

119TH CONGRESS
2D SESSION

S. _____

To modify the procedure for an institution of higher education to change the institution's primary accrediting agency or association, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. SCHIFF introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To modify the procedure for an institution of higher education to change the institution's primary accrediting agency or association, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Higher Education Ac-
5 creditation Accountability Act".

6 **SEC. 2. ACCREDITATION.**

7 Section 496 of the Higher Education Act of 1965 (20
8 U.S.C. 1099b) is amended—

9 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1)
2 by inserting “(referred to in this section as ‘rec-
3 ognition’)” after “Federal purposes”;

4 (B) by redesignating paragraphs (2)
5 through (8) as paragraphs (3) through (9), re-
6 spectively; and

7 (C) by inserting after paragraph (1) the
8 following:

9 “(2) the accrediting agency or association shall
10 demonstrate, prior to submitting an application for
11 recognition, that the agency or association—

12 “(A) has effectively accredited at least one
13 institution of higher education or program of an
14 institution for not less than 2 consecutive years
15 immediately preceding the application;

16 “(B) is legally established to operate in the
17 relevant jurisdiction where it is seeking recogni-
18 tion; and

19 “(C) has established standards and oper-
20 ating procedures the agency or association is
21 capable of enforcing and that are consistent
22 with the Department’s criteria for recogni-
23 tion;”;

24 (2) by striking subsection (d) and inserting the
25 following:

1 “(d) RECOGNITION PROCEDURES; LENGTH OF REC-
2 OGNITION; LIMITATION.—

3 “(1) RECOGNITION PROCEDURES.—The Sec-
4 retary shall ensure that an application for recogni-
5 tion under this section shall not be considered by the
6 National Advisory Committee on Institutional Qual-
7 ity and Integrity until the Secretary has determined
8 that the accrediting agency or association meets all
9 criteria for recognition.

10 “(2) LENGTH OF RECOGNITION.—

11 “(A) INITIAL RECOGNITION.—

12 “(i) DURATION.—The Secretary shall
13 not grant an initial recognition for the first
14 time for an agency or association for a pe-
15 riod of more than 3 years.

16 “(ii) DOCUMENTATION.—During such
17 initial recognition period, an agency or as-
18 sociation shall provide to the Secretary all
19 documentation pertaining to the accredita-
20 tion of any new program or institution.

21 “(B) SUBSEQUENT RECOGNITION.—Fol-
22 lowing an initial recognition under subpara-
23 graph (A), an accrediting agency or association
24 may be recognized by the Secretary for the pur-

1 pose of this Act for a period of not more than
2 5 years.”;

3 (3) by striking subsection (h) and inserting the
4 following:

5 “(h) APPROVAL FOR CHANGING A PRIMARY ACCRED-
6 ITING AGENCY OR ASSOCIATION.—

7 “(1) IN GENERAL.—The Secretary shall not
8 recognize the accreditation of any otherwise eligible
9 institution of higher education if the institution of
10 higher education changes the institution’s primary
11 accrediting agency or association without an ap-
12 proved application to do so in accordance with this
13 subsection.

14 “(2) PRIMARY ACCREDITING AGENCY OR ASSO-
15 CIATION.—For purposes of this subsection and sub-
16 section (i), the term ‘primary accrediting agency or
17 association’ means the accrediting agency or associa-
18 tion that the institution has designated as the agen-
19 cy or association providing the accreditation to be
20 utilized in determining the institution’s eligibility for
21 programs under this Act.

22 “(3) APPLICATION.—Before an institution of
23 higher education changes the institution’s primary
24 accrediting agency or association, an institution of

1 higher education shall submit an application to the
2 Secretary containing each of the following:

3 “(A) A notification in writing of the insti-
4 tution’s intent to change the institution’s pri-
5 mary accrediting agency or association, which
6 shall include—

7 “(i) the name of the institution’s pri-
8 mary accrediting agency or association as
9 of the date of the application, and, if appli-
10 cable, the name of the institution’s pro-
11 posed new primary accrediting agency or
12 association;

13 “(ii) the date that the institution’s
14 current accreditation (held as of the date
15 of the application) from the primary ac-
16 crediting agency or association is set to ex-
17 pire;

18 “(iii) the reason or reasons that the
19 institution is seeking to change the institu-
20 tion’s primary accrediting agency or asso-
21 ciation;

22 “(iv) an explanation of how the pro-
23 posed new primary accrediting agency or
24 association will maintain or strengthen in-

1 stitutional quality and protect students;
2 and

3 “(v) an explanation of—

4 “(I) how the standards of the
5 proposed new primary accrediting
6 agency or association are aligned with
7 the institution’s mission; and

8 “(II) how such mission alignment
9 compares to the institution’s mission
10 alignment with the standards of the
11 institution’s current primary accred-
12 iting agency or association (held as of
13 the date of the application).

14 “(B) Supporting materials demonstrating
15 reasonable cause for the change, including each
16 of the following:

17 “(i) Documentation supporting the in-
18 stitution’s claim that the institution has
19 reasonable cause to change the institu-
20 tion’s primary accrediting agency or asso-
21 ciation.

22 “(ii) Materials demonstrating reason-
23 able cause to change the institution’s pri-
24 mary accrediting agency or association.

1 “(iii) The most recent accreditation
2 determination letter from the institution’s
3 current primary accrediting agency or as-
4 sociation (held as of the date of the appli-
5 cation).

6 “(iv) Reports from visiting teams or
7 other feedback from that accrediting agen-
8 cy or association, whether final or prelimi-
9 nary, from the prior 3 years.

10 “(v) Information regarding pending
11 student complaints and investigations re-
12 garding the institution by State or local li-
13 censing and law enforcement agencies.

14 “(vi) Documentation from the institu-
15 tion’s primary accrediting agency or asso-
16 ciation confirming whether, since the date
17 of the agency or association’s most recent
18 accreditation determination letter to the
19 institution, the agency or association has
20 opened any inquiries, had substantive dia-
21 logue regarding the institution’s compli-
22 ance with agency standards, or taken any
23 actions.

24 “(4) PUBLIC INPUT, REVIEW, DETERMINATION,
25 AND APPROVAL.—

1 “(A) PUBLIC INPUT.—Upon receipt of an
2 application under paragraph (3), the Secretary
3 shall—

4 “(i) publish a public notice in the
5 Federal Register regarding the institu-
6 tion’s request to change its primary ac-
7 crediting agency or association; and

8 “(ii) provide a period of not less than
9 30 days for the submission of public com-
10 ments regarding that request.

11 “(B) REVIEW.—The Secretary shall under-
12 take a review of the application of an institu-
13 tion to change the institution’s primary accredi-
14 tation agency or association and shall not auto-
15 matically approve any such application. The
16 Secretary shall evaluate whether the application
17 reflects—

18 “(i) an attempt by the institution to
19 avoid sanctions or discipline from the insti-
20 tution’s current primary accrediting agency
21 or association;

22 “(ii) an attempt by the institution to
23 lessen oversight or rigor from the institu-
24 tion’s current primary accrediting agency
25 or association;

1 “(iii) an attempt by the institution to
2 avoid scrutiny by State or local licensing
3 and law enforcement agencies regarding
4 the ethical treatment of students;

5 “(iv) whether the institution is seek-
6 ing to change its primary accrediting agen-
7 cy or association because the institution’s
8 proposed new primary agency or associa-
9 tion has standards more closely aligned
10 with the institution’s mission than the cur-
11 rent primary accrediting agency or associa-
12 tion; or

13 “(v) whether the application involves
14 an accrediting agency or association that
15 has been subject to Department action.

16 “(C) DETERMINATION.—The Secretary
17 shall determine that an institution does not
18 have reasonable cause to change the institu-
19 tion’s primary accrediting agency or associa-
20 tion, and shall deny such an application, if the
21 institution—

22 “(i) has had its accreditation with-
23 drawn, revoked, or otherwise terminated
24 (and such withdrawal, revocation, or termi-
25 nation has not been rescinded by that

1 same agency or association) during the
2 preceding 24-month period; or

3 “(ii) has been subject to a probation
4 or its equivalent, a show cause order, or a
5 suspension order during the preceding 24-
6 month period.

7 “(D) APPROVAL.—The Secretary shall—

8 “(i) determine whether the institution
9 has reasonable cause to change the institu-
10 tion’s primary accreditation agency or as-
11 sociation by considering the factors de-
12 scribed in subparagraph (B); and

13 “(ii)(I) notify the institution in writ-
14 ing of the Secretary’s decision to approve
15 or deny the institution’s application to
16 change its primary accrediting agency or
17 association under this subsection not later
18 than 90 days after the end of the period
19 for public comment under subparagraph
20 (A)(ii); or

21 “(II) if needed to undertake a mean-
22 ingful review—

23 “(aa) notify the institution in
24 writing that the review period has
25 been extended; and

1 “(bb) approve or deny the insti-
2 tution’s application not later than an-
3 other 90 days after the deadline de-
4 scribed in clause (i).”.

5 **SEC. 3. APPLICABILITY.**

6 This Act, and the amendments made by this Act,
7 shall apply—

8 (1) to an accrediting agency or association that
9 seeks recognition under section 496 of the Higher
10 Education Act of 1965 (20 U.S.C. 1099b) through
11 a determination by the Secretary of Education that
12 the agency or association is a reliable authority as
13 to the quality of education or training offered for the
14 purposes of that Act or for other Federal purposes,
15 or that seeks a renewal of such recognition, after the
16 date of enactment of this Act; and

17 (2) to an institution of higher education that
18 seeks to change its primary accrediting agency or as-
19 sociation after the date of enactment of this Act.