Accreditation – webinar #3

Department of Education

January 30, 2020

Other Accreditation Webinars

January 22:

- Accreditation Rulemaking
- New Recognition
- Process
- Standards
- Recognition Criteria
- Implementation Timeframe

January 23:

- Substantive Change
- Compliance
- Timeframes
- Alternate Standards
- Student Outcomes

Accreditation - webinar #3

- Today's Topics
  - School Closures
  - Teach-Outs
  - Additional Locations
  - State Authorization for Distance Education

Negotiated Rulemaking Information:

- Website: www2.ed.gov
  Search: rulemaking
  Subject: 2018-2019 Rulemaking

- Contains: rulemaking public hearing and session documents, negotiator list, links to Federal Register Notices, etc.

Negotiated Rulemaking Information:

- Website: www.regulations.gov
  Contains: public comments
  Docket ID: ED-2018-OPE-0076

- Website: www.federalregister.gov
  Contains: Federal Register Notices and related documents (official) with search and filter options

Accreditation

- Abbreviations
  - Code of Federal Regulations (CFR)
  - Department of Education (ED)
  - Higher Education Act (HEA)
  - State Authorization for Distance Education (SADE)
  - State Authorization Reciprocity Agreement (SARA)
  - Title IV of the HEA (Title IV or TIV)

Accreditation

- HEA master calendar requirement: Nov. 1 → July 1
- Accreditation regulatory package generally effective July 1, 2020
- Early implementation beginning on November 1, 2019, at the discretion of each institution, or each agency, as appropriate:
  - Section 600.2
  - Section 600.9
  - Section 668.43
  - Section 668.50

Accreditation

- HEA master calendar requirement: Nov. 1 → July 1
- Accreditation regulations generally effective July 1, 2020
- Delayed implementation beginning on July 1, 2021:
  - Section 602.32(d) – application for initial or renewal of recognition
  - Section 602.32(h) – staff evaluation of agency

School Closures

Accreditation – School Closures

- Goal:

  Establish clear roles and responsibilities of institutions and accrediting agencies in the teach-out process

- Actions:

  Added definitions for Teach-out" and "Teach-out agreement"

  Revised the "Teach-out plan" definition

Accreditation – School Closures

- Goal:

  Provide oversight of intersection of students and taxpayer funds

- Action:

  Amended §600.41(d) - termination & emergency action proceedings

  • After a termination of the eligibility of an institution (or location or educational program) becomes final, the institution may not originate applications or award, commit, deliver, or disburse Title IV funds

Accreditation – School Closures

- Goal: Provide for a smoother transition for students
- Action: New regulation re: the end of an institution's Title IV participation [§ 668.26(e)]

  ED may allow an institution to originate, award, or disburse Title IV funds for up to 120 days from the date of a final, non-appealable decision by-

  - an accrediting agency to withdraw, suspend, or terminate accreditation,
  - a State authorizing agency to remove State authorization, or
  - ED to end the institution's Title IV participation
    - The institution's accrediting and State authorizing agencies must agr

Accreditation – School Closures

- Goal:
  Protect students from precipitous closure

- Action:
  New regulation regarding the end of an institution's Title IV participation [§ 668.26(e)]
  The institution must:
  1) notify ED of its plans to conduct an orderly closure as per its accrediting agency requirements
  2) perform an accrediting agency approved teach-out
  3) agree to abide by the conditions of the PPA that was in effect on the date of the decision under paragraph (e)(1)
     *exception: it will originate, award, or disburse funds under that agreement only to enrolled students who can complete the program within 120 days of the decision under paragraph (e)(1) or who can transfer to a new institution

Accreditation – School Closures

- Goal:
  Protect students from precipitous closure

- Action:
  New regulation regarding the end of an institution's Title IV participation [§ 668.26(e)]
  Conditions: The institution must assure ED in writing that—
  1) its students' health and safety are not at risk;
  2) it has adequate financial resources to maintain instructional services to students during the teach-out
  3) it is not subject to probation or its equivalent, or adverse action by its State authorizing or accrediting agency, except as provided in paragraph (e)(1).
  4) An institution may not engage in misrepresentation, consistent with part 668 subpart F and 685 subpart B, about the nature of its teach-out plans, teach-out agreements, and transfer of credit.

Teach-Outs

Accreditation –Teach-Outs

- Objective:

  Establish the roles and responsibilities of institutions and accrediting agencies in the teach-out process

Accreditation –Teach-Outs

- New or Amended Definitions
  - Teach-Out Plan*
  - Teach-Out Agreement*
  - Teach-Out

*moved to Section 600 and amended

Accreditation –Teach-Outs

- Amended Definition

Teach-Out Plan

- A written **plan** developed by an institution that provides for the equitable treatment of students if an institution, or an institutional location that provides 100% of at least one program–
  - ceases to operate -or-
  - plans to cease operations before all enrolled students complete their program of study

Accreditation –Teach-Outs

- Amended Definition

Teach-Out Agreement

- 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% of at least one program–
  - ceases to operate -or-
  - plans to cease operations before all enrolled students complete their program of study

Accreditation –Teach-Outs

- New Definition

Teach-Out

- A **process** during which a program, institution, or institutional location that provides 100% of at least one program engages in an orderly closure or when, following the closure of an institution or campus, another institution provides an opportunity for the students of the closed school to complete their program, regardless of their academic progress at the time of closure.

Additional Locations

Accreditation – Additional Locations (§600.32)

- Background: An additional location is a site where 50% or more of at least academic program is taught

Institutions: notify versus apply and wait

- Accrediting and State Authorizing Agency approvals required
  - *Fully certified institutions may notify ED*
  - *Provisionally certified institutions apply and wait for approval*

Accreditation – Additional Locations (§600.32)

- An additional location is not required to satisfy the two-year requirement if —

  the applicant institution and the original institution are not related parties

  -and-

  there is no commonality of ownership, control, or management between the institutions –and-

  the applicant institution agrees to be liable for all—

  - improperly expended or unspent Title IV, HEA program funds received by the institution that closed or ceased to provide educational programs;
  - unpaid Title IV credit balances owed to students
    - Covers the current academic year and up to one prior academic year

(cont.)

Accreditation – Additional Locations (§600.32)

- An additional condition (remaining provision from previous regulation)

  The applicant institution must also agree to abide by the policy of the school that closed or cease to provide educational program(s) on refunds of institutional charges to students that was in effect before the acquisition date of the assets of the additional location for students enrolled before that date.

Accreditation – Additional Locations (§600.32)

- An institution conducting a teach-out at a closed institution or an institution engaged in a teach-out plan approved by the institution's agency may request approved of that site as an additional location if—

  the closed institution ceased operations -or-
  the closing institution is engaged in an orderly teach-out plan and ED has evaluated and approved that plan -and-

  the teach-out plan required in §668.14(b)(31) is approved by the closed or closing institution's accrediting agency

State Authorization for Distance Education (SADE)

SADE - Religious institution definition - §600.9(b)

- Amended definition of a "religious institution" used for State authorization purposes in §600.9(b):

  ED considers an institution to be legally authorized to operate postsecondary education programs if exempt from State authorization as a religious institution under the State constitution or by State law

  - Must still provide a State complaint process

SADE Final Regulations - §600.2 Definitions

- **State authorization reciprocity agreement (SARA):**

  An *agreement between two or more States* that *authorizes an institution located and legally authorized in a State* covered by the agreement *to provide postsecondary education through distance education or correspondence courses* to *students located in other States covered by the agreement* and *cannot prohibit any member State of the agreement from enforcing its own general-purpose State laws and regulations* outside of the State authorization of distance education.

SADE - §600.9(c)(1)(i)

Requirement: if an institution offers postsecondary education through distance education or correspondence courses to students located in a State where the institution is not physically located –or- where the State determined that institution is subject to its jurisdiction (unless under a SARA) **must:**

- meet the other requirements under this section (and)
- meet that State's requirements to offer postsecondary distance education or correspondence courses in that State (and)
- provide approval documentation to ED upon request

-or-

SADE - §600.9(c)(1)(ii)

Requirement: ED considers an institution to have meet its State authorization requirements to offer postsecondary distance education or correspondence courses in a State if it:

meets the other requirements of this section (and)
offers postsecondary education through distance education or correspondence courses in a State that participates in a SARA (and)
is covered by a SARA

- The institution:
  - is subject to limitations in that agreement and additional non-SADE State requirements
  - must provide documentation of its coverage under such an agreement to ED upon request.

SADE - Determining student location

- Determination the State in which a student is located:
  - when the student **initially enrolls** in an educational program
  - upon formal receipt of information from the student, in accordance with the institution's procedures, that the student's location has changed to another State (if applicable)

SADE - Determining student location

- Determining the State in which a student is located:

An institution must:

determine, as per the institution's policies or procedures regarding the State in which a student is located, which it must apply consistently to all students

upon request, provide ED with written documentation of its determination of a student's location, including the basis for such determination

SADE - State complaint process

- Removed regulations for a State complaint process [§600.9(c)(2)]

- *Current §600.9(a)(1) addresses the State complaint process*
- *Current §668.43(b) requires an institution to provide its students or prospective students with contact information for filing complaints with*
  - *its State approval or licensing entity*
  - *any other relevant State official or agency that would appropriately handle a student's complaint*

Questions?

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