

Suggested edits for accreditation.

Rationale: The public sector of higher education often has oversight from the state legislature (as is the case in Pennsylvania). This oversight and other formal authorizations may create preemption issues should a teach-out plan be required at accreditation recertification. Consideration would need to be given to the fact that these public institutions cannot simply close, and in some cases even change programs, without state legislative actions. Further, teach-out plans may initiate the necessity to violate collective bargaining agreements if enacted, creating further legal issues and potentially challenges. It would be best to have a public institution exemption out with regard to requiring teach-out plans at accreditation recertification.

(c) Teach-out plans and agreements.

(1) The agency must require an institution it accredits to submit a teach-out plan, as defined in 34 CFR 600.2, to the agency for approval upon submitting an application for initial or renewal of accreditation. **Public institutions with prior authorization for the use of Title IV/HEA aid are exempted from the requirement to provide a teach-out plan at renewal of accreditation.**

(2) The agency must require an institution it accredits to update its teach-out plan and submit it to the agency for approval upon the occurrence of any of the following events and annually until the issue has been resolved: