

Prison Education Program Policies

Policy Change Adopted on Second Reading

The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on second reading at its meeting on November 2, 2023.

Background

On July 1, 2023, new U.S. Department of Education (USDE) regulations went into effect that reinstated Pell Grant eligibility for students who are confined or incarcerated and enrolled in prison education programs that meet certain federal requirements, including, in certain contexts, approval of the program by the institution’s accreditor. The regulations also expanded the definition of “additional location” to include correctional facilities of various types, including, for example, juvenile justice facilities, detention facilities, work farms and other confined spaces.

The adopted policy changes create new HLC policies specifically related to additional locations where Pell-eligible prison education programs are offered and otherwise align related substantive change policies with these USDE regulations. Specifically, an institution is required to obtain prior approval to initiate its first Pell-eligible prison education program at two additional locations and to offer a second Pell-eligible prison education program in a new modality. Follow-up reviews within six months are also required for the institution’s first two additional locations offering approved Pell-eligible prison education programs. Finally, within two years of the institution having initiated such programs, HLC will examine the institution’s methodology for making a “best interest determination,” in collaboration with the correctional facility’s oversight entity, as that term is defined in and required by federal regulations.

HLC circulated these policy changes to the membership and other interested parties after the Board’s June 2023 meeting. No comments were received warranting changes in language. However, staff made minor edits to the policy revisions to further clarify aspects of the policy as aligned with applicable federal regulations.

Implementation

This policy is effective immediately.

Adopted Policy Change

Wording that was deleted or revised is shown as strikethrough (~~old wording~~); new language, whether through addition or revision, is shown in bold (**new wording**). Wording that was moved is shown with a double underline in its new location (moved to) and a double strikethrough in its previous location (~~moved from~~). Changes between first and second reading, other than minor editing, are indicated in italics (*new wording, old wording*). These revisions have been made on HLC's website at hlcommission.org/policies.

Policy Title: Substantive Change

Number: INST.G.10.010

An institution shall have the obligation hereunder to report certain changes, some of which may constitute substantive changes under federal regulation, to HLC as identified in this policy and related policies and to seek and receive HLC approval where appropriate prior to implementing specific changes.

The institution shall use HLC's change reporting protocol for this purpose. Changes identified as requiring prior HLC approval prior to implementation shall be included in the institution's accreditation only after HLC has reviewed the change through a process identified in these policies and formally acted to approve the change. HLC's review and approval process is intended as far as possible to ensure that if implemented the proposed substantive change will not adversely affect the institution's capacity to continue to meet HLC's requirements. **Moreover, depending on the circumstances, an institution's substantive change application may be disqualified based on restrictions in federal regulations or based on HLC policies and procedures.** Changes identified as requiring HLC notification are generally included in the institution's accreditation provided that the institution provides timely notification to HLC through the Institutional Update and other data reporting instruments established by HLC according to a schedule established by HLC. Additionally, institutions that have access to the Notification Program for Additional Locations must notify HLC and receive acknowledgment prior to initiating the Additional Location.

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13. ~~The i~~Initiation of an institution's first Pell-eligible prison education program at a first additional location and the initiation of the ~~same first~~ Pell-eligible prison education program at a second additional location requires prior HLC APPROVAL.
14. ~~The i~~Initiation of an institution's ~~second subsequent~~ Pell-eligible prison education program at any ~~subsequent~~ additional locations requires prior HLC NOTIFICATION.
15. ~~The i~~Initiation of ~~the a~~ second Pell-eligible prison education program in a modality (or method of delivery) that differs from a ~~the~~ modality or modalities used in a ~~any~~ previously approved Pell-eligible prison education program requires prior HLC APPROVAL.

Policy Number Key

Section INST: Institutional Processes

Chapter F: Maintenance and Monitoring

Part 20: Intermittent Monitoring

Last Revised: November 2023

First Adopted: June 2010

Revision History: November 2011, November 2012, April 2013, November 2013, February 2014, February 2016, February 2020, June 2020, June 2022, November 2023

Notes: Policies combined November 2012 – 3.2(a), 3.2(b), 3.2(b)1. In February 2021, references to the Higher Learning Commission as “the Commission” were replaced with the term “HLC.”

Related Policies: INST.B.20.040 Change of Control, Structure or Organization, FDCR.B.10.010 HLC Approval of Institutional Teach-Out Arrangements, INST.F.20.030 Non-Substantive Changes in the Accreditation Relationship Between an Institution and HLC

Policy Title: Review of Substantive Change

Number: INST.G.10.020

The review process for requests for approving those substantive changes that require HLC APPROVAL as detailed in HLC policies shall primarily be determined in the following two ways: (1) each member institution shall be assigned a designation by HLC according to its experience and maturity in offering new educational programs and new methods of delivery, including offering distance, ~~and~~ correspondence education, **credit-based competency-based education and direct assessment**; (2) HLC shall determine the complexity of the specific proposed changes being requested for approval.

An institution requesting prior approval of a substantive change shall present appropriate application information seeking approval of the change according to HLC’s change review protocols. Generally, such materials shall be reviewed by HLC according to the provisions of this section; however, certain types of change may require additional review provisions as provided herein.

As determined by the designation of the institution and the complexity of the change, and unless otherwise stated herein, the change request will be reviewed by one of the following: a Change Panel, a Change Visit or a Desk Review, each of which is described below.

All change requests will be presented for final review and approval by an HLC decision-making body recognized by the U.S. Department of Education unless approval by HLC staff is otherwise explicitly permitted by HLC policies. Changes will be effective on or after the date of the action of that body. In no case will such approval be retroactive.

Change of Control, Structure or Organization

The review process for requests for changes identified as subject to HLC's Change of Control, Structure or Organization policy will be reviewed in accordance with separate associated procedures found in HLC's policies regarding Change of Control, Structure or Organization.

Review of a Campus

Institutions seeking HLC approval of a main campus or branch campus that houses a full range of instruction as well as administrative and support services shall provide a business plan for the new campus that specifies the following:

1. the educational programs to be offered at the campus;
2. the projected revenues, expenditures and cash flow at the campus; and
3. the operational, management, and physical resources at the campus.

Within six months of the date the campus matriculates students and offers instruction, HLC will conduct a campus visit.

Review of Additional Locations

The review process for additional locations offering 50% or more of an academic program shall be determined in the following two ways: (1) each member institution shall be assigned a designation by HLC according to its experience and maturity in offering new additional locations; (2) HLC shall determine the complexity of the specific proposed changes being requested for approval. Such review shall include consideration of the institution's fiscal and administrative capacity to operate that location. The only exception shall be for institutions approved for access to the Notification Program for Additional Locations, as defined in this policy.

Within six months of the date an institution matriculates students and begins instruction at any of its first three new additional locations, HLC will conduct an on-site evaluation visit to that additional location.

Within six months of the date an institution matriculates students who are incarcerated and begins instruction in a Pell-eligible prison education program at each of its first two additional locations offering the

Pell-eligible prison education program, HLC will conduct its first on-site evaluation visit at such additional location(s).

Institutions remain responsible for ensuring that they have *all* appropriate approvals for *Pell-eligible prison education programs, including approval for any instructional site meeting the federal definition of an additional location prior to initiating a prison education program at that location.*

Notification Program for Additional Locations

Institutions that have previously received approval from HLC to initiate at least three additional locations may seek access to the Notification Program for Additional Locations. Such access shall reflect HLC's determination that the institution has a proven record of educational and administrative oversight of such locations and has the capacity to extend that oversight to new additional locations. An institution's request for initial access to the Notification Program will be granted only after the institution has been reviewed by a Change Visit or other review for other additional locations resulting in a written report that documents the institution's compliance with appropriate requirements as outlined in this policy.

Eligibility Criteria for the Notification Program

In order to be eligible to participate in the Notification Program for Additional Locations, an institution must meet the following criteria:

1. The institution has completed at least once cycle of accreditation.
2. The institution has demonstrated success in overseeing at least three locations.
3. The institution is not under a provisional certification with the U.S. Department of Education (having been placed on such status on or after July 1, 2020).
4. During the previous three years, the institution has not been subject to monitoring for issues related to the quality of instruction at, or to the oversight of, existing additional locations or campuses.
5. The institution is not currently on Notice with HLC.
6. During the previous three years, the institution has not been placed on Notice.
7. The institution is not currently on Probation with HLC or under a Show-Cause Order with HLC.
8. During the previous three years, the institution has not been placed on Probation or under a Show-Cause Order.

9. The institution has not had its accreditation withdrawn and the withdrawal action is stayed pending appeal.
10. There are no other HLC or other legal restrictions on additional locations and/or programs offered off campus.
11. There are appropriate systems at the institution to ensure quality control of locations that include clearly identified academic controls; regular evaluation by the institution of its locations; a pattern of adequate faculty, facilities, resources, and academic/support systems; financial stability; and long-range planning for future expansion.

An institution with access to the Notification Program for Additional Locations will be able to open new additional locations after notifying HLC prior to initiating any new additional locations and receiving an acknowledgment that HLC has added the new additional location to its systems.

However, an institution must seek prior HLC approval for the first two additional locations where it offers its first Pell-eligible prison education program even if it is otherwise eligible for, or participates in, the Notification Program for Additional Locations.

An institution that remains eligible for the Notification Program for Additional Locations and is otherwise eligible to offer Pell-eligible prison education programs under HLC policy may utilize the Notification Program for Additional Locations program to notify HLC of additional locations where it offers a second or subsequent Pell-eligible prison education program.

Continued institutional eligibility for access to the Notification Program for Additional Locations will be reviewed at least every five years, typically in conjunction with a multi-location visit.

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Policy Number Key

Section INST: Institutional Processes

Chapter F: Maintenance and Monitoring

Part 20: Intermittent Monitoring

Last Revised: November 2023

First Adopted: November 1999, June 2010

Revision History: November 1999, June 2009, June 2011, June 2012, November 2012, February 2014, June 2020, November 2020, June 2021, June 2022, November 2023

Notes: Policies combined November 2012 – 3.2(b)1.1, 3.2(b)1.2, 3.2(b)1.3, 3.2(b)1.4, 3.2(b)1.4a, 3.2(b)1.4b, 3.2(b)1.4c, 3.2(b)1.4d, 3.2(b)1.4e, 3.2(b)1.5, 3.2(b)2, 3.2(b)2.1, 3.2(b)2.2, 3.2(b)2.3. In February 2021, references to the Higher Learning Commission as “the Commission” were replaced with the term “HLC.”

Related Policies: INST.B.20.030 Effective Date of Accreditation Actions, INST.F.20.030 Non-substantive Changes in the Accreditation Relationship Between an Institution and HLC, COMM.B.10.020 Staff Authority

Policy Title: Monitoring of Substantive Change

Number: INST.G.20.030

HLC may monitor any approved substantive change through required progress or monitoring reports or on-site evaluations and shall monitor specific changes.

Campus Evaluation Visit. HLC will conduct an on-site evaluation visit to a new campus or branch within six months of matriculation of students and initiation of instruction at such campus. The visit shall be conducted by HLC peer reviewers and shall be handled according to the procedure for a focused evaluation.

Additional Location Confirmation Visit. HLC will conduct an on-site visit of each of the first three additional locations, *and each of the first two Pell-eligible prison education programs*, begun by an institution within six months of matriculation of students and initiation of instruction at the additional location. The visit may be conducted by HLC peer reviewers or HLC staff and will be to confirm the accuracy of the information provided to HLC concerning the quality and oversight of the education at the additional location when it was originally approved by HLC. HLC site visitors may call for further monitoring of an institution’s additional locations through HLC’s established monitoring processes. Such recommendations for further monitoring will be reviewed and acted upon by an HLC decision-making body.

Additional Locations Offering Pell-Eligible Prison Education Programs. Within two years of an institution initiating instruction at an additional location offering one or more Pell-eligible prison education program(s), HLC will review the methodology used by the institution in collaboration with the appropriate Oversight Entity to determine that such prison education programs demonstrate the same academic quality standards as substantially similar programs that the institution offers that are not prison education programs.

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Section INST: Institutional Processes

Chapter F: Maintenance and Monitoring

Part 20: Intermittent Monitoring

Last Revised: November 2023

First Adopted: November 1999, June 2010

Revision History: November 1999, June 2009, June 2011, June 2012, June 2014, June 2020, November 2023

Notes: Policies combined November 2012 - 3.2(c), 3.2(c)1, 3.2(c)2, 3.2(c)3, 3.2(c)4, 3.2(c)5, 3.2(c)6. In February 2021, references to the Higher Learning Commission as “the Commission” were replaced with the term “HLC.”

Related Policies: INST.B.20.030 Effective Date of Accreditation Actions

Policy Title: HLC Approval of Institutional Teach-Out Arrangements
Number: FDCR.B.10.010

HLC approval of various aspects of an institution’s teach-out arrangements shall be required when an institution must teach-out one or more students.

Institutional Situations Requiring Submission of Provisional Plans for Approval

An institution shall be required to submit a written Provisional Plan in any of the following circumstances:

1. the U.S. Department of Education notifies HLC of an emergency action, or a limitation, suspension or termination or similar action against the institution;
2. the U.S. Department of Education notifies HLC of a determination by a non-profit or proprietary institution’s independent auditor expressing doubt regarding the institution’s ability to operate as a going concern or indicating an adverse opinion or a finding of material weakness related to such institution’s financial stability;
3. the U.S. Department of Education notifies HLC that the institution is participating in Title IV, HEA programs under a provisional program participation agreement and is required to have a teach-out plan as a condition of participation;

4. HLC is notified that the U.S. Department of Education has placed the institution on the Reimbursement payment method or Heightened Cash Monitoring 2 payment method under federal regulations;
5. HLC grants candidacy to an institution or places an institution on Probation or issues a Show-Cause Order or acts to withdraw, terminate or remove the status of an institution;
6. the institution notifies HLC that it intends to cease or remove operations entirely or permanently close an additional location where it offers at least 100% of either a Certificate or degree program before all students have completed their program of study, including if the additional location is being moved and is considered by the U.S. Department of Education to be a closed institution or is an additional location offering one or more Pell-eligible prison education programs, or is another site where 100% of any educational program designed for students who are incarcerated is offered (even if not Pell-eligible);
7. a state licensing or authorizing agency notifies HLC that an institution's license or legal authorization to provide an educational program in that state has been or will be revoked;
8. HLC staff determines in its sole discretion that closure or suspension of one or more academic programs at an institution raises concerns about the well-being of students in these programs; or
9. HLC staff determines that the institution is at risk for a sudden closure or suspension of its operations because it is in financial distress, under governmental investigation, undergoing Change of Control, Structure or Organization, or facing other significant challenges.

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Policy Number Key

Section FDCR: Policies Required by Federal Regulation

Chapter B: Teach Out

Part 10: General

Last Revised: November 2023

First Adopted: June 2008

Revision History: revised February 2009, February 2010, November 2010, August 2016, June 2017, June 2020, November 2020, November 2021, February 2022, June 2022, February 2023, November 2023

Notes: Policies combined November 2012: 3.9, 3.9(a), 3.9(b), 3.9(c), 3.9(d). In February 2021, references

to the Higher Learning Commission as “the Commission” were replaced with the term “HLC.”
Related Policies: