

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.”.

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