

April 27, 2026

U.S. Department of Education  
Office of Postsecondary Education

Re: 2026 Negotiated Rulemaking – Accreditation, Innovation, and  
Modernization (AIM)

Dear Under Secretary Kent:

On behalf of the Association of Governing Boards of Universities and Colleges (AGB) and the undersigned higher education organizations, we are providing comment on the Department's proposed regulations under the Accreditation, Innovation, and Modernization (AIM) negotiated rulemaking.

The organizations signing this letter represent a broad cross-section of higher education leadership, including governing boards, institutional leaders, and organizations committed to quality assurance and accountability.

AGB represents higher education governing boards and leaders across public and private institutions. Our mission is to strengthen and support effective governance in higher education, and we have a longstanding interest in the role governance plays in institutional quality, accountability, and student success.

We write to comment specifically on proposed §602.23(j), which provides that accrediting agencies “must refrain from review of institutional governance that is in the rightful purview of a State government.”

**Clarifying the Distinction Between State Authority and Accreditor Responsibility**

AGB and the undersigned organizations support the principle that accreditors should not intrude upon governance structures and authorities established under state law. States appropriately determine the legal framework for public higher education governance, including the establishment of governing boards, their composition, powers, and fiduciary responsibilities.

At the same time, our organizations urge the Department to clarify that accreditors retain the responsibility to evaluate the effectiveness of institutional governance as it relates to educational quality, financial integrity, and compliance with applicable laws.

A clear and workable distinction is as follows:

**State governments:** establish governance structures, authorities, and legal requirements

**Accreditors:** assess how effectively those structures function in practice to support institutional mission, quality, and student outcomes

Absent this clarification, the proposed language may be interpreted to unduly limit accreditor review of governance, including areas that have long been central to accreditation, such as board oversight, financial stewardship, and institutional accountability.

### **Governance as Integral to Institutional Quality**

Effective governance is not merely a structural matter; it is foundational to institutional performance. Accrediting agencies have historically evaluated governance in order to ensure that institutions:

1. Exercise appropriate oversight of strategy, mission, and educational quality
2. Maintain sound financial management and risk oversight
3. Support academic integrity and student success
4. Operate with independence from undue internal or external influence

Constraining accreditor review in these areas could weaken a critical component of quality assurance, particularly in contexts where state oversight varies in scope and capacity.

### **Avoiding Unintended Consequences**

We are concerned that, without further clarification, **§602.23(j)** could create uncertainty or inconsistency in accreditation practice and potentially reduce accountability for institutional governance. This may have unintended consequences for institutional performance and public trust.

### **Recommendation**

AGB and the undersigned organizations respectfully recommend that the Department remove **§602.23(j)** to maintain a balance between the process that accreditors engage in and state law.

AGB believes that removing **§602.23(j)** from the regulation will allow accreditors to fully and thoroughly evaluate the governance structures at institutions. Further, removing this section of the regulation will ensure that accreditors do not take a limited view when assessing governance structures.

The regulation, as it stands, could encourage states to determine the scope that accreditors use when assessing governance. If a state has a limited view on this issue, it would prevent accreditors from effectively determining whether institutions have quality governance structures.

Such a modification in the regulations would preserve the complementary roles of states and accreditors while maintaining governance as a critical component of institutional quality and accountability.

### **Conclusion**

We appreciate the Department's efforts to strengthen and modernize the accreditation system. We believe that clarifying the role of governance within accreditation will help ensure that reforms support both institutional accountability and student success.

AGB and the undersigned organizations would welcome the opportunity to provide additional input or engage further on this issue.

Sincerely,



Ross Mugler  
President and CEO

On behalf of:

Association of Governing Boards of Universities and Colleges (AGB)  
Council for Advancement and Support of Education (CASE)  
Council of Graduate Schools  
National Association of College & University Business Officers (NACUBO)