



September 17, 2026

Mr. Aaron Washington  
Office of Postsecondary Education  
400 Maryland Ave. SW  
Washington, DC 20202

**Re: Docket ID ED-2025-OPE-1042, Accreditation, Innovation, and Modernization:  
The Secretary's Recognition of Accrediting Agencies: Institutional Eligibility  
Under the Higher Education Act of 1965, as Amended, Student Assistance General  
Provisions**

Dear Mr. Washington:

On behalf of the Association of Public and Land-grant Universities (APLU), I submit these comments on the U.S. Department of Education's Notice of Proposed Rulemaking on reforming the nation's postsecondary education accreditation system.

As the Department works to finalize its regulations, I urge you to consider APLU's perspectives to ensure smooth regulatory implementation that best serves students, taxpayers, and institutions while achieving shared goals in furtherance of the national interest.

APLU is a university organization that fosters a community of leaders collectively working to advance the mission of land-grant and public research universities. Founded in 1887, APLU is the oldest higher education association in the United States. Its U.S. membership consists of more than 240 public research universities, land-grant institutions, state university systems, and affiliated organizations spanning across all 50 states, the District of Columbia, and six U.S. territories. The association and its members collectively focus on increasing student success and workforce readiness; promoting pathbreaking scientific research; and bolstering economic and community engagement. Annually, its U.S. member campuses enroll 4.6 million undergraduates and 1.4 million graduate students, award 1.3 million degrees, employ 1.3 million faculty and staff, and conduct \$70 billion in university-based research.

Overall and in general, APLU applauds the goal of utilizing greater student outcomes data in the accreditation processes to ensure limited resources are devoted to the fulfillment of our educational mission. APLU also strongly supports language aimed at reducing undue and imbalanced administrative burdens that drain resources that can and should otherwise be devoted to academic and student success. In APLU's view, these are the core areas for focus.

While APLU supports and champions many of the proposed rulemaking's goals, we believe the Department should reexamine whether the accreditation process is the appropriate mechanism to achieve some of our shared priorities, especially in the context of public institutions and ED's stated objective of Returning Education to the States. As examples, APLU has long championed accreditors' greater use of student achievement measures to make risk-informed decisions and

to center student success within its work. APLU has also, with partner organizations, worked to address many of the challenges the Department rightfully identifies in the transfer of credit process. Overall, we urge the Department to exercise restraint in the scope of its mandates in instances where states are better positioned to set policy or the Higher Education Act delineates a narrow scope of Department authority. We also urge the Department to consider how an expansive scope runs counter to the shared goal of focusing resources on academic quality and student outcomes.

Of particular interest to many public and land-grant universities, the Department's proposed rulemaking represents a missed opportunity to streamline the accreditation process and thus focus limited resources on institutions needing the most support and attention. Many institutions consistently yield excellent outcomes for their students but are nonetheless subjected to the same onerous requirements as high-risk institutions. In the resource-constrained environment in which public and land-grant universities operate, this saps campus resources from other areas such as student supports while not appreciably improving the outcomes of the accreditation process. Using student outcomes data to identify institutions with real performance concerns has the dual benefit of strengthening oversight of low-performing institutions while allowing consistently high-performing institutions to redirect resources to elsewhere on campus where they provide greater benefit.

The feedback APLU most consistently hears from member institutions on accreditation is that the reaffirmation process results in many hundreds of pages of paperwork, countless hours of work, and an enormous expenditure of resources, with insufficient benefits to support the institution's mission or protection of state and federal government interests.

We are particularly appreciative of language in the proposed regulations intended to reduce needless burdens of the process. However, many of the new responsibilities the regulations propose for accreditors run directly counter to the goal.

As examples, the requirements would require accreditors to monitor academic freedom; faculty qualifications; research integrity policies; efforts to promote and prioritize intellectual diversity; institutional and program-level student achievement; state licensing and certification exam outcomes; program retention, completion, and graduation rates; and relevant standardized test scores. While each objective may be worthwhile for institutions to pursue, taken together they could hinder accreditors' ability to provide excellence in core responsibilities and dilute their and institutions' resources. As noted, APLU urges a focus on the most essential functions, some of which are included in the proposal, rather than a substantial expansion of accreditor responsibilities.

### **Negotiated Rulemaking Process**

Before addressing APLU's substantive feedback to the proposed regulations, I must reiterate the association's perspective that the Department should return to the longstanding practice of distinct representation of public four-year institutions at negotiated rulemaking. As expressed jointly with the American Association of Community Colleges and the American Association of State Colleges and Universities, the mission of the nation's community colleges and four-year institutions are complementary but distinct.<sup>1</sup> The Department and the committee is deprived of a critical voice to inform its rulemaking if only one of the sectors, which collectively educate the vast majority of students, is represented within the now-merged position of "public institutions

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<sup>1</sup> [https://www.aplu.org/wp-content/uploads/NegRegRep.APLU\\_.AACC\\_.AASCU\\_.pdf](https://www.aplu.org/wp-content/uploads/NegRegRep.APLU_.AACC_.AASCU_.pdf)

of higher education.” As an example, issues of research integrity became an unexpected focus of the negotiated rulemaking committee in week two, yet the committee lacked a representative whose defined role was to represent research universities. Additionally, the challenges within the system the Department seeks to address are very different for community colleges than they are for public four-year institutions. A more comprehensive committee will lead to better outcomes representing the full range of institutions that make up our nation’s postsecondary education system. Public four-year institutions educate 49 percent of all students in higher education, yet had no designated representative on the committee.<sup>2</sup>

### **Intellectual Diversity**

The Department proposes to require accreditors to review policies of institutions relative to intellectual diversity, which includes as an element the measurement of “student and faculty perceptions on the range of viewpoints and perspectives offered by the institution or program.”

From the discussion at negotiated rulemaking and remarks of Department of Education leaders, APLU appreciates this is intended to address sincerely held concerns that in some cases students are not appropriately exposed to diverse viewpoints, including those that may challenge their own. APLU is sensitive to the Department’s concerns. The mission of public universities in education is to foster critical thinking skills and prepare students to be engaged citizens and contribute to a skilled workforce, not teach “what to think.” It is healthy to continuously assess performance in this vital mission. With appreciation for the concerns of the Department, APLU believes the accreditation regulations are not the appropriate mechanism.

The language essentially has two components

- 1) requiring institutions to have overall policies that accreditors would review
- 2) requiring “measurement”

APLU is in general comfortable with expecting institutions to have appropriate policies. In fact, this is a best practice and key to address concerns the Department expressed, set expectations for faculty and students, underscore the values and mission of a public university, and set the right path for building greater confidence in higher education. However, APLU must of course acknowledge that the issue scope is complex. Faculty diversity of thought is vital in some circumstances and could represent professional incompetence in other circumstances. As examples, a course on Constitutional Law could cover the diversity of viewpoint in how to interpret the Constitution, such as focusing on the original historical meaning of the text versus reading the text informed by the provision’s purposes. In contrast, denying evolution in the biology classroom, the historical fact of the Holocaust in a history classroom, or teaching that the earth is flat in an astronomy course, would be obvious examples of inappropriate faculty viewpoint diversity at a public university. Even with an expectation of intellectual diversity of faculty, it remains key for institutions to still ensure appropriateness to the curriculum and academic pursuit. The issue is extremely complex, along with the governance processes associated with addressing viewpoint diversity, particularly in the public university setting with potential First Amendment applications.

The second part of the proposed language is more concerning to APLU. First, we note the seeming conflict between the prevailing thought undergirding the concerns that inspired the language and the language itself. Many would contend that in general institutions and programs

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<sup>2</sup> <https://nces.ed.gov/ipeds/trendgenerator/app/build-table/2/3?ty=2024&rid=1&cid=14>

should be viewpoint neutral in many circumstances and their role is to safeguard the setting for the free exchange of ideas consistent with the “Chicago Principles” adopted by many institutions.<sup>3</sup> Yet, the language seemingly contends institutions and programs “offer viewpoints and perspectives.” If the Department intended the language to refer to the educational setting rather than that institutions or programs themselves would offer viewpoints, clarifying language is appropriate.

Ultimately, APLU believes this second part of the policy relative to measurement goes too far for rulemaking on accreditation at the federal level and is an example of provisions of the proposed regulations that will distract accreditors and institutions from student outcomes. Further, the language and requirements are inconsistent with the Returning Education to the States priority of the Department. While some states, such as Florida, Iowa, and Tennessee, have advanced measures to assess faculty viewpoints, the vast majority of states have not. By advancing this measure, the Department would supersede the States rather than return education to them.

On implementation concerns, APLU cautions the Department may also not achieve its goals and, while ultimately it is unclear how such data would be used, it would likely be unreliable for important determinations. If the Department expects institutions to conduct campus-wide surveys, it is important to note challenges of securing adequate and representative responses to such surveys. Over the years, policymakers and institutional leaders have increasingly sought to survey campus communities on a range of issues in order to benefit from student and faculty insights. Such surveys, combined with the many other instruments received by individuals in their professional and personal lives, have contributed to an immense survey fatigue. Even when surveys are well-established, supported by institutional or state funding, and administered by experienced vendors, response rates remain low – often in the single digits or teens. For example, a 20–30-minute Viewfinder campus climate survey can cost tens of thousands of dollars (just for the instrument and incentives, excluding staff time) to administer to 25,000 students and 8,000 faculty/staff and return a response rate of 12 percent. Adding another required survey, or modifying existing ones, would likely compound survey fatigue while producing data that may be too sparse, nonrepresentative, or difficult to interpret for accreditation or other high-stakes determinations.

### **Student Outcomes**

The Department proposes accreditors set clear expectations and establish requirements related to student achievement at the institutional and program level in relation to the institution’s mission. Specifically, accrediting agencies must (1) require institutions or programs to maintain clear educational objectives – aligned with their missions – that are regularly reviewed and updated using reliable data and (2) assess whether the institution or program’s student achievement meets minimum expectations and other agency standards. As part of this process, the Department noted that accreditors should consider a broader set of student achievement indicators, including grades, licensure or certification exam results, graduate school assessment results, and other educational and economic returns relative to cost of attendance.

Given accreditation’s role in quality assurance and ensuring continuous improvement of institutions and programs, APLU supports accrediting agencies’ greater use of student achievement measures and assessing institutional and programmatic outcomes, as appropriate. While the Department’s proposal suggested additional measures of outcomes related to higher

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<sup>3</sup> <https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>

levels of education (e.g., graduate school assessment results) and economic returns (e.g., earnings premium per the One Big Beautiful Act), it also appropriately provides accreditors discretion on how to define and apply student achievement standards. APLU applauds the Department's recognition that accreditors should have flexibility to set achievement standards in relation to institutional mission, student populations served, credential level, program mix, peer context, etc., accommodating the various institutional missions and educational models that align with the students and communities they serve. Not all data elements will be appropriate in all settings, so this flexibility is key. Overall, as noted above, APLU supports setting the culture and expectations of an outcomes and data-focused approach, especially if used to focus resources on where they are most needed.

To ensure effective and efficient implementation of these requirements, APLU suggests the following:

- **ED should explore and invest in reliable and timely data sources of student outcomes.** The Department should support implementation by improving access to high-quality, comparable federal data, including timely releases and documentation for the College Scorecard, Integrated Postsecondary Education Data System (IPEDS), and the Student Tuition and Transparency System (STATS). The Department should also consider integrating disparate outcomes data from these different sources into one longitudinal, robust platform. If the Department is recommending that accreditors explore post-graduation outcomes like earnings and employment, then the Department should make transparent these data in its federal datasets. Institutions are challenged in obtaining accurate and affordable employment and salary statistics, and state data definitions of post-employment outcomes do not always match federal definitions. Reliable and timely federal data can provide accreditors and institutions with non-duplicative, consistent, and valid metrics to set and assess minimum standards.
- **Encourage transparency without imposing unnecessary burden.** While accreditors should expand use of student achievement data to inform accreditation decisions, the Department should avoid requirements that lead to excessive reporting, duplicative data collections, or measures that are not well aligned to institutional context, program purpose, or students served. Requiring the use of post-graduation outcomes such as employment and earnings without publicly available data places massive costs on accreditors and institutions to find these data sources – resources which could better be used for enhancing student success. ED should ensure any new requirements are about better utilizing the vast data currently available and not layering new collections on top of the sometimes already overwhelming expansive requirements on institutions, many of which are very recent.
- **Encourage the use of non-financial post-graduation outcomes in addition to earnings.** Fields such as education, social work, and fine arts may not always provide the highest earnings, but provide substantial benefit to the economy and communities they serve. Some fine arts graduates may not see substantial wage increases until several years post-graduation. In addition to the employment and earnings post-graduation outcomes, the Department should ensure non-financial outcomes in addition to financial outcomes are appropriately part of the full return on investment (ROI) picture for the nation, states, and communities.

## **Transfer of Credit Policies**

The Department proposes to make transfer of credit policies a more explicit accreditation and compliance focus. Specifically, accrediting agencies would be required to confirm, as part of initial accreditation, pre-accreditation, and renewal reviews, that institutions maintain detailed and publicly disclosed transfer credit policies consistent with federal expectations. These policies would need to address transcript submission timelines, transfer criteria, sources or types of credit not accepted, articulation agreements, prior learning criteria, and whether non-degree or non-credit coursework may apply toward degree programs. The proposal would also require transfer decisions to be based on academic comparability and learning outcomes, rather than institutional selectivity or the identity of the sending institution's accreditor. If a student submits a transcript within the institution's stated timeline, the institution would need to identify which credits will and will not be awarded, disclose the estimated time and coursework needed to replace credits that are denied before enrollment, registration, or financial commitment, provide course-specific written rationales for denials, and offer students an opportunity to appeal within 15 calendar days.

APLU recognizes the important role of transparency in the transfer process in helping students make informed decisions, avoid unnecessary credit loss, understand degree applicability, and improve their time to degree completion. Accrediting agencies can play a role in supporting articulation agreement development and more efficient transfer policies among their accredited institutions. However, overly prescriptive requirements could create standards that are difficult to implement consistently across diverse institutional, state, programmatic, and disciplinary contexts.

The association appreciates the Department's intentions and the legitimate federal interest at stake as it relates to credit loss with Title IV funds. Undoubtedly, there are problems within the system and substantial room for improvement with both transparency of policies and transferability. Such shared concerns are why APLU partners with the American Association of Community Colleges (AACC) through the AI Transfer and Articulation Infrastructure Network. ATAIN brings together policy, practice and infrastructure to support number of credits transferred sooner and identify possible credit equivalencies for remaining credits. While the initiative is just two years in, by end of year 20 states and systems, along with 125 institutions will be part of the network.

While recognizing and working on needed improvements on credit transfer, APLU also notes the complexity of academic content comparability evaluation with more than 1.2 million students who transfer each year with individual, discipline-specific courses that require judgement against the unique requirements of hundreds of degree programs that in turn vary across the roughly 4000 degree-granting U.S. higher education institutions. For some APLU member institutions, half of the incoming class may be transfer students with a concomitant large volume of transcripts, often from multiple institutions per student. In other cases, out-of-state or international coursework is not already mapped, and those with military credit or prior learning assessments require additional translation. While APLU believes the overall requirements in this section of the proposed regulations are well-intentioned and there are problems in credit transfer to address, the proposal is far afield from the scope of Departmental authority within the Higher Education Act.

To provide more constructive feedback, we offer that the Department should underscore that accreditors are expected to evaluate whether institutions maintain clear, public, and consistently applied transfer policies, including a transparent process for making and communicating timely

determinations, rather than establishing prescriptive and inflexible federal standards. The process would allow institutions to publish reasonable timelines for transfer evaluations and disclose when additional review may be needed, which would improve student transparency while recognizing the staffing, technology, and coordination required to conduct high-quality transfer reviews.

## **Research Integrity**

Research integrity is a critical component of oversight for the nation's research investments. APLU has advanced this cause through working groups supporting laboratory safety, research transparency, and research security with expertise from its member institutions.<sup>4 5 6</sup> APLU has also submitted comments to prior rulemaking, such as the Department of Health and Human Services' (HHS) rule on research misconduct in 2023.<sup>7</sup> While APLU agrees with the spirit of the Department of Education's intent and appreciates the improvement in language from the original proposal, the Notice of Proposed Rulemaking would result in increased administrative burden without a corresponding increase in research safety and integrity.

The federal interest in the scope of issues is understandable given the unique partnership between research universities and the federal government, though the U.S. Department of Education and accreditors are not needed in this arena given the active engagement by other federal agencies and the White House. In fact, if advanced, ED and accreditors, who lack the requisite expertise on such issues, would duplicate and just layer on top of the research agencies' already incredibly active oversight on research integrity.

Administrative burden has increased dramatically in the last decade, with 66 percent of new and revised federal requirements since 1991 issued in the last ten years alone.<sup>8</sup> Necessary regulatory processes, such as the review of integrity policies for institutional research and scholarly activity, are currently in place and are already actively managed at federal research agencies such as the Office of Research Integrity (ORI) at HHS, the White House Office of Science and Technology Policy (OSTP), and the Office of the Inspector General (OIG) at each research agency, such as at the U.S. National Science Foundation (NSF). For example, HHS ORI's Division of Education and Integrity's Annual Report for 2025 disclosed that they managed more than 6000 assurances that higher education institutions maintain compliance policies to address research misconduct.<sup>9</sup> These responsibilities are best handled by research integrity professionals with the appropriate agency and research discipline knowledge that the federal government already harnesses across its research agencies. APLU urges the Department of Education to defer to the better-equipped federal agencies already working on the frontlines of this issue and not create duplicative or

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<sup>4</sup> <https://www.aplu.org/our-work/2-fostering-research-innovation/task-force-laboratory-safety/about-lab-safety-tf/>

<sup>5</sup> <https://www.arl.org/resources/implementing-effective-data-practices-stakeholder-recommendations-for-collaborative-research-support/>

<sup>6</sup> <https://www.aplu.org/our-work/5-archived-projects/research-science-and-technology/science-and-security/>

<sup>7</sup> <https://www.aplu.org/wp-content/uploads/APLU-Response-to-Research-Misconduct-NPRM-final-1.pdf>

<sup>8</sup> <https://www.cogr.edu/sites/default/files/2026-01/Changes%20in%20Federal%20Requirements%20Since%201991.pdf>

<sup>9</sup> [https://ori.hhs.gov/sites/default/files/2026-08/2025%20ORI%20Annual%20Report\\_final.pdf](https://ori.hhs.gov/sites/default/files/2026-08/2025%20ORI%20Annual%20Report_final.pdf)

conflicting assurance processes. APLU looks forward to continuing to advance research integrity in collaboration with the administration.

Thank you for your consideration of APLU's perspectives. Please do not hesitate to reach out to the association if we can be a further resource on the many shared priorities of the nation's public and land-grant universities and the U.S. Department of Education.

Sincerely,

A handwritten signature in dark ink, appearing to read "Waded Cruzado". The signature is fluid and cursive, with the first name "Waded" and last name "Cruzado" clearly distinguishable.

Waded Cruzado  
President  
APLU