

116TH CONGRESS  
2D SESSION

# H. R. 5768

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.

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 “Accreditation Reform  
5 Act of 2020”.

1 **SEC. 2. NATIONAL ADVISORY COMMITTEE ON INSTITU-**  
2 **TIONAL QUALITY AND INTEGRITY.**

3 Paragraph (1) of section 114(c) of the Higher Edu-  
4 cation Act of 1965 (20 U.S.C. 1011c(e)) is amended to  
5 read as follows:

6 “(1) advise the Secretary with respect to—

7 “(A) the establishment and enforcement of  
8 the standards of accrediting agencies or asso-  
9 ciations under subpart 2 of part H of title IV  
10 and how such standards relate to programs  
11 under such title;

12 “(B) participation in Federal recognition  
13 reviews (including on-site inspections and re-  
14 views of institutions of higher education and  
15 unannounced site visits) of accrediting agencies  
16 or associations, including through document re-  
17 quests that are considered part of the petitions  
18 for recognition of such accrediting agencies or  
19 associations under section 496; and

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

22 **SEC. 3. INDEPENDENT EVALUATION OF ACCREDITATION**  
23 **SYSTEM.**

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

26 (1) in subsection (n)(1)—

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

5 (B) by redesignating subparagraphs (A)  
6 and (B) as subparagraphs (B) and (C), respec-  
7 tively;

8 (C) by inserting before subparagraph (B),  
9 as redesignated by subparagraph (B), the fol-  
10 lowing:

11 “(A) prior to the solicitation of third-party  
12 information concerning the performance of the  
13 accrediting agency or association under sub-  
14 paragraph (B), the public comments received by  
15 the Secretary pursuant to subsection (r)(1) with  
16 respect to the petition of the accrediting agency  
17 or association to be recognized under this sec-  
18 tion;”;

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

22 (E) by adding at the end the following:

23 “(D) any data the Department of Edu-  
24 cation has previously collected with respect to  
25 the performance of the institutions of higher

1 education that the accrediting agency or asso-  
2 ciation accredits, including—

3 “(i) any action taken by the accred-  
4 iting agency or association to limit an in-  
5 stitution of higher education, such as re-  
6 strictions on enrollment or other sub-  
7 stantive changes;

8 “(ii) any action taken by an accred-  
9 iting agency or association to address the  
10 retention, course completion, or graduation  
11 rates of an institution of higher education;

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

14 “(iv) findings under completed pro-  
15 gram and audit reviews of such institutions  
16 of higher education; and

17 “(v) a record of such institutions of  
18 higher education that fail to meet the fi-  
19 nancial responsibility requirements under  
20 section 486(d)(2)(C)(i);

21 “(E) a summary record of other actions  
22 (including initial and reaffirmations of accredi-  
23 tation, substantive changes, monitoring, warn-  
24 ing, probation, show cause, or limits placed on  
25 an institution of higher education accredited by

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

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

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

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

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

21 (3) by adding at the end the following:

22 “(r) TRANSPARENCY REQUIREMENTS.—

23 “(1) NOTICE AND COMMENT.—The Secretary  
24 shall, with respect to each petition made by an ac-  
25 crediting agency or association to receive recognition

1 under this section, make publicly available on the  
2 website of the Department of Education for pur-  
3 poses of public notice and comment, the following:

4 “(A) Such petition.

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

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

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

21 “(E) Any documents of such accrediting  
22 agency or association requested by the Sec-  
23 retary for purposes of review by the National  
24 Advisory Committee on Institutional Quality  
25 and Integrity under section 114.

1           “(F) Such other information as the Sec-  
2           retary determines appropriate.

3           “(2) ACCREDITING AGENCY OR ASSOCIATION  
4           DOCUMENTS.—The Secretary shall establish and  
5           maintain on the website of the Department of Edu-  
6           cation the following:

7                   “(A) All final documents produced in an  
8                   accrediting agency or association review of in-  
9                   stitutions of higher education accredited by  
10                  such accrediting agency or association, includ-  
11                  ing on-site inspection and unannounced site  
12                  visit reports, substantive change reviews and  
13                  decisions, decision letters, and all other final  
14                  documents that the Secretary determines appro-  
15                  priate.

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

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

23                          “(ii) the rationale for recognition or  
24                          denial of such an accrediting agency or as-  
25                          sociation.

1                   “(C) Aggregate outcome data for institu-  
2                   tions of higher education accredited by each ac-  
3                   crediting agency or association.”.

○