

## **Public Notice: Modifications of Accreditation Processes**

The APA is required to undergo periodic review to maintain recognition as an accrediting agency by the United States Department of Education (ED or Department) and the Council of Higher Education Accreditation (CHEA). The APA's scope of recognition includes the accreditation of doctoral programs in health service psychology (i.e., clinical, counseling, and school psychology, combinations of two or more of these practice areas and other developed practice areas in health service psychology), doctoral internship programs in health service psychology, and postdoctoral residency programs in health service psychology. As such, accreditation standards and procedures must align with the recognition criteria of both the ED and the CHEA. Two recent events have led to changes in APA accreditation documents. These events are comprised of: 1) a review of the APA for renewal of recognition and 2) regulatory changes made by the ED for all recognized accrediting agencies.

### Review of the APA for Recognition as an Accrediting Body

The APA submitted a petition in January 2020 to ED, as required for renewal of recognition. As part of the review process, ED staff have informed the APA that there is a concern with the use of a phrase in the APA Accreditation Operating Procedures (AOP). The phrase of concern states that the APA Commission on Accreditation (CoA) considers probation to be an adverse action.

Department regulations do not incorporate probation in the listing of decisions that are considered adverse actions (please see definitions of adverse actions listed in CFR 34 §602.3). Since the actions listed as adverse in the regulations do not include the term probation, the statement in the AOP is therefore, incongruent. The APA CoA has reviewed the AOP and has approved a revision to a sentence located in AOP sections 8.2.3 D, 8.2.e I and 8.2.e P where this is stated. The sentence, presented in redline font to highlight the change, removes the phrase, adverse action. A copy of the three sections where the sentence is located is provided in Appendix A, following this introduction. In addition, a copy of the entire AOP, revised to include these changes is also presented and may be accessed using this link (will add link to revised AOP). These changes do not alter CoA review processes for programs placed on accredited, on probation status, nor do they impact CoA policies or procedures for adverse actions.

### New ED Regulations

The ED has released revised procedures and criteria for recognizing accrediting agencies that are effective for reports and submissions following July 1, 2020. As a result of the new procedures and criteria, two areas of modification to APA CoA procedures have been identified to ensure consistency with ED regulations. These two areas are in the following sections: CFR 34 § 602.25 Due Process and § 602.26 Notification of Accrediting Decisions.

#### 1. CFR 34 § 602.25 Due Process

In CFR 34 § 602.25 the word, “reverses”, has been removed from the choices for appeal panel decisions. In addition, specific requirements have been inserted into the section when an appeal

panel remands an adverse action to the decision-making body (e.g., CoA) for further consideration. In this case, the appeals panel must “explain the basis for a decision that differs from that of the original decision-making body.” Also, in the case of a remanded decision of the appeals panel, the decision-making body is to act in a manner that is consistent with the appeals panel's decision(s) and follow provided instructions.

The changes to CFR 34 § 602.25 required alterations to the AOP and to one of the Implementing Regulations (IR) that describes the role of the appeal panel. Specifically, the word “reversal” has been removed from AOP § 2.5 Decision and Report of Appeal Panel. A copy of this section of the AOP is provided in Appendix B following this introduction. A copy of the entire AOP, revised to include this change is presented and may be accessed using this link (will add link to AOP). IR 5.1, which delineates hearing procedures for the APA appeals panel, has been modified to reflect changes in CFR 34 § 602.25. IR 5.1 is presented in Appendix C following this introduction.

## 2. § 602.26 Notification of Accrediting Decisions.

CFR 34 § 602.26 lists requirements for the provision of written notice of accreditation decisions. Changes made to this section of the Department’s regulations include modifications of timing of selected notices and thereby, required changes to the IRs that describe procedures of such notification. The changes to the ED regulations now require the accrediting body to notify “the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies” of final decisions to place a program on accredited, on probation status or when an initiated adverse action (i.e., withdrawal, denial, revocation) occurs at the same time the program is notified” (CFR 34 § 602.26 XX). Plus, public notice of the decision is required within one day of notifying the program and the program is required to disclose such decisions to current and prospective students within “seven business days of receipt” of the notification from the accrediting agency. Similarly, notification of voluntary withdrawals from accredited are to be made within 10 business days of receipt and accreditation lapses on the part of a program are also to be disclosed within 10 days.

Changes in notification procedures, including dates, were required for the following IRs: IR D.8-2, *Procedures for Notification of CoA Actions in Accordance with the Secretary of Education’s Standards for Recognition of Accrediting Agencies* and IR 8.5, *Implementation Procedure for Notification by the Commission on Accreditation of Final Decisions of Denial/Revocation of Accreditation, Denial of a Site Visit, or Probation to the U.S. Secretary of Education, Appropriate State Licensing Agency, and Appropriate Institutional Accrediting Agency*. IR 8.2 and IR 8.5 are presented in Appendix D following this introduction.

### Public Notification Policies for Accreditation Governance

In accordance with the APA “Policies for Accreditation Governance” and the US Department of Education regulations for notice and comment, the CoA is providing additional information and making the changes available for a 30-day period of public notice.

On behalf of the CoA, thank you in advance for your review and comments. Please contact the APA Office of Program Consultation and Accreditation with any questions or concerns.  
Address: 750 First Street, N.E., Washington, DC 20002-4242; Phone: (202) 336-5979;  
Email: [apaaccred@apa.org](mailto:apaaccred@apa.org); Web: <https://www.accreditation.apa.org/>

## Appendix A

### Accreditation Operating Procedures § 8.2.e D (for Doctoral Programs)

(e) “Accredited, on probation” ~~is considered by the CoA to be an adverse action.~~ It serves as notice to the program, its students, and the public that in the professional judgment of the CoA, the accredited program is not currently consistent with the SoA and may have its accreditation revoked.

Prior to this decision, the program will be given an opportunity to *show cause* why it should not be placed on probation by providing a written response to the issues of concern. The program’s show cause response will be reviewed two CoA meetings after the program was provided the show cause notice. Programs that are still not in compliance at the time of the CoA’s review are then placed on “accredited, on probation” status.

Following placement on “accredited, on probation” status, the program is given a time by which to comply with the issues identified by the CoA in the probation decision. Doctoral programs must provide a response to the issues within four CoA meetings after the probation decision was reached.

### Accreditation Operating Procedures § 8.2.e I (for Internship Programs)

(e) “Accredited, on probation” ~~is considered by the CoA to be an adverse action.~~ It serves as notice to the program, its interns, and the public that in the professional judgment of the CoA, the accredited program is not currently consistent with the SoA and may have its accreditation revoked. Prior to this decision, the program will be given an opportunity to *show cause* why it should not be placed on probation by providing a written response to the issues of concern. The program’s show cause response will be reviewed two CoA meetings after the program was provided the show cause notice. Programs that are still not in compliance at the time of the CoA’s review are then placed on “accredited, on probation” status.

Following placement on “accredited, on probation” status, the program is given a time certain in which to come into compliance with the issues identified by the CoA in the probation decision. Internship programs must provide a response to the issues within two CoA meetings after the probation decision was reached. In the case of a school psychology internship program that is 10 months in length, the program must provide a response within one CoA meeting after the probation decision was reached.

### Accreditation Operating Procedures § 8.2.e P (for Postdoctoral Residency Programs)

(e) “Accredited, on probation” ~~is considered by the CoA to be an adverse action.~~ It serves as notice to the program, its residents, and the public that in the professional judgment of the CoA, the accredited program is not currently consistent with the SoA and may have its accreditation revoked. Prior to this decision, the program will be given an opportunity to *show cause* why it should not be placed on probation by providing a written response to the issues of concern. The program’s show cause response will be reviewed two CoA meetings after the program was

provided the show cause notice. Programs that are still not in compliance at the time of the CoA's review are then placed on "accredited, on probation" status.

Following placement on "accredited, on probation" status, the program is given a time certain in which to come into compliance with the issues identified by the CoA in the probation decision. Postdoctoral residency programs must provide a response to the issues within two CoA meetings after the probation decision was reached.

## Appendix B

### Accreditation Operating Procedures § 2.5 Decision and Report of Appeal Panel

#### **2.5 Decision and Report of Appeal Panel**

The CoA's decision should be affirmed unless (a) there was a procedural error and adherence to the proper procedures would dictate a different decision; or (b) based on the record before it, the CoA's decision was plainly wrong or without evidence to support it. The appeal panel has the options of (a) upholding the CoA decision, (b) amending ~~or reversing~~ the CoA decision, or (c) remanding the matter to the CoA to address specific designated issues before final action.

The report of the appeal panel will state its decision and the basis of that decision based on the record before the panel. The report of the panel will be addressed to the president of the APA and sent within 30 days of the hearing. Copies will be provided to the chief executive officer of the doctoral program's host institution or to the responsible administrative officer of an internship or postdoctoral residency program, the chair of the CoA, the chair of the Board of Educational Affairs, and the Office of Program Consultation and Accreditation.

## Appendix C

### ***D.5. Regulations related to appeal procedures<sup>10</sup>***

#### **D.5-1. APA Accreditation Appeal Panel Hearing Procedures**

(Board of Educational Affairs, October 2000; revised October 2010, revised for Public Notice, February 2021)

##### 1. General Information

This document will provide some background information about the nature of the hearing and the roles of various participants during the process required when a decision of the APA Commission on Accreditation (CoA) is being appealed.

##### 2. Nature of Hearing

The conduct of the hearing is relatively informal. Besides the members of the hearing panel, present at the hearing are at least one member of the Commission on Accreditation who serves as its advocate, representatives of the Appellant Program, staff members of the Office of Program Consultation and Accreditation who are present in an advisory role, and APA legal counsel. The appellant program may be accompanied by counsel, as may CoA. The goal of the hearing is to provide a meaningful forum for an appeal so that the appellant is accorded the basic right of fundamental fairness and the right to be heard.

##### 3. Role of APA Attorney

APA's legal counsel will attend the hearing. In addition to advising APA, counsel has responsibility to assure compliance with the Accreditation Operating Procedures and may resolve legal or procedural issues or advise the panel regarding those issues. As part of counsel's responsibility to assure compliance with the Procedures, legal counsel may resolve any issues concerning the admissibility of evidence. Although the evidentiary record is not limited to formal evidence that would be admitted in a court of law, counsel will enforce the requirement that only facts or materials that were before the CoA at the time of its final decision may be considered by the hearing panel. Counsel can meet or confer with the panelists privately before, during or after the hearing for the purpose of fulfilling counsel's responsibilities, or advising the panel regarding legal or procedural issues, but will not participate in the panel's substantive deliberations.

##### 4. Function of the Hearing Panel

The issues at the hearing are limited to those findings upon which the Commission based its decision. The procedural and substantive grounds for challenging the Commission's decisions are limited to those stated in the program's appeal letter.

Only the facts or materials that were before the Commission at the time of its final decision may be considered by the panel. Facts which were not before the Commission at the time of its decision

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<sup>10</sup> Because appeals are handled by the APA Board of Educational Affairs (BEA), policies in section D5 are BEA policies.

or which came into existence subsequent to the Commission's decision are inadmissible (and any reference to such facts must be disregarded). The program may, however, provide clarifying arguments such as those in briefs, appeal statements, or demonstrative exhibits which clearly relate to the factual record that was before the Commission at the time of its decision.

The program will be provided a final listing of the record before the Commission and a copy of the record at least 30 days before the date of the appeal hearing. If the program objects to the record or wishes to refer to any fact or material not included in that record, it must notify the Office of Program Consultation and Accreditation at least 15 days prior to the hearing so that the issue can be resolved by APA's legal counsel.

#### 5. Standard of Review.

The Commission's decision should be affirmed unless (a) there was a procedural error and adherence to the proper procedures would dictate a different decision; or (b) based on the record before it, the Commission's decision was plainly wrong or without evidence to support it.

#### 6. Decision Options of the Panel.

The appeal panel has the options of: (a) upholding the CoA decision; (b) amending ~~or reversing~~ the CoA decision; or (c) remanding the matter to the Commission ~~to address with an explanation of the basis for a decision different from that of CoA.~~<sup>1</sup>

#### 7. Hearing Procedures

The order of presentation at the hearing is as follows:

- a. The Program presents first.
- b. The Representative of the Commission on Accreditation presents next.
- c. The Program has the opportunity to present a final rebuttal to the Commission's presentation.
- d. The Commission representative may offer a rejoinder to the Program's rebuttal, provided that the program has an opportunity to present a final rebuttal.

#### 8. Written Decision

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<sup>1</sup> US Department of Education requires that, "in the event of a decision to remand the adverse action to the original decision-making body for further consideration, the appeals panel must identify specific issues that explain the basis for a decision that differs from that of the original decision-making body must address. In a decision that is implemented by or remanded to and the original decision-making body, that body must in a remand must act in a manner consistent with the appeals panel's decisions or instructions." (CFR § 602.25 iv)

Within 30 days of the hearing, the panel will prepare a report that will state its decision and the basis of that decision based on the record before the panel.

9. Ex parte Communications

The panel will avoid ex parte communications by adhering to the following requirements:

- a. Only information submitted to the panel for the hearing or in prehearing submissions furnished to both sides shall be considered by the panel in arriving at its final decision.
- b. Parties, or their advocates, shall not communicate with the panel about the appeal outside of the hearing room.
- c. Panel members will not respond to phone calls or letters from parties involved in the hearing, APA members, or any other persons concerning the appeal hearing or the panel's deliberations or its ultimate decision prior to or following the hearing itself.

These requirements do not foreclose APA's Legal Counsel from performing the functions described above.

*Approved by the Board of Educational Affairs (BEA), October 22-24, 2000  
Revision to Section 6 effective July 1, 2010*

Appendix D

**D.8-2. Procedures for Notification of CoA Actions in Accordance with the Secretary of Education’s Standards for Recognition of Accrediting Agencies**

(Commission on Accreditation, October 1997; revised October 2004, July 2009, July 2010, July 2011, February 2016, October 2019; [Revised for Public Notice, February 2021](#))

This implementation procedure outlines the steps that will be taken by the CoA, consistent with the Secretary's requirements and with Section 5 (Confidentiality and Public Disclosure of Information) of the CoA’s *Accreditation Operating Procedures*, to provide information on CoA activities, actions and decisions to the Secretary, State agencies, other accrediting agencies, and the public.

1. Information to the U.S. Department of Education (ED)

Item	Appropriate Section Reference in USDE Regulations	How Often and/or When
Lists of Accredited Programs	602.27(b)	Annually
CoA annual report (contains the CoA’s accrediting actions as defined in AOP 8.2 D, 8.2 I, and 8.2 P for that year)	602.27(a)	Annually
Summary of CoA’s major accrediting activities during previous year (annual data summary)	602.27(c)	If requested
The name of any accredited program that the CoA has reason to believe is failing to comply with Title IV, HEA program responsibilities or is engaged in fraud or abuse, and the CoA’s reason for such concern	602.27(e)	As needed
Notification of any proposed change in policies, procedures, or accreditation standards that might alter the CoA’s scope of recognition or compliance with the criteria for recognition	602.27(d)	As needed
Notification of decision to award initial accreditation or decision to renew accreditation	602.26(a)(1), and (a)(2)	No later than 30 days after decision

<u>Final<sup>12</sup> decision to place program on “accredited, on probation” status</u>	<u>602.26(b)</u>	<u>At same time program is informed<sup>14</sup></u>
Final <sup>12</sup> decision to deny or revoke accreditation, or deny a site visit to an applicant program <del>or place program on “accredited, on probation” status</del>	602.26(c)(1), and (2)	At same time program is informed, but no later than 30 days after decision is final <sup>18</sup>
All accreditation decisions as defined in AOP 8.2 D, I, and P with appeal status	Per request of the Department of Education	No later than 30 days after the CoA meeting in which the decision is made
Program decision to withdraw voluntarily from accreditation	602.26(f)(1)	No later than <u>130 business</u> days after notification is received by the CoA
Program decision to allow accreditation to lapse	602.26(e)(2)	No later than <u>130</u> days after date on which accreditation lapses
Brief statement summarizing the reasons for denial or revocation of a program’s accreditation or denial of a site visit / program’s comments on action (if any)	602.26(d)	No later than 60 days after decision is final

<sup>12</sup> The term “final” as used throughout this Implementing Regulation encompasses the following: In the case of appealable decisions (denial of accreditation or a site visit to an applicant program, probation, or revocation), the CoA’s accreditation decisions become final either (1) 30 days after the program is notified of the CoA’s decision and the program elects not to appeal, or (2) if the program elects to appeal the decision, after receipt of the appeal panel report if the appeal panel upholds the CoA’s decision. All decisions are made public within one day of institutional notification.

<sup>14</sup> Note: Programs placed on accredited, on probation status are required to disclose this action to all current and prospective students within 7 days of notice.

## 2. Publicly-Available Information

Unless otherwise noted, items below appear in electronic form on the accreditation website.

- Current lists of accredited doctoral, internship and postdoctoral programs
- Program review cycles for current year
- *Standards of Accreditation, Accreditation Operating Procedures, and Implementing Regulations*
- List of current CoA members, including their academic and professional qualifications and relevant employment/organizational affiliations
- List of current accreditation office staff, including the academic and professional qualifications of the principal administrative staff
- Important accreditation dates for the current year, including CoA meeting dates
- A statement of reasons for denial or revocation of accredited status or denial of a site visit, in accordance with CoA procedure for notice of such actions
- In addition to being contained on website and in other published materials, upon request, a program decision to withdraw voluntarily from accreditation 30 days or more after notification is received by CoA
- Upon request, a program decision to allow accreditation to lapse
- CoA annual report, which includes CoA membership composition and diversity, a summary of program review decisions, policy changes, and other CoA activities throughout the year
- When published, aggregate statistics on accredited programs drawn from the Annual Report Online

## 3. Information to State Licensing Boards

All state psychology licensing boards will receive the following:

- Updated list of accredited doctoral and internship programs (annually)
- Updated *Standards of Accreditation and Accreditation Operating Procedures* (following publication of updated versions)
- CoA annual report (annually)
- Final decisions to place a program on accredited on probation status
- Initiated and final adverse actions (i.e., denial of accreditation, revocation of accreditation)

## 4. Information to Other Accrediting Agencies

All accrediting agencies that are currently or were previously recognized either by the Secretary of Education or the Commission on Recognition of Postsecondary Accreditation (CORPA)/Council on Higher Education Accreditation (CHEA); and/or are members of the Association of Specialized and Professional Accreditors (ASPA), will receive the following information:

- CoA annual report (annually)

- Updated list of accredited doctoral and internship programs (annually)
- *Updated Standards of Accreditation and Accreditation Operating Procedures* (following publication of updated versions)

In addition, the regional or national body that accredits any institution housing a program and the State agency that authorizes that institution (doctoral program only) will be notified of the CoA's action with regard to that program, as follows:

- CoA decisions to award initial accreditation or renew accreditation: no later than 30 days after decision
- Final decisions of "accredited, on probation" status, denial of a site visit, or denial or revocation of accreditation: at the same time the program is informed but no later than 30 days after decision becomes final
- A statement of reasons for denial or revocation of accreditation or denial of a site visit in accordance with Implementing Regulation D.8-4.
- Decisions by accredited programs to voluntarily withdraw from accreditation: no later than ~~30~~ 10 days after CoA is notified
- Decisions by accredited programs to allow accreditation to lapse: no later than ~~30~~ 10 days after the date on which accreditation lapses.
- Upon request, CoA will share with the institutional accrediting agency or State approval agency information about the accreditation status and any adverse action it has taken against such a program.

**D.8-5. Implementation Procedure for Notification by the Commission on Accreditation of Final Decisions of Denial/Revocation of Accreditation, Denial of a Site Visit, or Probation to the U.S. Secretary of Education, Appropriate State Licensing Agency, and Appropriate Institutional Accrediting Agency**

(Commission on Accreditation, October 2000; revised October 2004, Revised for Public Notice, February 2021)

Section 602.26(b-c) of the regulations for the U.S. Secretary of Education's Recognition of Accrediting Agencies (34 CFR Part 602.26, effective July 1, 2000~~20~~) states the following:

*~~“[The agency] provides written notice of the following types a final decision of a probation or equivalent status, or an initiated adverse actions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the [accreditation] decision, and by no later than 30 days after it reaches the decision; requires the institution or program to disclose such an action within seven business days of receipt to all current and prospective students;~~*

*~~“[The agency] provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the [accreditation] decision, but no later than 30 days after it reaches the decision: (1) a final decision to place an institution or program on probation or equivalent status; (2) a final decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution or program (2) A final decision to take any other adverse action, as defined by the agency, not listed in paragraph (c)(1) of this section.”~~*

This implementation procedure outlines the steps that will be taken by the CoA, consistent with the Secretary's requirements and with Section 8 (Confidentiality and Public Disclosure of Information) of the CoA's *Accreditation Operating Procedures*. For the purposes of this procedure, “appropriate State licensing or authorizing authority” refers to the psychology licensing board of the state in which the program (doctoral, internship, or postdoctoral residency) is located, and “appropriate accrediting agency” refers to the agency responsible for the accreditation of the institution in which the program is housed (doctoral programs only).

The following CoA decisions are governed by this policy: accredited, on probation; denial of accreditation to an applicant program; revocation of accreditation; and denial of a site visit to an applicant program. Because these decisions are appealable, they do not become final until either (1) 30 days after the program is notified of the CoA's decision and the program elects not to appeal, or (2) if the program elects to appeal the decision, after receipt of the appeal panel report if the appeal panel upholds the CoA's decision. (The appeal panel may also return the matter to the CoA for reconsideration,)

1. When the CoA elects to deny or revoke accreditation, deny a site visit to an applicant program, or place a program on “accredited, on probation” status, the affected program will receive two letters. The first letter will communicate the CoA's decision and will be mailed no more than 30 days after the CoA meeting per the *Accreditation Operating Procedures*. The second letter

will inform the program that the decision of the CoA has become final and will be mailed either: (1) 30 days after the original notification, if the program elects not to appeal the decision, or (2) as a cover letter to the report of the appeal panel, if the program appeals the decision and the decision is upheld by the appeal panel. (Per the *Accreditation Operating Procedures*, the appeal panel has 30 days to file its report.)

2. The Secretary of Education (or his/her designated Department official), the executive director of the appropriate State licensing agency, and (for doctoral programs) the executive director of the appropriate institutional accrediting agency will be listed as recipients of copies of the letter which communicates that the decision has become final. These individuals, however, will not receive copies of any attachments, such as appeal hearing reports.

