

117TH CONGRESS
1ST SESSION

H. R. 5103

To require the Secretary of Education to initiate a negotiated rulemaking process with respect to when an institution of higher education fails to meet accreditation standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 24, 2021

Ms. WILSON of Florida (for herself, Mrs. BEATTY, Ms. BLUNT ROCHESTER, Mr. BUTTERFIELD, Ms. CLARKE of New York, Mr. DANNY K. DAVIS of Illinois, Mrs. HAYES, Ms. JACKSON LEE, Ms. KELLY of Illinois, Mr. MEEKS, Ms. NORTON, Mr. PAYNE, Ms. PRESSLEY, Mr. TRONE, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require the Secretary of Education to initiate a negotiated rulemaking process with respect to when an institution of higher education fails to meet accreditation standards, 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 “Quality Higher Edu-
5 cation Act of 2021”.

1 **SEC. 2. RULEMAKING REQUIREMENTS FOR ACCREDITING**
2 **AGENCY RECOGNITION.**

3 (a) RULEMAKING.—The Secretary of Education shall
4 initiate a negotiated rulemaking process to—

5 (1) establish a common set of steps or con-
6 sequences each accrediting agency or association
7 shall follow when any institution of higher education
8 subject to the jurisdiction of such agency or associa-
9 tion fails to meet the accreditation standards se-
10 lected or set by such agency or association pursuant
11 to section 496(a)(5) of the Higher Education Act of
12 1965 (20 U.S.C. 1099b(a)(5)), as amended by this
13 section; and

14 (2) establish the list of standards (and a defini-
15 tion for each such standard) that shall be used by
16 each accrediting agency or association for purposes
17 of section 496(a)(5)(A) of the Higher Education Act
18 of 1965 (20 U.S.C. 1099b(a)(5)(A)) for each of the
19 following domains:

20 (A) Completion (which may include stand-
21 ards on graduation rates or rates of transfer
22 from a 2-year to a 4-year institution).

23 (B) Workforce participation (which may
24 include standards on rates of licensure, job
25 placement, or employment).

1 (C) Measures that assess the progress of
2 an institution toward meeting the standards for
3 completion and workforce participation (which
4 may include standards on retention rates and
5 persistence rates).

6 (b) RECOGNITION OF ACCREDITING AGENCY OR AS-
7 SOCIATION.—Section 496 of the Higher Education Act of
8 1965 (20 U.S.C. 1099b) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (5), by striking subpara-
11 graphs (A) through (J) and inserting the fol-
12 lowing:

13 “(A) success with respect to student
14 achievement in relation to the institution’s mis-
15 sion (except that the agencies and associations
16 described in paragraph (2)(A)(ii) shall not be
17 subject to this subparagraph), which—

18 “(i) shall be assessed using at least 1
19 standard selected by the agency or associa-
20 tion from a list of options for such stand-
21 ards established and defined by the Sec-
22 retary under section 2(a) of the Quality
23 Higher Education Act of 2021 for each of
24 the following domains—

25 “(I) completion;

1 “(II) workforce participation; and

2 “(III) measures that assess
3 progress toward meeting the comple-
4 tion and workforce participation
5 standards;

6 “(ii) may be assessed using different
7 standards selected under clause (i) for
8 each peer group of institutions, as such
9 groups are defined by the agency or asso-
10 ciation, except that—

11 “(I) each standard selected for a
12 peer group of institutions shall be the
13 same standard for, and shall be ap-
14 plied consistently to, all the institu-
15 tions in the peer group; and

16 “(II) such a peer group of insti-
17 tutions cannot be based solely on—

18 “(aa) the demographic char-
19 acteristics of the students attend-
20 ing such institutions; or

21 “(bb) the sector of the insti-
22 tution (including whether the in-
23 stitution is a public institution, a
24 proprietary institution, or a non-
25 profit institution);

1 “(iii) shall be assessed using a single
2 performance benchmark established by the
3 agency or association for each standard se-
4 lected under clause (i), which shall be the
5 same performance benchmark for all insti-
6 tutions for the standard for which the
7 benchmark is established (without regard
8 to the peer group of an institution), except
9 that such a performance benchmark may
10 differ for each category of educational pro-
11 grams (as defined in section 435(a)(9)(E))
12 offered by institutions, as long as the per-
13 formance benchmark for any such category
14 is the same performance benchmark for all
15 institutions (without regard to the peer
16 group of an institution); and

17 “(iv) in the case of an institution de-
18 fined in section 101(a), may include con-
19 sideration of—

20 “(I) the historical significance of
21 the institution; and

22 “(II) whether the institution is
23 one of the only physical locations at
24 which postsecondary education is pro-
25 vided in the geographic area;

1 “(B) student achievement outcomes and
2 program outcomes disaggregated by the sub-
3 groups specified in section 153(a)(3)(A) of the
4 Education Sciences Reform Act of 2002 (20
5 U.S.C. 9543(a)(3)(A));

6 “(C) credentials, as measured by the value
7 of such credentials to the earners of such cre-
8 dentials;

9 “(D) curricula, including program length,
10 course sequencing, and objectives related to
11 credentialing;

12 “(E) faculty;

13 “(F) student support services;

14 “(G) recruiting and admissions practices,
15 academic calendars, catalogues, publications,
16 and grading; and

17 “(H) fiscal and administrative capacity
18 (which shall include the institution’s govern-
19 ance) as appropriate to the specified scale of
20 operations;”;

21 (B) by redesignating paragraphs (6)
22 through (8) as paragraphs (7) through (9), re-
23 spectively; and

24 (C) by inserting after paragraph (5) the
25 following:

1 “(6) such agency or association shall make
2 available on a publicly accessible website, up-to-date
3 information on—

4 “(A) the institutions in each peer group of
5 institutions that are subject to the jurisdiction
6 of such agency or association;

7 “(B) the student achievement standards
8 selected by the agency or association under
9 paragraph (5) for each peer group of institu-
10 tions, the rationale for the selection of such
11 standards, and how such standards are factored
12 into the accreditation process;

13 “(C) the performance benchmark estab-
14 lished for each standard selected by the agency
15 or association under paragraph (5) and the ra-
16 tionale for the establishment of such perform-
17 ance benchmark;

18 “(D) the institutions that failed to meet
19 such standards; and

20 “(E) any sanction, adverse action, or other
21 action taken with respect to an institution and
22 the reason for such sanction or adverse action;
23 and”;

24 (2) in subsection (g), in the last sentence, by
25 striking “Nothing in” and inserting the following:

1 “Except as otherwise specified in subsection
2 (a)(5)(A) and section 2(a) of the Quality Higher
3 Education Act of 2021, nothing in”;

4 (3) in subsection (o), in the second sentence, by
5 striking “Notwithstanding” and inserting the fol-
6 lowing: “Except as otherwise provided in subsection
7 (a)(5)(A) and section 2(a) of the Quality Higher
8 Education Act of 2021 and notwithstanding”;

9 (4) in subsection (p), by striking “Nothing”
10 and inserting “Except as otherwise provided in sub-
11 section (a)(5)(A) and section 2(a) of the Quality
12 Higher Education Act of 2021, nothing”; and

13 (5) by adding at the end the following:

14 “(r) EVALUATION OF QUALITY AND ACHIEVEMENT
15 MEASURES.—

16 “(1) IN GENERAL.—The Secretary shall direct
17 the National Advisory Committee on Institutional
18 Quality and Integrity to—

19 “(A) regularly evaluate the effectiveness of
20 the performance benchmarks established and
21 standards selected by accrediting agencies and
22 associations under subsection (a)(5)(A); and

23 “(B) compare similarly situated accrediting
24 agencies or associations, whose similarity may
25 not be determined solely by the educational sec-

1 tor to which the institutions being evaluated be-
2 long, based on the performance benchmarks
3 and standards used in subsection (a)(5)(A) by
4 such agencies and associations.

5 “(2) ACCREDITOR STANDARDS.—The Secretary
6 may require an accrediting agency or association to
7 review and revise the standards selected, or the per-
8 formance benchmarks established, by such agency or
9 association, if the Secretary determines that the
10 standards are not appropriate for the peer group of
11 institutions for which such standards were selected,
12 or that the performance benchmarks for standards
13 for the domains listed in subsection (a)(5)(A)(i) are
14 too low.”.

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