choose to submit as part of their review for recognition. It would also guard against accreditors applying a one-size-fits-all approach to the institutions they oversee, instead encouraging them to invest more resources in monitoring the most problematic colleges.

Challenge 3: The department does not conduct regular monitoring

The Higher Education Act requires the Department of Education to not only conduct recognition reviews but also monitor accrediting agencies on an ongoing basis. Yet the IG report found that the department does not routinely monitor agencies in between reviews.⁴⁵

Lack of routine monitoring and limited reviews conducted by the department are significant loopholes in evaluating performance. The department recently began monitoring news reports or lawsuits involving agencies.⁴⁶ While this change is a move in the right direction, it only focuses on the accrediting agency, rather than the institutions the agency accredits. As a result, the department might miss important information, such as when these institutions are in the news because of problems that generate negative press or lawsuits, which offers an additional opportunity to conduct outreach to ensure that the agency is effectively addressing problems. For example, from 2010 to 2015, 17 of the institutions accredited by the Accrediting Council for Independent Colleges and Schools (ACICS) were the subject of lawsuits or investigations spanning between department reviews of the agency.⁴⁷ Had the department conducted outreach or investigation much earlier based on concerning information at the institutions that ACICS accredits, it may have prompted the agency to reform its policies and procedures or to act more aggressively in response to mounting concerns—which in turn could have helped protect students. Instead, ACICS sought to reform its standards only after it was clear that its recognition was in jeopardy.

Solution: Conduct routine monitoring

The department should require agencies to submit annual reports. These reports should detail new institutions that the agency has accredited, substantive changes approved, actions the agency has taken after finding problems in performance as well as whether those problems were resolved, and annual budget information. These reports would help to create a record of compliance that could be considered in an agency's recognition review.

Second, the department should expand its monitoring to include news stories and lawsuits pertaining to the institutions that the agencies accredit in order to ensure that agencies are appropriately enforcing their standards. Moreover, this monitoring process should include consistent information-sharing between the Accreditation Group and other parts of the Department of Education, such as the Office of Federal Student Aid.

Challenge 4: Limited use of recognition options

Because the department rarely takes advantage of all the tools at its disposal, agencies with significant shortcomings receive the same treatment as those with minor deficiencies. Yet the department can do better—for example, by conducting unannounced site visits and by issuing recognition that carries limitations.

Under current practice, department recognition decisions fall under one of two categories: Either the agency meets recognition criteria and is fully recognized, or it does not meet recognition criteria and has a year to come into compliance or risk losing its recognition. The department has the authority to limit an agency's recognition but rarely, if ever, uses this authority. For example, during the 2016 review of the ABA, NACIQI recommended limiting the agency's authority to recognize any new institutions for at least a year while it came into compliance. Unfortunately, the department rejected the recommendation.⁴⁸

The department also has the authority to conduct unannounced site visits to the institutions that agencies accredit. In some scenarios, other regulators such as state authorizers or attorneys general have flagged concerns at institutions that accreditors failed to catch. For example, months after one agency granted an institution renewed accreditation, a review by the institution's state agency found serious concerns, including rampant plagiarism, grade inflation, online courses that were deficient in quality and content, and enrolled students who demonstrated inadequate English proficiency.⁴⁹ This led the state authorizer to pursue removing the institution's state authority to operate. Yet the accreditor failed to catch these problems independently before the state agency stepped in. In instances where another regulator finds concerns at an institution that the accreditor failed to notice, the department could step in by making a surprise visit to the institution in question. It could then follow up with the accrediting agency to determine whether its standards are sufficient to catch and address problems that went unnoticed and if it is doing an effective job following up to address said concerns.

Solution: Make greater use of authority to limit recognition or review institutions

The department should make greater use of its existing authority to limit accrediting agencies' recognition when they represent significant risk. For example, if an institution an agency accredits precipitously closes and the agency failed to heed the warning signs and ensure that plans to help students were in place, that agency should go under a new review and have its recognition status limited. Similarly, when an agency expands the scope of the types of institutions or programs it accredits—for example,

expanding from approving certificate programs to approving bachelor's degrees—the department should place limits on that agency's new approval authority until it is able to demonstrate success. Limitations could include prohibiting the agency from approving new institutions, limiting the number of new programs or institutions the agency approves, or limiting the agency's ability to authorize major changes at the institutions it oversees while it strengthens its standards to address problems or demonstrate success.

By making greater use of its authority to limit recognition decisions of agencies that represent significant risk to taxpayer funds, the department could help strengthen agencies' oversight of the institutions they accredit while focusing attention on substantial issues such as student outcomes and institutional stability. Similarly, limiting an agency when it is expanding its scope helps to ensure that it can demonstrate success in ensuring quality as it improves its own expertise.

The department should also make greater use of its authority to conduct unannounced site visits to institutions that agencies oversee. This could include visits to institutions that represent significant risk or raise flags from other regulatory bodies. Doing so would help to ensure that accreditors are conducting adequate reviews of the institutions they accredit and are addressing concerns when institutions are not serving students well.

Challenge 5: NACIQI is not well-incorporated in reviews

Under the current review system, accreditor recognition applications are considered by both the department's Accreditation Group and its outside review board, NACIQI. An independent advisory body offers several advantages. First, it serves as a check and balance on the department's recognition process. Second, adding independent voices to the recognition process guards against the department becoming influenced by the agencies it oversees. Finally, an independent advisory body provides a public venue for outside voices to weigh in and ensures that decisions are not made in secret.

However, NACIQI is not empowered to influence the recognition process or individual agency reviews. As it stands, under the recognition timeline, NACIQI is given one week to review thousands of pages of documents after the department has already completed its review and made its recommendation. In addition, NACIQI only has the authority to ask questions after the department has already completed its review and issued its final report; it does not have the ability to influence what evidence the Department of Education incorporates in its reviews. Moreover, NACIQI is not well trained on the recognition process and on how the department uses the information

it obtains to evaluate accreditors' compliance. Some members of NACIQI report “no training” on their role or on accreditation regulations. Finally, NACIQI decisions can and have been easily dismissed by the department.

These limitations often put the department's current recognition process and the NACIQI review at odds with each other. In 2016, after repeatedly arguing that the department's review did not consider relevant information on the quality of education, NACIQI developed its own separate process to evaluate data about the quality of the institutions each agency oversees—for example, taking into account the number of institutions on financial monitoring, the percentage of students that graduate, student earnings, and the percentage of students that are repaying their loans.⁵⁰ These data are compiled in accreditor dashboards that allow for comparison among agencies and are circulated before an agency is up for review. NACIQI also developed questions regarding how each agency addresses student achievement and whether it has taken action against a school for low achievement. NACIQI's thorough work has helped accreditors focus more on student outcomes.

However, the department has refused to take advantage of NACIQI. In a 2018 review of the National Association of Schools of Art and Design (NASAD), NACIQI recommended that NASAD be found out of compliance with a requirement that the agency's standards effectively address the quality of an institution or program with respect to student achievement. In their final decision, however, the senior department official rejected the recommendation, stating that NACIQI erroneously found the agency out of compliance based on insufficient answers to its pilot questions. In other words, it was improper for NACIQI to factor the agency's answers into its recommendation because the questions were not part of the formal recognition review. The official granted the agency full recognition for five years.⁵¹ Without the ability to influence the department's review, recommendations from NACIQI lack any real impact.

Solution: Make NACIQI an empowered participant in agency review

NACIQI should be granted more authority and given a more central role in the department's recognition process. It should be granted the ability to make document requests and ask agencies to gather information that would be included in the department's review. This would ensure that both department and NACIQI reviews consider the same information and add depth to the evidence under consideration. The review process could be further strengthened by providing NACIQI with regular training on the department's recognition process so that all committee members are fully informed on what information can be included; by sharing the department's recommendation and supporting documents with NACIQI early enough for it to sufficiently review documents; and by providing NACIQI with additional staff to help request and review documents.

Finally, NACIQI's decisions should be given equal weight and serve as a floor in accreditor recognition processes. This would mean that the senior department official must honor NACIQI's recommendation in the event that it recommends that an agency be found noncompliant and places limits or restrictions on its recognition; however, if necessary, the Department of Education could choose to be tougher. These reforms would help to make NACIQI a more effective player in the review process.

Conclusion

The federal government has a responsibility to conduct oversight over the agencies it tasks as gatekeepers to billions in aid to students and to ensure that their determinations are reliable indicators of quality to students and taxpayers. Unfortunately, it is not living up to the task.

Reforming the accreditor recognition process into an investigative one focused more on student outcomes would better protect students and taxpayers. Devoting more attention to the accreditors that serve as gatekeepers to the vast majority of taxpayer funds would help to increase the Accreditation Group's capacity to conduct in-depth reviews. Conducting thorough reviews that zero in on student outcomes, consider all sources of information, and use all of the tools within the Department of Education's authority would help refocus the recognition process on the areas in which students and taxpayers face the most risk. Better government supervision would also help to increase accreditors' own oversight of institutions since they would receive regular risk analyses from the department identifying the schools that raise the most troubling questions. Finally, better incorporating NACIQI into the federal recognition and giving the advisory committee more power in the review process would help eliminate bias and regulatory capture in departmental reviews.

As Congress works to reauthorize the Higher Education Act, it should reassess and strengthen the federal government's role in watching the agencies it tasks as gatekeepers.

About the author

Antoinette Flores is an associate director for Postsecondary Education at the Center for American Progress.

Acknowledgments

The author would like to thank Sancia Celestin, a spring intern on the Postsecondary Education team, for her assistance compiling the information and corresponding data for the list of federally recognized accrediting agencies in Table 1.

Endnotes

- 1 Author's analysis of Department of Education data based on total Title IV aid by accreditor from National Advisory Committee on Institutional Quality and Integrity, "Accreditor Data File," available at <https://sites.ed.gov/naciqi/archive-of-meetings/> (last accessed July 2019). Author's analysis of total federal aid in 2017–18 based on U.S. Office of Federal Student Aid, "Title IV Program Volume Reports," available at <https://studentaid.ed.gov/sa/about/data-center/student/title-iv> (last accessed July 2019). These four agencies include the Higher Learning Commission; the Western Association of Schools and Colleges Senior College and University Commission (WSCUC); the Middle States Commission on Higher Education (MSCHE); and the New England Commission of Higher Education (NECHE).
- 2 National Advisory Committee on Institutional Quality and Integrity, "February 2018 Meeting Agenda" (Washington: U.S. Department of Education, 2018), available at <https://sites.ed.gov/naciqi/files/2018/02/Feb2018Agenda.pdf>.
- 3 Author's analysis based on National Advisory Committee on Institutional Quality and Integrity, "February 7, 2018: Meeting Transcript" (Washington: U.S. Department of Education, 2018), available at <https://sites.ed.gov/naciqi/files/2018/02/NACIQI-transcripts-Feb-7-2018.pdf>; National Advisory Committee on Institutional Quality and Integrity, "February 8, 2018: Meeting Transcript" (Washington: U.S. Department of Education, 2018), available at <https://sites.ed.gov/naciqi/files/2018/02/NACIQI-transcripts-Feb-8-2018-1.pdf>.
- 4 National Advisory Committee on Institutional Quality and Integrity, "Recognized Institutional Accreditors: Federal Postsecondary Education and Student Aid Data" (Washington: U.S. Department of Education), p. 34, available at https://sites.ed.gov/naciqi/files/2019/05/Dashboards_2018-12-03.pdf. Author's analysis based on National Advisory Committee on Institutional Quality and Integrity, "February 7, 2018"; National Advisory Committee on Institutional Quality and Integrity, "February 8, 2018."
- 5 Ibid.
- 6 U.S. Office of Inspector General, "U.S. Department of Education's Recognition and Oversight of Accrediting Agencies" (Washington: U.S. Department of Education, 2018), available at <https://www2.ed.gov/about/offices/list/oig/auditreports/fy2018/a0900033.pdf>.
- 7 Author's interviews with former department officials, members of NACIQI, and accreditors as background for this report.
- 8 Applications for federal recognition were obtained under the Federal Advisory Committee Act through the Department of Education. See U.S. Department of Education, "Final Staff Reports," available at <https://opeweb.ed.gov/e-Recognition/PublicDocuments> (last accessed July 2019); U.S. Department of Education, "Guidelines for Petitions and Compliance Reports" (Washington: 2012), available at <https://web.archive.org/web/20190702174242/https://www2.ed.gov/admins/finaid/accred/agency-guidelines.pdf>.
- 9 Antoinette Flores, "How the Trump Administration Is Undoing College Accreditation" (Washington: Center for American Progress, 2019), available at <https://www.americanprogress.org/issues/education-postsecondary/reports/2019/04/18/468840/trump-administration-undoing-college-accreditation/>.
- 10 U.S. Department of Education, "Accrediting Agencies Recognized for Title IV Purposes," available at https://www2.ed.gov/admins/finaid/accred/accreditation_pg9.html (last accessed July 2019).
- 11 U.S. Department of Education, "Programmatic Accrediting Agencies," available at https://www2.ed.gov/admins/finaid/accred/accreditation_pg7.html (last accessed July 2019).
- 12 U.S. Department of Education, "National Recognition of State Approval Agencies by the U.S. Secretary of Education," available at https://www2.ed.gov/admins/finaid/accred/accreditation_pg16.html (last accessed July 2019).
- 13 U.S. Department of Education, "Accrediting Agencies Recognized for Title IV Purposes."
- 14 Antoinette Flores, "Hooked on Accreditation: A Historical Perspective" (Washington: Center for American Progress, 2015), available at <https://www.americanprogress.org/issues/education-postsecondary/reports/2015/12/14/127200/hooked-on-accreditation-a-historical-perspective/>.
- 15 Jane V. Wellman, "Recognition of Accreditation Organizations: A Comparison of Policy & Practice of Voluntary Accreditation and The United States Department of Education" (Washington: Council for Higher Education Accreditation, 1998), available at https://www.chea.org/sites/default/files/other-content/RecognitionWellman_Jan1998.pdf.
- 16 Permanent Subcommittee on Investigations, "Abuses in Federal Student Aid Programs" (Washington: U.S. Senate Committee on Governmental Affairs, 1991), available at <http://files.eric.ed.gov/fulltext/ED332631.pdf>.
- 17 Ibid.
- 18 Flores, "Hooked on Accreditation."
- 19 Higher Education Amendments of 1992, S. 1150, 102nd Cong., 2nd sess. (July 23, 1992), available at <https://www.congress.gov/bill/102nd-congress/senate-bill/1150/text>.
- 20 U.S. Department of Education, "34 CFR Part 602: Secretary's Procedures and Criteria for Recognition of Accrediting Agencies; Final Rule," *Federal Register* 59 (82) (1994), available at <https://www.govinfo.gov/content/pkg/FR-1994-04-29/html/94-10147.htm>; U.S. Department of Education, "34 CFR Part 602: Secretary's Procedures and Criteria for Recognition of Accrediting Agencies; Proposed Rule," *Federal Register* 59 (15) (1994), available at <https://www.govinfo.gov/content/pkg/FR-1994-01-24/html/94-1459.htm>.
- 21 National Advisory Committee on Institutional Quality and Integrity, "May 24, 2018: Meeting Transcript" (Washington: U.S. Department of Education, 2018), available at <https://sites.ed.gov/naciqi/files/2018/06/052418NACIQI-Bookmarks1.pdf>.
- 22 Legal Information Institute, "20 U.S. Code § 1099b. Recognition of accrediting agency or association," available at <https://www.law.cornell.edu/uscode/text/20/1099b> (last accessed July 2019).
- 23 Ibid.
- 24 National Advisory Committee on Institutional Quality and Integrity, "May 23, 2018: Meeting Transcript" (Washington: U.S. Department of Education, 2018), available at <https://sites.ed.gov/naciqi/files/2018/06/052318NACIQI-Bookmarks.pdf>.
- 25 Congressional Research Service, "An Overview of Accreditation of Higher Education in the United States" (Washington: 2017), available at https://www.everycrsreport.com/files/20170323_R43826_a7a4429bf785ee3a8eba5bce1a3781cbb0d7255.pdf.

- 26 National Advisory Committee on Institutional Quality and Integrity, "Overview," available at <https://sites.ed.gov/naciqi/members/> (last accessed July 2019).
- 27 U.S. Department of Education, "Recognized accrediting agencies," available at https://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html; U.S. Department of Education, "Accreditor federal recognition process," available at <https://www2.ed.gov/admins/finaid/accred/accreditor-federal-recognition-process-steps.pdf> (last accessed July 2019).
- 28 U.S. Office of Inspector General, "U.S. Department of Education's Recognition and Oversight of Accrediting Agencies."
- 29 Author's analysis of Department of Education data based on total federal aid in 2017–18 from U.S. Office of Federal Student Aid, "Title IV Program Volume Reports." Author's analysis of total 2017–18 federal aid for the 13 main regional and national accreditors as well as the National Accrediting Commission of Career Arts and Sciences (NACCAS) based on National Advisory Committee on Institutional Quality and Integrity, "Accreditor Data File."
- 30 National Advisory Committee on Institutional Quality and Integrity, "Recognized Institutional Accreditors"; National Advisory Committee on Institutional Quality and Integrity, "Accreditor Data File."
- 31 U.S. Department of Education, "Guidelines for Petitions and Compliance Reports."
- 32 National Advisory Committee on Institutional Quality and Integrity, "June 22, 2016: Meeting Transcript" (Washington: U.S. Department of Education), available at <https://sites.ed.gov/naciqi/files/2016/08/naciqi-transcripts-062216-508.pdf>.
- 33 U.S. Office of Inspector General, "U.S. Department of Education's Recognition and Oversight of Accrediting Agencies."
- 34 U.S. Department of Education, "Guidelines for Petitions and Compliance Reports."
- 35 Flores, "How the Trump Administration Is Undoing College Accreditation."
- 36 U.S. Department of Education, "Student Assistance General Provisions, the Secretary's Recognition of Accrediting Agencies, the Secretary's Recognition Procedures for State Agencies," *Federal Register* 84 (113) (2019): 27404–27492, available at <https://www.govinfo.gov/content/pkg/FR-2019-06-12/pdf/2019-12371.pdf>.
- 37 U.S. Office of Postsecondary Education Accreditation Group, "Accreditation Handbook" (Washington: U.S. Department of Education, 2019), available at <https://www2.ed.gov/admins/finaid/accred/accreditation-handbook.pdf>.
- 38 Hallie Busta, "Ed Dept repackages accreditor guidance," Education Dive, June 21, 2019, available at <https://www.educationdive.com/news/ed-dept-repackages-accreditor-guidance/557328/>.
- 39 U.S. Government Accountability Office, "Education Should Strengthen Oversight of Schools and Accreditors" (Washington: 2014), available at <https://www.gao.gov/products/GAO-15-59>.
- 40 U.S. Department of Education, "Staff Report to the Senior Department Official on Recognition Compliance Issues: Southern Association of Colleges and Schools Commission on Colleges" (Washington: 2017) available at <https://opeweb.ed.gov/e-Recognition/PublicDocuments/ViewHTMLFinalStaffReport?format=PDF&AgencyId=69&MeetingId=74>.
- 41 U.S. Department of Education, "Staff Report to the Senior Department Official on Recognition Compliance Issues: American Bar Association" (Washington: 2018), available at <https://opeweb.ed.gov/e-Recognition/PublicDocuments/ViewHTMLFinalStaffReport?format=PDF&AgencyId=6&MeetingId=81>.
- 42 Mark A. Cohen, "Is the American Bar Association Passé?," *Forbes*, August 1, 2018, available at <https://www.forbes.com/sites/markcohen/2018/08/01/is-the-american-bar-association-passe/#588bba9759bd>.
- 43 U.S. Office of Inspector General, "U.S. Department of Education's Recognition and Oversight of Accrediting Agencies."
- 44 Ibid.
- 45 Ibid.
- 46 Ibid.
- 47 Ben Miller, "ACICS Must Go" (Washington: Center for American Progress, 2016), available at <https://www.americanprogress.org/issues/education-postsecondary/reports/2016/06/06/138826/acics-must-go/>.
- 48 U.S. Department of Education, "Staff Report to the Senior Department Official on Recognition Compliance Issues: American Bar Association."
- 49 Michelle Edwards, "Subject: Continued Show-Cause Directive – External Information," Accrediting Council of Independent Colleges and Schools, May 28, 2019, available at http://www.acics.org/uploadedFiles/Actions/00023099_VIU_CSC%20-%20External%20Information.pdf; Justin Mattingly, "Virginia moves to shutter Virginia International University," *Richmond Times-Dispatch*, March 27, 2019, available at https://www.richmond.com/news/local/education/virginia-moves-to-shutter-virginia-international-university/article_17a831a5-eeb0-54a3-9a1c-339f84e4a86d.html.
- 50 National Advisory Committee on Institutional Quality and Integrity, "Announcement of an open meeting" (Washington: U.S. Department of Education, 2019), available at <https://sites.ed.gov/naciqi/files/2019/01/FEB-2019-FRN.pdf>.
- 51 Diane Auer Jones, "Decision Letter," U.S. Department of Education, August 22, 2018, available at <https://opeweb.ed.gov/e-Recognition/PublicDocuments/DecisionLetter?agencyid=51&endpt=NASAD2.pdf&agencycd=NASAD&meetingdate=5%2F22%2F2018%2012%3A00%3A00%20AM>.

Our Mission

The Center for American Progress is an independent, nonpartisan policy institute that is dedicated to improving the lives of all Americans, through bold, progressive ideas, as well as strong leadership and concerted action. Our aim is not just to change the conversation, but to change the country.

Our Values

As progressives, we believe America should be a land of boundless opportunity, where people can climb the ladder of economic mobility. We believe we owe it to future generations to protect the planet and promote peace and shared global prosperity.

And we believe an effective government can earn the trust of the American people, champion the common good over narrow self-interest, and harness the strength of our diversity.

Our Approach

We develop new policy ideas, challenge the media to cover the issues that truly matter, and shape the national debate. With policy teams in major issue areas, American Progress can think creatively at the cross-section of traditional boundaries to develop ideas for policymakers that lead to real change. By employing an extensive communications and outreach effort that we adapt to a rapidly changing media landscape, we move our ideas aggressively in the national policy debate.

