



Same Door, Different Room

What the New Accreditation Rules Mean
for Mission-Driven Institutions

The Signal Report

For HBCUs, Tribal Colleges, Community Colleges, and Regional Public Universities

April 2026

The Herron Group, LLC | theherrongroupllc.net

Note: The Herron Group integrates AI-assisted tools into our research, analysis, and document development processes to enhance quality and efficiency. All strategic direction, client engagement, and final deliverables are led and reviewed by THG team members. We take your privacy seriously. Client information is treated as confidential, is not used to train AI models, is not shared with third parties, and is used solely in service of your project.

What Is Happening

On April 13, 2026, the U.S. Department of Education opened the first of two negotiated rulemaking sessions to rewrite the federal regulations governing accreditation. The process is called Accreditation, Innovation, and Modernization (AIM). The second session runs May 18 through 22. When it concludes, the rules that determine how colleges and universities are evaluated for quality, and whether they remain eligible for federal financial aid, could look fundamentally different from what they do today.

The regulatory mechanism is 34 CFR Part 602, the same section of the Code of Federal Regulations that has governed accreditation for decades. The process is negotiated rulemaking, the same process used by every recent administration to update higher education rules. The door looks the same. What is on the other side is not.

The draft regulations, released April 7, run 151 pages (U.S. Department of Education, 2026c). They implement Executive Order 14279, signed by President Trump on April 23, 2025, titled "Reforming Accreditation to Strengthen Higher Education." The stated goals are to promote student outcomes, reduce barriers to innovation, hold institutions accountable, and advance academic freedom and intellectual diversity (U.S. Department of Education, 2026a).

This brief is not a political analysis. It is a practical assessment of what the proposed rules contain, what they would change, and what institutional leaders at mission-driven institutions should be preparing for now, regardless of which provisions survive the negotiation process.

Why It Looks Familiar

Accreditation reform is not new. The Biden administration conducted its own negotiated rulemaking on accreditation in 2023 and 2024, but ran out of time before finalizing rules. That effort focused on tightening accreditors' independence from trade associations, strengthening the definition of public representatives on accreditor boards, improving complaint processes for students, and protecting state authorization standards for distance education (U.S. Department of Education, 2024).

The AIM rulemaking uses the same regulatory framework and the same process. An institution that tracked the Biden-era effort would recognize the format, the section numbers, and many of the structural provisions. That familiarity is the risk. An institutional leader who glances at this process and sees another round of routine accreditation updates will miss what has changed.

Two administrations in a row have tried to rewrite accreditation rules using the same regulatory mechanism. The previous attempt focused on process integrity. The current attempt redefines purpose.

What Is Different This Time

The AIM draft regulations introduce five categories of change that have no precedent in prior versions of these rules. Each has direct implications for mission-driven institutions.

1. Programs Will Be Measured by Economic Return

The draft requires accreditor standards to include program-level measures of student success that are "supported by objective, reliable, and comparable evidence of student achievement." Those measures must include, where feasible, "measures of educational or economic return relative to tuition and fees, assessed using data appropriate to the program's credential level, length, and occupational context" (34 CFR 602.16(a)(1)(i)(A)(5), proposed).

Accreditors would be required to set minimum expectations of student performance and to "clearly delineate success and failure" based on those expectations. Programs that fail to meet the standards would face adverse action (34 CFR 602.16(a)(1)(i)(A), proposed).

This means a program's continued accreditation could depend on whether its graduates earn enough relative to what they paid. For programs in education, social work, ministry, the arts, and the humanities, where graduates serve communities at modest salaries, an economic return standard creates a direct conflict between accreditation compliance and institutional mission.

The question changes from "does this program produce well-educated graduates?" to "does this program produce graduates who earn enough?" Those are not the same question.

2. Accreditors Must Evaluate Intellectual Diversity

The draft requires accreditor standards to address "academic freedom and freedom of inquiry for faculty in teaching, scholarship and research," including "conditions under which a range of academic perspectives may be expressed and examined without adverse action based on lawful viewpoints unrelated to professional or academic competence" (34 CFR 602.16(a)(2), proposed).

Separately, faculty standards must require that "academic freedom protections must be clearly articulated and applied consistently to faculty regardless of appointment classification, race or other immutable characteristics, viewpoint, or ideology" (34 CFR 602.16(a)(1)(iii)(D), proposed).

And accreditor decisions must be "neutral with respect to viewpoint and ideology" (34 CFR 602.18(b)(4), proposed).

Together, these provisions mean accreditors would evaluate whether institutions protect ideological and viewpoint diversity among faculty. For HBCUs and tribal colleges whose academic programs center specific cultural, historical, and scholarly traditions, this raises a question: could mission-centered scholarship and hiring be characterized as viewpoint-neutral under these standards?

3. Accreditors Become Civil Rights Enforcement Agents

The draft states that accreditors "must not have policies that require institutions or programs to provide preferences to students, faculty, staff, contractors, or any employees based upon their race, color, national origin, or sex, including in admissions, hiring, and the selection of contracts" (34 CFR 602.23(h), proposed).

A parallel provision states that accreditor standards "may not have standards that encourage, direct, or otherwise require institutions or programs to violate Federal or State law, including by having policies that provide any preferences on the basis of race" (34 CFR 602.16(a)(7), proposed).

Under these provisions, accreditors would be required to ensure that no accredited institution maintains race-conscious admissions, hiring, or contracting practices. For HBCUs, the practical question is whether mission-aligned activities, recruiting from Black communities, mentoring programs designed for Black students, culturally specific support services, and faculty hiring that prioritizes scholars with expertise in Black experience, could be characterized as "preferences" under this regulatory language.

4. Accreditors Cannot Question State Governance Decisions

One sentence in the draft carries outsized consequences: "Agencies must refrain from review of institutional governance that is in the rightful purview of a State government" (34 CFR 602.23(j), proposed).

No qualifications. No exceptions. No definition of "rightful purview." If a state legislature converts an HBCU into a polytechnic, as Kentucky did with Kentucky State University in April 2026 (Horsley, 2026), the accreditor cannot question that decision. If a state mandates the elimination of degree programs based on enrollment or earnings thresholds, as Indiana did with 210 programs under HEA 1001 (Smith, 2026), the accreditor cannot push back. The one external check on political decisions about academic programs is removed.

5. New Accreditors Can Enter the System Faster

The draft eliminates the two-year experience requirement for agencies seeking initial recognition. It removes geographic restrictions on accrediting activities. It streamlines the process for institutions to change accreditors and allows institutions under sanction to seek a new accreditor without that move being presumed unreasonable (34 CFR 602.12, 602.11, 600.11, proposed).

Combined, these provisions create a system in which new accreditors can be created quickly, can operate nationally from day one, and can attract institutions that are dissatisfied with their current accreditor's standards. The draft also adds an antitrust provision warning accreditors against "collective action" and "anticompetitive behavior" (34 CFR 602.13, proposed), which could discourage accreditors from coordinating on shared quality standards.

The practical effect: an institution that does not want to comply with its accreditor's standards, including standards related to faculty qualifications, program quality, or financial stability, could seek a new accreditor with different standards. The regulatory barriers that prevented accreditor shopping have been lowered.

Who Is at the Table

The AIM negotiating committee includes 14 non-federal negotiators representing students, veterans, workforce organizations, legal and civil rights groups, public institutions, private institutions, proprietary institutions, state officials, institutional accreditors, programmatic accreditors, taxpayer organizations, nascent accreditors, and the National Advisory Committee on Institutional Quality and Integrity (U.S. Department of Education, 2026b).

Two seats on the committee explicitly name HBCUs and tribal colleges in their descriptions. The seat for public institutions, "including Community Colleges, Historically Black Colleges and Universities, and Tribally Controlled Colleges and Universities," is held by a retired community college system leader from Louisiana. The seat for private nonprofits, which also names HBCUs

and tribal colleges, is held by a representative from Furman University, a private liberal arts college in South Carolina, with an alternate from Regent University.

The two seats that name HBCUs and tribal colleges in their category descriptions are occupied by representatives from institutions that are neither HBCUs nor tribal colleges.

The "taxpayers and the public interest" seat is held by the America First Policy Institute, with the Defense of Freedom Institute as alternate. The nascent accreditor seat includes the National Council for AI Workforce Program Accreditation, an organization that does not yet exist as a recognized accreditor.

The people writing accreditation rules that will directly affect HBCUs, tribal colleges, and community colleges do not include a single representative from an HBCU or a tribal college. That is not an interpretation. It is what the committee list shows.

What This Means for Your Institution

HBCUs

HBCUs face compounding pressure from multiple provisions simultaneously. The economic return standard threatens programs whose graduates serve communities at modest wages, which includes many of the education, social work, and ministry programs that define HBCU identity. The anti-preference provisions could be applied to mission-aligned admissions, hiring, and student support practices. The intellectual diversity requirement could be used to challenge academic programs centered on Black scholarship and cultural tradition. And the state governance protection means that if a state legislature decides to restructure or convert an HBCU, as Kentucky did with Kentucky State University, no accreditor can intervene.

HBCUs represent approximately 3 percent of all higher education institutions in the United States but enroll roughly 10 percent of all Black college students and produce nearly 20 percent of all Black college graduates. The economic and social return of these institutions extends far beyond the individual earnings of their graduates.

Tribal Colleges and Universities

Tribal colleges serve 37 federally recognized institutions whose missions include preserving Indigenous languages, cultural traditions, and economic capacity in tribal communities. The economic return standard is particularly problematic here. A program in tribal language preservation or Native arts produces graduates whose value to their nations cannot be measured by individual earnings. An ROI standard applied to these programs would evaluate them by a metric that structurally excludes the value they produce.

The state governance provision creates a separate risk. If accreditors cannot review state governance decisions, and tribal colleges are authorized by tribal governments rather than states, the regulatory framework may not clearly address how tribal authorization fits within a system designed around state authority.

Community Colleges

Community colleges face the most immediate practical impact from the economic return and program-length provisions. Many community college programs, particularly in early childhood education, human services, and paraprofessional health fields, produce graduates who earn

modest wages in essential occupations. Under an ROI standard, these programs could be identified as failing even when they are producing exactly the workforce the community needs.

The credit transfer presumption (34 CFR 602.24(e)(3), proposed) requires institutions to presume the transferability of credits from any accredited institution toward general education requirements. For community colleges that carefully articulate transfer agreements with four-year institutions, this provision could undermine the quality controls built into those agreements.

Regional Public Universities

Regional publics are most exposed to the state governance provision. These institutions are governed by state boards, funded by state legislatures, and subject to state mandates. If a state decides to eliminate programs, mandate 90-credit degrees, or restructure institutional missions, the accreditor cannot question those decisions. The institution absorbs the change with no external quality assurance check.

The intellectual diversity provision also affects regional publics directly, since First Amendment obligations already apply to public institutions. The draft requires accreditors to evaluate whether public institutions are fulfilling those obligations, creating a new layer of accreditation review focused on speech and viewpoint protections.

Three Questions Every Leader Should Be Able to Answer Now

Regardless of which provisions survive the negotiation process, the direction is clear: external accountability systems are being restructured. The institutions that are prepared are the ones that do not depend on external systems to define or demonstrate their quality. They own their evidence.

Every institutional leader reading this brief should be working toward answers to three questions:

1. Can you demonstrate program-level student outcomes with evidence you control? Not institutional averages. Program-level data. Graduation rates, employment outcomes, licensure pass rates, graduate school placement, and alumni impact, broken out by program, tracked over time, and documented in a system your institution maintains. If your outcome data lives only in your accreditor's reports, you do not own it.

2. Can you articulate the value of every program in terms that survive any measurement framework? If the standard becomes an economic return, can you show it? If the standard is workforce alignment, can you demonstrate it? If the standard is community impact, do you have the data? The institutions that can answer all three questions are the ones whose programs survive regardless of which standard is applied. The institutions that can answer only one are vulnerable to any framework that uses a different metric.

3. Do you have an internal quality assurance infrastructure that holds up regardless of who accredits you? Program review processes. Faculty evaluation systems. Student learning outcome assessments. Financial health indicators. If these systems exist only because your accreditor requires them, they are not your systems. They are your accreditor's systems, housed at your institution. When the accreditor changes, the system changes with it. Build infrastructure you own.

The institutions that navigate this moment successfully will not be the ones that had the best accreditor. They will be the ones who built the strongest internal evidence of their own quality.

How The Herron Group Can Help

The Herron Group works at the intersection of measurement, systems, and AI to help mission-driven organizations navigate structural shifts like the one described in this brief.

Measurement Design. We help institutions build program-level outcome tracking systems that produce credible, defensible data. We design the instruments, data collection processes, and reporting frameworks that make institutional quality visible on your terms, not someone else's.

Systems Strategy. We help institutions design an internal quality assurance infrastructure that does not depend on any specific accreditor's standards. We map the systems that connect program review, faculty evaluation, student outcomes, and financial health into a coherent institutional quality framework.

AI Implementation. We deploy practical AI solutions that extend institutional capacity for data collection, analysis, and reporting, particularly for institutions with limited staff and resources. AI can help a small institution track and report outcomes at the level that these regulations may require, without adding staff the institution cannot afford.

If your institution is preparing for accreditation changes and wants to build from a position of evidence rather than reaction, contact The Herron Group.

Dr. Marsha Herron | Founder and Lead Consultant

marshah@theherrongroupllc.net | theherrongroupllc.net

What Comes Next

The second AIM negotiated rulemaking session runs May 18 through 22, 2026. The Herron Group will continue tracking the proceedings and will publish an updated analysis when the final rules emerge. If the negotiating committee does not reach consensus, the Department of Education can publish its own proposed rule, which would go through a public comment period before becoming final.

This brief is part of The Signal Report, The Herron Group's ongoing analysis of the forces reshaping how organizations measure impact, design systems, and implement AI. For earlier analyses of the structural shifts affecting higher education, see *The Hammer and the Nail: What to Know Before You Build an AI Degree* (April 2026), available at theherrongroupllc.net.

References

1. Horsley, M. "Lawmakers pass Kentucky State University makeover after some changes are made to bill." Kentucky Lantern, April 1, 2026. <https://kentuckylantern.com/2026/04/01/kentucky-state-university-makeover-clears-legislature-after-house-oks-changes-to-bill/>
2. Scott, J. W. "Project 2025's quiet weapon against universities." The Chronicle of Higher Education, 2026. <https://www.chronicle.com/article/project-2025s-quiet-weapon-against-universities>
3. Smith, C. "Hundreds of college programs eliminated, but the majority serving students remain." Indiana Capital Chronicle, April 1, 2026. <https://indianacapitalchronicle.com/2026/04/01/hundreds-of-college-programs-are-on-the-chopping-block-but-the-majority-serving-students-remain/>
4. U.S. Department of Education. "Accreditation: Issue Paper 5, Session 3." Office of Postsecondary Education, March 2024. <https://www.ed.gov/sites/ed/files/policy/highered/reg/hearulemaking/2023/session-3-accreditation-regulatory-text-v3.pdf>
5. U.S. Department of Education. "AIM Negotiated Rulemaking: Summary and Discussion of Initial Draft Regulations." April 2026a. <https://www.ed.gov/media/document/2026-aim-neg-reg-summary-and-discussion-of-initial-draft-regulations-113620.pdf>
6. U.S. Department of Education. "2026 AIM Committee: Negotiated Rulemaking." April 2026b. <https://www.ed.gov/media/document/2026-neg-reg-aim-committee-list-113618.pdf>
7. U.S. Department of Education. "AIM Initial Draft Regulations for Discussion." April 2026c. <https://www.ed.gov/media/document/2026-negotiated-rulemaking-aim-initial-draft-regulations-discussion-113681.pdf>