



Comments of the Regulatory Action Center

Re: Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, The Secretary's Recognition Procedures for State Agencies

Docket ID: ED-2018-OPE-0076-0644

July 12, 2019

The Regulatory Action Center at FreedomWorks Foundation is dedicated to educating Americans about the impact of government regulations on economic prosperity and individual liberty. FreedomWorks Foundation is committed to lowering the barrier between millions of FreedomWorks citizen activists and the rule-making process of government bureaus to which they are entitled to contribute.

On behalf of over 5.7 million activists nationwide, FreedomWorks Foundation appreciates the opportunity to offer these comments regarding the notice and request for comments on Student Assistance General Provisions, the Secretary's Recognition of Accrediting Agencies, and the Secretary's Recognition Procedures for State Agencies (ED-2018-OPE-0076-0644), and to participate in the discussion surrounding this issue.

Along with the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965 (HEA) laid out a broad regulatory framework for education reform, placing an emphasis on financial assistance and federal oversight. As part of President Lyndon Johnson's "War on Poverty," the HEA sought to raise the bar for higher education in America. In order to accomplish this goal, instituting proper accreditation of institutions of higher education was essential to ensuring that America's colleges and trade schools provide their students with a quality education. It is partially because of accreditation and the HEA that America's universities have become the gold standard of higher education worldwide.

Since then, the federal budget has ballooned, and with it the regulatory power of agencies like the Department of Education (ED) has grown. Though accreditation remains essential to ensuring the quality of education in America's schools, the ever increasing quantity of red tape surrounding higher education accreditation has hampered the ability of our institutions to grow and innovate. As the global economy continues to change at breakneck speed, it is essential that the ED streamline the accreditation process to allow our colleges, universities, and trade schools to adapt to the needs of both the national and global markets.

Gaining federal accreditation for an institution of higher education is a long and arduous process. This leads most institutions to seek accreditation piecemeal through specialized or programmatic accreditation. These accreditations are granted to "programs, departments, or schools that are parts of an institution" rather than the institution as a whole, giving the



accreditor greater oversight of each individual program. As it stands, there are currently 19 recognized institutional accrediting organizations and 60 recognized programmatic accrediting organizations. Implementing the current proposal would provide benefits for institutions by alleviating the control accreditors hold over them.

The primary reason FreedomWorks Foundation supports the proposed rule is that creating less prescriptive accreditation requirements would grant both accreditors and institutions of higher education a necessary increase in flexibility. Rather than unraveling oversight and allowing low-quality programs, as some critics have claimed, the rule change would allow institutions to tailor their programs to more closely meet the needs of their students, thus increasing quality. Currently, colleges, universities, and trade schools are stifled by regulatory barriers that would prevent such innovation. The current proposal would put these institutions in control of their own fate, resulting in massive benefits for them and, most importantly, students.

One important aspect of the proposed rule would allow institutions to expand without first receiving accreditor approval. Universities would be allowed to open satellite or branch campuses that would be accredited after opening. This relatively minor regulatory change opens up the door for greater expansion of higher education to underserved communities. This will open up a wider variety of opportunities for financially strapped families or those who face realities that force them to stay close to home. In doing so, the market for higher education will become more competitive and ensure fewer students have to turn down a quality education because of location.

Furthermore, previously accredited institutions of higher education that may not meet every single minute regulation would be allowed to maintain accreditation through a new status known as “substantial compliance.” Rather than losing accreditation almost immediately upon lapse of quality, “substantial compliance” would allow institutions up to a four year grace period under which they would be required to fix the regulatory lapses in their administration. The FreedomWorks Foundation has long emphasized that “one-size-fits-all” educational models do not work for our nation’s students. Allowing flexibility to experiment outside the bounds of some existing regulations will create a broader network of educational opportunities for students.

The proposed rule would also allow institutions to outsource up to 50 percent of their programs to nonaccredited third-party providers. We greatly appreciate the willingness of all parties in this conversation to come to a consensus on this number. With the rapid growth and success of online programs and other targeted education programs, traditional brick-and-mortar institutions aren’t feasible or efficient for many students. Allowing such “outsourcing” will provide prospective students with the choice of venue and institution that works best for them, and the market will determine what is most efficient rather than an accreditor who may not be attuned to the needs of individuals across the nation.



Another significant piece of the proposed rule is the streamlining of trade school accreditation. Many in America are under the false notion that a four-year degree is essential to social mobility and success. This couldn't be farther from the truth. Trade schools, community colleges, apprenticeships, and other programs that are significantly shorter and less costly than a traditional bachelor's degree are alternative pathways to financial stability and success. As such, these programs deserve to be treated with the respect that we treat programs at Harvard or Yale. The proposed rule would make dramatic steps forward for this often overlooked section of higher education.

This aspect is also important for helping students meet occupational licensing requirements. FreedomWorks Foundation has long sought the removal of these unnecessary barriers to employment. However, as long as they do exist, higher education should make it as easy as possible for students to know whether their course work meets those requirements and to expand opportunities to fulfill the requirements through some of the alternate means outlined above. We appreciate the Department including this in their final proposal.

As new technologies continue to arise and challenge the regulatory status quo, it is crucial that agencies like the Department of Education make every effort to update the rules. It is for this reason that FreedomWorks Foundation strongly supports efforts to streamline the higher education accreditation process. It is our hope that, once finalized, these new regulations will allow institutions of higher education to overcome the current regulatory burdens and create a better framework to educate the future leaders of America.

Respectfully submitted,

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