**CYoshitomi - Department of Education Regulatory Negotiations**

**Conference Agenda**

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**Topic 1:   DOE Regulatory Negotiations: Accreditation - Alternative Standards and Waivers Part A**

The Department seeks recommendations from negotiators about when and how agencies should be allowed to have alternative standards for meeting agency requirements, such as when they accredit institutions with vastly different missions, student populations or educational objectives.

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| 1. | **Questions regarding innovations - Mr. T.** Would there be rules/standards around ending bad innovations?  Would we require and approve processes for ending/killing bad innovations?  Would we require that institutions notify students that they are part of an innovation/waiver?  What would students be able to do if they were part of a failed innovation? Could they get their money back, loans waived, etc.? |
| 2. | **602.16 Potential Revision - move language from (i) - Michale McComis** Just an idea (maybe not a good one) - move the allowance language from 602.16 (a)(1)(i) up to 602.16(a)(1):  602.16(a)(1) The agency's accreditation standards clearly define its expectations for the institutions or programs it accredits, which may include different standards for different institutions or program as appropriate, in the following areas:  (i) Success with respect to student achievement in relation to the institutions's mission including consideration of State licensing examinations, [strike course] completion, and [employment or employability] rates. |
| 3. | **Alternative standards not a good idea - Laura** I do not support allowing alternative standards, however, I do support the Department allowing accreditors the flexibility NOT to have bright line standards which , unfortunately, have been required by Department staff for some accreditors over the last decade or more. For example, my agency was forced (otherwise we would have been cited as non-compliant) to have a graduation rate standard that included a bright line. This required us to cite any program not meeting the bright line standard regardless of other circumstances. Then, the regulations required that we take immediate adverse action if the program could not meet the standard (in this case a lagging indicator) within a time frame specified in the regulations. This draconian approiach was never codified in the regulations - it was merely an interpretation by the Department, but one that had lasting effect on many accreditors. I do not think waivers of standards are necessary. I think allowing accreditors to enforce their own student achievement standards in a reasonable way is the way to go. I would support leaving the regulations alone and simply issuing a Dear Colleague letter to clarify the intent of the Department to have strong student achievement standards that allow accreditors to account for things like missions and student populations. Accreditors already know how to do this and will welcome the opportunity to do it without penalty. |
| 4. | **Allowance for Pilot Projects - Michale McComis** There is currently nothing that prevents accreditors from waiving standards, but I acknowledge the fear that allowing test pilot projects could produce. Maybe the solution is to add the following:  602.16 (g) Nothing in paragraph (a) of this section restricts --  (4) Agencies from engaging in pilot projects with its accredited institutions to test new approaches and innovation and, on a limited and temporary basis, to waive certain accreditation standards that the institution could not meet based upon the objectives of the pilot project. In such instances, in order for a program to be eligible for title IV funding, the project must:  (i) be formally approved by the accrediting agency and any applicable state agency;  (ii) have clearly stated objectives and intended outcomes;  (iii) be for a defined and limited duration;  (iv) be evaluated by the accrediting agency in relation to the stated objectives and intended outcomes; and  (v) results in a final report whereby the accrediting agency makes a determination relative to the success of the pilot project and whether or not the agency will revise its standards that would allow for the test case to be allowable in the normal course. |
| 5. | **602.12 Accrediting Experience - Michale McComis** There is not a section for this in TAGS, so I am adding it here. The Department proposed deleting the two year waiting period for new accreditors to apply for recognition which was met largely with disapproval from the non-federal negotiators. I understand, however, that the two year waiting period may keep potentially valued new entities from emerging. As a middle ground, I propose the following:  602.12 (2) Conducted accrediting activities, including deciding whether to grant or deny accreditation or preaccreditation, for at least two years prior to seeking accreditation except when the agency is seeking initial accreditation and is affiliated with or a division of an already recognized agency, then the two year period shall not apply.  The rationale here is that if an existing recognized agency recognizes a need and can fill it by creating a new agency (i.e., an expansion of scope would not work), then the recognized agency's experience stand in lieu of the two year period. |
| 6. | **Current alternative standards** It does appear that accreditors have alternative standards currently ... in that they may accredit different levels of degrees (e.g., AA vs PhD), or different educational experiences (e.g., degrees vs residencies in the case of CCNE). Substantive change review requirements indicate another category of alternative standards. And, as accreditors update their standards, as they are encouraged to do, there will inevitably be some institutions accredited under previous standards as well as those reviewed per the new standards. The language Michale cites, whether paragraphs are rearranged or not, already seems to provide for variations in standards, within the responsibility and authority of the accreditor. Alternative standards do not inherently mean lesser. But it would seem appropriate for an accreditor to have one set of standards for all similar institutions/degrees/programs. However, the dissatisfaction with "bright line" standards suggests that standards be constructed with some degree of latitude to permit informed judgment to be exercised. ... particularly as we are attempting to regulate for a future as yet aborning. In regard to updating/modifying standards, it does appear that adjustments short of major revision efforts should be permitted, particularly as they might permit incorporating new information/circumstances as well as learnings from pilots and other innovative efforts under consideration. Timing of standards review appears largely up to the agencies themselves. Net, net, I find no written proscription for alternative standards and am unclear that new regulations on this point are required. |
| 7. | **Allowance for Pilot Projects, additional comments** I tried to add a comment to Michale's submission on pilot projects and was unable. I would like to add support for Michale's suggestion, and also suggest that, where accreditation standards are waived:  1. the institution is in good standing, and can demonstrate past examples of successful initiatives. This can be broadly defined enough that an institution doesn't have to point to large-scale disruptive innovations as a measure of success. An institution should be able to reflect past examples, though, of continuous improvement, student success pilots, etc. to demonstrate capacity for more creative (and risk-inducing) work.  2. The institution and accreditor should be able to identify some set of accepted quality frameworks or standards as a foundation for pilot projects. Whether it comes from higher education or industry, there should be some quality practice underpinning a new innovation, even one that is expected to move beyond the boundaries of said quality framework. Guideposts for innovation are important.  Finally, I question if allowance for pilot projects from accreditors will really be enough to encourage institutions into truly creative and game-changing spaces. If the capacity already exists for such innovations, why don't institutions take advantage of it? I submit it is cost (human resource, financial outlay, opportunity cost, etc.) and fear of failure. Will creating these allowances solve for the actual barriers to innovation? -Christi |
| 8. | **Waiver for accreditors: Barbara Gellman-Danley** Actually, not all accreditors have waiver policies, likely due to the experience of trying new things and the repercussions going along with them (HLC has been visited twice by the OIG when innovation was taking place. The results ended up fine, but it scared away our institutions.) The Experimental Sites results and outcomes have never been published, so the sense is that they were not overly successful, when that may not be the case at all. I do think we need clear waiver language to protect the students and the accrediting agencies. As some of my colleagues have indicated, institutions that are not innovation-prone will still be hesitant. And yes, there absolutely should be guidelines as to which schools can apply (none on sanctions, etc.) |

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