




UNITED STATES DEPARTMENT OF EDUCATION

THE UNDER SECRETARY

MEMORANDUM

DATE: July 25, 2018

TO: Accrediting Agency Executive Directors and Presidents

FROM: Diane Auer Jones, Principal Deputy Under Secretary, Delegated to Perform the Duties of Under Secretary and Assistant Secretary for the Office of Postsecondary Education 

SUBJECT: Retroactive establishment of the date of accreditation

The purpose of this correspondence is to retract the U.S. Department of Education's June 6, 2017, guidance regarding accreditation effective dates used by accrediting agencies. In the earlier guidance document, the Department determined that an agency could not establish a retroactive accreditation date due to the fact that key events in the initial recognition process, such as site visits, are not conducted by the agency's decision-making body.

Upon further consideration, the Department agrees with the recommendation provided by the National Advisory Council for Institutional Quality and Improvement and will permit the retroactive application of a date of accreditation, following an affirmative accreditation decision, as described below.

Our change of position is based on our recognition that some programmatic or specialized accreditors require a program to enroll and/or graduate one or more students prior to rendering a final accreditation decision for that program. Our June 6, 2017, policy would render students who enrolled during the accreditation review period, as is required by some accreditors, ineligible for certain credentialing opportunities or jobs even though they completed the program that was awarded accreditation based on the quality of the program during the time these students were enrolled.

Therefore, the Department will now permit agencies to establish a retroactive accreditation date that goes back no farther than the beginning of the initial accreditation review process to ensure that credits and credentials awarded to students who were enrolled or completed a program during the formal initial accreditation review, or a review following a change in ownership or control, are from an accredited program.

The initial accreditation review process begins on the date on which the accreditor completes its review of the program's initial application for accreditation or change of ownership or control

review and places the program on the pathway for accreditation or reinstatement of accreditation. Some accreditors use the term applicant status, candidacy status or pre-accreditation status to describe the point at which the program is officially recognized as being on the pathway to accreditation, but this terminology is not required as long as the accreditor has a process in place to receive, review and approve initial or change of ownership or control applications, and upon an affirmative application review decision (which can be made by agency staff, an agency decision body or a subcommittee of an agency decision body), consider the program to be in the process of seeking accreditation or reinstatement of accreditation. The initial accreditation review process does not begin the day an application is submitted by the program or the date on which the application was received by the accreditor, but instead on the date on which the application was approved and the program was permitted to pursue accredited status, or on the date on which ownership or control changed.

In the event that the initial application review is extended by the accreditor, including to provide additional time for the program to graduate an initial cohort or come into full compliance based on a good cause determination by the accreditor, then the initial review period extends to the date agreed to by the program and the accreditor. All students enrolled during that time period, including the extension, may be considered to have enrolled in or graduated from an accredited program. However, if the initial application results in denial and a new application must be submitted to initiate a new review process, the students who enrolled in or completed the program during the initial application process would not be eligible to benefit from a retroactive effective date based on an affirmative award resulting from the second initial application for accreditation, except that if accreditation was granted prior to that student's graduation, the student would then be considered to have graduated from an accredited program.

Accreditors that utilize retroactive establishment dates to serve students enrolled in programs that receive an affirmative accreditation decision may elect to establish the effective date based on their standards and criteria and the approval of the agency's appropriate decision-making body. Our original guidance suggested that the date of accreditation had to coincide with an affirmative decision of the agency's relevant body. However, none of the regulations cited in our prior guidance specify that accreditation can only be granted on a prospective basis. *See* 34 C.F.R. §§ 602.15, 602.18, 602.22. Indeed, the fact that one of the regulations contains an express prohibition on retroactive accreditation in one specific context (when there has been a substantive change) strongly suggests that there is not a general rule prohibiting retroactive accreditation, since such a general rule would make a specific prohibition unnecessary. *See* 34 C.F.R. § 602.22(b). And although it is true that the decision-making body is distinct from the evaluation body, and that the evaluation body that conducts the on-site review does not have decision-making authority, it does not follow that the decision-making body is prohibited from giving retroactive effect to an accreditation decision, either specifically back to the date of on-site review or back to any other prior date. We now recognize that the agency's decision-making body, though potentially not involved directly in an event that establishes the retroactive date,

will be making a decision about the program's accreditation status and should be able to determine a retroactive date of accreditation based on the agency's standards and criteria and the program's demonstrated ability to meet certain milestones. The effective date may go back as far as, but cannot be prior to, the date on which the agency completed the review of the program's application and officially recognized the program as being in the accreditation review process.

If you have any questions about the retraction of our earlier guidance or the revised guidance provided herein, do not hesitate to contact Herman Bounds, Director of Accreditation at (202) 453-6128.