



**TO:** Higher Education Committee

**FROM:** William P. Murphy *William P. Murphy*

**SUBJECT:** Recognition of the Board of Regents and Commissioner of Education as an Institutional Accrediting Agency

**DATE:** October 7, 2021

**AUTHORIZATION(S):** *Betty M...*

### SUMMARY

#### **Issue for Decision**

Should the Board of Regents and Commissioner of Education apply for renewal of recognition by the Secretary of Education as an institutional accrediting agency?

#### **Reason(s) for Consideration**

Required by State Regulation

#### **Proposed Handling**

This issue will come before the Higher Education Committee and for recommendation to the Full Board for action at its October 2021 meeting.

#### **Procedural History**

Not applicable.

#### **Background Information**

In order to participate in Title IV federal student financial aid programs, colleges and universities are required to be accredited by an agency recognized by the U.S. Secretary of Education (Secretary). In addition to other institutional accrediting agencies recognized by the Secretary (e.g., Middle States Commission on Higher Education, Higher Learning Commission, etc.), the NYS Board of Regents and Commissioner of

Education (Regents/Commissioner) is a recognized institutional accrediting agency. No other State Education Agency acts as a recognized institutional accreditation agency.

Recognition by the Secretary must be renewed. The renewal application and process is a two-year, multi-phased, process which involves multiple document submissions, responses to the United States Department of Education (USDE) analyses of New York State Education Department (SED) submissions, file reviews, and observations of SED site visits and Regents meetings by USDE. The process culminates with an appearance by the Board of Regents and Commissioner of Education before the National Advisory Committee on Institutional Quality and Integrity (NACIQI) in Washington, D.C. The current term of recognition of the Regents/Commissioner expires on May 9, 2023. If the Regents/Commissioner seek renewal of recognition by the Secretary, the review process would take place over the next two years.

The Department recommends that the Regents/Commissioner not seek renewal of recognition as an institutional accrediting agency at the expiration of the current term of recognition on May 9, 2023.

#### **Rationale for Recommendation:**

The rationale for not seeking renewal of recognition as an institutional accrediting agency includes:

- The Regents/Commissioner are not required to be an institutional accrediting agency.
- Only 11 NYS Institutions of Higher Education (IHEs) currently choose the Regents/Commissioner as their institutional accrediting agency.<sup>1</sup> In 2019, the total student enrollment at these 11 IHEs was 1,756 students, less than 0.15% of total 2019 NYS IHE enrollment of 1,191,245 students. It is therefore difficult to demonstrate that accreditation is a “primary purpose” of the Regents/Commissioner, which is a requirement for renewal of recognition.
- The administrative and compliance functions that SED carries out to support the responsibilities of the Regents/Commissioner as an institutional accrediting agency are time, staff, and resource intensive activities, regardless of the number of institutions accredited by the Regents/Commissioner.

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<sup>1</sup> These Regents/Commissioner accredited IHE’s are the: Richard Gilder Graduate School/American Museum of Natural History; Cold Spring Harbor Laboratory; Elmezzi Graduate School of Molecular Medicine; Fei Tian College; Holy Trinity Orthodox Seminary; Long Island Business Institute; Louis V. Gerstner Graduate School of Biomedical Sciences at MSKCC; NY College of Health Professions; Phillips School of Nursing at Mt. Sinai Beth Israel; Rockefeller University; and Salvation Army College for Officer Training.

- Serving in the dual roles of State regulator and institutional accrediting agency creates complications and potential conflicts for the Regents and the Department. For example:
  - NYS fiscal, travel and other regulatory controls, limitations, and approval processes make it difficult to perform required accreditation activities and creates backlogs. Other (non-governmental) institutional accrediting agencies do not operate in similarly complex and restricted organizational environments that constrain their capacity to perform necessary functions.
  - The Regents/Commissioner must maintain separate standards and processes for accreditation, consistent with federal regulations, creating significant additional work with multiple layers of review and approval.
- Recent changes in federal regulations created new flexibility and options for institutions to seek accreditation by other institutional accrediting agencies.
- Given the new and ongoing challenges faced by NYS colleges and universities - (exacerbated by the continuing impact of the COVID-19 pandemic) the Regents/Commissioner should focus on the priority work we must do for all 240+ NYS colleges and universities (e.g., program registration, assisting closing institutions, growing demands associated with teacher education and professional licensure programs, early college high school, creating regulatory flexibilities, etc.).

**Minimizing the Impact on Institutions Currently Accredited by the Regents and Commissioner:**

If the Board of Regents decides to not apply for renewal of recognition as an accrediting agency, SED will take a multi-layer approach to ensure continuity to the greatest extent possible by working with the 11 institutions that are currently accredited by the Regents/Commissioner:

- **Continued Accreditation:** Generally, the 11 institutions would remain accredited by the Regents/Commissioner until the end of the current term of recognition, May 9, 2023. The Regents/Commissioner would continue to oversee compliance with federal accreditation requirements by these institutions until that date. SED will complete the accreditation renewals that are currently in process for some of the 11 institutions or issue administrative extensions as appropriate and acceptable to USDE.
- **Continued Participation in Financial Aid:** Federal law enables the Secretary of Education to continue to allow institutions to participate in Title IV student financial aid programs for up to 18 months upon the decision of the Secretary to withdraw recognition of an accrediting agency, thereby providing additional time for the institution to seek accreditation by another institutional accrediting agency. SED will request that the Secretary extend that additional time to the 11 IHEs accredited by the Regents/Commissioner. This would mean that the 11 IHEs

accredited by the Regents/Commissioner would have 3 years to obtain accreditation from another institutional accrediting agency without losing eligibility to participate in Title IV programs. While we have reason to believe that this request will be granted, SED will submit a formal written request to the USDE with our communication of the Board's decision not to seek renewal of recognition as an institutional accrediting agency.

- **Changes in Federal Regulations:** Recent changes in federal regulations eliminated geographic ("regional") limitations and provided additional flexibility for institutional accrediting agencies to recognize IHEs with unique missions and programs within the accreditation process, expanding accreditation options for the 11 IHEs accredited by the Regents/Commissioner. The Department would work with the 11 IHEs accredited by the Regents/Commissioner to assist them as they seek out other institutional accrediting agencies.

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That the Board of Regents will not submit an application for renewal of recognition by the Secretary of Education as an institutional accrediting agency at the expiration of the current term of recognition on May 9, 2023.

### **Timetable for Implementation**

If the Regents approve the recommendation, the Department will inform USDE and request the additional 18-month period of eligibility for Title IV programs for the 11 IHEs accredited by the Regents/Commissioner. SED will also inform the 11 IHEs accredited by the Regents/Commissioner and begin working with them immediately on appropriate next steps.