



September 21, 2026

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

**RE: Accreditation, Innovation, and Modernization (AIM) Notice of Proposed Rulemaking –
Docket ID ED-2025-OPE-0016 – RIN 1840-AD82**

Dear Mr. Washington,

The American Psychological Association (APA) and the American Psychological Association Services, Inc. (APA Services) is pleased to submit comments on the Accreditation, Innovation, and Modernization Notice of Proposed Rulemaking (NPRM), 91 Fed. Reg. 53,942 (Aug. 20, 2026). APA Services is the companion organization of APA, which is the nation's largest scientific and professional nonprofit organization representing the discipline and profession of psychology, as well as over 190,000 members and affiliates who are clinicians, researchers, educators, consultants, and students of psychological science. The APA Commission on Accreditation (CoA) is an unincorporated unit of the APA that is a U.S. Department of Education (the Department)-recognized accreditor in the field of health service psychology.

APA/APA Services applauds many of the goals in the NPRM. Given that public protection is a central objective for both psychology accrediting bodies and state licensing boards, APA/APA Services agrees that accreditation agencies should focus on quality assurance and accreditor-defined student achievement metrics, operate free from inappropriate influence, and broaden access and affordability while improving quality. APA/APA Services is concerned, however, that certain proposals in the NPRM would contravene policy choices Congress has already made in the Higher Education Act (HEA), undercut the strengths of the American voluntary accreditation system—peer review and the ability to leverage professional expertise, in particular—and unintentionally weaken the accreditation infrastructure that supports quality education and training in psychology and other specialized fields.

Regulatory changes that disrupt the accreditation pathway for psychology education and training could impede efforts to expand the behavioral health workforce in communities facing acute provider shortages. If programmatic accreditation becomes less stable, less discipline-specific, or less able to rely on expert peer review, students and programs could face new uncertainty, delays, and confusion regarding accreditation status, internship eligibility, licensure preparation, and access to workforce pathways designed to increase care in rural, frontier, youth-serving, veteran-serving, and other underserved communities. The proposed rule could also jeopardize training infrastructure supported by federal workforce-development programs, including programs that support psychology trainees, clinical placements, faculty development, and service in high-need settings. APA/APA Services is concerned that these consequences would work against national efforts to address the behavioral health provider shortage and address the unmet mental health needs of so many individuals across the nation. We urge the Department to take a more targeted approach in its educational reform efforts.

I. Background

The CoA—the body responsible for establishing accreditation standards, policies, and accreditation decisions—is an unincorporated unit of the APA that serves as a programmatic accreditor of programs in

health service psychology. It is not a Title IV gatekeeper. CoA is recognized by the Department because recognition is necessary for the programs it accredits to participate in the Health Resources and Services Administration's Graduate Psychology Education (GPE) program and Behavioral Health Workforce Education and Training (BHWET) grant program.

The CoA operates independently through a governance structure intentionally rooted in field-specific expertise and public accountability. In fact, CoA's existing policies and procedures already embody the principles the Department seeks to protect. Its accountability framework includes transparent standards, public input, trained peer reviewers, conflict-of-interest protections, complaint and appeal mechanisms, site visits, internal quality reviews, and ongoing compliance reporting. Through its Standards of Accreditation in Health Service Psychology, developed with extensive public input, CoA requires programs to integrate science and practice, provide sequential and increasingly complex training, prepare graduates for professional practice or advanced specialization, and embed ethics, professionalism, and attention to individual and cultural differences throughout training. Together, these features demonstrate how independent governance, peer review, transparency, and field-specific expertise promote educational quality and public trust.

Because the CoA is not a Title IV gatekeeper, it is not subject to the HEA's "separate and independent" requirements. Nevertheless, the CoA has long operated with substantial independence from the APA with a "wall" between the operations of APA and the Commission. See Commission IR A-2 ("The Board of Directors confirms that the APA Council of Representatives has adopted policies to insulate the work of accreditation from other interests with which APA governance is concerned."). Although the APA Board of Directors or APA Council of Representatives has veto authority on proposed changes to the Standards of Accreditation, they may vote only for or against, thereby remanding the matter to the CoA. Moreover, neither the APA Board nor APA Council may engage in wordsmithing CoA standards, procedures or regulations, which is the purview of the Commission only. The CoA has complete autonomy with respect to drafting, interpreting, and applying accreditation decisions on programs, accreditation operating procedures, and implementing regulations.

The CoA is composed entirely of unpaid volunteers, many with significant psychology experience, including seats allocated to representatives from a broad cross-section of professional psychology organizations. Additionally, members of the public are critical participants. The CoA is supported by a staff led by an Executive Lead Psychologist for Accreditation. This structure recognizes that accreditation of psychology training programs requires specialized expertise and ensures that standards reflect evidence-based best practices and the perspectives of educators, practitioners, licensing stakeholders, employers, and the public.

Finally, it is important to note that the CoA has authority to set its own budget. Under the current regulations, it can cover its core expenses with revenue generated from accreditation fees. However, it can do so in part because of subsidies in the form of office space in APA's building and ability to leverage APA's economies of scale. This includes the ability to participate in APA's employee benefits plans (e.g., retirement and health insurance plans), leverage APA's back-office services (e.g., human resources), and benefit from certain APA service providers and contractors (e.g., cleaning, IT). Unwinding such shared services would entail substantial cost and require extensive administrative and legal time to the extent that maintaining Department-recognition may not be feasible, and certainly not without significant increased costs in the form of accreditation fees that would have undesirable inflationary and potential downstream effects.

II. Requested Clarifications and Changes

A. The Department should clarify that § 602.15(e)(4)’s outright prohibition on shared resources applies only to agencies subject to the HEA’s “separate and independent” requirement.

The Department should clarify that the outright prohibition on shared services in proposed § 602.15 (e)(4) applies only to accreditors that are subject to the HEA’s “separate and independent” requirement.

Since the 1992 reauthorization of the HEA, Congress has made and reaffirmed a deliberate, unequivocal policy choice: To be recognized by the Department, Title IV gatekeeper accreditors must be separate and independent from related associations; however, accreditors with other Federal links do not. Under the plain text of the HEA, the Secretary recognizes accreditors under “criteria established by the Secretary *pursuant to this section*.” 20 U.S.C. § 1099b(a) (emphasis added). “Such criteria shall require that” if “such agency or association” is a Title IV gatekeeper, “then such agency or association is separate and independent, both administratively and financially of any related, associated, or affiliated trade association or membership organization”. *Id.* § 1099b(a)(3).

Congress balanced that requirement in two key respects. First, it created a waiver process for Title IV gatekeepers recognized by the Department before 1991. Second, it specified a class of recognized accreditors for which the “separate and independent” requirement did not apply *at all* (such that a potential waiver was not even relevant). Namely, accreditors recognized “for the purpose of participation in other programs administered by the Department of Education or other Federal agencies.” *Id.* § 1099b(2)(A)(ii), (3). Crucially, Congress explicitly forbade the Department from adding criteria for recognition: “Nothing in this chapter shall be construed to permit the Secretary to establish criteria for accrediting agencies or associations *that are not required by this section*.” *Id.* § 1099b(g) (emphasis added). Congress also prohibited the Secretary from basing recognition decisions on criteria other than those contained in § 1099b. *Id.* § 1099b(n)(3). The plain meaning of the statute is therefore clear: Accreditors that do not serve as Title IV gatekeepers are permitted to be “administratively and financially” intertwined with a “related, associated, or affiliated trade association or membership organization.”

Moreover, Congress’ policy choice in recognizing that non-Title IV gatekeepers need not be “separate and independent” makes sense. Many non-Title IV gatekeepers accredit only programs, often highly specialized programs, where the expertise of a “related, associated, or affiliated trade association or membership organization” would be highly relevant and enrich an accreditation agency. A built-in connection between an accreditor with a related professional association promotes, rather than undermines, program quality. Furthermore, compliance with the “separate and independent” requirement is expensive and disruptive (which is why Congress created a waiver for Title IV gatekeepers when it first created the requirement in 1992). The cost and disruption may be justified for a Title IV gatekeeper given the volume of Federal dollars at play and that the accreditor can charge fees based on an institution’s entire complement of programs. Not so for many single-program specialized accreditors.

Additionally, proposed § 668.15(e)(4) completely disallows “shared resources” with “any related, associated, or affiliated trade association or professional organization.” The prohibition is categorical: it extends to “personnel, services, equipment, facilities, or information technology,” and even “office space in the same building.” It is plainly a “separate and independent” requirement, designed to prohibit even remote forms of “administrativ[e]” or “financial[]” connectivity to related professional associations. Indeed, in the negotiated rulemaking process, the Department’s initial proposals lodged what is now proposed § 668.15(e)(4) in § 602.14’s definition of the “separate and independent” requirements.¹ For

¹ Specifically, the Initial Draft Regulations for Discussion (available at: <https://www.ed.gov/media/document/2026-negotiated-rulemaking-aim-initial-draft-regulations-discussion-113681.pdf>), the AIM Draft Regulations Version 1.1 (April 17, 2026) (<https://www.ed.gov/media/document/2026-negotiated-rulemaking-aim-20-regulations-draft-114011.pdf>), and the Department’s AIM Draft Regulations Version 2.0 (May 11, 2026) (available at <https://www.ed.gov/media/document/2026-negotiated-rulemaking-aim-20-regulations-draft->

reasons that are not entirely clear, the final proposed rule moved the substantive bar on shared resources to § 602.15(e)(4) and revised § 602.14 to define “separate and independent” to include a cross-reference to § 602.15(e)(4). In other words, though the proposed rule explicitly defines the “separate and independent” requirement to include the bar on shared resources, the bar itself appears in a section (§ 602.15), which purports to apply to all recognized accreditors.

The text of sections 602.14 and .15, together with some statements in the NPRM, create ambiguity as to whether the Department intends to apply the bar only to accreditors subject to the “separate and independent” requirement or to all recognized accreditors. The Department should clarify this issue in the final rule. As required by the policy choice Congress made in the HEA, the Department should ensure that any blanket ban on shared resources applies only to Title IV gatekeepers.

If, in contravention of the HEA, the Department intends to apply the requirement to all recognized accreditors, the Department should at a minimum adopt a more tailored approach to shared services and/or expand the timeline for compliance. As explained above, APA/APA Services shares the view that accreditors should operate with substantial independence from related associations. Indeed, the APA and the CoA have voluntarily adopted many measures to insulate the CoA from inappropriate influence. However, a blanket ban on all shared resources goes too far. The Department could adopt many requirements short of a blanket ban that would further insulate accreditors.²

For example, the Department could require physical, administrative, and technical controls to prevent access by related association personnel to an accreditor’s physical space and information technology resources (even if in the same building or on the same servers). That would achieve the same exact result as requiring an accreditor to move to the building and servers next door. The Department could also require agreements between an association and the accreditor to confirm adequate independence. This could address, for example, budgetary autonomy and the accreditor’s right to hire, fire, and control the work of accreditation staff (even if they are technically employees of the association). Finally, we note that the NPRM’s new requirements designed to block credential inflation and anticompetitive behavior more generally serve to further undermine any need for a blanket ban on shared resources.

In response to the NPRM’s Directed Question related to the time and cost necessary to unwind retirement, health insurance, and other employee benefit plans, APA/APA Services underscores that implementation of any across-the-board ban would require a massive investment and significant time. A reasonable time frame for compliance would be at least 36-48 months. By way of example, it would be necessary to create a new entity, capitalize it, terminate existing contracts and enter into new contracts (which would be more costly given the loss of synergies and economies of scale), unwind and rewind new employee benefits plans (which would be costly for the same reason), and transfer assets. All of that assumes a viable business plan, which would logically mean significant increases in accreditation fees (to cover all new costs).

Worse, all the new costs would almost certainly get passed through to programs and students, which would thwart the Department’s goal of *reducing* costs. Some accreditors may conclude that Department recognition is no longer feasible, which would thwart Congress’s goals in the underlying Federal programs that require an accreditor to be recognized. Taken together, for the CoA, this would considerably impair its mission of ensuring that psychology programs deliver high-quality education and

114011.pdf), all lodged the bar on shared resources in the definition of what it means to be “separate and independent.” The Department subsequently relocated this language on May 20, 2026 to proposed § 602.15(e)(4), while retaining its link to the “separate and independent” framework through cross-references between §§ 602.14 and 602.15.

² We respectfully caution that because Congress defined “separate and independent” in the HEA, barring shared resources in ways that go beyond Congress’ definition would also violate the HEA.

training to their students and further set back national efforts to address shortages of mental and behavioral health providers.

Recommendation

- Consistent with the policy choice Congress made in the HEA, the Department should clarify that any bar on shared resources (proposed § 602.15(e)(4)) applies only to Title IV gatekeepers subject to the “separate and independent” requirements.
- In the alternative, the Department should replace the blanket ban on shared resources with a more targeted measure that would allow shared services with defined safeguards, or, at a minimum extend the timeline for compliance to 36–48 months.

B. The Department should modify proposed § 602.15(e)(2) and (e)(7) to enable the continued peer review that is essential for high-quality programmatic accreditation envisioned by the HEA.

APA/APA Services agrees that accreditors should maintain independence and should not permit professional organizations, trade associations, or regulated institutions to control accreditation standards or individual accreditation decisions in a manner that encourages anticompetitive conduct, excludes innovative models, or promotes unnecessary credential inflation.

However, accomplishing these goals does not require an accreditor to completely isolate itself from the professional and educational communities the accreditor serves. As the Department itself has acknowledged, peer review is not a procedural relic. It is the mechanism through which educational quality is evaluated by individuals with relevant academic, administrative, professional, and practice-based expertise. The strength of American higher education—and the accreditation system that supports it—depends on institutional self-regulation, professional expertise, and clear accountability to students, families, taxpayers, and the public. This model protects academic independence and free inquiry while using peer review, measurable outcomes, and market competition to promote quality, affordability, workforce alignment, and innovation.

Artificial isolation requirements that prevent accreditors from drawing on the knowledge of the communities they accredit and professionals in the field would run contrary to these core features of the American accreditation system and would ultimately weaken, rather than strengthen, quality assurance. As the Department recognizes elsewhere in the proposed rule, legitimate conflict-of-interest concerns can be addressed through targeted procedural safeguards without severing accreditation from the peer-review process on which it depends. The CoA has such a rigorous conflict-of-interest policy that requires annual affirmation that is consistently enforced, with recusals reflected in meeting minutes.

APA/APA Services is therefore concerned that proposed § 602.15(e)(2) and § 602.15(e)(5), if adopted as drafted, would unnecessarily cut accreditors off from the very expertise they need to perform their quality assurance role.

1. Proposed § 602.15(e)(2)

Proposed § 602.15(e)(2) would provide that “members of the standards setting body . . . do not vote . . . on the setting of standards or policies that affect any institution or program of which such a member is an officer, director, or employee.” Although APA/APA Services supports appropriate safeguards for institution-specific conflicts, the proposed language sweeps far more broadly. Generally applicable accreditation standards necessarily affect every accredited program in the field. As written, the proposal

would disqualify many of the individuals most qualified to evaluate psychology education—deans, faculty members, clinical educators, supervisors, administrators, and other professionals with direct experience in accredited programs—from voting on standards that apply across the profession. In specialized fields such as health service psychology, accreditation cannot be conducted effectively without reviewers who understand curriculum, supervised clinical training, competency development, ethical practice, and the relationship between education and public protection.

Proposed § 602.15(e)(2) is inconsistent with the HEA’s carefully circumscribed grant of recognition authority to the Department. Although the Department may establish criteria for recognizing accrediting agencies, Congress expressly preserved the ability of accreditors to set standards with member involvement. The HEA provides that “[n]othing in subsection (a)(5) shall be construed to restrict the ability of an accrediting agency or association to set, with the involvement of its members, and to apply, accreditation standards.” 20 U.S.C. § 1099b(p). Proposed § 602.15(e)(2) would do precisely what Congress prohibited: restrict member involvement in the setting of accreditation standards. That conflict is especially acute because generally applicable accreditation standards necessarily affect all accredited member institutions and programs.

Should the Department maintain this section in the final rule, it should be modified to avoid undermining peer review. Practice of psychology requires specialized education grounded in scientific principles, ethics, clinical training, assessment, supervision, and readiness. Those are precisely the subjects on which peer expertise is indispensable. The Department’s conflict-of-interest concern can be addressed through narrower safeguards, such as disclosure of relevant affiliations, recusal from institution- or program-specific matters, balanced standards-setting bodies, participation by public members, and procedures ensuring that no affected institution controls the outcome.

As proposed, however, § 602.15(e)(2) would undermine one of the strengths of the American accreditation system that Congress sought to preserve: expert, nongovernmental peer judgment to ensure graduates have the qualifications needed for gainful employment in the relevant discipline.

Recommendation

- APA/APA Services recommends that the Department revise § 602.15(e)(2) to permit individuals affiliated with accredited institutions or programs to participate in and vote on generally applicable standards or policies, while requiring disclosure and recusal for institution- or program-specific decisions where the individual has a direct conflict.

2. Proposed § 602.15(e)(5)

Similarly, proposed § 602.15(e)(5) would prohibit an accreditor from sharing with, or soliciting feedback from, any “related, associated, or affiliated trade association or professional association” regarding the agency’s policies, standards, or decisions. APA/APA Services supports rules that prevent trade associations or professional associations from dictating accreditor policy, exerting coercive influence over accreditation decisions, or sharing otherwise confidential information about a program seeking accreditation with the association. Yet the proposed language goes too far because it appears to prohibit ordinary, accreditor-controlled information gathering from relevant professional communities and even participation by related professional associations in an accreditor’s public comment process.

Proposed § 602.15(e)(5) exceeds the Department’s statutory authority. As explained above, Congress limited the Secretary’s ability to impose extra-statutory recognition requirements, and Congress has already defined the level of independence required for accreditors to achieve recognition in the “separate and independent” requirements. And those requirements do not prohibit information sharing or the

soliciting of feedback. The communications ban proposed in § 602.15(e)(5) therefore has no basis in the statutory text, and the Department cannot add a new restriction that goes beyond Congress's carefully considered framework for establishing accreditor independence.

Further, expert input is an essential part of the standard-setting process. Robust programmatic accreditation requires accreditors to develop standards that confirm graduates can enter their chosen profession with the knowledge, skills, ethical grounding, and supervised experience necessary for competent practice. These principles are especially important for psychology programs, where graduates may serve patients and other members of the public in sensitive clinical, school, health service, and research settings. A rule that prevents accreditors from receiving feedback from organizations with field-specific expertise would deprive accreditors of critical information they need to evaluate whether programs are preparing students for competent practice and public service. Input from field experts who understand professional competencies, patient and client care, emerging science, ethical practices, and workforce needs is an essential component of developing standards that effectively protect the public and promote high-quality practice.

The final rule should therefore distinguish improper control or delegation from legitimate requests for feedback from the profession. An accreditor should remain free to solicit expertise and feedback from related professional organizations when the accreditor determines independently whether and how the information will inform its standards, policies, or decisions. At minimum, related, associated, or affiliated trade associations and professional associations should be permitted to participate in open public-comment processes, listening sessions, surveys, technical consultations, and other transparent fora on the same terms as other stakeholders.

Recommendation

- APA/APA Services recommends that the Department clarify § 602.15(e)(5) to permit accreditors to seek, receive, and consider input from related, associated, or affiliated trade associations and professional associations, provided that the accreditor retains final authority over all standards, policies, and accreditation decisions.

III. Conclusion

APA/APA Services appreciates the opportunity to comment on the NPRM and urges the Department to finalize the rule consistent with the requirements of the HEA and in the best interests of students, patients, licensing boards, employers, health systems, and communities that rely on accreditation as evidence that education and training programs meet accepted standards. For the reasons described in this document, APA/APA Services urges the Department to adopt the recommendations set forth above and to avoid changes that would weaken discipline-specific accreditation, disrupt training of future psychologists, or reduce the availability of qualified providers in underserved communities and shortage areas.

Sincerely,



Katherine B. McGuire
Chief Advocacy Officer