

# Advancing Quality, Fairness, and Transparency

Recommendations for Revisions to the Accreditation Handbook

February 2026

To support the U.S. Department of Education’s initiative to revise and enhance the handbook applied to the recognition of accrediting agencies, NAAE offered comprehensive recommendations regarding quality assurance, fairness of process and transparency of outcomes.<sup>[1]</sup> This report discusses how those recommendations reinforce accreditation as a credible system of quality assurance while safeguarding procedural fairness, promoting transparency, reducing credential inflation, and respecting institutional autonomy and intellectual diversity. NAAE seeks to ensure that federal recognition decisions are consistent, evidence-based, and adaptable to the evolving higher education landscape.<sup>[2]</sup>

NAAE’s contribution to the handbook is guided by five core principles:

- ✓ **Regulatory clarity over prescriptive control** – Clear expectations supported by illustrative guidance, rather than rigid or inflexible mandates.
- ✓ **Procedural fairness and due process** – Particularly critical for agencies seeking initial recognition.
- ✓ **Consistency and traceability in decision-making** – Across institutions, reviewers, and time.
- ✓ **Respect for institutional autonomy and diversity of mission** – Including protection of intellectual diversity and freedom of inquiry.
- ✓ **Alignment of credentials with outcomes and purpose** – To curb credential inflation and strengthen public confidence.

NAAE’s recommendations are intended to strengthen the federal recognition framework for accrediting agencies while ensuring that recognition remains fair, evidence-based, and responsive.

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<sup>[1]</sup> Docket ID: ED-2025-OPE-1009

<sup>[2]</sup> *Kisor v. Wilkie*, 588 U.S. \_\_\_ (2019).  
*United States v. Mead Corp.*, 533 U.S. 218 (2001).  
*Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

## **I. Purpose and Organization (34 CFR § 602.14)**

### **NAAE Recommendation:**

The Handbook should clarify documentation expectations related to agency governance and conflict-of-interest management without expanding substantive requirements. Specifically, agencies should provide the minutes of meeting of decision-making bodies or accreditation commissions. The minutes should memorialize which members were present and the agenda they followed; documented recusals due to conflicts-of-interest, where applicable; and written correspondence from institutions raising conflict-of-interest concerns, along with agency responses that explicitly reference relevant bylaw or charter provisions.

### **Rationale:**

Clear documentation standards promote transparency while preserving agency autonomy and discretion in governance structure. Reinforces principle of accreditation agencies as voluntary, self-governed organizations.

## **II. Administrative and Fiscal Capacity (34 CFR § 602.15)**

### **NAAE Recommendation:**

The Handbook should confirm that agencies may demonstrate administrative and fiscal capacity through written materials that include staff resumes or CVs; site visitor resumes, CVs, or applications; similar documentation for members of decision-making bodies, including verification of public representatives;

### **Rationale:**

The focus should remain on competence and integrity, not surveillance or scrutiny of extraneous personal materials. Meaningful, substantive participation by public members of the decision-making body strengthens the accreditation program and adds valuable perspectives regarding community expectations, supplementing the self-governed and independent prerogatives of the institutional members of the decision-making body.

### **III. Accreditation Standards and Intellectual Diversity (34 CFR §§ 602.16, 602.17, 602.18, 602.23, 602.25)**

#### **A. Facilitating Open Inquiry and Intellectual Diversity**

##### **NAAE Recommendation:**

Add a new standard at § 602.16(a)(1)(xi) requiring agencies to evaluate whether institutions support conditions for open inquiry and intellectual diversity, consistent with institutional mission and applicable law. This standard would focus on the protection of academic freedom; neutral and unbiased application of institutional policies; and opportunities for students to engage in scholarly debates free from coercion, intimidation, or threats.

Importantly, this recommendation does not impose ideological outcomes, but rather procedural safeguards ensuring educational quality and fairness.

##### **Rationale:**

Formal civic education is most valuable when it introduces the principles of self-governance as rudimentary to the U.S. system of government, and respectfully demonstrates how that system is fragile, impermanent, and subject to destabilization through hubris, abuse, or perfidy. Modeling appropriate and affective civil discourse in the academy requires deliberate, pro-active initiatives, support, and structure.

#### **B. Application of Standards and Consistency**

NAAE recommends conforming revisions to § 602.17(f) to explicitly reference written evaluation of compliance related to intellectual diversity, where applicable; § 602.18(b)(2) to clarify that consistency protections include safeguards against ideological or viewpoint-based bias; and § 602.23(c)(3) to recognize that complaints may involve allegations of viewpoint discrimination or retaliation.

##### **Rationale:**

Institutional fidelity to open inquiry and intellectual diversity entails deliberate, expressed expectations that can be evaluated through written instruments and shared within the institution and with the community, including transparency in processes for addressing grievances and complaints, including those related to intellectual diversity.

### **C. Due Process Applied to Intellectual Diversity**

Where agencies evaluate compliance with intellectual diversity standards, the handbook should explicitly require and offer examples of documentation of the evidentiary basis for findings; clear specification of institutional deficiencies; and sufficient opportunity for institutional response prior to adverse action.

#### **Rationale:**

With respect to adverse actions by the accreditor against a member institution, handbook guidance on required due process elements must respect the autonomy and self-governance prerogatives of the accreditation membership. As long as those elements are clearly defined in the association's charter and by-laws, and applied methodically in making accreditation decisions, the content of those elements should not be second-guessed during the recognition review process.

### **IV. Link to Federal Programs (34 CFR § 602.10(a))**

#### **NAAE Recommendation:**

For agencies accrediting institutions for participation in Title IV programs, the Handbook should permit flexibility in evidentiary formats demonstrating institutional reliance, including letters, but also electronic communications and platforms with verifiable time, date, and source metadata.

#### **Rationale:**

This reflects contemporary, inter agency communication practices and behaviors. Greater tolerance for evidence other than hard copy on letterhead is valuable, as long as the documentation preserves evidentiary integrity.

## **V. Due Process and Appeals (34 CFR § 602.25)**

### **NAAE Recommendation:**

The Handbook should clarify that agencies seeking initial recognition may provide due process and appeals examples drawn from institutional actions; hypothetical or simulated cases; or other early operational cases, where no appeals have yet occurred.

### **Rationale:**

This ensures fairness without penalizing newer agencies for lack of historical volume.

## **VI. Other Required Information and Information Sharing (34 CFR §§ 602.27–602.28)**

### **A. Information Sharing with the Department (§ 602.27)**

### **NAAE Recommendation:**

The Handbook should explicitly state that agencies are generally expected to communicate with both the institution and the Department when Title IV concerns arise, except where the Department requires confidentiality in connection with a specific investigation, or a court orders nondisclosure.

### **Rationale:**

Effective relationships between the regulatory triad and institutions relies on transparent, timely and factual communications. In an optimal circumstance, the information sharing occurs openly, freely and without fear of reprisal. The expectation that relevant and material information possessed by the accreditor should be withheld from its member institution suppresses open communications that is required for effective oversight and support of the nation's higher education system. Therefore, the circumstances under which such information withholding occurs should be very narrowly focused; the process by which that requirement is imposed on the accreditor should be detailed and systematic; and the imposition of that confidentiality requirement should be extremely infrequent. Member institutions rightfully lose fidelity to and confidence in their self-governed, voluntary association when it becomes a de facto enforcement arm of the federal government.

## B. Regard for Decisions of States and Other Accreditors (§ 602.28)

### NAAE Recommendation:

Clarify that an agency satisfies § 602.28 when it can reasonably demonstrate that it had no prior knowledge of adverse state or accreditor actions at the time of review, and that it considered such information promptly upon becoming aware of it.

### Rationale:

Regarding the knowledge of adverse information from other sides of the regulatory triad, or other non-triad governmental entities, the appropriate presumption is that the accreditor performs due diligence methodically to garner material information about its member institutions in order to carry out the quality assurance function. To the degree reasonable due diligence can never discern every possible factor or access every information source, the accreditor should not be at risk for lack of information awareness. A contrary expectation places the accreditor in a position of being a primary investigative instrument for government entities, instead of a valuable partner and resource to institutions working diligently to improve effectiveness and student learning outcomes. The paradox of the relationship between accreditors and their Title IV participating member institutions becomes tangible and salient in the application of 602.28, as well as other related regulations. The handbook guidance must acknowledge that paradox and guide the accreditor more thoughtfully in maneuvering through the contradictions and conflicting objectives.

Principle	What it means
Regulatory clarity	Clear expectations supported by illustrative guidance, not rigid mandates.
Procedural fairness	Due process, especially for agencies seeking initial recognition.
Consistency	Traceable decisions across reviewers, institutions, and time.
Institutional autonomy	Respect for diversity of mission and freedom of inquiry.
Credential alignment	Outcomes-based expectations to curb credential inflation.

## VII. Credential Inflation and the Need for a National Qualifications Framework

### NAAE Recommendation:

The Accreditation Handbook should acknowledge and support the development of a U.S. National Qualifications Framework (NQF) to align with Executive Order 14279 by establishing clear, outcomes-based expectations that strengthening accountability, transparency, student mobility, and labor-market relevance.

### Rationale:

Credential inflation has been criticized as a contributing factor in the lowered affordability of higher education programs, increased student loan debt, and creating unnecessary barriers to entering a professional field, thereby protecting incumbent providers and professionals from competition. The Handbook should encourage accreditors to review new program applications and higher credential initiatives with an eye toward an NQF structure or standard, and in any case with consideration to market demand and relevance.

## VIII. Standard of Review and Compliance Findings

### NAAE Recommendation:

For findings of substantial compliance or noncompliance with the Department's recognition requirements, any required compliance report must enumerate the specific sections of 34 CFR Part 602 at issue; and be limited to concerns explicitly identified in the agency petition, staff report, and agency response.

### Rationale:

Concerns raised during deliberations by the National Advisory Committee on Institutional Quality and Integrity (NACIQI) that are not grounded in the record should not form the basis for compliance requirements or decision on recognition. The perspectives and insights of NACIQI members expressed during the open meetings are valuable and honorable; however, they often raise issues or concerns that are absent from the volume of material provided by the accreditor and meticulously reviewed by staff.

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Requiring an agency to respond to such extraneous concerns by including them as compliance requirements would entail due process elements absent from statute or regulation.

## IX. Experience Requirement for Initial Recognition (34 CFR § 602.12(a)(2))

### Handbook Section 602.12(a)(2) Experience

“Conducted accrediting activities, including deciding whether to grant or deny accreditation or preaccreditation, for at least two years prior to seeking recognition, unless the agency seeking initial recognition is affiliated with, or is a division of, an already recognized agency.”

#### **NAAE Recommendation:**

The Accreditation Handbook should clarify what constitutes acceptable “accrediting activities” for purposes of meeting the two-year experience requirement.

In addition to final decisions to grant or deny accreditation or preaccreditation, qualifying

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accrediting activities should explicitly include documented examples (though not all-inclusive) such as development, adoption, and revision of accreditation standards and policies; solicitation and review of institutional self-studies; training and deployment of peer reviewers and site visitors; conduct of mock, formative, pilot, or advisory site visits; preparation of site visit reports and analytical evaluations; implementation of monitoring, follow-up, and corrective action processes; operation of complaint

review and due process procedures; and governance, conflict-of-interest management, and decision-making simulations.

The File Review section of the Handbook should enumerate these activities as acceptable evidence when documented and conducted in a manner consistent with Part 602.

#### **Rationale:**

Clarifying this provision would preserve the statutory intent of ensuring operational readiness; - Avoid unnecessarily excluding credible new agencies; encourage deliberate, high-quality development of accreditation functions prior to recognition; and promote innovation and diversity in the accreditation ecosystem.

**Conclusion:**

NAAE's recommendations are intended to strengthen—not weaken—the federal recognition framework for accrediting agencies. By emphasizing clarity, due process, consistency, and respect for individuality of institutional mission and thought, these proposals would enhance public confidence in accreditation while ensuring that recognition remains fair, evidence-based, and adaptable to a changing higher education landscape.

The National Association for Academic Excellence offers these recommendations in the spirit of constructive partnership with the U.S. Department of Education and the broader higher education community.

