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An Overview of Accreditation of Higher Education in the United States

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An Overview of Accreditation of Higher Education in the United States

The federal government provides varying types of support to postsecondary students and schools, including student financial assistance (e.g., Pell Grants and Direct Loans) authorized under Title IV of the Higher Education Act (HEA). Postsecondary schools seeking to participate in these federal programs must meet a variety of requirements, including being accredited by an agency recognized by the Department of Education (ED) as a reliable authority on the quality of the education being offered.

The United States does not have a centralized authority exercising singular national control over postsecondary educational institutions. Consequently, the character and quality of postsecondary schools and their programs can vary widely. The role of accreditation in higher education is to serve as a marker of a level of acceptable quality across the wide array of postsecondary schools and educational programs. The federal government has come to rely on accrediting agencies recognized by ED to help ensure the postsecondary institutions and educational programs to which federal funds are provided meet a minimum quality level.

Higher education practitioners and stakeholders refer to three general types of accrediting agencies, each of which serves a specific purpose. Regional accrediting agencies concentrate their reviews on institutions in specific regions of the United States. National accrediting agencies operate across the United States and primarily review proprietary institutions, career-based single-purpose institutions, and religiously affiliated institutions. Programmatic accrediting agencies operate nationwide and review individual educational programs and single-purpose institutions. ED refers to the different accreditors as institutional accreditors, which evaluate entire postsecondary schools and comprise regional and national accreditors, and programmatic accreditors.

The accreditation process is voluntary and educational institutions or programs must request it. While ED-recognized accrediting agencies' review processes are guided in part by federal requirements, specific procedures for reviews are adopted by the individual agencies and vary among them. In general, however, the review process begins with an institutional self-assessment, and is followed by an institutional review by an outside team of peers primarily composed of higher education faculty and practitioners, submission of a comprehensive report by the team to the accrediting agency, the agency's accreditation determination, and regular subsequent reviews of accredited institutions.

Although the federal government relies on accrediting agencies to evaluate the quality of education offered at postsecondary schools, the HEA and ED regulations specify a variety of requirements that accrediting agencies must meet to be recognized by ED. Key provisions require that accrediting agencies

- consistently apply and enforce standards that ensure the education programs offered are of sufficient quality to meet the stated objective for which they are offered;
- use review standards that assess student achievement in relation to the institution's mission, including, as applicable, course completion, passage of state licensing examinations, and job placement rates;
- evaluate, among other considerations, an institution's or program's curricula, faculty, facilities, and fiscal and administrative capacity; and
- meet required operating and due process procedures with respect to the institutions and programs they accredit.

Contents

Introduction	1
Historical Role of Accreditation in Higher Education	1
Purpose of Accreditation in Higher Education	2
Accrediting Agencies	2
Institutional Accreditors	3
Regional Accrediting Agencies	3
National Accrediting Agencies	3
Programmatic Accrediting Agencies	4
The Accreditation Process	4
Funding	4
Evaluations and Review Procedures	5
The Federal Role in Accreditation	6
Evolution of the Federal Role in Accreditation	6
Early Federal Recognition	7
Higher Education Act of 1965	7
Expansion of Federal Recognition Requirements	7
2019 Regulations	8
Role of the U.S. Department of Education in Accreditation	9
Recognized Accrediting Agencies	9
Current Recognition Requirements	10
Process for Recognition of Accrediting Agencies	14
National Advisory Committee on Institutional Quality and Integrity (NACIQI)	15
Functions	15
Membership	16

Contacts

Author Information	16
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Introduction

The federal government provides varying types of support to postsecondary students and schools. Title IV of the Higher Education Act of 1965 (HEA; P.L. 89-329), as amended, authorizes the primary programs that provide financial assistance (e.g., Pell Grants and Direct Loans) to students to assist them in obtaining a postsecondary education at eligible institutions of higher education (IHEs). In academic year (AY) 2017-2018, 6,642 IHEs were eligible to participate in the Title IV student aid programs.¹ Approximately \$122.4 billion was made available to students through Title IV student aid in FY2018.² Thus, the federal government has an interest in ensuring the quality and integrity of postsecondary education in general, and of postsecondary education provided by IHEs in particular. However, federal law makes clear that ED shall not exercise control over educational curriculum.³ As such, the HEA sets forth three requirements—known as the program integrity triad—that IHEs must meet to participate in the Title IV programs.

The three requirements are state authorization, certification by ED, and accreditation by an accrediting agency or association (hereafter referred to as an accrediting agency) recognized by ED.⁴ The program integrity triad is intended to provide a balance in the Title IV eligibility requirements. The states' role is consumer protection, the federal government's role is oversight of compliance to ensure administrative and fiscal integrity of Title IV programs at IHEs, and the accrediting agencies' role is to provide quality assurance of the education or training offered by IHEs.

This report provides an overview of accreditation of postsecondary education in the United States, including its role in the HEA Title IV program integrity triad. It begins with a brief history of accreditation's historical role and purpose in higher education. It then describes the organization of accrediting agencies and the accreditation process. Finally, it discusses the federal role in accreditation.

Historical Role of Accreditation in Higher Education

Historically, accreditation in higher education developed as a part of the evolution of the American higher education system, at a time when it was becoming problematic that no single point of control or central body existed to set educational standards. In the late 19th century, there was no consensus on the content of the educational programs offered by postsecondary educational institutions or the distinctions between educational offerings at secondary and postsecondary institutions. Because the boundaries were unclear, the first voluntary associations of postsecondary institutions formed in the late 19th century to define the difference between high

¹ U.S. Department of Education, National Center for Education Statistics, *Postsecondary Institutions and Cost of Attendance in 2017-18; Degrees and Other Awards Conferred: 2016-17; and 12-Month Enrollment: 2016-17, First Look (Provisional Data)*, NCES 2018-060rev, Table 1, <https://nces.ed.gov/pubs2018/2018060REV.pdf>.

² This includes federal loans, work-study, and grants. See U.S. Department of Education, Federal Student Aid, *Annual Report 2019*, Washington, DC, November 15, 2019, p. 11, <https://www2.ed.gov/about/reports/annual/2019report/fsa-report.pdf>.

³ Section 103(b) of the Department of Education Organization Act (P.L. 96-88), as amended, states that no provision of a program administered by ED “shall be construed to authorize the Secretary or any officer to exercise any direction, supervision, or control over the curriculum, program or instruction, administration, or personnel of any educational institutions...”

⁴ For additional information on the program integrity triad and other Title IV institutional eligibility criteria, see CRS Report R43159, *Institutional Eligibility for Participation in Title IV Student Financial Aid Programs*.

school and college and to develop some guidelines and procedures for peer review as a condition for membership.⁵

Over time, a number of regional associations of postsecondary schools formed whose membership was contingent on accreditation. The associations established separate accrediting bodies or commissions that were responsible for developing standards on the institutional qualifications for membership. By the early 1970s, all but a small percentage of degree-granting institutions of higher education were either accredited or applicants for accreditation.⁶

Purpose of Accreditation in Higher Education

The United States does not have a centralized authority exercising singular national control over postsecondary educational institutions. The states assume varying degrees of control over education, but in general, postsecondary schools are permitted to operate with considerable independence and autonomy. Consequently, the character and quality of postsecondary schools' programs can vary widely. The role of accreditation in higher education, therefore, is to serve as a marker of a level of acceptable quality of educational programs and postsecondary schools.

The U.S. Department of Education (ED) describes the current practice of accreditation as “a means of conducting nongovernmental, peer evaluation of educational institutions and programs” and lists the following as some of the functions of accreditation:

1. assess the quality of academic programs at institutions of higher education;
2. create a culture of continuous improvement of academic quality at colleges and universities and stimulate a general raising of standards among educational institutions;
3. involve the faculty and staff comprehensively in institutional evaluation and planning; and
4. establish criteria for professional certification and licensure and for upgrading courses offering such preparation.⁷

Accrediting Agencies

Accrediting agencies are often categorized based on the scope of work they perform. For purposes of participation in federal programs, including the HEA Title IV federal student aid programs, ED scrutinizes accrediting agencies and determines whether they are reliable authorities as to the quality of education offered.⁸ ED refers to *institutional accreditors*⁹ and

⁵ *American Higher Education in the Twenty-First Century: Social, Political and Economic Challenges*, Edited by Altbach et al, Third Edition (2011), “The Hidden Hand,” by Fred F. Harclerod and Judith S. Eaton, (hereinafter, Harclerod and Eaton, *The Hidden Hand*), pp. 263.

⁶ For additional information on the history of accreditation in higher education, see Harclerod and Eaton, *The Hidden Hand*.

⁷ See U.S. Department of Education, “Accreditation in the United States,” <http://www2.ed.gov/admins/finaid/accred/accreditation.html#Overview>, accessed August 17, 2020.

⁸ HEA §496(a). The Council for Higher Education Accreditation (CHEA) is a national membership organization of degree-granting colleges and universities that also recognizes the quality of accreditation agencies. Council for Higher Education Accreditation, “CHEA at a Glance,” July 2019. https://docs.google.com/gview?embedded=true&url=https://www.chea.org/sites/default/files/pdf/CHEA-At-A-Glance_0.pdf. Accreditation by a CHEA-recognized accrediting agency is not necessary for IHEs to participate in federal programs but may be necessary pursuant to some state laws. See, for example, Burns Ind. Code Ann. §25-23.6-10.5-4; 59 Okl. St. §567.12a; and 63 P.S. §1707.

⁹ Prior to newly effective regulations, ED referred to three types of accrediting agencies: regional, national, and

programmatic accreditors. In addition, higher education practitioners and stakeholders refer to regional, national, and programmatic accrediting agencies. In general, institutional accreditors comprise accrediting agencies that stakeholders and practitioners refer to as regional and national accreditors. Each of these types of accrediting agencies is discussed in detail below.

Institutional Accreditors

Accreditation status from institutional accreditors is granted to an entire institution, including all of its programs. However, such status does not guarantee the quality of individual programs. Stakeholders and practitioners often refer to two categories of institutional accreditors: regional and national accreditors.

Regional Accrediting Agencies

Regional accrediting agencies generally concentrate on specific regions of the country.¹⁰ They started as leagues of traditional universities and colleges in particular areas of the country.¹¹ Seven regional accrediting agencies operate in six regions of the United States. As of February 2017, these agencies accredited 3,524 institutions and their locations.¹²

National Accrediting Agencies

National accrediting agencies operate across the United States. They started as associations of schools with a common theme, many of which served vocational and technical schools. In general, national accrediting agencies may be categorized as faith-based or career-related. The faith-based accreditors review religiously affiliated or doctrinally based institutions. The career-related accreditors mainly accredit proprietary institutions and career-based single-purpose

programmatic. During a recent rulemaking on accreditation, ED stated it would no longer categorize accrediting agencies as regional or national for “Department business.” Rather, it would use an umbrella term, referring to both types of accrediting agencies as institutional accreditors. However, higher education practitioners and stakeholders may still distinguish among accrediting agencies using the terms national and regional. In addition, some state laws and regulations may distinguish between regional and national accrediting agencies. U.S. Department of Education, “Student Assistance General Provisions, the Secretary’s Recognition of Accrediting Agencies, the Secretary’s Recognition Procedures for State Agencies,” 84 *Federal Register* 58850, 58904, November 1, 2019.

¹⁰ Prior to July 1, 2020, ED regulations required that the geographic region on which an ED-recognized agency concentrated include “at least three States that are reasonably close to one another.” On July 1, 2020, new ED regulations went into effect, which specify that a geographic region in which an agency concentrates includes a group of states “chosen by the agency.” 34 C.F.R. §602.11(b) and U.S. Department of Education, “Student Assistance General Provisions, the Secretary’s Recognition of Accrediting Agencies, The Secretary’s Recognition Procedures for State Agencies,” 84 *Federal Register* 58918, November 1, 2019. In light of these changes, at least one accrediting agency decided to expand its geographic concentration. Doug Lederman, “Go East (or North), Regional Accreditor,” *Inside Higher Ed*, February 29, 2020.

¹¹ See, for example, American Council on Education, *Assuring Academic Quality in the 21st Century: Self-Regulation in New Era*, 2012, p. 9.

¹² National Advisory Committee on Institutional Quality and Integrity (NACIQI), *Recognized Institutional Accreditors: Postsecondary Education and Student Aid Data*, February 2017, p. 9. <https://www2.ed.gov/admins/finaid/accred/accreditor-dashboards.pdf>.

institutions (e.g., focused on business and technology).¹³ As of February 2017, the career-related accrediting agencies¹⁴ accredited approximately 1,787 institutions and locations.¹⁵

Programmatic Accrediting Agencies

Programmatic accrediting agencies (sometimes referred to as specialized accrediting agencies) operate nationwide and review programs and single-purpose institutions (e.g., engineering and technology). In many instances, particular programs (e.g., law) are accredited by a specialized accrediting organization, while the institution at which the program is offered is accredited by a regional or national accrediting agency. Programmatic accreditation can demonstrate that a specific department meets established standards for a certain field of study. For example, many prospective employers require graduation from a program accredited by a certain programmatic accrediting agency, and licensure requirements for some fields in certain states require recognized programmatic accreditation. Certain programmatic accrediting agencies also accredit professional schools and other specialized or vocational IHEs that are freestanding in their operations. Thus, a specialized or programmatic accrediting agency may also function in the capacity of an institutional accrediting agency.

The Accreditation Process

The accreditation process is voluntary and must be requested by educational institutions or programs. Accreditation is an ongoing process and the initial earning of accreditation does not guarantee indefinite accredited status. A renewal of accreditation of postsecondary schools or programs takes place on a cycle that may range from every few years to as many as 10 years.¹⁶

Funding

Accrediting agencies are funded primarily by annual dues from schools and programs that are accredited and fees that schools and programs pay for accreditation reviews. In some cases, an accrediting agency may receive financial assistance from sponsoring organizations. Accrediting agencies may also derive funds from a variety of other sources such as from government or private foundations to support special initiatives and from the hosting of conferences and meetings.¹⁷

¹³ CHEA, *Overview of Accreditation*, p. 2.

¹⁴ ED does not specifically categorize national accrediting agencies as faith-based or career-based; rather, higher education practitioners and stakeholders use these categories.

¹⁵ NACIQI, *Recognized Institutional Accreditors: Postsecondary Education and Student Aid Data*, February 2017, p. 9. <https://www2.ed.gov/admins/finaid/accred/accreditor-dashboards.pdf>; and NACIQI, “Primary Institutional Accreditors (Title IV Aid Gatekeepers): Postsecondary Education and Student Aid Data,” February 2017, <http://www2.ed.gov/admins/finaid/accred/summaryoutcomesdata.xls>.

¹⁶ Judith S. Eaton, *An Overview of U.S. Accreditation*, Council for Higher Education Accreditation, Washington, DC, November 2015, [hereinafter CHEA, *Overview of Accreditation*] p. 4. Regulations do not specify a precise timeframe in which an accrediting agency must reevaluate schools or programs; rather, they require that agencies reevaluate schools or programs at “regularly established intervals.” 34 C.F.R. §602.19(a).

¹⁷ CHEA, *Overview of Accreditation*, p. 4.

Evaluations and Review Procedures

To gain or renew accreditation, an institution or program must be evaluated through a number of steps outlined by the accrediting agency. These procedures are guided, in part by the federal requirements discussed later in this report. However, the specific procedures for evaluation reviews adopted by accrediting agencies may vary among them. The following description of the evaluation process is intended to provide a general overview of how institutions and programs are evaluated for initial or renewal of accreditation status.¹⁸

The process typically begins with institutional or programmatic self-study. This self-study is designed to be an examination of whether an institution's or program's operation and performance meet the basic requirements or standards of the accrediting agency (which differ somewhat from organization to organization).¹⁹ The self-study typically involves the preparation of detailed written reports showing how the institution or program determines whether it meets or exceeds the agency's standards, as well as how it plans to improve in the future.

The next phase in the evaluation process typically involves a peer review and site visit at the institution. An outside visiting team primarily composed of higher education faculty and administrators, but that also include practitioners in specific fields and members of the public (e.g., nonacademics who have an interest in higher education),²⁰ conducts the peer review. The visiting team analyzes the self-study and conducts a site visit to determine whether the standards of the accrediting agency are being met; the self-study analysis provides the basis for scrutiny by the team during the visit to the campus. During the visit, team members have an opportunity to talk to faculty, students, staff, and administrators about issues and questions arising from the self-study. The team usually conducts an exit interview with the president or dean to discuss issues that have surfaced during the review. All team members are volunteers and are generally not compensated.

Following the visit to an institution or program, the team typically prepares a comprehensive accreditation report that includes judgments about the institution's or program's strengths, weaknesses, and potential for improvement. Staff of the accrediting agency may meet with the visiting review team to discuss the draft report. The final report is submitted to the accrediting agency, with recommendations about which actions should be taken.²¹

Based on the results of the self-assessment, peer review, and site visit, the decision-making body of an accrediting agency (often referred to as a commission) issues a decision on the institution's or program's accreditation status. Decision-making actions include awarding or denying accreditation or preaccreditation²² to a new institution or program; renewing or terminating

¹⁸ Information in this section was drawn from CHEA, *Overview of Accreditation* and U.S. Department of Education, "Accreditation in the United States: Primary Accrediting Activities," <https://www2.ed.gov/admins/finaid/accred/accreditation.html>, accessed September 17, 2020.

¹⁹ In addition, some accrediting agency standards may differ based on institution or educational programs. HEA §496(a)(5)(A).

²⁰ Eligibility criteria for visiting team members varies by accrediting agency. Team members may, but are not necessarily required to, have an employment relationship with institutions or other entities affiliated with the accrediting agency. See, for example, Higher Learning Commission, "Eligibility Criteria and Selection," PEER.A.10.010, June 2014, <https://www.hlcommission.org/Policies/eligibility-criteria-and-selection.html>; Council on Occupational Education, "Policies and Rules of the Commission," 2020 Edition, pp. 25-26, https://council.org/wp-content/uploads/2020/07/2020-Policies-Rules-of-the-Commission_FINAL-w-Covers_7-26-20.pdf.

²¹ 34 C.F.R. §602.17(e) and (f).

²² Preaccreditation is "the status of public recognition that an accrediting agency grants to an institution or program for

accreditation for an existing institution or program; or taking an intermediate action for an existing institution or program, such as placing an institution or program on provisional or probationary status. All accrediting agencies have an appeals process and some requirements are determined by federal law.²³

Accrediting agencies also monitor institutions and programs between full accreditation reviews and may require annual reporting, interim reviews, or reviews of any substantive changes.²⁴ Annual reporting could include financial statements and updated curricular or planning information. Interim reviews are required when issues are left unresolved from a comprehensive evaluation. Review of substantive changes could include reviewing an institution's change of control (e.g., conversion from proprietary to private nonprofit), the addition of educational programs that are a significant departure from existing offerings (e.g., the offering of distance education²⁵ when the institution did not previously offer distance education), or the addition of a new location or branch campus.

The Federal Role in Accreditation

As previously described, the United States does not have a centralized authority exercising singular national control over postsecondary educational institutions. For purposes of participation in a variety of federal programs, including HEA Title IV federal student aid programs, the federal government has come to rely on accrediting agencies to help ensure a level of acceptable quality across eligible educational programs and institutions of higher education. To ensure that an accrediting agency is “a reliable authority as to the quality of education or training offered,”²⁶ ED administers a recognition process through which an accrediting agency must demonstrate it meets a variety of statutory and regulatory conditions. Accreditation by an ED-recognized accrediting agency is often a criterion postsecondary schools and programs must meet to participate in an array of federal programs. Without such accreditation, postsecondary schools and programs may lose access to significant amounts of federal funds; thus, achieving and maintaining an accredited status has become almost essential for the financial survival of some, if not most, institutions and programs.

Evolution of the Federal Role in Accreditation

The federal role in accreditation has evolved considerably over the years. A brief history of this role follows for context.

a limited period of time that signifies the agency has determined that the institution or program is progressing towards accreditation and is likely to attain accreditation before the expiration of that limited period of time.” 34 C.F.R. § 602.3. Preaccreditation status from an ED-recognized accrediting agency enables public and private nonprofit institutions of higher education and postsecondary vocational institutions to participate in the HEA Title IV federal student aid programs. HEA §§101(a)(5) and 102(c)(1)(B).

²³ Information on federal due process requirements is presented later in this report.

²⁴ See, for example, Higher Learning Commission, “Routing Monitoring and Data Collection,” INST.F.10.010, June 2020, <https://www.hlcommission.org/Policies/routine-monitoring.html?highlight=WyJhbm51YWwILCJyZXBvcnQILCJhbm51YWwgcmlVwb3J0I10=>.

²⁵ Distance education is defined as education that uses one or more specified technologies (e.g., the internet, audio conferencing) “(i) to deliver instruction to students who are separated from the instructor; (ii) and to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.” HEA §103(7).

²⁶ HEA §496(a).

Early Federal Recognition

Federal recognition of accrediting agencies was initiated in 1952, shortly after the passage of the Veterans' Readjustment Assistance Act of 1952 (the Korean GI Bill; P.L. 82-550), as one of the mechanisms to help assess higher education quality and link it to determining which institutions would qualify to receive federal aid under the GI Bill. A recognition process was established in the (then) Office of the U.S. Commissioner of Education to produce a list of federally recognized accrediting agencies and associations.²⁷

The National Defense Education Act of 1958 (NDEA; P.L. 85-864) also addressed the federal role in accreditation of higher education. In defining the term "institution of higher education" for the purposes of identifying institutions eligible to receive federal funds to assist in making low-interest loans to postsecondary students in need,²⁸ the NDEA maintained the criterion that institutions be accredited by an agency or association recognized by the U.S. Commissioner of Education.

Higher Education Act of 1965

In 1965, the importance of accrediting agencies was augmented further with the enactment of the Higher Education Act (HEA; P.L. 89-329). Title IV of the HEA created new federal student aid programs for nonveterans (many of which were the predecessors to the currently available Title IV student aid programs). Only institutions accredited by agencies recognized by the (then) Office of the U.S. Commissioner of Education were eligible to receive these funds.

Expansion of Federal Recognition Requirements

Between the 1965 enactment of the HEA and its reauthorization in 1992, accrediting agencies were required to be recognized by ED for Title IV purposes, but the HEA specified few, if any, criteria for ED recognition.

Leading up to the 1992 reauthorization of the HEA, concerns about fraud and abuse in the accreditation process by the proprietary school sector were evident.²⁹ Rather than singling out the proprietary institutions for special oversight, Congress opted to strengthen the criteria for ED recognition of accrediting agencies of all types of institutions.³⁰ Thus, HEA Section 496 was added in the Higher Education Amendments of 1992 (P.L. 102-325) in an effort to require accrediting agencies to exercise genuine oversight of the schools they accredited. Section 496 of the HEA sets forth the standards and criteria accrediting agencies must meet to be recognized by ED as reliable authorities as to the quality of education offered at IHEs. The new Section 496 described the types of organizations eligible for ED recognition (e.g., state, regional, or national agencies with voluntary memberships). It also detailed the types of school assessment standards—such as recruitment and admissions practices; program length; and "success with

²⁷ For an in-depth look at how the federal role in accreditation evolved, see John R. Proffit, "The Federal Connection for Accreditation," *JSTOR. The Journal of Higher Education*, 1979, <http://www.jstor.org/stable/1980935?seq=1>.

²⁸ This program was known as the National Defense Student Loan Program (NDSL), the precursor to the Federal Perkins Loan program.

²⁹ See, for example, U.S. Congress, Senate Committee on Governmental Affairs, Permanent Subcommittee on Investigations, *Abuses in Federal Student Aid Programs*, 102nd Cong., 1st sess., May 17, 1991, 102-58 (Washington: GPO, 1991), pp. 16-21.

³⁰ For additional information on the Higher Education Amendments of 1992 as they relate to institutional eligibility, see out-of-print CRS Report 93-861, *Institutional Eligibility: The Higher Education Amendments of 1992*, by Margot A. Schenet, available to congressional clients upon request.

respect to student achievement in relation to [the school's] mission," which could include consideration of course completion, state licensing examinations, and job placement rates—that agencies were to apply consistently to all IHEs.³¹

The 1998 reauthorization (the Higher Education Amendments of 1998; P.L. 105-244) saw changes in the scope of the criteria for ED recognition of accrediting agencies, especially in regard to changing education delivery methods and distance education programs. Specifically, the act permitted the Secretary of Education (Secretary) to include within an accrediting agency's scope of recognition the ability to assess an IHE's distance education programs. In doing so, Congress sought to ensure that the federal government was providing Title IV support only to quality programs in the rapidly growing area of distance education.³²

Congress provided a host of additional criteria for ED recognition of accrediting agencies in the Higher Education Opportunity Act of 2008 (HEOA; P.L. 110-315), which reauthorized the HEA in 2008. The 2008 additions included provisions relating to how accrediting agencies were to review distance education programs; transparency of agency policies and decision-making processes; due process requirements for IHEs subject to an adverse agency action;³³ and various other standards related to IHE operations, including ensuring that IHEs make transfer-of-credit policies publicly available and submit teach-out plans³⁴ to accrediting agencies in specified circumstances.³⁵

2019 Regulations

Since the HEOA, ED has updated its regulations relating to accrediting agencies multiple times. Most recently, in November 2019, ED issued a Final Rule amending a variety of regulatory requirements relating to accreditation, which went into effect July 1, 2020.³⁶ Notable changes include (1) broadening the definition of geographic area of accrediting agencies to include any region or group of states chosen by the accrediting agency;³⁷ (2) permitting the retroactive application of accreditation decisions in specified circumstances; (3) replacing specified timeframes for an IHE or program to come into compliance with accreditation standards with

³¹ Federal regulations related to ED recognition of accrediting agencies were in effect prior to 1992. The regulations published before the 1992 amendments contained many of the same concepts that were eventually codified in the 1992 amendments (e.g., evaluation of school assessment standards, including student achievement, and applying review criteria consistently to all IHEs). See Department of Education, "Secretary's Procedures and Criteria for Recognition of Accrediting Agencies," 53 Federal Register 25088, July 1, 1988.

³² See, for example, U.S. Congress, House Committee on Education and the Workforce, *Higher Education Amendments of 1998*, report to accompany H.R. 6, 105th Cong., April 17, 1998, H.Rept. 105-481 (Washington: GPO, 1998), p. 148.

³³ An adverse action is "the denial, withdrawal, suspension, revocation, or termination of accreditation or preaccreditation, or any comparable accrediting action an agency may take against an institution or program." 34 C.F.R. §602.3(b).

³⁴ A teach-out plan is a written plan developed by an institution that provides for the equitable treatment of its own students if it, or one of its locations that provides 100% of at least one program, ceases to operate before all students have completed their program of study. A teach-out plan may include, if required by the institution's accrediting agency, a teach-out agreement between institutions. HEA §487(f)(2).

³⁵ For additional information on teach-out plans and teach-out agreements, see CRS Report R44737, *The Closure of Institutions of Higher Education: Student Options, Borrower Relief, and Other Implications*.

³⁶ Department of Education, "Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, The Secretary's Recognition Procedures for State Agencies," 84 Federal Register 58834, November 1, 2019.

³⁷ Previously, ED regulations required that the geographic region on which an accrediting agency concentrated include "at least three States that are reasonably close to one another."

accrediting agency-established timeframes;³⁸ and (4) expanding the instances in which accrediting agencies must require teach-out plans from IHEs and enhancing requirements accrediting agencies must have in place with respect to teach-out plans and teach-out agreements.³⁹

Role of the U.S. Department of Education in Accreditation

ED does not accredit IHEs or programs of higher education. Its primary role is to recognize, through the process and conditions set forth in the HEA and accompanying regulations, an accrediting agency as “a reliable authority as to the quality of education or training offered” at IHEs for the purposes of Title IV funding and other federal programs.⁴⁰ As part of the recognition process, the accrediting agency must show that it is “effective in its performance” with respect to the criteria established in the law and regulations. If, at any time, ED determines the agency has become ineffective in its performance, it may revoke recognition.

The Accreditation Group⁴¹ was established within ED’s Office of Postsecondary Education to help facilitate accreditation matters.⁴² In effect, the Accreditation Group carries out many of the statutory and regulatory requirements of ED as they relate to the approval of accrediting agencies. Two of its primary functions include “continuously review[] standards, policies, procedures, and issues in the area of [ED’s] accreditation responsibilities” and “administer[] the process by which accrediting agencies and state approval agencies secure initial and renewed recognition by the Secretary of Education.”⁴³

Recognized Accrediting Agencies

ED recognizes agencies that accredit all types of institutions (public, private nonprofit, and proprietary) and a variety of educational programs. They include agencies that accredit multi-

³⁸ For example, previous regulations generally required that if an agency determined an IHE was out of compliance with any accreditation standard, the agency was to require the IHE to come into compliance with the standard within two years (if the longest program offered by the IHE was at least two years in length). The new regulations generally require that if an agency determines an IHE is out of compliance with any accreditation standard, the agency must provide the IHE with a “written timeline for coming into compliance that is reasonable.” The timeline may include intermediate checkpoints on the way to full compliance. 34 C.F.R. §602.20(a)(2).

³⁹ A teach-out agreement is “a written agreement between institutions that provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if an institution, or an institutional location that provides 100 percent of at least one program offered, ceases to operate or plans to cease operations before all enrolled students have completed their program of study.” 34 C.F.R. §600.2.

⁴⁰ ED also recognizes state agencies for the approval of public postsecondary vocational education and nurse education. The criteria and procedures used by the Secretary in designating a state agency as a reliable authority concerning the quality of public postsecondary vocational education in a state are contained in Part 603 of Title 34 of the Code of Federal Regulations (C.F.R.). The criteria and procedures used by the Secretary in designating a state agency as a reliable authority concerning the quality of training offered by schools of nursing in a state are contained in regulations published in the January 16, 1969 *Federal Register*. For more information, see U.S. Department of Education, “Accreditation in the United States, National Recognition of State Approval Agencies by the U.S. Secretary of Education,” http://www2.ed.gov/admins/finaid/accred/accreditation_pg16.html#StateApprovalAgencies.

⁴¹ Formerly known as the Accrediting Agency Evaluation Unit.

⁴² See U.S. Department of Education, “Accreditation in the United States, History and Context of Accreditation in the United States,” <https://www2.ed.gov/admins/finaid/accred/accreditation.html>.

⁴³ U.S. Department of Education, “Accreditation in the United States,” <https://www2.ed.gov/admins/finaid/accred/accreditation.html#:~:text=The%20Accreditation%20Group,-The%20Accreditation%20Group&text=Continuously%20reviews%20standards%2C%20policies%2C%20procedures,by%20the%20Secretary%20of%20Education.,> accessed September 29, 2020.

disciplinary universities, as well as those that accredit smaller, specialized institutions or a specific program within an institution.⁴⁴ ED publishes lists of recognized accrediting agencies in certain categories that may be used by institutions to seek accreditation or by students to ensure a reasonable assurance of program quality and acceptance of diplomas and degrees by employers.

A primary type of accrediting agency that ED recognizes are those that enable institutions of higher education to participate in the Title IV programs. As of September 2020, ED recognizes 37 accrediting agencies for Title IV purposes. These agencies include institutional and programmatic accrediting agencies.⁴⁵ ED also recognizes accrediting agencies that enable postsecondary schools and programs to participate in other federal programs. As of September 2020, ED recognizes 15 accrediting agencies whose conferral of accreditation enables postsecondary schools to participate in federal programs other than HEA Title IV programs.⁴⁶

Current Recognition Requirements

Currently, many of the ED-recognition requirements put into place since 1992 remain. An ED-recognized accrediting agency must meet general organizational requirements, demonstrate that it has accreditation standards that are “sufficiently rigorous” to ensure that it is a “reliable authority regarding the quality of education” provided by the IHEs and programs it accredits,⁴⁷ and maintain required operating and due process procedures.

General Organizational Requirements

According to Section 496 of the HEA, an accrediting agency must be a state, regional, or national agency or association that demonstrates the ability and expertise to serve as an accrediting agency. These agencies must then meet one of the following specific criteria, the application of which largely depends on whether obtaining accreditation from the agency enables an *IHE* or *program* to participate in HEA programs generally, the HEA Title IV federal student aid programs specifically, or other federal programs:

1. For the purpose of determining eligibility for HEA programs, including the Title IV student aid programs, the agency must have a voluntary membership of institutions and have as a principal purpose the accrediting of institutions.
2. For the purpose of determining single-purpose freestanding institutions’⁴⁸ eligibility for Title IV HEA programs, the agency must either have a voluntary membership of individuals participating in a profession, or have as its principal

⁴⁴ Generally, institutions are accredited by only one accrediting agency or association. Dually accredited institutions must choose one accrediting agency for the purposes of Title IV eligibility.

⁴⁵ ED places some conditions and limitations on the types of institutions that may be accredited for Title IV purposes by programmatic accrediting agencies. For a list of the 37 accrediting agencies and any conditions that may apply, see U.S. Department of Education, “Accreditation in the United States, Accrediting Agencies Recognized for Title IV Purposes,” https://www2.ed.gov/admins/finaid/accred/accreditation_pg9.html#TitleIVRecognition.

⁴⁶ U.S. Department of Education, “Accreditation in the United States, Recognized Accrediting Agencies,” https://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html#Nationally_Recognized, accessed September 29, 2020.

⁴⁷ 34 C.F.R. §602.16(a).

⁴⁸ *Single-purpose freestanding institution* refers to a postsecondary school that offers a single educational program or course of study. For example, a postsecondary school that only offers programs in legal education that lead to a professional degree in law may be considered a single-purpose freestanding institution.

- purpose the accrediting of programs within institutions that are accredited by another ED-recognized agency.
3. For purposes of determining eligibility for HEA and non-HEA federal programs, the agency must be a state agency approved by the Secretary as an accrediting agency on or before October 1, 1991, and have as a principal purpose the accrediting of institutions, education program, or both.⁴⁹
 4. For the purposes of determining eligibility for non-HEA federal programs, the agency must have a voluntary membership and have as its principal purpose the accrediting of institutions or programs.

Accrediting agencies or associations meeting the first or second criterion must also be administratively and financially separate and independent⁵⁰ from any associated or affiliated trade organization or membership organization.⁵¹

Accreditation Standards

Regardless of the type of accrediting agency, the organization must consistently apply and enforce standards that ensure that the education programs, training, or courses of study offered by an IHE are of sufficient quality to meet the stated objectives for which they are offered.⁵² In general, the standards used by the accrediting agency must assess student achievement⁵³ in relation to the institution's mission, including, as applicable, course completion, passage of state licensing examinations, and job placement rates.⁵⁴ In practice, institutions and programs often set their own standards for student learning outcomes, depending on a variety of factors such as the level of education offered and the skills and competencies required of its graduates in different fields, and that may be guided by accrediting agency policies. Accrediting agencies then evaluate the appropriateness of those standards and whether institutions and programs use information gained from student learning outcomes to improve student learning.⁵⁵ In some instances,

⁴⁹ HEA §496(a)(2)(B); 34 C.F.R. §602.14(a)(1). The New York State Board of Regents and Commissioner of Education is the only such state agency in existence.

⁵⁰ Section 496(b) defines "separate and independent" to mean that (1) members of the postsecondary education governing body of the accrediting agency are not selected or elected by the board or chief executive officer of any related, associated, or affiliated trade associations or membership organizations; (2) the board has at least one public member for every six board members; (3) dues paid to the accrediting agency are separate payments from any dues paid to any related, associated, or affiliated trade associations or membership organizations; and (4) the accrediting agency develops and determines its own budget without consulting any other entity or organization.

⁵¹ For accrediting agencies meeting the second criterion and that were recognized by the Secretary on or before October 1, 1991, the Secretary may waive the requirement that the agency be administratively and financially separate and independent, if it can demonstrate that existing relationships with associated or affiliated trade organizations or membership organizations have not compromised the independence of the accreditation process. HEA §496(a)(3)(C).

⁵² The standards must respect the stated mission, including religious missions, of the institution. HEA §496(a)(4)(A).

⁵³ Section 496(a)(5)(A) of the HEA explicitly states that success with respect to student achievement may include different standards for different institutions or programs, as established by the institution.

⁵⁴ This student achievement criterion is not required for ED recognition of accrediting agencies for the purposes of participation in non-HEA programs administered by ED and programs administered by other federal agencies. HEA §496(a)(5).

⁵⁵ See, Council for Higher Education Accreditation, *The Value of Accreditation*, June 2010, p. 5. See also, for example, Higher Learning Commission, "Criteria for Accreditation" CCRT.B.10.010, Criterion 4, Revised September 1, 2020, <https://www.hlcommission.org/Policies/criteria-and-core-components.html>.

accrediting agencies may establish specific student achievement measures (e.g., graduation rates) and benchmarks that schools and programs must meet.⁵⁶

In addition, an accrediting agency must consider the institution's or program's curricula, faculty, facilities, fiscal and administrative capacity,⁵⁷ student support services, recruitment and admissions practices, measures of program length,⁵⁸ objectives of the credentials offered, and student complaints received directly by the agency or those that are available to the agency. The institution's or program's record of compliance with the institutional requirements of Title IV must also be examined, as applicable, with respect to the most recent student loan default rate data, the results of financial or compliance audits, program reviews, and other information provided to the agency by ED.⁵⁹

Required Operating and Due Process Procedures

ED-recognized accrediting agencies must maintain and apply a variety of required operating and due process procedures. With respect to operations procedures, all ED-recognized accrediting agencies must, among other requirements:⁶⁰

- make publicly available information on the standards and procedures used to determine whether to grant accreditation;
- disclose publicly whether an institution is being considered for accreditation or renewal of accreditation;
- make publicly available a list of institutions and programs that the agency currently accredits;
- notify ED, state licensing or authorizing agencies, other appropriate accrediting agencies, and the public of a decision to award initial or to renew an IHE's or programs' accreditation or preaccreditation;
- notify the aforementioned parties of an initiated adverse action,⁶¹ or final decision of a probation or adverse action, against an IHE or program;
- provide the aforementioned parties with a statement summarizing the reasons for the adverse action, along with evidence that the affected institution has been offered an opportunity to provide official comment;

⁵⁶ See, for example, The Accrediting Commission of Career Schools and Colleges, "Standards of Accreditation," July 1, 2020, p. 125.

⁵⁷ As part of an accrediting agency's administrative and fiscal responsibilities under federal laws and regulations, its accreditation teams must include competent and knowledgeable individuals, qualified by education and experience in their own right and trained by the agency on their responsibilities, as appropriate for their roles, regarding the agency's standards, policies, and procedures to conduct on-site evaluations.

⁵⁸ The measures of program length criterion is not required for ED recognition of accrediting agencies for the purposes of participation in non-HEA programs administered by ED and programs administered by other federal agencies. HEA §496(a)(5).

⁵⁹ This record of HEA Title IV compliance criterion is not required for ED recognition of accrediting agencies for the purposes of participate in non-HEA programs administered by ED and programs administered by other federal agencies. HEA §496(a)(5).

⁶⁰ HEA §496(b); 34 C.F.R. §§602.23 and 602.26.

⁶¹ An adverse action is "the denial, withdrawal, suspension, revocation, or termination of accreditation or preaccreditation, or any comparable accrediting action an agency may take against an institution or program." 34 C.F.R. §602.3(b).

- require the IHE or program to disclose an accrediting agency's final decision to take an adverse action to current and prospective students; and
- review in a timely manner complaints an agency receives against an accredited institution or program that are related to the agency's standards or procedures.

For purposes of determining eligibility for HEA Title IV programs, accrediting agencies must meet additional operating procedures requirements, including⁶²

- reviewing newly established branch campuses of any of its accredited institutions;
- performing regular onsite inspections that focus on educational quality and program effectiveness;⁶³
- monitoring the expansion of programs at institutions that are experiencing significant enrollment growth;
- requiring institutions to submit a teach-out plan in certain circumstances;⁶⁴
- confirming that the institutions or programs they accredit have publicly disclosed transfer of credit policies and that such institutions or programs make public the criteria by which they make a determination with regard to accepting credits from another institution; and
- publicly disclosing when an institution is considered for accreditation or renewal of accreditation.

Under Section 496(a)(6) of the HEA, accrediting agencies recognized by ED must meet certain requirements with respect to due process. That is, an accrediting agency must implement specific procedures to resolve disputes between the accrediting agency and any institution or program that is subject to the accreditation process. Under current law, accrediting agencies must provide an IHE or program with, among other procedures, adequate written specification of accreditation requirements and of any deficiencies identified at an IHE or program being examined, and sufficient opportunity to provide a written response to any deficiencies identified before an adverse action is taken, as well as the right to appeal any adverse action against it.

⁶² HEA §496(c) and 34 C.F.R. §602.24.

⁶³ Prior to the 1998 HEA amendments, accrediting agencies were required to make unannounced visits to institutions. Unannounced visits are no longer required but are permitted in Section 496(c)(1) of the HEA.

⁶⁴ Instances in which an institution is required to submit a teach-out plan include, but are not limited to: (1) ED notifies the accrediting agency of any emergency or initiated a limitation, suspension, or termination action against the institution; (2) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of the institution; and (3) the institution notifies the accrediting agency that the institution intends to cease operations. For a full list of when an IHE may be required to submit a teach-out plan to its accrediting agency, see 34 C.F.R. §602.24(c).

Distance Education

Distance education programs⁶⁵ must be evaluated by an accrediting agency recognized by ED as having the evaluation of distance education programs within its scope of recognition.⁶⁶

Accrediting agencies that accredit distance education programs are not required to have separate standards, procedures, or policies for the evaluation of distance education. They are, however, required to mandate that IHEs have processes in place to verify that a student who registers in a course offered via distance education is the same student who participates in the course. Such agencies must also use processes that protect student privacy and notify students of any additional costs associated with such verifications.⁶⁷ As of September 2020, 31 of the 37 accrediting agencies recognized by ED for Title IV purposes have distance education within their scope of recognition.⁶⁸

Process for Recognition of Accrediting Agencies

Like the standards and criteria an accrediting agency must meet to be recognized by ED, the process for ED recognition was not established in the HEA until the 1992 reauthorization. At that time, Congress prescribed the major components of the recognition process, which largely have gone unchanged since that time. The HEA contains broad requirements for ED-recognition processes and then specifies that ED shall provide in regulations procedures for ED's recognition of accrediting agencies.⁶⁹ The HEA expressly states that nothing in the HEA "shall be construed to permit the Secretary to establish" recognition criteria that are not required by the HEA.⁷⁰ Once granted, recognition is established for up to five years.⁷¹

The recognition process generally begins with an accrediting agency submitting an application for initial or renewal of recognition.⁷² ED then solicits comments from the public regarding the accrediting agency's compliance with recognition criteria.⁷³ Staff in ED's Accreditation Group review the application and public comments to determine whether an accrediting agency meets the recognition criteria. The review also includes announced or unannounced site visits to the accrediting agency or institutions or programs that the agency accredits or preaccredits and a review of complaints or legal actions against IHEs or programs accredited by the accrediting

⁶⁵ On July 1, 2010, regulations issued by ED came into effect, distinguishing distance education from correspondence education. In general, correspondence education is provided through one or more home study courses by an institution to students who are separated from the instructor whereby interaction between the instructor and student is limited, not regular and substantive, and is primarily initiated by the student. Accrediting agencies are required to consider correspondence education as separate and distinct from distance education as it relates to accreditation, pre-accreditation, and expansion of scope.

⁶⁶ HEA §481(b)(3).

⁶⁷ HEA §496(a)(4)(B); 34 C.F.R. §602.17(g) and (h).

⁶⁸ U.S. Department of Education, "Accreditation in the United States, Accrediting Agencies Recognized for Distance Education and Correspondence Education," https://www2.ed.gov/admins/finaid/accred/accreditation_pg10.html#Distance.

⁶⁹ HEA §496(l), (n), and (o).

⁷⁰ HEA §496(g).

⁷¹ HEA §496(d).

⁷² 34 C.F.R. §602.31. Processes for additional action, such as an accrediting agency's request for an expansion of scope generally follow the same procedures described herein. Slightly different procedures apply when ED reviews agencies during a period of recognition. See 34 C.F.R. §602.33.

⁷³ 34 C.F.R. §602.32(c).

agency.⁷⁴ ED staff then prepare a draft analysis of their findings and permit the accrediting agency to respond to the findings.⁷⁵ A final analysis, including a recommended recognition action,⁷⁶ is then drafted by ED staff and submitted to the National Advisory Committee for Institutional Quality and Integrity (NACIQI).⁷⁷

Next, NACIQI reviews the materials provided to it by ED staff during a public meeting and recommends a recognition action to ED.⁷⁸ A senior department official (SDO) then makes a recognition decision based on ED staff and NACIQI recommendations, written comments and responses submitted to it by the accrediting agency, and relevant new documentation.⁷⁹ An accrediting agency may appeal the SDO's decision to the Secretary of Education,⁸⁰ and the Secretary's final decision may be contested in federal court.⁸¹

National Advisory Committee on Institutional Quality and Integrity (NACIQI)

NACIQI advises the Secretary on matters related to accreditation, including decisions to recognize accrediting agencies. Section 114 of the HEA provides for the establishment of NACIQI,⁸² and delineates the qualifications for membership, meeting procedures, and other reporting requirements.⁸³

Functions

NACIQI advises the Secretary on matters related to accreditation and to the eligibility and certification process for IHEs. Certification is the process through which ED determines whether an institution of higher education meets HEA Title IV eligibility requirements. Specifically, NACIQI provides recommendations to the Secretary regarding⁸⁴

⁷⁴ These elements of ED's review were required prior to July 1, 2020, when new regulations took effect. These elements may be included in ED's review on or after July 1, 2020, and before January 1, 2021, but must be included in such reviews after January 1, 2021. Per regulations, after January 1, 2021, the review "will include" a review of complaints or legal actions against an IHE or program "which may be considered but are not necessarily determinative of compliance." Department of Education, "Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, The Secretary's Recognition Procedures for State Agencies," 84 *Federal Register* 58834, November 1, 2019.

⁷⁵ 34 C.F.R. §602.32(h).

⁷⁶ Recommended actions may include, for example, a recommendation to fully approve/renew the agency's recognition, to approve/renew its recognition with compliance reporting or other monitoring requirements, or limit or suspend recognition.

⁷⁷ 34 C.F.R. §602.32(h)(5). Additional information about NACIQI is presented later in this report.

⁷⁸ 34 C.F.R. §602.34(e).

⁷⁹ 34 C.F.R. §602.36.

⁸⁰ 34 C.F.R. §602.37.

⁸¹ 34 C.F.R. §602.38.

⁸² The HEA authorized NACIQI through September 30, 2014. Since then, NACIQI's authorization has been extended numerous times, including most recently through December 11, 2020, under the Continuing Appropriations Act, 2021 (P.L. 116-159).

⁸³ NACIQI was originally established in the HEA under the 1992 Amendments to the Higher Education Act (P.L. 102-325). Prior to NACIQI, the HEA authorized the National Advisory Committee on Accreditation and Institutional Eligibility, which assisted the Secretary with recognition of accrediting agencies. NACIQI replaced this committee.

⁸⁴ HEA §114(c).

- the establishment and enforcement of criteria for recognition of accrediting agencies or associations;
- the recognition of specific accrediting agencies;
- the preparation and publication of the list of recognized accrediting agencies;
- the eligibility and certification process for IHEs under Title IV of the HEA; and
- the relationship between (1) accreditation of IHEs and the certification and eligibility of such institutions, and (2) state licensing responsibilities with respect to such institutions.

NACIQI may also advise the Secretary on other matters relating to accreditation and institutional eligibility that the Secretary may prescribe in regulation.

The HEA requires NACIQI to meet not less than twice a year to review applications for recognition submitted by accrediting agencies.⁸⁵

Membership

The HEA specifies the composition and terms of NACIQI membership. NACIQI is an 18-member committee, with six appointments made by the Speaker of the U.S. House of Representatives,⁸⁶ six appointments made by the President pro tempore of the U.S. Senate,⁸⁷ and six appointments made by the Secretary. Members are to be appointed (among other criteria) from among individuals who are representatives of, or knowledgeable concerning, postsecondary education and training, and represent all sectors and types of IHEs (e.g., public, private nonprofit, proprietary).⁸⁸ Appointees serve staggered six-year terms.⁸⁹

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⁸⁵ HEA §114(d)(1).

⁸⁶ Section 114(b)(1)(B) of the HEA specifies that of the six appointments made by the Speaker of the House of Representatives, three will be made at the recommendation of the majority leader of the House of Representatives and three will be made at the recommendation of the minority leader of the House of Representatives.

⁸⁷ Section 114(b)(1)(C) of the HEA specifies that of the six appointments made by the President pro tempore of the Senate, three will be made at the recommendation of the majority leader of the Senate and three will be made at the recommendation of the minority leader of the Senate.

⁸⁸ HEA §114(b)(2).

⁸⁹ HEA §114(b)(3).

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