

Trump Executive Order: 'Reforming Accreditation to Strengthen Higher Education'

On April 23, President Donald Trump signed an executive order titled "<u>Reforming Accreditation to Strengthen Higher Education</u>" and released an accompanying <u>fact sheet</u>.

Summary: This executive order, to further partisan political goals, leverages the accreditation processes higher education institutions use to maintain eligibility for federal financial aid. Trump has attacked accreditation as a "cartel," decrying the alleged exclusivity of accreditation as well as the content of accreditation standards. The Trump administration wants more and different accreditors in addition to muzzling existing accreditors.

This order continues the Trump attack against diversity, equity and inclusion; tramples on academic freedom by attempting to require "ideological diversity" among faculty; and forces higher education into an outcomes-focused mode. Historically, these kinds of outcome-driven metrics have penalized institutions that have open-access enrollment.

What does the executive order say?

The order is fairly detailed, with three substantive sections and an accompanying fact sheet. It is notable that this order was issued with several other education executive orders, including one on Historically Black Colleges and Universities and one on foreign gifts to colleges and universities.

Section one offers a very limited description of accreditation in higher education and criticizes accreditors for approving schools with low graduation rates and high debt-to-earnings metrics. Research shows that assessing schools based on graduation rates, a scheme used in many states that is sometimes known as "performance funding," is <u>ineffective at best</u> and <u>widens inequality at worst</u>. Accreditors have no role in setting tuition prices, though they do assess the fiscal health of the institution.

The Trump administration's principal complaint with accreditation is the presence of accreditation standards related to DEI—or what the executive order repeatedly calls "unlawful discrimination."

The medical and law schools' accreditors are called out specifically for their efforts to provide equal access to these predominantly white professions. Yet the executive order does not provide any examples of an institution that has lost accreditation or even received sanction under these standards.

The AFT is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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Section two directs the education secretary and the attorney general to "hold accountable" accreditors that fail to meet the administration's criteria. The U.S. Department of Education can de-recognize an accreditor, which leaves the students of the institutions accredited by that accreditor without access to financial aid unless the institution can secure accreditation elsewhere. This move is rare, but in 2022 the department terminated federal recognition of the Accrediting Council for Independent Colleges and Schools after a long period of instability.

Accreditation is a notoriously detailed process with many comprehensive standards, but this section only discusses DEI standards and their alleged violations of federal law.

Section three of the executive order lists five "New Principles of Student-Oriented Accreditation," which include the especially notable principle that "accreditation requires that institutions support and appropriately prioritize intellectual diversity amongst faculty in order to advance academic freedom, intellectual inquiry, and student learning." Establishing an ideological quota system for faculty is absolute ideological claptrap, but it does reveal the Trump administration's motivations. Accreditation bodies do evaluate faculty and institutional governance structures, and their independence in doing so is critical to maintain academic freedom.

Section three goes on to say that the education secretary will advance these policies by recognizing new accreditors. The Trump administration does not trust the existing accreditors, and one way around those accreditor standards is to replace them with new accrediting bodies. As of this writing the states of Florida, Georgia, North Carolina, South Carolina, Tennessee and Texas are starting up a new accreditor called the Commission for Public Higher Education. The process to approve a new accreditor typically takes two years. However, there is a possibility that the new administration will fast-track these approvals.

The executive order calls for streamlining the process for higher education institutions to switch accreditors. In May, the department published a Dear Colleague letter announcing a change in procedure for federal approval of accreditation agency changes. There is now a two-page form that does not require a response from the department; if the applying institution receives no response in 30 days, its request may be considered approved. This is an unprecedented and likely deliberate lack of oversight and could be additionally problematic if the Trump administration openly favors one or more accreditors.

Further language mandates that accreditors use "data on program-level student outcomes" but without disaggregating such data by race, ethnicity or sex. Program-level outcomes are an important data point, as there can be a lot of variation within a college, but it's unacceptable to insist on hiding data. The Trump administration is not just retreating from initiatives to fix racial and gender-based disparities, it doesn't even want to know about them.

The executive order also requires the education secretary to "promptly provide to accreditors any noncompliance findings relating to member institutions issued after an investigation conducted by the Office ... [for] Civil Rights under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) or Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq.*)." This requirement may be laudable, but it cites only these two civil rights protections and not, for example, Title VII of the Civil Rights Act, which prohibits discrimination in the workplace. The Trump administration has announced that dozens of institutions are under investigation for potential Title VI violations, and it has accused 20 institutions and states of Title IX violations.

The order goes on to say the Education Department will accomplish these tasks (remember, the department has recently reduced its staff by nearly 50 percent) by increasing efficiency, "including through the use of technology," which may be a reference to artificial intelligence. Using AI to evaluate accreditation is a totally inappropriate use of this technology, since the entire point is ensuring quality in human-to-human teaching and learning.

What does the order really do?

The executive order uses an "accountability" framework that follows the Project 2025 playbook to undermine the public good. This accountability framework labels certain institutions, and by extension their accreditors, as "failing," using it as a pretext to reshape the mission of those colleges and universities. This accountability framework is also based on racial resentment and a desire to keep elite institutions in the hands of those who have traditionally controlled them.

Generally speaking, it is within the Education Department's powers to execute these instructions, such as recognizing new accreditors and providing oversight of existing accreditors. But these actions will violate norms of independence and peer review that have made American higher education the envy of the world.

This order also encourages states to keep pushing extreme anti-intellectual agendas. Florida and North Carolina have already required their colleges and universities to switch accreditors, and Texas recently passed a bill that would do the same. Under this order, states may choose to become accreditors themselves—even though they already have a distinct oversight role through state authorization requirements—to increase partisan oversight into college operations.

Next steps

The executive order does not direct Education Department to do rulemaking, as the executive order on Public Service Loan Forgiveness did. But this executive order leaves the impression that the Trump administration thinks sub-regulatory tools and investigations are sufficient to get the results it wants. The administration could continue to issue new guidance, attack accreditors through the National Advisory Committee on Institutional Quality and Integrity, rapidly approve new accrediting bodies, and more, in order to upend the accreditation system.

AFT leaders should be prepared to engage on the federal and state levels to protect the accreditation standards that uphold union values of institutional autonomy. Affiliate leaders should meet with their institutions' administrations and secure their commitment to stay with accreditors that have enforceable standards on the freedom to teach, learn and research, especially if the institution is "in cycle" for accreditation. Whether through formal bargaining and/or informal advocacy, leaders must ensure management and the union present a united front defending high-quality accreditation.

AFT message

This executive order is part of Trump's broader attack on higher education, another attempt to dictate what is taught, learned, said and done by college students and instructors. Threats to remove accreditors from their roles are transparent attempts to consolidate more power in the hands of the Trump administration in order to stifle teaching, research and the production of new knowledge. These attacks are aimed at removing educational decision-making from educators and reshaping higher education to fit an authoritarian political agenda.

Faculty should be hired based on merit and subject-matter expertise, not to fulfill political quotas. States such as <u>Iowa</u> and <u>Florida</u> have been down this road before—to no benefit to their students.

This executive order is another front in Trump's continued effort to make DEI into a boogeyman, despite rulings against his attacks on DEI in the courts, and despite the public's support for underrepresented minorities' access to higher education.

This is just the latest attempt by ideological and monied interests to circumvent merit-based faculty hiring procedures to install partisan cronies. For example, the Charles Koch Foundation paid \$50 million to George Mason University to participate in faculty selection and evaluation.

The AFT has supported greater accreditation transparency and making program-specific data available to the public. We will always be on the side of accountability, especially since the predatory for-profit higher-

ed sector is alive and well. But the measures in this executive order are bad-faith efforts that threaten academic freedom and program integrity.

Once again "innovation" is being used as a cover to undermine bedrock principles of teaching and learning. A strong, independent accreditation system strengthens free speech and protects colleges and universities from political interference.

As AFT President Randi Weingarten said in the AFT-AAUP press release on this executive order,

"Accreditation should be based on the quality of a college or university's academic standards and support for students, not on whether a politician agrees with a school or professor's ideology. That's part of what made U.S. universities the envy of the world.

"President Trump's new executive order appears to violate this. He appears to be saying that he alone can determine what our colleges can teach and what students can learn. This is a fundamental attack on free expression and free enterprise. It is a war on knowledge, and we will fight it."