ACE American Council on Education®

September 16, 2026

Mr. Aaron Washington
Office of Postsecondary Education
400 Maryland Ave. SW
Washington, DC 20202

Re: Docket ID ED-2025-OPE-1042

Dear Mr. Washington:

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, we write to offer comments on the Department of Education's (Department) Notice of Proposed Rulemaking (NPRM) titled, "Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies." This NPRM seeks to implement Executive Order (EO) 14279 that proposes to amend the accreditation system[1] with a stated goal of compelling accreditors to (1) ensure programs are free from unlawful discrimination; (2) allow institutions to adopt practices that advance credential and degree completion; (3) require institutions to prioritize academic freedom; (4) follow state laws; and (5) not engage in practices that result in burdensome costs to students.

While we acknowledge that there are ways the accreditation system, as with any system, can be improved, we also want to acknowledge the important and ongoing work of accrediting agencies in improving the quality of higher education. Below are numerous examples of this work.

- The Accrediting Commission for Community and Junior Colleges (ACCJC) launched a Student Achievement Dashboard and a return on investment (ROI) metric to highlight the value of higher education, as well as make student outcomes more visible, actionable, and central to institutional decision-making.[2]
- For years, the Middle States Commission on Higher Education (MSCHE) has utilized the Annual Institutional Update (AIU) process to assess student achievement, enrollment, financial health, and federal financial responsibility data for monitoring and has developed a publicly available data dashboard, which supports institutional improvement and data-driven decision-making.[3]
- Both the Higher Learning Commission (HLC) and the New England Commission of Higher Education (NECHE) have placed an emphasis on short-term credentials. At HLC, the agency established a Credential Lab to serve all learners and focus on short-term credentials that are either stackable towards a degree or stand-alone.[4] NECHE introduced a program of quality assurance focused on providers of short-term credentials.[5]
- WASC was the first institutional accreditor to launch a public, interactive tool known as the Key Indicators Dashboard,[6] and the Commission on Colleges and Universities launched the Workforce

[1] Exec. Order No. 14279, 90 Fed. Reg. 80 (April 23, 2025)
[2] ACCJC. (2025, August 7). *ACCJC launches student achievement dashboards and ROI metric to highlight the value of higher education* [Press Release]. https://accjc.org/announcement/student-achievement-dashboards-roi-metric/; These types of efforts have led to institutions accredited by ACCJC reporting higher course success rates at 77%, licensure pass rates at 89%, job placement rates at 80%, and bachelor's degree attainment rates growing by almost 18%.
[3] Middle States Commission on Higher Education. (n.d.). *Annual institutional update (AIU) indicators and metrics.* Retrieved August 27, 2026, from https://www.msche.org/accreditation/annual-institutional-update/aiu-indicators-and-metrics/
[4] Higher Learning Commission. (n.d.). *Credential lab.* Retrieved August 23, 2026, from https://www.hlcommission.org/credential-lab/
[5] NECHE. (2026, June 18). *NECHE releases playbook to advance quality assurance in non-credit/workforce development education* [Press Release]. https://www.neche.org/neche-releases-playbook-to-advance-quality-assurance-in-non-credit-workforce-development-education/
[6] WASC. (n.d.). *Key indicators dashboard.* Retrieved August 23, 2026, from https://www.wscuc.org/resources/kid/

Coordinator Network, a two-year initiative to strengthen the link between higher education institutions and regional workforce needs.[7]

- The Council of Recognized Accrediting Commissions released a new environmental scan of the higher education data landscape.[8]

These efforts work alongside initiatives from programmatic accreditors to ensure that learners are demonstrating the competencies necessary for professional practice.[9] It is initiatives like these from accrediting agencies that help to improve higher education.[10]

Before we offer specific regulatory comments, we again urge the Department to allow more time for future negotiated rulemakings. These are complex matters that have significant consequences for thousands of institutions and millions of students. Restricting discussion on these issues to a limited amount of time impedes the effectiveness of the process and hinders the ability of negotiators and stakeholders to fully analyze and weigh the issues. For this particular NPRM, the negotiated rulemaking committee was only given nine business days of negotiations around the table with the Department. This was insufficient to allow negotiators to analyze the proposed text, communicate with stakeholders, and present well-informed arguments at the table.[11]

In addition, the selection of negotiators should include a comprehensive representation of institutions of higher education and all key constituency groups impacted.[12] At the very least, for any negotiated rulemaking session we strongly encourage the Department to include the following representatives of institutions of higher education in their own categories:

- Two-year public institutions of higher education;
- Four-year public institutions of higher education;
- Private, nonprofit institutions of higher education;
- Private, proprietary institutions of higher education; and
- Institutions of higher education eligible to receive federal assistance under Title III, parts A, B, and F, and Title V of the Higher Education Act (HEA), which include Historically Black Colleges and Universities, American Indian Tribally Controlled Colleges and Universities, Hispanic-Serving Institutions, Alaska Native and Native Hawaiian-Serving Institutions, and other institutions with a substantial enrollment of needy students as defined in Title III of the HEA.

With this particular negotiated rulemaking session, we were disappointed that there was not a recognized programmatic accreditor at the table as a primary negotiator. The Department's stated goal in establishing the committee was to "select negotiators for the Committee who represent the interests of those significantly affected by the issues proposed for negotiation."[13] It is clear that all accrediting agencies would be impacted by this regulatory rulemaking, and the absence of a recognized programmatic accreditor as a primary negotiator presented a lost opportunity of critical perspective from a central stakeholder.

---

[7] The Commission on Colleges and Universities. (n.d.). *SACSCOC workforce initiative*. Retrieved August 24, 2026, from https://sacscoc.org/sacscoc-workforce-initiative/

[8] Council of Recognized Accrediting Commissions. (2026). *Accountability with integrity: A national framework for data-informed higher education accountability.* https://68d6c276-e98a-4e4c-a61e-d7c0a9aab604.usrfiles.com/ugd/68d6c2_dfc7f5650e094365b8140f3ed9875196.pdf

[9] The Association of Specialized and Professional Accreditors conducted a survey in 2026 of 56 specialized and professional accreditors to find that 65% of respondents use quantitative "bright-line" outcomes measures—up from 52% in 2016—including completion/retention, job placement, and licensure examination pass rates, demonstrating that accreditors are already advancing measurable student outcomes within frameworks tailored to their professions and program missions that protect students and the public.

[10] These are merely examples of the great work done by a handful of select accrediting agencies and not meant to imply that other accrediting agencies not mentioned in these examples are not also doing great work to improve higher education.

[11] Section 492(b) of the HEA shares that the Secretary shall provide for a comprehensive discussion and exchange of information.

[12] For instance, if the regulations are focused on student financial aid, financial aid administrators should be present at the table.

[13] Intent To Establish Negotiated Rulemaking Committee, 91 F.R. 3404 (proposed January 27, 2026). https://www.govinfo.gov/content/pkg/FR-2026-01-27/pdf/2026-01620.pdf

In addition, we would also like to express concern about the amount of time given to respond to this NPRM. It has become common practice for the Department to give stakeholders 30 days to respond to an NPRM. This timing is not nearly enough to truly gather substantive feedback from our respective memberships to ensure we are capturing their concerns fully. Executive Order 12866 shares that agencies should give the public a "meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days."[14] We encourage the Department to move to 60-day comment periods for future NPRMs.

Before commenting on areas of the proposed rule that give us concern, we would like to begin by highlighting areas that we support.

Proposals We Support

Additional Flexibility for Institutions to Switch Accreditors

Recent developments at the state level in combination with changes to geographic limits to institutional accreditation made during the first Trump administration have elevated the importance of the process by which institutions change accreditors.

There are laws in states such as Louisiana[15], North Carolina[16], and Texas[17] that further clarify the process of switching accreditors. There is also a law in Florida (and under contemplation elsewhere) requiring public institutions to seek accreditation from an accreditor identified by the state within three years following reaffirmation or their fifth-year review by their current accrediting agency or association, which is limited to a one-time change.[18] As these states were initially embarking on these new laws, the challenges of seeking a new accreditor was exacerbated by additional hurdles imposed under the Biden Administration.[19]

The proposed language in Section 600.11 of the NPRM builds on earlier efforts by the Administration to simplify and expedite the process of switching accreditors as well as to hold accreditation by multiple accreditors.[20] We appreciate the Department's recognition of reducing the hurdles involved in institutions that are working to comply with state mandates and/or search for an accreditor that may be better suited for the institution's mission.

Freedom of Institutions to Choose Accreditors

Reflecting the 2019 changes to institutional accreditation that eliminated the categorization of accreditors as either regional or national, institutions have had greater ability to choose the accreditor that best aligns with their institution's mission and goals. For that reason, we appreciate the language in the section 602.11 of the NPRM that makes it clear that the Department will not dictate to institutions or programs which accreditors

---

[14] Exec. Order No. 12866, 58 Fed. Reg. 190 (September 30, 1993)

[15] S.B. 304, 2026 Reg. Sess. (La. 2026). https://legis.la.gov/legis/ViewDocument.aspx?d=1480184

[16] H.B. 358, 2025 Reg. Sess. (N.C. 2025). https://www.ncleg.gov/Sessions/2025/Bills/House/PDF/H358v5.pdf. North Carolina had a requirement in H.B. 8 in 2023 to switch accreditors but it was amended in 2025 by H.B. 358 to remove the previous prohibition on receiving accreditation from the same accrediting agency in consecutive cycles.

[17] S.B. 530, 2025 Reg. Sess. (Tex. 2025). https://legiscan.com/TX/text/SB530/2025

[18] Fla. Stat. § 1008.47 (2026). https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1008/Sections/1008.47.html. In 2022, Florida had a requirement in S.B. 7044 forcing public institutions to seek a new accreditor every accreditation cycle.

[19] Federal Student Aid. (2022, July 19). *Procedures for institutions seeking approval of a request to change or add accrediting agencies (updated Sept. 26, 2022).* U.S. Department of Education. https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-07-19/procedures-institutions-seeking-approval-request-change-or-add-accrediting-agencies-updated-sept-26-2022

[20] Federal Student Aid. (2025, May 1). *Changes to the approval process for changing accrediting agencies.* U.S. Department of Education. https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2025-04-30/changes-approval-process-changing-accrediting-agencies

they may work with.[21] This provision is further reinforced by language that the Department will not "delay, condition, or otherwise adversely affect an institution's participation in title IV, HEA programs" solely because of the accrediting agency an institution may seek to utilize.[22]

Efforts to Reduce Costs and Regulatory Burden on Institutions

As we note below, while there are areas of the NPRM that will increase costs and regulatory burden for institutions, programs, and accrediting agencies, we wanted to acknowledge the areas of the NPRM that seek to do the opposite. Section 602.15 of the NPRM requires accrediting agencies to demonstrate administrative and fiscal capability by doing things such as making sure they have provided training to all agency representatives and staff regarding innovative or lower-cost educational delivery models and training on how to avoid unnecessary costs to institutions in the accreditation process. This section also states that in order for accrediting agencies to demonstrate administrative and fiscal capability, the agency "conducts its accreditation activities in a manner that seeks to avoid unnecessary financial, compliance, and administrative burdens, including by avoiding duplicative reporting, excessive documentation requirements, and unwarranted prescriptive processes."[23]

These provisions are helpful because although the costs to maintain accreditation will vary based on institutional size, the average cost to institutions is projected to be around $327,000 per accreditation cycle, spanning between seven to 10 years, ranging from roughly $32,000 to $41,000 per year.[24] For institutions that are struggling due to increased compliance, technology, and healthcare costs, as well as decreased government grants, contracts, appropriated funds, and investments, this amount is significant. [25]

Expedited Initial Accreditation Approval

The current process by which an institution or program seeks new or initial accreditation can take years to complete and involves numerous, detailed steps requiring a substantial investment of time and resources. In section 602.23 of the NPRM, the Department proposes new language to accelerate the comprehensive accreditation process for institutions or programs that are seeking initial accreditation. The Department also requires accreditors to have a process for institutions and students to communicate directly with the agency any concerns regarding its accreditation standards.

We are supportive of this new language and the Department's efforts to streamline the process of initial accreditation and decrease institutional burden.

Access to Title IV Funds During Arbitration and Judicial Review

In Section 602.26, the Department adds language that allows for continued Title IV funding to an institution during arbitration and judicial review if an accreditor issues a final decision to withdraw, suspend, revoke, or terminate the accreditation or pre-accreditation of the institution. This language would ensure basic fairness

---

[21] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 54005 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf

[22] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 54005 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf

[23] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 54006 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf

[24] Wheelan, B. S. & Elgart, M. A. (2015, October 21). Accreditation's real cost (and value). *Inside Higher Ed.* https://www.insidehighered.com/views/2015/10/22/real-costs-accreditation-and-processs-value-essay

[25] In calculating costs for accreditation, both direct and indirect costs must be considered, which is why we appreciate the acknowledgement from the Department for accreditors to be mindful of these costs. For direct costs, an institution has to pay document costs, member dues, member fees, and site visit costs. For indirect costs, this includes the amount of time spent maintaining accreditation and the financial value of that time

by limiting the potential disruption to students and campuses during an adjudication process and before a final decision is made, rather than penalizing an institution before a final determination has been made. We support this language and encourage the Department to only use this authority in the affirmative to benefit institutions and help protect their students.

Proposals of Concern

Institutional Due Process

Section 600.11 of the NPRM provides flexibility for institutions to switch accreditors and seek multiple accreditations. While we support this provision, it includes language establishing conditions under which institutions seeking to change accrediting agencies or pursue multiple accreditations would be approved by the Department. Those conditions allow the Department to deny these changes if it believes an institution seeks to:

> (A) Evade or circumvent a requirement of Federal law or regulation; (B) Avoid or delay enforcement or oversight by the Department or an accrediting agency; (C) Obtain eligibility for title IV, HEA programs through misrepresentation or other unlawful means; or (D) Otherwise undermine the integrity of the title IV, HEA programs.[26]

This is extremely broad language and gives the Department expansive authority to limit or complicate institutions' efforts to switch accreditors or seek multiple accreditations. At a minimum, the final rule should include greater specificity and clarity regarding how these elements are defined. In addition, given the substantial impact of such a determination, institutions should have the right to provide any relevant information to the Department as part of a comprehensive process that respects due process considerations that are standard in federal regulation.

Furthermore, we urge the Department to add language to Section 602.28 that clarifies the process outlined in Section 602.20 for institutions should an accrediting agency review an institution's accreditation or pre-accreditation due to being placed on probation, or equivalent status, by a state or federal agency. Institutions should be able to provide any and all evidence that may indicate the issue has been resolved before any final decision is made.

Separate and Independent

In Section 602.3 of the NPRM, the Department proposes to define the term "related, associated, or affiliated trade association."[27] The Department states that it is "critical to define this phrase in order to successfully apply the 'separate and independent' requirements contained in Section 496(b) of the HEA in the same manner across all agencies, and so that agencies have clarity on the organizations that the Department expects it to maintain clear firewalls with."[28] The Department's proposal would define a related, associated, or affiliated trade association as one that is related to an accrediting agency if the agency accredits institutions or

---

[26] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 54003 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf

[27] This term stems from Section 496(b) of the HEA that defines "separate and independent" by stating that no chief executive officer or board member of a related, associated, or affiliated trade association may select members of the postsecondary education governing body of the accrediting agency. It also states that there shall be one public member not from a related, associated, or affiliated trade association to serve on the board of an accrediting agency for each six members that are on the board. And, any dues paid to an accreditation agency must be paid separately from a related, associated, or affiliated trade association.

[28] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 53948 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf

programs "that prepare students to enter the workforce of the same or substantially the same line of commerce, business, industry, or profession that organization promotes."[29]

This overly expansive definition will capture trade associations that do not have a direct relationship with accreditors and negatively impact the ability of those organizations to work effectively with accrediting agencies, especially if accrediting agencies are member organizations of such trade associations. This concern is further amplified by the additional requirements in Sections 602.15 that prohibit accrediting agencies from sharing resources with any related, associated, or affiliated trade association[30] and from receiving any feedback regarding the agency's policies, standards, or decisions from any such trade association. It is unclear how the accreditation process would benefit from limiting the ability to consult or coordinate with key stakeholders. On the contrary, these prohibitions will have a negative impact on the work of accreditors and hinder an accreditor's ability to provide quality assurance if they are unable to communicate directly with key sources of information on the institutions or programs they oversee.

Perhaps even more problematic is the Department's proposal to prohibit representatives from institutions or programs from voting on decision-making bodies at accrediting agencies. This would necessitate a massive loss of technical expertise to a complicated, multifaceted review process. Doing so will open the door for accreditors' governing boards to be directed by persons lacking the appropriate knowledge and experience, or who lack a foundational understanding of traditional academic governance, tenure structures, and the broader higher education ecosystem.

Additionally, Section 602.3 proposes to make peer review optional as a primary duty of an accrediting agency. This demonstrates a fundamental misunderstanding of the purpose and importance of peer review within the accreditation process. Such a change would allow site-visit and evaluation teams to be composed of individuals unfamiliar with academic practice and requirements. While there is real value in external perspectives, including field-specific knowledge, the lack of an understanding of pedagogy or curriculum development may result in the implementation of impractical or operationally unrealistic standards on academic programs. We have concerns that this could lead to unrealistic expectations from non-peer evaluators allowing them to impose narrow, market-driven, or operationally unrealistic standards on academic programs.

Additional Requirements on Accreditors

In Section 602.17 of the NPRM, the Department proposes to add over 20 new requirements on accreditors that go far beyond any statutory authority given to the Department. In this section, accreditors would be required to review an institution's student success with respect to student achievement at both the institutional and programmatic levels by assessing elements such as state licensing or certification examination results; program retention, completion, or graduation rates; scores on relevant standardized assessments taken for admission; and educational and economic returns aligned to the program's credential level, length, and occupational context relative to the total cost of attendance.

Accreditors would also be required to evaluate whether institutions maintain a sufficient number of qualified faculty and academic freedom protections that are applied consistently to faculty regardless of race, viewpoint, or ideology, except for institutions with a religious mission. Furthermore, it would require accreditors to implement policies on integrity, scholarly activity, research and practices;[31] support, promote,

[29] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 54004 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf
[30] Such resources include personnel, services, equipment, facilities, information technology, or office space in the same building.
[31] This encompasses research misconduct. Research misconduct includes, but is not limited to, plagiarism, material misrepresentation of research findings, including through undisclosed selective reporting or other practices that distort the accuracy or reliability of results. It also includes

and prioritize intellectual diversity; create a cost/benefit analysis;[32] and review of practices and capabilities regarding the administration of student aid programs.

In light of these expansive proposals, we must note that the HEA does not grant the Department the authority to add these requirements. As Section 496(g) of the HEA makes clear:

> Nothing in this Act shall be construed to permit the Secretary to establish criteria for accrediting agencies or associations that are not required by this section. Nothing in this Act shall be construed to prohibit or limit any accrediting agency or association from adopting additional standards not provided for in this section. Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.[33]

These proposed requirements go well beyond the scope of the Department's authority and will add substantial new costs and burden on accrediting agencies and institutions of higher education. For institutions, any new reporting requirement represents monetary and opportunity costs to some degree. Given the scope of these requirements, the time and resources required to develop, implement, and maintain appropriate systems to track and report these data will be massive. According to a survey of senior leaders at institutions of higher education administered by ACE, 73 percent of survey respondents shared that they did not agree the overall proposed changes would reduce costs for students, and 78 percent shared that these changes would not reduce operating costs.[34]

In addition, we question the ability of accreditors to measure a number of these additional requirements due to a lack of clear definitions and the inherent subjectivity of the underlying elements, especially in the areas of intellectual diversity and research. Even if reasonable measures to define and measure such components could be determined, the increased costs to hire and train the appropriate staff to do these new evaluations would impose enormous costs on accreditors and subject them to undue pressure when seeking recognition from the Department.

Any changes in requirements for accreditors, particularly ones as controversial and substantive as the Department's proposals, need to be determined by Congress through the legislative process.

Religious Freedom Protections

We appreciate the Department's inclusion of religious freedom protections throughout the proposed regulations as these standards affect religious institutions across multiple areas, including institutional mission, governance, faculty standards, academic freedom, intellectual inquiry, student learning, and student life. We therefore support the Department's decision to include religious mission language in the operative text of the relevant provisions rather than relying solely on a general statement of principle. This approach better ensures that religious liberty is respected in the specific contexts where accreditor review may intersect with the religious character and commitments of faith-based institutions.

The religious mission language should not be read as a broad exemption from accreditation standards, from appropriate review of institutional quality, or a blanket immunity to any laws that seek to protect individuals

---

preventing faculty members from engaging in improper authorship attribution, citation manipulation, or coordinated practices intended to inflate or misrepresent scholarly impact.

[32] This would require accrediting agencies to conduct a cost/benefit analysis to review and ensure institutions have sufficient flexibility in instructional staffing policies and policies regarding integrity of scholarly activity. We want to highlight the inconsistencies in the NPRM regarding whether an accrediting agency or an institution should conduct the actual cost/benefit analysis and encourage the Department to provide clarity.

[33] Higher Education Act of 1965, 20 U.S.C. § 1099b(g) (2025). https://www.govinfo.gov/content/pkg/COMPS-765/pdf/COMPS-765.pdf

[34] Jimenez, E. & Melidona, D. (2026). *2026 fall term pulse point survey.* American Council on Education. https://www.acenet.edu/documents/pulse-point-survey-fall2026.pdf

on college campuses, especially as it relates to academic freedom and freedom of inquiry, that are aligned with the institution's religious mission. Rather, it should ensure that institutions with a religious mission may adopt, maintain, and apply policies in a manner consistent with that mission. Accrediting agencies may appropriately review whether such policies exist, are disclosed as appropriate, and are applied consistently. But they should not require religious institutions to adopt policies that conflict with, alter, or dilute their religious mission as a condition of accreditation.

Transfer of Credit

The process by which institutions accept transfer credits should appropriately reflect institutional autonomy while supporting student access and completion. Such a process needs to assess the quality of education provided in programs at other institutions and ensure that it is comparable to the level of quality at the current institution. Due to the enormous variety of institutional missions, curricula, and articulation agreements, credit transfer policies inherently vary from institution to institution.

In Section 602.24, the Department proposes transfer of credit language: requiring institutions to publicly disclose their credit transfer policies; prohibiting institutions from denying the transfer of credit due to the institution or the accrediting agency of the institution; requiring institutions to award transfer credit for undergraduate programs unless a written basis for denial is provided by the institution; and providing a student with an opportunity to appeal the decision. Additional transfer of credit language can be found in Section 668.43 of the NPRM requiring institutions to provide a written rationale specific to each course that does not result in transfer of credit.

The Department shares that it "proposes new transfer of credit requirements to address longstanding inequities and inconsistencies in how institutions evaluate credits earned at other institutions accredited by an agency recognized by the Department."[35] While we understand the intent of these changes and want to ensure that students are able to have the best experience at whatever institution they may transfer to, we want to highlight that these additional policies put to question their adherence to the law prohibiting the Department from requiring policies, procedures, or practices by institutions with respect to transfer of credit.[36]

We urge the Department to consider the feasibility of the requirement that institutions must "provide to the student a written rationale specific to each course that does not result in transfer credit."[37] Such a requirement would be extremely burdensome and nuanced given that students could be coming from many different courses across hundreds of programs at thousands of institutions. While the preamble states that "[i]f an institution declines to award credit for a course, they must provide a written explanation to the student as to why they were not awarded transfer credit and provide information on courses that *could* [emphasis added] be awarded transfer credit,"[38] the level of detail needed is ambiguous. At a minimum, the Department needs to provide additional clarity in the regulatory text.

---

[35] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 53966 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf
[36] Higher Education Act of 1965, 20 U.S.C. § 1092(h)(2)(A) (2025). https://www.govinfo.gov/content/pkg/COMPS-765/pdf/COMPS-765.pdf
[37] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 54020 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf
[38] Accreditation, Innovation, and Modernization: The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility Under the Higher Education Act of 1965, as Amended, Student Assistance General Provisions, 91 F.R. 53997 (proposed August 20, 2026) (to be codified at 34 C.F.R. Parts 600, 602, and 668). https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf

Conclusion

We appreciate your time and attention to our comments regarding this NPRM. We hope that you will consider our comments and make the needed changes that will further enhance the accreditation process in higher education.

Sincerely,

Ted Mitchell
President

On behalf of:

AACTE (American Association of Colleges for Teacher Education)
ACPA-College Student Educators International
American Association of Colleges and Universities
American Association of Colleges of Nursing
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Association of Veterinary Medical Colleges
American Council of Learned Societies
American Council on Education
American Indian Higher Education Consortium
American Psychological Association
Association for Institutional Research
Association of American Law Schools
Association of American Medical Colleges
Association of Community College Trustees
Association of Governing Boards
Association of Independent California Colleges and Universities
Association of Independent Colleges and Universities in Massachusetts
Association of Independent Colleges and Universities of Rhode Island
Association of Independent Colleges and Universities of Pennsylvania
Association of Jesuit Colleges and Universities
Association of Schools and Colleges of Optometry
College and University Professional Association for Human Resources
Commission on Independent Colleges and Universities in New York
Complete College America
Council for Advancement and Support of Education
Council for Christian Colleges and Universities
Council for Higher Education Accreditation
Council of Graduate Schools
Council of Independent Colleges
Council on Social Work Education
EDUCAUSE

Higher Learning Commission
Hispanic Association of Colleges of Universities
Maryland Independent College and University Association
NAFSA: Association of International Educators
NAGAP, The Association for Graduate Enrollment Management
National Association for College Admission Counseling
National Association of College and University Business Officers
National Association of Diversity Officers in Higher Education
National Association of Independent Colleges and Universities
National Association of Student Financial Aid Administrators
National Council for Community and Education Partnerships
National Council of University Research Administrators
North Carolina Independent Colleges and Universities