To amend the Higher Education Act of 1965 to protect students and taxpayers by modernizing evaluation and increasing transparency in the accreditation system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2020

Mrs. TRAHAN (for herself, Ms. DEAN, and Mrs. HAYES) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Higher Education Act of 1965 to protect students and taxpayers by modernizing evaluation and increasing transparency in the accreditation system, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Accreditation Reform Act of 2020”.

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SEC. 2. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

Paragraph (1) of section 114(c) of the Higher Education Act of 1965 (20 U.S.C. 1011c(c)) is amended to read as follows:

“(1) advise the Secretary with respect to—

“(A) the establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV and how such standards relate to programs under such title;

“(B) participation in Federal recognition reviews (including on-site inspections and reviews of institutions of higher education and unannounced site visits) of accrediting agencies or associations, including through document requests that are considered part of the petitions for recognition of such accrediting agencies or associations under section 496; and

“(C) whether to recognize an accrediting agency or association under section 496;”.

SEC. 3. INDEPENDENT EVALUATION OF ACCREDITATION SYSTEM.

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

(1) in subsection (n)(1)—
(A) in the matter before subparagraph (A), by inserting “and data and evidence compiled by the Department of Education” before the second period;

(B) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(C) by inserting before subparagraph (B), as redesignated by subparagraph (B), the following:

“(A) prior to the solicitation of third-party information concerning the performance of the accrediting agency or association under subparagraph (B), the public comments received by the Secretary pursuant to subsection (r)(1) with respect to the petition of the accrediting agency or association to be recognized under this section;”;

(D) in subparagraph (C), as redesignated by subparagraph (B), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(D) any data the Department of Education has previously collected with respect to the performance of the institutions of higher
education that the accrediting agency or association accredits, including—

“(i) any action taken by the accrediting agency or association to limit an institution of higher education, such as restrictions on enrollment or other substantive changes;

“(ii) any action taken by an accrediting agency or association to address the retention, course completion, or graduation rates of an institution of higher education;

“(iii) student achievement data at such institutions of higher education;

“(iv) findings under completed program and audit reviews of such institutions of higher education; and

“(v) a record of such institutions of higher education that fail to meet the financial responsibility requirements under section 486(d)(2)(C)(i);

“(E) a summary record of other actions (including initial and reaffirmations of accreditation, substantive changes, monitoring, warning, probation, show cause, or limits placed on an institution of higher education accredited by

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the accrediting agency or association, such as
limits on enrollment) taken by the accrediting
agency or association and an explanation for
such actions; and

“(F) conducted at least once annually, an
enhanced review of the standards of any accred-
iting agency or association that accredited an
institution of higher education—

“(i) which was the subject of an inves-
tigation, settlement, or adverse judgement
by a Federal or State authority for a viola-
tion pertaining to fraud or abuse, deceptive
practices, or material harm to students en-
rolled or previously enrolled at such insti-
tution of higher education; or

“(ii) that closed without a teach-out
agreement.”;

(2) in subsection (o), by inserting “(including
limitations on accrediting agencies or associations)”
before “and for the appeal”; and

(3) by adding at the end the following:

“(r) TRANSPARENCY REQUIREMENTS.—

“(1) NOTICE AND COMMENT.—The Secretary
shall, with respect to each petition made by an ac-
crediting agency or association to receive recognition
under this section, make publicly available on the
website of the Department of Education for pur-
poses of public notice and comment, the following:

“(A) Such petition.

“(B) With respect to each institution of
higher education accredited by the accrediting
agency or association that made such petition,
a record of student complaints received by, or
available to, such accrediting agency or associa-
tion.

“(C) A record of investigations, lawsuits,
settlements, or adverse judgments by a Federal
or State authority for a violation relating to
fraud or abuse, deceptive practices, or material
harm to students enrolled or previously enrolled
at each institution of higher education accred-
ited by such accrediting agency or association.

“(D) Any negative action against an insti-
tution of higher education accredited by such
accrediting agency or association.

“(E) Any documents of such accrediting
agency or association requested by the Sec-
retary for purposes of review by the National
Advisory Committee on Institutional Quality
and Integrity under section 114.
“(F) Such other information as the Secretary determines appropriate.

“(2) ACCREDITING AGENCY OR ASSOCIATION DOCUMENTS.—The Secretary shall establish and maintain on the website of the Department of Education the following:

“(A) All final documents produced in an accrediting agency or association review of institutions of higher education accredited by such accrediting agency or association, including on-site inspection and unannounced site visit reports, substantive change reviews and decisions, decision letters, and all other final documents that the Secretary determines appropriate.

“(B) All final documents produced by the Secretary in determining whether an accrediting agency or association is recognized under this section, including—

“(i) a summary of any deficiencies found with respect to such an accrediting agency or association; and

“(ii) the rationale for recognition or denial of such an accrediting agency or association.
“(C) Aggregate outcome data for institutions of higher education accredited by each accrediting agency or association.”.