

September 21, 2026

Mr. Aaron Washington
Office of Postsecondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

Re: Comments on the U.S. Department of Education Notice of Proposed Rulemaking (NPRM) Accreditation, Innovation, and Modernization (AIM), 91 Fed. Reg. 53940 (Aug. 20, 2026) (to be codified at 34 CFR Part 600)

Dear Mr. Washington:

This letter provides comments on behalf of the California Community Colleges Chancellor's Office ("we" or the "Chancellor's Office") regarding the U.S. Department of Education's (Department's or ED's) proposed revisions to 34 CFR Part 600, Institutional Eligibility Under the Higher Education Act of 1965, as Amended; 34 CFR Part 602, The Secretary's Recognition of Accrediting Agencies; and 34 CFR Part 668, Student Assistance General Provisions—collectively known as AIM.

While the Chancellor's Office shares the Department's stated goal to strengthen student outcomes, eliminate administrative inefficiencies, and foster educational innovation, key elements of the proposed rule run directly counter to these objectives. Rather than modernizing the system, several proposed provisions impose rigid, unfunded mandates, interfere with academic governance, and create unnecessary operational instability for public community colleges. For California's community colleges, that directly affects their ability to maintain affordable access, support degree completion, deliver workforce training, and serve over 2.2 million students.

More importantly, key aspects of the proposed rule exceed statutory authority under the Higher Education Act (HEA) and the Department of Education Organization Act. We submit this comment to oppose these provisions and offer specific recommendations to align the final rule with statutory boundaries and operational realities.

I. About the California Community Colleges

The California Community Colleges is the largest system of higher education in the United States, serving over 2.2 million students across 116 colleges. Our students represent every stage of life, from high school students earning college credit through dual enrollment, to veterans transitioning to civilian careers, to working adults using Credit for Prior Learning and short-term credentials to advance in the workforce.

The California Community Colleges are the state's primary engine for workforce development and economic mobility. We prepare nurses, teachers, first responders, advanced manufacturing technicians, cybersecurity professionals, and technical workers essential to California's economy. Through dual enrollment, Credit for Prior Learning, apprenticeships, short-term workforce credentials, and transfer pathways, we help students reach their educational and career goals while meeting the workforce needs of regional employers.

These programs depend on stable, predictable federal policy and clear regard to institutional mission. The comments that follow reflect the operational realities of administering open-access postsecondary education at scale and are intended to ensure federal rules support, rather than hinder, student success.

II. Failure to Recognize Institutional Missions

Accreditation plays a critical role in assuring students that California Community Colleges deliver high-quality instruction, consistent with 20 U.S.C. § 1099b(a)(4)(A). However, the proposed rule fails to sufficiently recognize institutional missions. For example, the proposed rule overemphasizes religious exemptions while omitting recognition for the important role of community colleges.

Under HEA § 1099b(a)(5)(A), student achievement standards must evaluate “success with respect to student achievement in relation to the institution’s mission.” Proposed § 602.17(a)(1)(ii) omits this requirement, creating a uniform standard that fails open-access institutions serving disproportionate numbers of low-income, part-time, adult, and working students. Standardized assessment measures under proposed § 602.17(a)(1)(ii)(D) are fundamentally incompatible with open-access community college missions.

Recommendation: ED restore explicit statutory mission recognition, specifically as it applies to student achievement standards, for community colleges.

III. Lack of Authority Over Academic Matters and Accreditation Standards

Several proposed provisions exceed the Department’s statutory authority:

- **Direct Interference in Curriculum and Personnel:**
Under the Department of Education Organization Act (20 U.S.C. § 3403), ED is prohibited from exercising “any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution.” Several parts of proposed § 602.17(a) violate this statutory bar, such as subdivisions (a)(1)(ii)(B) (evaluating whether grades “meaningfully reflect student learning”), (a)(2)(i) (faculty qualification numbers), and (a)(2)(ii) (faculty evaluation policies).
- **Exceeding Statutory Accreditation Criteria:**
HEA § 1099b(g) explicitly prohibits the Secretary from establishing accreditation criteria beyond the ten enumerated statutory standards or prescribing how accreditors define student achievement. Proposed § 602.17(a)(1)(ii) impermissibly adds numerous standards beyond the ten enumerated in § 1099b(a)(5).

Recommendation: ED remove all changes to § 602.17(a) that exceed statutory authority.

IV. Prescriptive and Unclear Student Achievement and Economic Return Metrics

Proposed § 602.17(a)(1)(ii) introduces ambiguous “minimum expectations” without defining who establishes them. Applying uniform national expectations across disparate institutional types ignores resource differences and mission variations. Such minimum expectations are best set by institutions to align with their own strategic goals, resource availability, and the specific needs of their students.

Additionally, the requirement that accreditors evaluate “educational and economic returns” under proposed § 602.17(a)(1)(ii)(E) using Student Tuition and Transparency Information System (STATS) data creates severe distortion for community colleges:

- This provision does not actually measure “educational returns” as there is no consideration of what a student has learned.
- STATS data only tracks federal financial aid recipients, excluding large segments of community college populations.
- Economic return formulas fail to account for massive regional wage variations, penalizing rural institutions operating in lower-wage regional economies.
- Factoring “total cost of attendance” penalizes commuter colleges that do not control local housing costs.

Recommendation: Revise § 602.17(a)(1)(ii) to specify that minimum expectations are established by institutions or tailored by accreditors per HEA § 1099b(a)(5)(A). Amend § 602.17(a)(1)(ii)(E) to allow institutions subject to 34 CFR Part 668 Subpart Q to opt out of duplicative accreditor economic evaluations, and ensure regional cost-of-living adjustments are included.

V. Failure to Safeguard Shared Governance, Academic Freedom, and Peer Review

Proposed § 602.17(a)(2)(viii) requires institutions to adopt policies that “support, promote, and appropriately prioritize intellectual diversity.” Mandating how colleges prioritize specific concepts in the classroom infringes on established principles of academic freedom and intrudes on local collective bargaining and shared governance structures. Furthermore, proposed § 602.17(a)(2)(v) is redundant, as public community colleges are already bound by the First Amendment.

Finally, removing the peer review requirement from the definition of “accrediting agency” under § 602.3 compromises quality assurance. Faculty peers possess the disciplinary expertise required to evaluate academic freedom, faculty qualifications, and instructional quality.

Recommendations: Delete § 602.17(a)(2)(viii) and § 602.17(a)(2)(v). Restore the requirement for peer review within § 602.3.

VI. Unnecessary Administrative Burden and Duplicative Requirements

The proposal introduces significant administrative overlap and costly mandates:

- Cost/Benefit Analysis (§ 602.17(a)(3)(i)):
Requiring accreditors to evaluate institutional budget allocations and cost efficiencies creates extensive administrative work without providing operational flexibility. Existing statutory standards under 20 U.S.C. § 1099b(a)(5)(E) regarding administrative capacity are fully sufficient.

- Duplication of Federal Student Aid Oversight (§ 602.17(a)(3)(ii)): Forcing accreditors to review Title IV financial administration duplicates existing, rigorous Federal Student Aid (FSA) compliance reviews.

Recommendations: Remove the cost/benefit requirement under § 602.17(a)(3)(i) and § 602.17(a)(3)(ii). The statutory standards under § 1099b(a)(5)(E)--"fiscal and administrative capacity as appropriate to the specified scale of operations"--remains sufficient to cover the concerns expressed by ED.

VII. Flawed Regulatory Burden Estimates

The Department's economic analysis drastically underestimates institutional compliance costs. ED assumes transfer policy updates will require only 40 hours per institution, ignoring the shared governance, academic senate approval, and public board actions legally required for public colleges.

According to the Chancellor's Office fiscal analysis, implementing the proposed rule will cost California's community colleges between \$20.2 million and \$36.2 million in direct compliance expenses:

- Transfer of Credit Workload (\$9.3M–\$15.7M): \$1.1M–\$2.1M one-time for policy and catalog revisions; \$3.7M–\$6.3M one-time for IT degree-audit and transcript system reconfigurations; \$4.5M–\$7.3M annually for ongoing course-by-course evaluations and written denial notices.
- Program-Level Data and Cost-Benefit Documentation (\$8.5M–\$14.9M): \$3.7M–\$6.3M one-time for IT data integration; \$4.8M–\$8.6M annually for institutional research personnel.
- District Policy and Accreditation Reviews (\$2.4M–\$5.6M): One-time legal and administrative review across 72 community college districts.

These figures stand in sharp contrast to the Department's estimates. Our one-time cost to revise transfer-of-credit policies and related materials alone, roughly \$9,500 to \$18,100 per college, far exceeds what 40 hours of staff time would cover. The Department's estimates also do not appear to account for the technology changes or the ongoing evaluation and notification workload the transfer provisions would require. Every dollar diverted to these administrative mandates is a dollar removed from direct instruction, student counseling, and academic support services.

Recommendation: ED must revise its regulatory burden modeling to reflect true institutional compliance costs and eliminate provisions that impose unfunded administrative burdens, consistent with Executive Order 14279.

VIII. Conclusion

A constructive relationship between the federal government and public community colleges relies on clear rules that respect statutory limits and institutional missions. While the Chancellor's Office supports thoughtful efforts to improve postsecondary quality, critical provisions in this proposed rule exceed federal statutory



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authority, intrude on local academic governance, and impose unsustainable administrative costs on our colleges.

We urge the Department to adopt our recommendations in the final regulations to protect affordable, high-quality higher education for California's students. Thank you for your review and consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Sonya Christian". The signature is fluid and cursive, with the first name "Sonya" and last name "Christian" clearly distinguishable.

Sonya Christian

Chancellor, California Community Colleges