September 18, 2026

Aaron Washington
Office of Postsecondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

RE: Docket ID ED-2025-OPE-1042

Dear Mr. Washington:

We write on behalf of the American Association of Community Colleges (AACC) and the Association of Community College Trustees (ACCT) on the August 20 Notice of Proposed Rulemaking (NPRM) on Accreditation, Innovation, and Modernization (AIM). AACC represents chief executive officers of the nation's 1,015 community colleges and their students, and ACCT represents their trustees.

Community colleges have an intense interest in the proposed rule. Making sweeping changes to the Department of Education's (ED's) process of recognizing accrediting agencies will significantly alter higher education. Since the Department's rulemaking in this area is discretionary, we urge ED to meaningfully consider the feedback of community colleges and other higher education institutions. Our institutions work closely with institutional accreditors, embodying innovation within a context of improved performance and student achievement.

General Comments on Accreditation and the NPRM

The accreditation regulations need to be consistent with the letter of the Higher Education Act (HEA). The HEA's overriding charge to accreditors is to serve as a "reliable authority" concerning whether an institution's education and training programs are of sufficient quality to merit Title IV support. With this charge comes the responsibility of assessing the programming and surrounding institutional infrastructure to ensure that educational quality is sustained.

The statute is precise and prescriptive. The HEA explicitly states that the Department's role in recognizing accreditors is limited to 10 statutorily defined standards, which all feed into accreditation's role in quality assurance. For the purposes of Title IV, accreditation has rightfully been referred to as the "gatekeeper." This means that its focus is on signaling to students, families, employers, and taxpayers that Title IV-eligible institutions meet a federal standard, and, at some minimum level, merit a student attending.

For these reasons, ED's regulations should refrain from requiring accreditors to undertake practices that are not closely tied to institutional accreditation's core quality assurance mission or otherwise required by law. While "quality assurance" can legitimately mean different things to different parties, some of the NPRM's proposed policies extend into areas that cannot reasonably be said to enhance "educational quality," straying beyond this essential role into other areas of regulation that are not authorized by the HEA or implied in its legislative history.

In the higher education "Triad" of accreditation, state licensure and ED's determination of institutional Title IV eligibility and certification, redundancy is a liability, not a virtue. Redundancy adds cost to a higher education system that in many places is already too expensive. Although the Administration has repeatedly stated that its goal is to make accreditation less expensive, the proposed rule will drive up the cost of accreditation, and thereby reduce the resources that campuses have to devote to programming and student success. In particular, the NPRM substantially understates the hours needed for compliance.

The comments below reflect only a subset of the regulation's provisions that will impact community colleges (in fact, almost all of them will) but focus on those that have the greatest significance at this time.

Student Achievement

Subsection 602.17(a)(1)(ii)

In subsection 602.17(a)(1)(ii), the NPRM creates a range of new requirements relating to student achievement. These proposed requirements conflict with Section 496(g) of the HEA, which prohibits the Secretary from establishing "any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement." The meaning of this statutory proscription is clear and unambiguous. Therefore, we urge ED to delete these proposed sections of the regulations.

Many of the proposed regulations in the student achievement section represent desirable practice. Their adoption on a broad basis by agencies has largely been hindered by a lack of access to data rather than a rejection of the concepts embodied in the regulation. But none of this changes the fact that ED is overstepping its statutory authority in this area.

Should ED not make the broader change recommended above, AACC recommends the following narrower modifications to the NPRM:

1) The concept of an "educational return" is extremely vague. It stands in contrast to other areas of student achievement that include more precise variables to evaluate outcomes. These more specific criteria moot the need for a specific requirement relating to educational outcomes, however they might be defined. In fact, all major institutional accreditors have long adopted student learning outcomes as a standard feature of review, making them a foundation of institutional practice.

Delete the term "educational and" in Subsection 602.17(a)(1)(ii)*(E)*

2) The economic returns on programs should not be measured relative to the cost of attendance (COA). COA fluctuates widely depending on the location of the institution, particularly because of differential living costs. Furthermore, because the majority of community college students are commuter students, living costs are not charged by institutions and they have no control over this portion of COA. If ED wants to retain this concept, it should substitute "tuition and required fees" for "cost of attendance."

   Replace the term "cost of attendance" in Subsection 602.17(a)(1)(ii)*(E) with "tuition and required fees."*

3) As ED officials are aware, some of the information that is necessary to comply with these requirements may be impossible for accreditors to access. Accreditors' and/or institutions' ability to acquire earnings data from enhanced unemployment insurance wage records is spotty, and using Title IV-generated data (from 34 CFR 668 Subpart Q) grossly misrepresents community colleges because only slightly more than 40% of all students receive federal student aid. At community colleges, Title IV students overwhelmingly receive Pell Grants, which means that they are relatively low-income and thus face obstacles to success in education and the world of work that are not faced by their more affluent peers.

   Add at the end of Subsection 602.17(a)(1)(ii)*(E), "to the maximum feasible extent."*

First Amendment

Subsection 602.17(a)(1)(v)

Community colleges are public institutions and therefore subject to the First Amendment of the Constitution. They are acutely aware of and sensitive to this responsibility and work closely with all relevant government agencies and other parties to ensure that the First Amendment is rigorously adhered to. Institutions are supported in this role by state, campus, and other entities. Alternatively, accreditors should not be specifically tasked with providing a legal, or quasi-legal evaluation of whether an institution's policies protect the First Amendment. We urge the Department to delete this new requirement. Given statements made in the regulation's preamble and during negotiated rulemaking it is not even clear that this is intended. We urge the Department to direct accreditors' focus to matters more suited to their expertise and role in the Triad.

Delete Subsection 602.17(a)(1)(v)

Intellectual Diversity

Subsection 602.17(a) (1)(viii)

This complicated subsection constitutes inappropriate government involvement in higher education practice and should be struck from the final rule. The current attention given to the issue of intellectual diversity and the exchange of ideas on college campuses has developed for understandable reasons. AACC itself is committed to helping campuses foster civic education, which has important implications in this area. However, the solution to perceived imbalances in intellectual diversity is not to be found in a new federal mandate imposed on accreditors. Such a directive would require them to determine the efficacy of institutional policies designed to “support, promote and appropriately prioritize intellectual diversity.” It is far preferable to vest the appropriate determination of the intellectual diversity on a college campus environment to the campus community itself. It is also unclear how accreditors would implement the new charge of assessing “the free exchange of ideas amongst faculty to address intellectual inquiry and student learning,” given the unique characteristics of each institutional environment.

Furthermore, for many community college programs, it would be difficult to conceptualize an aspect of “intellectual diversity” in each subject or program area, let alone to create requirements around them. Most technical and workforce programs offered at community colleges fall into that category. We also note that in subject areas where it can be relevant, primarily in the arts and sciences, community college faculty generally reflect the values and perspectives of their local communities, a natural outgrowth of the colleges’ orientation and mindset. Also, community college faculty are hired and retained based on their teaching ability and experience, rather than their contributions to a particular field of research and any viewpoints that might accompany that.

The concerns represented by the provisions in this section—that accreditors need to intervene in institutional curricular and related matters—must also be considered in light of the extensive new requirements on student achievement and other aspects of academic performance found elsewhere in the regulations. These explicit evaluation metrics will ensure that student outcomes are evaluated in an objective fashion that reflects commonly shared concrete goals and meet a range of new, value-free federal requirements.

Strike subsection 602.17(a) (1)(viii)

Cost/Benefit Analysis

Subsection 602.17(a)(3)(i)

This requirement is unhelpfully broad and unrealistic in its goal of requiring institutional cost/benefit analysis. It is not possible for most, if not all, community colleges to execute such an analysis. The provision would be more realistic and appropriate if it simply required “a review by the agency of the institution’s budget, resource utilization and allocation.” This requirement is appropriate for accreditors and reflects current practice.

Limit Subsection 602.17 to "A review by the agency of the institution's budget, resource utilization and allocation, and, if existing, its business/strategic plan, continuous improvement strategic plan."

Transfer of Credit

Subsection 602.24(e)

The draft regulations mandate that accreditors require institutions to specify and maintain detailed policies concerning the transfer of credit. AACC supports these provisions as commonsense additions to accreditors' established charge and dovetails with their expertise in quality assurance. The widespread rejection of transfer credits comes at a staggering cost to student aspirations and significantly undermines higher education's overall efficiency. Study after study has shown that the unjustified, often summary, rejection of community college credits has unreasonably, often cruelly, undermined the academic progress of community college students who transfer. More rational, fairer transfer policies should have long been embraced and implemented by state and other regulatory bodies, and in the simple interest of doing right by students.

Fortunately, accreditors have the expertise and engagement with institutions to spur positive change in this area without duplicating other efforts. These requirements may hopefully spur more organic degrees of coordination and cooperation between institutions. Current and future technologies, along with refinement in measuring what students learn, are also likely to foster a more harmonious relationship between institutions in this key area.

Implementation of the proposed transfer of credit provisions will take many hours of work, with significant implications for the functioning of colleges and universities. While the requirements are important, some simplification of their specificity and complexity might improve their efficiency. With that caveat, AACC supports these provisions as proposed.

Reporting and Disclosure

Subsection 668.43

The reporting and disclosure requirements contained in this subsection are extensive and will dramatically reshape the transfer environment, along with the provisions mentioned immediately above. AACC supports most of these new disclosures; unlike some of the other HEA's disclosures, these will often be examined intently by students. However, some of the provisions need to be refined to ensure the information that is provided is relevant and usable.

Subsection 688.43 (a)(11)(ii)

This subsection requires an institution to include in its stated accreditation policies "any types of institutions or sources from which the institution will not accept credits." This requirement is far too broad to be meaningful. It should be eliminated.

Eliminate from 668.43(ii) "any types of institutions or sources from which the institution will not accept credits."

Subsection 688.43 (a)(11)(v)

This subsection requires that the institution provide a "statement regarding whether the institution considers credit earned in a non-degree program, or hours completed in a non-credit program, for transfer or articulation to a degree program." Under the Workforce Pell Grant program, non-credit programs are required to be accepted for credit in at least one certificate or degree program, with some exceptions. However, this type of articulation will be so limited that a general statement of this nature will not be helpful to prospective students.

Eliminate Subsection 688.43 (a)(11)(v)

We thank you for your attention to these comments. Please do not hesitate to contact me if you have any questions or comments concerning them.
Sincerely,

Sincerely,

DeRionne P. Pollard
AACC President and CEO

Jee Hang Lee
ACCT President and CEO