



Commission on Accreditation of Allied Health Education Programs

Updates on the Department of Education & Negotiated Rulemaking for CAAHEP-Accredited Programs

By Brandon Sherman, JD, Counsel at Saul Ewing LLP and Gina Scarborough, D.B.A., CAAHEP Executive Director

At the recent Council for Higher Education (CHEA) Annual Meeting, Department of Education (ED) Under Secretary Nicholas Kent addressed attendees, noting the administration's interest in accreditation reform. He shared that the goals are to update the ED's accreditation regulations to allow for new accreditors and increased accountability (Moody, 2026). As part of these efforts, the Department announced its intent to establish the Accreditation, Innovation, and Modernization (AIM) negotiated rulemaking committee to develop regulations that would:

simplify the Secretary's recognition of emerging and existing accreditors; examine the extent to which accreditation contributes to rising higher education costs and credential inflation; safeguard against undue influence from related private trade associations; eliminate standards or policies that discriminate on the basis of immutable characteristics; and refocus quality assurance and improvement on data-driven student outcomes (U.S. Department of Education, 2026)

While CAAHEP is a programmatic accreditor recognized by the Council for Higher Education, but not the Department of Education, 90% of CAAHEP-accredited programs are within colleges/universities whose institutional accreditors are ED-recognized and therefore impacted by potential changes in these regulations. Of particular attention is the potential influence of trade associations and affiliated membership organizations, as well as the promotion of the ED's consideration of new accrediting agencies. This concern appears to stem from the administration's belief that some programmatic accreditors have become too closely aligned with related trade associations, potentially creating conflicts of interest.

The Higher Education Act (HEA), which governs the Department of Education, currently requires accreditors to be separate and independent, both administratively and financially, from any related, associated, or affiliated trade association or membership organization. But any agency recognized by the Secretary before October 1, 1991, the Secretary may waive the separate and independent requirement (Office of the Federal Register, n.d.).

The ED continues to emphasize outcome measures, aligning with CAAHEP's commitment to outcome-based accreditation standards and to using these measures to evaluate educational program quality.

What is Negotiated Rulemaking?

Negotiated Rulemaking (or “neg reg”) is the process by which the U.S. Department of Education convenes a committee of stakeholder representatives to meet and develop proposed regulations before publishing a Notice of Proposed Rulemaking (NPRM) in the Federal Register. The stated goal of the process is to reach consensus before regulations are proposed. If the Committee reaches a consensus, the Department uses regulatory language in its NPRM. If consensus is not achieved, the ED may use language developed during the negotiated rulemaking process or make any changes to the new regulation posted in the NPRM (U.S. Department of Education, 2025).

The topics for negotiated rulemaking can come from the ED, the public, or new laws regarding Title IV programs that need regulations. Members of the public may attend in person or virtually, and committee materials are posted on the ED's website. The negotiated rulemaking process timeline includes a February 26, 2026, deadline for submitting nominations for committee negotiators, with the AIM Committee scheduled to convene for two five-day sessions in April and May 2026.

CAAHEP will continue to monitor these developments and provide updates as they may affect our accredited programs.

References

Moody, J. (2026, January 28). At CHEA, Kent blames accreditors for higher ed's woes.

Inside.Higher.Ed.

<https://www.insidehighered.com/news/governance/accreditation/2026/01/28/chea-kent-blames-accreditors-higher-eds-woes>.

Office of the Federal Register. (n.d.). 90.CFR.Part.268– Recognition.of.accrediting.agencies.

Electronic Code of Federal Regulations. Retrieved February 9, 2026, from

<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602> (ecfr.gov)

U.S. Department of Education. (2026, January 26). U.S. Department of Education. announces negotiated rulemaking to reform and strengthen America's higher education accreditation system [Press release].

<https://www.ed.gov/about/news/press-release/us-department-of-education-announces-negotiated-rulemaking-reform-and-strengthen-americas-higher-education-accreditation-system>.

U.S. Department of Education. (2025, September 5). Frequently asked questions: The negotiated rulemaking process for Title IV regulations. <https://www.ed.gov/laws-and-policy/higher-education-laws-and-policy/higher-education-policy/frequently-asked-questions-negotiated-rulemaking-process-title-iv-regulations>.