
WHAT'S NEW IN ACCREDITATION AFTER JULY 1, 2020?

The USDE Regulatory Changes



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DISCLAIMER

- I was a Vice President of MSCHE for the last two and a half years.
- Retired July 31, 2020.
- I do not represent MSCHE,
- All of this presentation is my own responsibility.
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OBJECTIVES

- Introduce some of the USDE regulatory changes (July 1, 2020).
- Identify how some of those changes impact accreditation processes.
- Exemplify how an accreditor has adopted and adapted to those measures; the MSCHE website to illustrate and navigate through the changes.

ENVIRONMENTAL FACTORS PROMPTING CHANGES IN THE USDE REGULATORY DOMAIN

- The Negotiated Rule Making from 2019 and the Code of Federal Regulations (CFR)
- COVID-19, prompts flexibilities introduced before July 1, 2020 (temporary changes and current effects)
- Internal aspects of the Universities and States
Concern: Finances, Mergers, Acquisitions, Closures, Opening of New Markets

USDE AND THE REGULATORY ENVIRONMENT. CHANGES IN THE CFR

- Negotiated Rule Making promoted by the USDE-
general timeline
 - Spring of 2019 Consensus reached by the Team
 - Summer 2019 First version of the new Rules is published for public consideration and recommendations
 - November 2019 Deadline for recommendations
 - July 1, 2020 Implementation

USDE AND THE REGULATORY ENVIRONMENT, CFR CHANGES

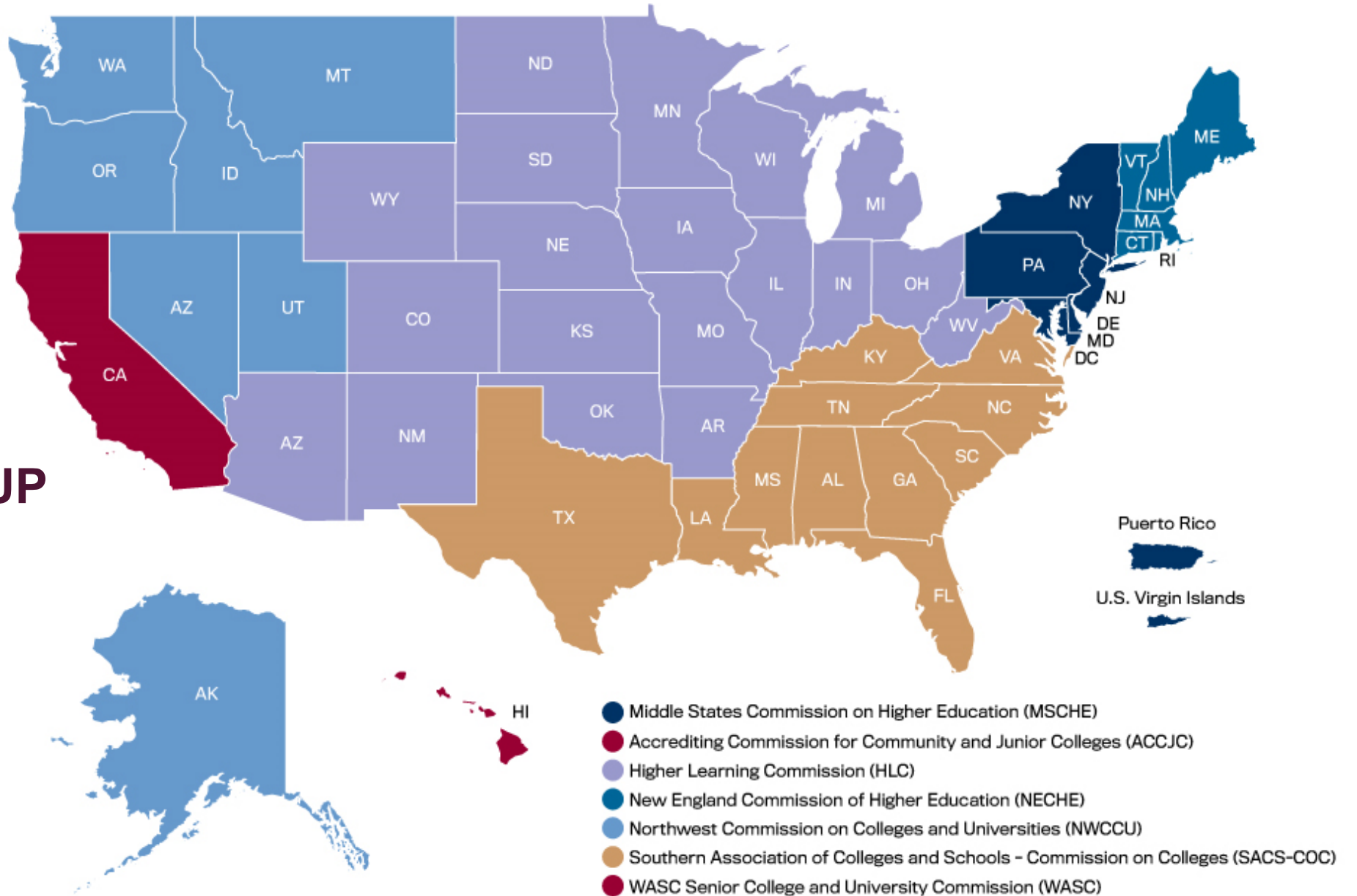
- Regulatory Changes that affect Accreditation
 - There are no references to regional accreditation
 - Arbitration is mandatory before legal actions are taken
 - Procedural and political changes to support shifts and changing paradigms in Higher Education.
 - Alternative methods for teaching, remote learning

COVID-19 AS A FACTOR: SPRING 2020

- **USDE allowed Accreditors and States to take emergency actions:**
 - Temporary waive policies and procedures, such as the substantive change requirements for distance education when institutions were not approved for this alternative delivery method.
 - Institutions wishing to extend the use of distance education beyond December 31, 2020, must obtain approval.
 - Temporary waiver of on-site visits. Virtual site visits could be utilized instead.
 - **Some of the regulatory language is discretionary and some language is mandatory.**

MAP OF USA REGIONAL ACCREDITORS UP TO JUNE 30, 2020

(MSCHE COPYRIGHTED)



- Middle States Commission on Higher Education (MSCHE)
- Accrediting Commission for Community and Junior Colleges (ACCJC)
- Higher Learning Commission (HLC)
- New England Commission of Higher Education (NECHE)
- Northwest Commission on Colleges and Universities (NWCCU)
- Southern Association of Colleges and Schools - Commission on Colleges (SACS-COC)
- WASC Senior College and University Commission (WASC)

USDE CHANGES TO THE CFR AND ACCREDITATION

- Regulations allow each Commission to independently consider next steps. This is under the premise that geographical boundaries won't restrict breadth of action or they may continue operating based on its regional boundaries.
- The reference to the term **regional** has disappeared from the regulations but each Commission may still define its work regionally. Nothing in the regulations requires accrediting commissions to expand.
- Each Commission has the capacity to act according to this regulation.
- MSCHE currently operates in 48 states, the District of Columbia, Puerto Rico and the US Virgin Islands and Internationally in more than 90 countries, other accreditation Commissions do the same, they operate nationally and internationally.

USDE REGS AND EXTENSION OF THE NON-COMPLIANCE PERIOD

- Previous to July 1, 2020 there was a two-year noncompliance period.
- The new regulations extend this period recognizing that some institutions need longer periods to deal with the non-compliance determination.
- Commissions have the authority to require institutions to show cause at any time, thus accreditation may be withdrawn earlier.
- Original Federal Time period of two years of non-compliance is extended.

USDE REGULATION CHANGES: FIRST ACCREDITATION

- New option for accreditation agencies to provide a retroactive date of accreditation **for new member institutions.**
- Retroactive provisions allows to pre-date an institution's initial accreditation.
- This is beneficial for students who graduate from those institutions at a time when the institution was only a candidate for accreditation, and did not still have initial accreditation.
- Can help facilitate transfer and licensure opportunities.

FEDERAL REGS: SUBSTANTIVE CHANGE MODIFICATIONS

- The most significant changes under the new regulations, and those most likely to impact institutions, are in the area of **Substantive Change**.
- **The regulations allow a risk-based approach to changes at institutions.**
- MSCHE adopted the model under its policies and procedures based on the new regulations.
- MSCHE tiered approach places the substantive change evaluation process across five levels, with the lowest level reflecting notifications to staff, with staff recording of the substantive change, while other tiers require a review process with peer evaluators and Commission action.
- Example: review MSCHE website in the area of Substantive Change.

MSCHE SUBSTANTIVE CHANGE IN
< WWW.MSCHE.ORG >

<https://www.msche.org/substantive-change/>

SUBSTANTIVE CHANGE AND ITS IMPACTS AFTER JULY 1, 2020

- Risk based
- Types of Substantive Change appear under Section 602.22 (a) CFR
- New Requirements Section 602.22 (b) CFR
- Includes regs on Institutions that have been in non-compliance in the previous three years prior to the Sub Change being submitted or/and it does not have a provisional certification for participation in title IV, HEA programs.
- Notifications procedures if the Institution is in compliance

SUBSTANTIVE CHANGE AND ITS IMPACTS AFTER JULY 1, 2020

- Prior to implementation, institutions need to submit a substantive change request for the following types of changes:
 1. **Substantial Change in Mission or Objectives**
 2. Change in Legal Status, Form of Control, or Ownership- Complex Sub Change
 3. Significant Departure from Existing Educational Programs
 4. **Alternative Delivery Method- One (1) program**
 5. Direct Assessment Programs
 6. **Higher** Credential Level (first two programs at the higher credential level)
 7. **Change in Measures of Student Progress** (includes changes in terms)
 8. Substantial Increase in the Number of Clock or Credit Hours Awarded- more than 25% (decrease in hours is no longer a sub change)
 9. Written Arrangements (Domestic and International) –if more than 25% of the program is offered by a non-title IV certified provider. Should never exceed 50% of the program.
 10. Establishment, Relocation, Reclassification, or Closure of Additional Locations

SUBSTANTIVE CHANGE AND ITS IMPACTS AFTER JULY 1, 2020 (CONTINUES)

11. Establishment, Relocation, Reclassification, or Closure of Branch Campuses

12. Relocation or Reclassification of Main Campus

13. Institutional Closure

14. Experimental Sites Initiatives (ESI) as Required by the United States Department of Education (USDE)

- In accordance with federal regulation 34 CFR § 602.22(b), member institutions that have been placed on warning, probation, or show cause by the Commission in the past three years or are under a provisional certification for participation in title IV, HEA programs shall be required to submit a substantive change request to the Commission for approval prior to implementation.
- All other institutions shall notify the Commission within 30 days of the following additional changes (see Substantive Change Guidelines for descriptions):
 1. Change in an Existing Program's Method of Delivery
 2. Aggregate Change of 25 Percent or More of Program's Curriculum
 3. Customized Pathways or Modified Programs
 4. Written Arrangements for the Provision of 1-24 Percent of an Educational Program

SUB CHANGES NEW REQUIREMENTS

1. Existing Program Method of Delivery
2. Aggregate change of more than 25% of credit hours, clock hours or CONTENT of a Program
3. Development of Customized pathways to degrees- to give credit or value to existing knowledge through military service for example.
4. Written arrangements of 25-50% with a non Title IV certified entity for an educational program. Notifications for arrangements between 1-24%
5. Lower credential levels are not Sub Changes anymore

SUB CHANGES

- Changes may require New Forms
- There are different types of forms according to the type of Change

THANK YOU!

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