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ALMing for Innovation and Student Protections in College Accreditation

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The Department of Education (Department) is planning to review regulations that govern college accreditation to determine if they should be “clarified or expanded” regarding new learning models and program delivery. ¹ The deadline for negotiator nominations was February 26, 2026, and the Accreditation, Innovation, and Modernization (AIM) Committee will convene for two five-day sessions in Washington, D.C., from April 13-17, 2026, and May 18-22, 2026.

On the surface, the Department’s goal is to encourage innovation by institutions of higher education. However, a close read of the levers involved suggests another aim may be to lower existing consumer protections in favor of institutional cost-saving measures. Negotiators and other stakeholders need to understand what the Department may propose and the corresponding risks before signing off on changes that could fundamentally alter the value of a college degree.

Innovation Should Deliver Value for Students

Under the authority of the *Higher Education Act*, federal regulations require accreditors to hold schools accountable for their educational programs. ² The Department’s proposed revisions to these regulations emphasize “innovative program delivery approaches.”

In practice, this could involve lowering thresholds for key definitions regarding faculty and instruction. ³ Negotiators and other interested parties should be aware of the following concepts and terms and their corresponding standards. ⁴

Definitions on the Chopping Block

Substantive interaction: This rule currently mandates that students receive a certain amount and type of interaction from qualified faculty. The Department may propose the elimination of this requirement or change the definition in a way that allows for course delivery models that rely less on live instructors. If this standard is lowered, the backbone of quality assurance in online learning and distance education will be in jeopardy.

Correspondence course: Correspondence courses are self-paced, home-study courses where an institution or other organization provides instructional materials, but there is no regular and substantive interaction between students and instructors. It is different from distance education because it relies solely on the exchange of written or other materials without real-time or direct faculty engagement. Students enrolled in correspondence courses are not eligible to receive federal student aid. The earliest examples of correspondence courses in the United States were home-reading programs for adults who

could not attend college. Students would read a curated list of books and complete assignments at their own pace, all through the mail. This model gave way to the creation of university extension programs. A modern version today would be a fully self-paced online course where the student watches pre-recorded lectures, takes auto-graded quizzes, and has no way to ask a professor a question or receive personalized feedback on assignments.

Distance education: Distance education is currently defined in regulation as education that uses one or more technologies to deliver instruction to students that are geographically separated from the instructor. It is different from a correspondence course because it requires regular and substantive interaction between the student and instructor, and courses and assignments typically follow a set schedule. Importantly, students enrolled in courses and programs delivered via distance education are eligible to receive federal aid like Pell Grants and student loans. The Department may propose a regulatory change that would eliminate the bright line between distance and correspondence education, which would allow institutions to offer self-paced, non-interactive courses in programs that are otherwise eligible for federal financial aid.

Academic engagement: Academic engagement is defined in regulation as the student's active participation with instructional content, faculty, and other students. Examples include attending class, taking assessments, participating in a study group, or interacting with an instructor about course content. Importantly, logging into an online class or tutorial without any further participation is not considered academic engagement under the current federal standard. Without documented academic engagement, a course risks being classified as correspondence and thus losing access to federal student aid. The Department may propose lowering the bar for what counts as academic engagement, which would risk weakening the distinction between distance education and correspondence courses and enable institutions to receive Title IV funds with minimal instructional interaction.

Instructor: The Department may try to redefine instructor, specifically by lowering the bar on qualification requirements and how instructional staff are identified by accreditors. Such a move would allow accreditors to accept models where the "instructor of record" (usually defined by an institution as the person responsible for the development and implementation of the course syllabus) is decoupled from the actual delivery of instruction, permitting a shift toward things like peer-to-peer tutoring without any expert instruction and fully automated digital modes.

Credit hour and clock hour: Credit hours and clock hours are units of measurement in higher education programs. Credit hours quantify a combination of time, work, and learning outcomes, while clock hours are a more literal time-based measurement to represent time spent in class, laboratory work, training, or internships. The Department may propose changes to these terms that would shift away from time-keeping or

quantifying faculty–student engagement. Without appropriate guardrails, this could allow institutions to reduce the actual instructional time provided to students while billing the same amount for less faculty–led engagement.

Regular student: Under current regulations, a regular student is an individual who is enrolled in a program that is eligible for federal financial aid and who has not yet graduated. In the context of distance education, this term is tied to the requirement for regular and substantive interaction, which ensures students aren't just purchasing materials but are part of a structured, interactive learning environment. The Department may propose a change to this definition that would allow colleges to classify students who are taking courses but not enrolled in a degree program as regular students for the purposes of accessing federal financial aid. ⁵

The Real Driver: Cost Reduction Over Quality

Should the Department propose such changes to these terms, they would likely be billed as necessary to accommodate things like AI-driven instruction, the use of adaptive learning software, and competency-based education—tools and modes of learning that are generally considered innovative. Lowering regulatory standards may indeed facilitate innovation, and replacing faculty with automated platforms or peer tutoring would certainly lower institutional overhead costs. However, negotiators should exercise caution and consider what these changes could cost students and taxpayers, because many of these proposals are likely to enable waste and abuse in federal student aid programs.

Risks to Students From Unchecked Flexibility

Devaluation of Credentials

Students would get lower value for their tuition and time investment if regulatory requirements for instructors or substantive interaction are weakened. Institutions would be able to enroll students in programs where they rarely, if ever, interact with a subject matter expert. Students pay tuition for access to expert knowledge and guided instruction. Without a solid substantive interaction requirement, they would effectively pay for study hall sessions or software subscriptions. This devalues the credentials they seek and leaves students without the setting necessary for deep learning.

Erosion of Academic Rigor

Lowering the substantive interaction standard would erode academic quality by allowing for the proliferation of asynchronous, pre-recorded, and automated content with minimal human intervention. Degrees would become transactions rather than a collection of learning experiences. If students never engage with a qualified instructor who can challenge their thinking, answer complex questions, or provide nuanced feedback, the resulting credential does not represent the same level of competency or rigor as one requiring faculty interaction.

The Instructor of Record Loophole

Lowering requirements for institutions to maintain an adequate number of qualified instructors risks sanctioning a model where content delivery is separated from credentialing. Without common sense faculty staffing requirements, a single faculty member could be listed as the instructor for thousands of students, while the actual day-to-day teaching is done via automated platforms or strictly peer-to-peer interactions. Students lose access to diverse perspectives and research-based insights that faculty bring to a classroom.

The Black Box of AI

Lowering barriers for the introduction of AI-driven instruction opens the door to proprietary algorithms that lack transparency determining student progression. Unlike with a human professor in a student-centered classroom, students are more likely to receive a rigid, dehumanized educational experience in a fully automated environment. Learning to harness the benefits of AI for learning and development and preparing students for an AI-shaped economy are important goals for higher education—but those goals must go hand-in-hand with supporting human-led instruction by subject matter experts, not supersede it.

Conclusion

Education systems can be slow to change, and “innovation” isn’t a dirty word. Negotiators should ensure the push for innovation is genuinely focused on improvements to student learning and does not instead become a justification for dismantling the basic guardrails that protect students from paying high prices for low-touch education. Technology should augment rather than replace the reasonable and substantive interaction with qualified faculty that students are promised when they enroll. Negotiators should resist changes that would allow accreditors to approve programs where the human element of teaching is viewed as an optional cost to be minimized and hold the line for students who rely on the seal of an accreditor’s approval to signal their time and tuition dollars will be well spent.

ENDNOTES



- 1.** Federal Register, “Intent to Establish Negotiated Rulemaking Committee RIN 1840-AD82,” 27 January 2026, <https://www.federalregister.gov/documents/2026/01/27/2026-01620/intent-to-establish-negotiated-rulemaking-committee>. Accessed 26 March 2026.
- 2.** United States, Congress. *Higher Education Act of 1965* Public Law 89-329, <https://www.govinfo.gov/content/pkg/COMPS-765/pdf/COMPS-765.pdf>. Accessed 26 March 2026.
- 3.** See, for example, proposals submitted the Department of Education to federal negotiators in 2019: Laitinen, Amy et al, “Negotiated Rulemaking 2019,” 11 April 2019, <https://www.newamerica.org/insights/negotiated-rulemaking-2019/>. Accessed 26 March 2026.
- 4.** United States, Department of Education. “The Secretary’s Recognition of Accrediting Agencies.” Title 34 Code of Federal Regulations Chapter VI Part 602, Government Publishing Office, 2025. <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-602>. Accessed 26 March 2026.
- 5.** Federal Student Aid Handbook, 2025-2026. “Chapter 1: Student Eligibility.” <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2025-2026/vol1>. Accessed 26 March 2026.