AICCU
ASSOCIATION OF INDEPENDENT CALIFORNIA COLLEGES AND UNIVERSITIES

September 15, 2026

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

Subject: Docket ID ED-2025-OPE-1042

Dear Mr. Washington:

The Association of Independent California Colleges and Universities (AICCU) is the organizational voice for more than 85 nonprofit, accredited, degree-granting institutions across California. Together, our campuses enroll over 184,000 undergraduates and 162,000 graduate students. Of those undergraduates, more than 47,500 are Pell Grant recipients, highlighting our sector's deep commitment to access, affordability, and student success. Our campuses serve as vital pillars in their communities by driving economic growth through employment, supporting local businesses through substantial spending, and enriching the cultural landscape with impactful programs that engage K-12 schools and the broader community.

Thank you for the opportunity to comment on the proposed regulatory changes to accreditation put forth by the Accreditation, Innovation, and Modernization (AIM) negotiated rulemaking committee. AICCU and our member institutions support efforts to enhance transparency and student success, and are committed to academic freedom, intellectual diversity, and the free exchange of ideas—core tenets of higher education. However, the AIM notice of proposed rulemaking (NPRM) would inappropriately insert the federal government into the accreditation process and institutional operations through the lens of the government's political priorities. This could create instability as those priorities change under different administrations.

§602.17(a)(2)(vii) and (viii) - Academic Freedom and Freedom of Speech Provisions
Under the proposed rules, agencies would have to evaluate whether an institution maintains academic freedom among its faculty; has a policy that supports intellectual diversity and measures perceptions of intellectual diversity among students and faculty; and maintains First Amendment rights. As noted previously, academic freedom and the free exchange of diverse ideas are core tenets of higher education. This includes discussing ideas and concepts in an academic setting where there may be political, social, or academic disagreement or controversy. Ensuring that such a discussion can occur is a worthy goal.

However, we have seen ongoing political efforts to chill the very research and academic inquiry that should be protected by academic free speech. Additionally, future administrations may

bring different political perspectives to the topics permitted to be discussed in the classroom. This could create confusion and lead to the mischaracterization of institutional and academic programs by accreditors or the federal government.

Without clear standards for compliance, and with possibly different standards from one accreditor to another, institutions will have difficulty meeting these obligations. Failure to meet the standards could place an institution's access to Title IV funding at risk and threaten an accreditor's federal recognition. Faced with such high stakes, institutions and accreditors would be incentivized to avoid regulatory scrutiny. This could lead to self-censorship, limited inquiry, and discouragement of teaching subjects deemed objectionable by the federal government. Thus, under the guise of promoting intellectual diversity, the proposed language could undermine academic freedom and freedom of speech on campuses, including the ability to debate, dissent, and engage with competing ideas without political interference.

This requirement would also make accrediting agencies enforcers of constitutional law. Accrediting agencies are focused on evaluating institutional quality and effectiveness, governance, and student outcomes. They are not staffed or qualified to address potential First Amendment grievances on behalf of the federal government.

AICCU respectfully asks the Department of Education (ED) to remove these proposed requirements for accreditors and institutions.

§602.17(a)(3) - Cost-Benefit Analysis of Facilities, Equipment, and Student Support Services
The proposed rules require accrediting agencies to conduct a cost-benefit analysis of institutional student support services and facilities, including a review of an institution's budget and plans to determine whether expected benefits justify financial, administrative, and opportunity costs. These are governance decisions and are the responsibilities of boards and trustees. Their duty is to meet accreditation standards, without an accreditor telling them how to achieve that.

Accrediting agencies and—by extension, the federal government—has traditionally not intervened in these institutional affairs, because doing so would be misaligned with the goals and purposes of accreditation. These changes would significantly expand federal direction over institutional policies and practices and substantially reduce accrediting agencies' discretion to determine what standards and evidence are appropriate for evaluating academic quality. *This is a clear intrusion into institutional autonomy and governing board responsibilities.*

As a result, institutions would need to develop or revise policies and practices, collect and report additional data, conduct new analyses, and produce additional documentation and evidence for accreditation reviews. This would create a significant new burden and appears counterintuitive to AIM's stated goal of reducing and streamlining such requirements.

AICCU encourages the ED to remove the proposed requirement to conduct cost-benefit analyses of student support services and capital expenditures.

In light of these two expansive proposals—and others in the notice of proposed rulemaking—we note that ED does not have the authority to add these requirements. As Section 496(g) of the Higher Education Act cites:

> *Nothing in this Act shall be construed to permit the Secretary to establish criteria for accrediting agencies or associations that are not required by this section. Nothing in this Act shall be construed to prohibit or limit any accrediting agency or association from adopting additional standards not provided for in this section. Nothing in this section shall be construed to permit the Secretary to establish 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.*

These proposed requirements go well beyond the scope of ED's authority and will add substantial new cost and burden on accrediting agencies and higher education institutions. For institutions, any new reporting requirement represents monetary and opportunity costs to some degree.

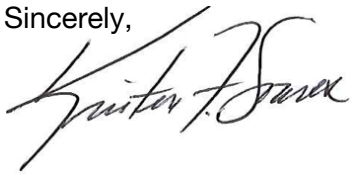
§ 602.26(h) - Access to Title IV Funds During Arbitration and Judicial Review

The proposed language allows for continued Title IV funding to an institution during arbitration and judicial review if an accreditor issues a final decision to withdraw, suspend, revoke, or terminate the accreditation or pre-accreditation of the institution. This language would ensure basic fairness by limiting the potential disruption to students and campuses during an adjudication process and before a final decision is made, rather than penalizing an institution before a final determination has been made.

AICCU supports this language and encourages ED to only use this authority in the affirmative to benefit students and institutions.

Thank you again for the opportunity to comment and for consideration of our concerns.

Sincerely,



Kristen F. Soares
President