

September 18, 2026

Linda McMahon
Secretary, U.S. Department of Education
500 D Street, SW/400 Maryland Avenue, SW
Washington, DC 20202

RE: Docket ID ED-2025-OPE-1042

Dear Secretary McMahon:

Thank you for the opportunity to comment on the Department's Notice of Proposed Rulemaking, "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."¹

Each year, millions of students enroll in colleges that have been certified as "high quality" through the federal accreditation process. Some graduate and prosper, but many leave with debt, no degree, or credentials that fail to justify the time and money invested. Despite serving as the primary gatekeeper for more than \$100 billion in federal student aid, the accreditation system has often focused more on institutional processes and inputs than on outputs such as whether students actually learn, graduate, find employment, and repay their loans.

We applaud the Trump administration for taking action to overhaul the accreditation system and issuing an Executive Order to reform accreditation and strengthen higher education, followed by convening a federally chartered negotiated rulemaking committee to review and reform the accreditation process. We support the reforms mentioned in the Department's proposed rule and encourage the Department to maintain the following provisions in the final rule. Our concerns are very few, including one typographical error that must be corrected to preserve the Department's intention.

Simplifying the initial recognition process for accreditors and setting firm timelines when evaluating new accreditors' applications for recognition

In April 2026, the Office of the Chief Economist of the Department of Education released preliminary analysis regarding the status of higher education accreditation. What they found is concerning: most accreditors lack meaningful competition. The Department's preliminary analysis found that "only one institutional accrediting agency has launched within the prior 40 years"; incumbent former-regional

¹ "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 Provision," Department of Education, August 20, 2026 (accessed on September 17, 2026), <https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-17001.pdf>.

accreditors served between 77.4 and 96 percent of four-year institutions in former regions; “fewer than 1 percent of institutions switched their accrediting agency each year (except for 2014)”; and “only 4.2 percent of institutions in operation in 2026 have voluntarily switched their institutional accrediting agency at least once since 1965.”²

Separately, the current recognition process takes at least two years, and the Secretary of Education has no time limit to decide an appeal from accrediting agencies. All of this provides strong evidence that the accreditor market is highly concentrated, switching is rare, and the recognition process itself is long and administratively burdensome.

The Department’s proposal to eliminate requirements not required by statute, “including the ‘two-year rule’ for initial recognition of new agencies, prescriptive site visit mandates, unnecessary documentation requirements, and rigid and overly long processing timelines,” is a long-overdue reform.³ In addition, the Department’s efforts to replace the current recognition framework with a more flexible standard that focuses on whether an accreditor has established the basic structures necessary to perform accreditation, and to establish binding deadlines that would require Department staff to complete recognition reviews much faster than under current practice, are exactly what is needed. Regulations should facilitate, not discourage, new entrants among traditional accreditors.

Requiring accreditors to assess their member colleges’ outcomes at both the institution and program level and identify minimum expectations of student performance

A 2014 GAO report highlighted that from October 2009 through March 2014, accreditors recognized by the Department of Education only “terminated accreditation for about 1 percent of schools.”⁴ The same GAO analysis found that “schools with weaker student outcomes were, on average, no more likely to have been sanctioned by accreditors than schools with stronger student outcomes.”⁵ A later 2022 report from the Postsecondary Commission found that less than three percent of accreditor actions penalized an institution for poor student outcomes or academic programming.⁶

These findings indicate that accreditation has historically placed insufficient emphasis on institutional performance and student outcomes. As a result, relatively few institutions face meaningful consequences for persistently poor educational or financial outcomes. A recent brief also highlighted

² “Higher Education Accreditation,” Office of the Chief Economist, U.S. Department of Education, April 13, 2026 (accessed on September 17, 2026), <https://www.ed.gov/media/document/2026-negotiated-rulemaking-aim-data-presentation-113694.pdf>.

³ “Accreditation, Innovation, and Modernization...,” Ibid.

⁴ “Higher Education: Education Should Strengthen Oversight of Schools and Accreditors,” Government Accountability Office, December 22, 2014 (accessed on September 17, 2026), <https://www.gao.gov/products/gao-15-59>.

⁵ Ibid.

⁶ Yazmin Guzman and Stig Leschly, “Oversight of Academic Quality and Student Outcomes by Accreditors of US Higher Education Evidence from the Database of Accredited Postsecondary Institutions and Programs,” Spring 2022 (accessed on September 17, 2026), <https://postsecondarycommission.org/report-on-oversight-of-college-academic-quality-by-higher-education-accreditors/>.

that “more than 35 percent of accredited colleges fail to graduate half of their students, and those schools receive more than \$20 billion in student aid annually.”⁷

The Department’s proposal to require accreditors to review “an institution’s student success with respect to student achievement at both the institutional and program levels, including [establishing] minimum expectations” would strengthen accountability.⁸ The Department also productively mentions including the assessment of “state licensing or certification examination results, program retention, completion, or graduation rates, post-completion or graduation outcomes, including employment and continued education, scores on relevant standardized assessments...and education and economic returns aligned to the program’s credential level, length, and occupational context relative to the total cost of attendance.”⁹

Improving the ability of credits to be transferred

Often, students must retake classes when they transfer institutions because of campus policies. This oftentimes generates additional profits for the university at the student’s expense. The Department’s efforts to make credits transfer more easily among institutions represent a significant improvement that will benefit students and taxpayers. A 2017 Government Accountability Office (GAO) report found that an “estimated 35 percent of college students transferred to a new school at least once from 2004 to 2009.”¹⁰ Of those transfer students, GAO estimated that “students who transferred from 2004 to 2009 lost, on average, an estimated 43 percent of their credits.”¹¹

GAO also noted that “almost half of the students who transferred...received Pell Grants and close to two-thirds received Federal Direct Loans.”¹² They also pointed out that this means students who lose credits must use more financial aid to “pay for repeated courses at additional cost to the federal government,” and they may also incur additional out-of-pocket costs, which is burdensome for this group of students and for taxpayers.¹³

The Department’s proposal to institutions to “utilize a presumption of awarding transfer credit for undergraduate programs for coursework that has been successfully completed at another institution, accredited by an agency recognized by the Secretary, and comparable in content and learning outcomes to the institution’s own course offerings, unless the institution provides a written basis for denial...in accordance with its academic standards or curricular requirements,” is welcome.¹⁴ The Department has

⁷ “Five Bipartisan Principles for Accreditation Reform,” American Council of Trustees and Alumni and Third Way, June 10, 2025 (accessed on September 17, 2026), <https://www.goacta.org/2025/06/five-bipartisan-principles-for-accreditation-reform/>.

⁸ “Accreditation, Innovation, and Modernization...” Ibid.

⁹ Ibid.

¹⁰ “Higher Education: Students Need More Information to Help Reduce Challenges in Transferring College Credit,” Government Accountability Office, September 13, 2017 (accessed on September 17, 2026), <https://www.gao.gov/products/gao-17-574>.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ “Accreditation, Innovation, and Modernization...” Ibid.

also rightly proposed “that an institution be required to provide the student with an opportunity to appeal the decision...if the institution declines to award transfer credit.”¹⁵

Requiring accreditors to review whether a college or university maintains a policy that prioritizes intellectual diversity and the free exchange of ideas amongst faculty

A 2024 national student opinion survey found that approximately two-thirds of students self-censored on some classroom topics and two-thirds believed self-censorship limited educationally valuable conversation.¹⁶ These findings suggest that many students perceive an environment in which the free exchange of ideas is constrained and educationally valuable discussion is limited. Concerns regarding viewpoint diversity extend beyond the student body and are reflected in long-term shifts in the ideological composition of the professoriate.

Such concerns are further evidenced by a recent survey showing a decline in political diversity among faculty, and a decline in conservative representation over many decades. A Carnegie Foundation faculty survey from 1999 found “that a mere 12 percent of professors were conservative, down from 27 percent in 1969.”¹⁷ The Higher Education Research Institute, using a different dataset, found that “the ratio of liberal to conservative professors has increased by about 350 percent since 1984, even though there was no equivalent change among the American public or college students.”¹⁸

The Department has proposed requiring accreditors to examine whether institutions have a policy that actively supports intellectual diversity and encourages a free exchange of ideas among faculty, and “to include elements that address intellectual inquiry and student learning, and measures student and faculty perceptions on the range of viewpoints and perspectives offered by the institution or program, unless the institution or program has a religious mission...in which the policy shall include elements that address intellectual inquiry and student learning that are consistent with the institution’s religious mission.”¹⁹ This long-overdue reform will benefit both students and members of the university.

We only caution that secular accreditors should never attempt to assess the quality or consistency of a religious institution’s or program’s mission. (Religious institutions and programs may voluntarily submit themselves to the standards of a religious accreditor.) The Department, as a government agency, cannot lawfully assess whether an accreditor has successfully been a reliable assessor of a religious institution’s or program’s mission, since doing so would involve religious judgments that are not the government’s to make. Instead, accreditors should do no more than require an institution or program to report that it has the religious exemption and follows its own processes to exercise its mission. This is what, for example, proposed Section 602.18(a) and (b) effectively require with regard to respecting an institution’s religious

¹⁵ Ibid.

¹⁶ “College Student Views on Free Expression and Campus Speech 2024: A Look at Key Trends in Student Speech Views Since 2016,” The Knight Foundation and Ipsos, July 2024 (accessed on September 17, 2026), https://legacy.knightfoundation.org/wp-content/uploads/2024/07/Knight-Fdn_Free-Expression_2024_072424_FINAL-1.pdf.

¹⁷ Jon A. Shields, “The Disappearing Conservative Professor,” National Affairs, Fall 2018 (accessed on September 17, 2026), <https://nationalaffairs.com/publications/detail/the-disappearing-conservative-professor>.

¹⁸ Ibid.

¹⁹ Accreditation, Innovation, and Modernization...” Ibid.

mission. Similarly, proposed Section 602.17(a)(2)(vii) and (viii) should never be interpreted to require a secular accreditor to judge whether an institution or program is acting consistently with a religious mission with respect to academic freedom and intellectual diversity, but only should enforce the requirement that an institution have its own policy and, at most, self-assessment of consistency in the policy's application.

Necessitating accreditors to assess an institution's compliance with all Federal and State laws (including protecting free speech and avoiding unlawful discrimination) and preventing recognized accrediting agencies from applying standards that would cause institutions to violate such laws, among other reforms

(Please note: Commenter Kissel does not join this section of the comment because he has not prejudged compliance and has not prejudged whether the staff report referenced below is correct.)

In the past, accreditors have imposed inappropriate regulations on institutions, including those that conflict with federal law. One notable example is the American Bar Association's accreditation arm (the "Council"), which previously maintained standards that pressured institutions to adopt race-conscious policies that conflict with federal law. This standard, adopted in 2006, "effectively required law schools to use racial preferences in admissions and in faculty and staff hiring, in violation of the race neutrality required by California law and the federal law known as Title VI."²⁰

In February of last year, the ABA suspended enforcement of such requirements. Then, shortly after the Department of Education released a staff report last month recommending against renewing the ABA Council's accrediting authority, citing the diversity standards among other compliance concerns, the Council voted to repeal the standard entirely, removing the diversity mandate.²¹ The Council's repeal does not eliminate concerns that similar requirements could reappear in the future, particularly under a different administration.

The Department has proposed language requiring accreditors to evaluate whether institutions comply with applicable federal and state laws as part of the accreditation process, and has also clarified that institutions should not be forced to violate federal or state law in order to satisfy such accreditor requirements. This is the right step to address such issues among accreditors and will hold institutions and accreditors accountable.

In addition to maintaining the reforms described above, the Department should consider the following additional changes to strengthen the proposed rule:

²⁰ Lindsey Burke, PhD, Adam Kissel, Armand Alacbay and Kyle Beltramini, "It's Time for Congress to Dismantle the Higher Education Accreditation Cartel," The Heritage Foundation, June 20, 2023 (accessed on September 17, 2026), <https://www.heritage.org/education/report/its-time-congress-dismantle-the-higher-education-accreditation-cartel>.

²¹ Laura Spitalniak, "ABA revokes diversity standards in accreditation," Higher Ed Dive, September 9, 2026 (accessed on September 17, 2026), <https://www.highereddive.com/news/aba-revokes-diversity-standards-in-accreditation/829967/>.

Offer fast-track reaccreditation and longer reaccreditation periods

The Department should encourage accreditors to adopt risk-based oversight models that distinguish between institutions with strong, sustained performance and institutions demonstrating persistent weakness. Institutions that consistently meet or exceed certain benchmarks should face minimal reaccreditation requirements and longer accreditation periods.²² This reform would save the significant expense of more frequent accreditation of institutions that are clearly performing well. Substantive changes of course would still need to be reported and approved.

Such language could be inserted in Section 602.19 as follows: “Monitoring and reevaluation of accredited institutions and programs. (a) The agency must reevaluate, at regularly established intervals, the institutions or programs it has accredited or pre-accredited.” The Department could amend the language following Section A and add, “The agency should offer an automatic extension of the accreditation period to an institution that demonstrates that it has met student outcome benchmarks established by the agency and that certifies, without needing to demonstrate continued compliance with the agency’s standards.”²³

Require cooling-off periods for leadership

To strengthen public confidence in the independence of accrediting agencies, the Department should consider whether additional safeguards are warranted to address potential conflicts of interest. Current regulations do not prohibit leadership moving between association and accreditor roles. One option the Department should consider is requiring cooling-off periods, such as establishing a three-year waiting period before senior leaders of trade associations may assume leadership positions within recognized accrediting agencies, and vice versa.

Correct a typographical error

The Department should correct Section 602.17(a)(2)(vii)(C), which has a nomenclature error.

This section states, “(C) In the case of a private institution, policies that if established guarantee the same or similar protections as those described in subsections (i) and (ii) above.”²⁴ It seems that the rule should reference sections (A) and (B) immediately above instead of (i) and (ii).

The revised language would be the following: “(C) In the case of a private institution, policies that if established guarantee the same or similar protections as those described in subsections (A) and (B) above.”

²² Lindsey Burke, PhD, Adam Kissel, Armand Alacbay and Kyle Beltramini, Ibid.

²³ “Reform of Higher Education Accreditation,” Educational Freedom Institute, July 3, 2023 (accessed on September 17, 2026), <https://www.efinstitute.org/2023/07/reform-higher-ed-accreditation/>.

²⁴ Accreditation, Innovation, and Modernization...” Ibid.

Thank you again for the opportunity to comment on the proposed rule the Department of Education has put forward to overhaul the accreditation system. The Department's proposed rule represents a significant step toward a more competitive, transparent, and outcomes-oriented accreditation system. We respectfully urge the Department to retain the reforms mentioned above in the final rule and to consider the additional recommendations offered in this comment. Please do not hesitate to reach out regarding any questions or concerns about this comment.

Sincerely,

/s/

Madison Marino Doan

Policy Analyst, Center for Education Policy

The Heritage Foundation

/s/

Adam Kissel

Visiting Fellow, Higher Education Reform

The Heritage Foundation