



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE UNDER SECRETARY

February 26, 2020

Re: FINAL ACCREDITATION AND STATE AUTHORIZATION REGULATIONS

Dear State Leaders:

This letter is to inform you that the U.S. Department of Education (Department) has published final regulations relating to the accreditation of institutions of higher education, as well as State authorization requirements for distance education, which may have an impact on your State.

The final regulations published this year were developed by a diverse negotiated rulemaking panel, which reached consensus in April 2019.¹ The Department published a Notice of Proposed Rule Making based on the consensus language, and received approximately 200 comments from the public regarding the proposed regulations. The Department responded to those comments, as appropriate, in the final regulation. With the exception of a few provisions relating to the recognition of accrediting agencies, which will take effect on January 1, 2021 and July 1, 2021, the accreditation and State authorization regulations will take effect on July 1, 2020.²

Below we highlight several key provisions of the final regulation that could have an impact on States. We are providing this notification to help you plan appropriately.

Regional versus National Accreditation

The Department is aware that some States have enacted laws and policies that treat institutions and the students who attend them differently based solely on whether the institution is accredited by a “national” accrediting agency or a “regional” accrediting agency. For example, some States limit opportunities to sit for occupational licensing exams to students who have completed a program at a regionally accredited institution. In other instances, transfer of credit determinations at public institutions, and other benefits provided by States, are limited to students who attended regionally accredited institutions.

Because the Department holds all accrediting agencies to the same standards, distinctions between regional and national accrediting agencies are unfounded. Moreover, we have determined that most regional accreditors operate well outside of their historic geographic borders, primarily through the accreditation of branch campuses and additional locations. As a result, our new regulations have removed geography from an accrediting agency’s scope.³ Instead of distinguishing between regional and national accrediting agencies, the Department will distinguish only between institutional and programmatic accrediting agencies. The Department will no longer use the terms “regional” or “national” to refer to an accrediting agency.

¹ 84 FR 58834

² The new regulations delay implementation of changes to the Department staff’s review of accrediting agency applications for initial or renewal of recognition under 34 C.F.R. § 602.32(d) until January 1, 2021. See 84 FR 58927. The new regulations also delay implementation of changes to the Department staff’s process for responding to accrediting agency applications and allowing agency responses within 180 days under 34 C.F.R. § 602.32(h) until July 1, 2021. See 84 FR 58928.

³ See 84 FR 58917-58918 (amending 34 C.F.R. §§ 602.3, 602.11).

Because the Department will no longer distinguish between “regional” and “national” accrediting agencies, we wanted to provide States with advanced notice of this change so that State leaders will have sufficient opportunity to adjust State laws, regulations, or policies accordingly.

State Authorization

The Department’s revised Accreditation and State Authorization regulations also make changes to State authorization requirements.⁴ For example, in order for a distance education provider to serve students in a State other than the one in which the institution has a physical presence, either the State in which the institution is located or the State in which the student is located must have a process in place to receive and review student complaints.⁵ We encourage all States to implement the appropriate policies and processes to accept, investigate, and respond to student complaints.

In addition, because it is important for all students – and not just those who enroll in distance education – to understand whether the program in which they are enrolled will qualify them to work in certain occupations in a given State, the revised regulations require both ground-based and online programs to notify students whether the program will or will not meet licensure requirements in a particular State, or in the event that the institution has not made that determination, where a student may obtain that information.⁶

The revised regulations continue to recognize State reciprocity agreements, such that an institution participating in a State reciprocity agreement will have satisfied the Department’s State authorization requirements in any State that also participates in the reciprocity agreement.⁷ In response to public comments, the Department provided further clarity that, while States participating in a State authorization reciprocity agreement may still enforce their own general-purpose State laws and regulations outside of the State authorization of distance education, States participating in a reciprocity agreement may not impose additional distance education regulations or requirements upon institutions that participate in such agreements.⁸

The Department of Education has developed informational webinars to help States, institutions of higher education, and accreditors understand what is required of them under our new regulations. The webinars are located on the Department’s website at <https://www2.ed.gov/policy/highered/reg/hearulemaking/2018/index.html>.

Should you have any questions, please feel free to contact the Accreditation Group at the Department of Education at aslrecordsmanager@ed.gov or 202-453-7615.

Sincerely,



Diane Auer Jones
Principal Deputy Under Secretary
Delegated the Duties of Under Secretary

⁴ See generally 84 FR 58914-58915 (amending 34 C.F.R. § 600.2); 84 FR 58915-58916 (amending 34 C.F.R. § 600.9).

⁵ See 84 FR 58915 (amending 34 C.F.R. § 600.9(c)). See 84 FR 58845-58846 (comments and discussion).

⁶ See 84 FR 58932 (amending 34 C.F.R. § 668.43(a)(5)).

⁷ See 34 C.F.R. § 600.9(c)(1)(ii).

⁸ See 84 FR 58841-58842, 58914-58915 (amending 34 C.F.R. § 600.2).

Distance Education Accrediting Commission

Explaining DEAC's Comparability to Regional Accreditation

Today's distance education students are a truly remarkable and diverse group with unlimited potential. Their success is vital to our nation's future at a time when the resources available to support new initiatives to increase postsecondary attainment are severely constrained. More than ever, distance education is key to expanding learning opportunities that serve the unique needs of students. DEAC accredited institutions are commended for their innovative approaches our institutions are taking to address some of the most difficult challenges facing education in the United States and around the world. As a community of educators with a broad spectrum of missions, the DEAC is making distance education more powerful for all students by creating more opportunities for students to engage in learning that is relevant to their lives and that prepares them for success in their career, their workplace, and their communities.

The comparability of national accreditation to regional accreditation, however, is an important issue that continually receives attention by current and prospective students and within the broader higher education community. It is also a subject of much debate among policy makers and regulators. Transfer of credit, admission to graduate schools, eligibility for employer-sponsored tuition assistance, and eligibility to take licensure examinations necessary to enter certain professions often hinge on whether an individual attended a regionally or nationally accredited institution. This paper provides a brief overview of the Distance Education Accrediting Commission accreditation standards and procedures within the context of this comparability.

The Distance Education Accrediting Commission (DEAC) is a private, non-profit organization that accredits institutions that primarily offer distance education. Founded in 1926, accreditation by DEAC covers all distance education activities within an institution and provides a single source of recognized accreditation from the primary school level through professional doctoral degree-granting institutions. No other accrediting organization represents the broad spectrum of mission among distance education institutions like the DEAC does.

An important baseline for establishing the comparability of institutional accreditation is the recognition process for accreditation. In the United States, the federal government, through the U.S. Department of Education recognizes accrediting organizations and aims to assure that the standards of accreditors meet expectations for institutional participation in federal student aid programs. The Council for Higher Education Accreditation (CHEA) also plays a significant role in the recognition of accrediting organizations. CHEA is the only nongovernmental higher education organization in the U.S. that undertakes a process to review accrediting organizations through a formal process established by representatives of the higher education community.

The academic quality and accountability criteria DEAC must meet to achieve recognition by USDE and CHEA are the same criteria regional accreditors must meet to achieve recognition.

DEAC's Recognition by the U.S. Department of Education (USDE)

DEAC initially received federal recognition in 1959 from the U.S. Commissioner on Education, the predecessor to the U.S. Secretary of Education. DEAC has continually held recognition by the U.S. Department of Education ever since. Federal recognition aims to ensure that accreditors meet expectations for institutional and program participation in federal activities, such as federal financial aid

programs. Currently, the federal recognition process is carried out by the National Advisory Committee for Institutional Quality and Integrity (NACIQI). The NACIQI provides recommendations to the U.S. Secretary of Education concerning whether accreditation standards are sufficiently rigorous and effective toward ensuring that a recognized accreditor is a reliable authority regarding the quality of the education provided by the institution it accredits. In 2012, NACIQI recommended to the Secretary of Education that DEAC receive recognition through 2017. DEAC's scope of recognition by the Secretary of Education is:

The accreditation of postsecondary institutions in the United States that offer degree and/or non-degree programs primarily by the distance or correspondence education method up to and including the professional doctoral degree, including those institutions that are specifically certified by the agency as accredited for Title IV purposes.

DEAC's Recognition by the Council for Higher Education Accreditation (CHEA)

CHEA was formed in 1996 by presidents of U.S. colleges and universities to strengthen higher education through strengthened accreditation processes. It promotes academic quality through formal recognition of higher education accrediting bodies and works to advance self-regulation in higher education through accreditation. Recognition by CHEA affirms that the standards, policies and procedures of accrediting organizations meet the academic quality, institutional improvement and accountability expectations CHEA has established. In addition, CHEA recognition is only available to accreditors that primarily review degree-granting institutions. CHEA has continually recognized DEAC since 2001. DEAC received its most recent grant of recognition from CHEA in 2013. DEAC's scope of recognition by CHEA is:

The accreditation of higher learning institutions in the United States and international locations that offer programs of study that are delivered primarily by distance (51 percent or more) and award credentials at the associate, baccalaureate, master's, first professional and professional doctoral degree level.

Above and Beyond the Recognition Criteria

Recognition by both the USDE and CHEA demonstrates that DEAC meets the same quality expectations for standards and procedures that are implemented for the recognition of regional accreditors. Recognition serves as an important baseline to establishing the credibility and reliability of an accrediting organization, however; DEAC takes additional steps above and beyond recognition requirements to establish the comparability of its accreditation process to that of regional accreditation. The DEAC works carefully and methodically to assure that its academic quality standards are equivalent to those of regional accreditors. Academic quality refers to the results associated with teaching, learning, research and service to students within the context of institutional mission. There are no significant differences in the academic aspects of the accreditation process employed by the six regional accrediting groups when compared to the accreditation standards and procedures implemented by DEAC. In particular

- DEAC's experience reviewing distance education spans nearly 90 years and covers all aspects of delivery, whether online learning, competency-based learning, or correspondence learning.
- DEAC's accreditation standards for degree programs are aligned with the accreditation standards implemented by the regional accreditors.

- DEAC degree standards are outcomes focused and state: “Graduates of distance education degree programs must exhibit skill and knowledge attainment through the demonstrated achievement of educational objectives and outcomes comparable to those of accredited resident degree programs that are similar in nature and level.” When granting accreditation, DEAC reviews all programs offered by an institution for evidence that this standard is met.
- DEAC reaches its judgment on its “comparability” standard by employing subject matter expert faculty who teach at regionally accredited universities and who serve as reviewers for the American Council on Education Credit Recommendation Service (ACE CREDIT). The subject matter experts assess the quality, relevance and academic soundness of the curricula offered by DEAC institutions against curricula offered by regionally accredited institutions. These evaluators use a comprehensive and detailed assessment instrument that involves over 250 questions, through which they are able to make fair and precise judgments on the comparability of programs to the curricula of regionally accredited institutions.
- DEAC accreditation standards require bachelor’s degrees to have at least 120 semester credit hours, consistent with regional accreditation standards, and like the regional accreditors, DEAC standards mandate that a student earn at least 25% of academic credits at the institution awarding a degree credential.
- DEAC requires the same amount of general education credits (at least 25 percent) for a bachelor’s degree program, as do each of the regional accrediting organizations.
- DEAC accreditation standards require all degree granting programs to administer proctored examinations at appropriate intervals throughout all programs of study.
- DEAC standards for faculty are the same as for each of the regional bodies (e.g., faculty must possess a graduate degree from an accredited institution in a related discipline to instruct students enrolled at the bachelor’s level).
- DEAC institutions use the same learning management platforms, the same research databases and the same textbook materials as do regionally accredited institutions. Moreover, many DEAC institutions employ the same adjunct faculty who likewise teach at regionally accredited institutions.
- Several universities that are accredited by DEAC also hold regional accreditation. The Presidents and Provosts of these institutions report that DEAC’s process is *equally if not more* thorough and stringent than the regional accreditation processes. For example, DEAC reviews all programs offered by its institutions; regional accreditors do not. Also, DEAC accreditation must be renewed every five years, including a fresh review of curricula, faculty qualifications, and faculty professional development whereas regional accreditation renewal occurs every ten years. DEAC maintains a formal contractual arrangement with one regional accrediting association, Middle States Association-Commission on Secondary Schools, to perform dual accreditation of non-degree postsecondary and high school institutions.
- The National Office of Job Corps requires all online high school providers to maintain DEAC accreditation.

- DEAC accreditation focuses explicitly on student learning outcomes assessment. DEAC’s process builds an awareness of best practices for distance education quality assessment models that focus on teaching, learning, and student outcomes.

In conclusion

Transfer of credit and credentials earned at DEAC institutions deserve the same parity and consideration as credentials earned at other institutions with accreditation recognized by USDE and CHEA. As their personal circumstances and educational objectives change, students deserve an equal opportunity to have their learning recognized by institutions where they enroll for further study and when seeking advancement into a profession. For reasons of **social equity** and **educational effectiveness**, it is important for all institutions to have reasonable and definitive policies and procedures for reviewing the quality and rigor of an individual’s academic preparation – **regardless of the source of institutional accreditation**. Comparability of the nature, content, and level of the courses/programs completed to those offered by the receiving institution, as well as applicability of the credit earned, are as important in the evaluation process as the accreditation status of the institution where credit was awarded.

For more information about DEAC, please visit our website at www.deac.org.

“AS A COMMUNITY OF EDUCATORS WITH A BROAD SPECTRUM OF MISSIONS, THE DEAC IS MAKING DISTANCE EDUCATION MORE POWERFUL FOR ALL STUDENTS BY CREATING MORE OPPORTUNITIES FOR STUDENTS TO ENGAGE IN LEARNING THAT IS RELEVANT TO THEIR LIVES AND THAT PREPARES THEM FOR SUCCESS IN THEIR CAREER, THEIR WORKPLACE, AND THEIR COMMUNITIES.”

*Leah K. Matthews, Ph.D.
Executive Director and CEO
Distance Education Accrediting Commission*

**Distance Education Accrediting Commission
1101 17th Street NW, Suite 808
Washington, DC 20036
(202) 234-5100
deac.org**