UNITED STATES DEPARTMENT OF EDUCATION

THE UNDER SECRETARY

March 16, 2026

Transmitted via electronic mail

Kathryn R. Zalewski, PT, Ph.D., MPA
Chair
Commission on Accreditation in Physical Therapy Education
American Physical Therapy Association
3030 Potomac Avenue, Suite 100
Alexandria, Virginia 22305

Dear Dr. Zalewski:

I write to inform you, in my capacity as the senior Department official (SDO), of my decision regarding the renewal of recognition and request for change of scope of the American Physical Therapy Association, Commission on Accreditation in Physical Therapy Education (CAPTE). In reaching this decision, I have considered recommendations from U.S. Department of Education (Department) staff and the National Advisory Committee on Institutional Quality and Integrity (NACIQI). These recommendations were made pursuant to sections 114 and 496 of the Higher Education Act of 1965, as amended, (HEA) and 34 C.F.R. Part 602.

Compliance with 34 C.F.R. § 602.18(c) and 34 C.F.R. § 602.26(f)

CAPTE was reviewed for continued recognition in Spring 2023. At that time, the then-SDO determined that the agency was not in compliance with two regulatory criteria: 34 C.F.R. §§ 602.18(c) and 602.26(f). The SDO's determination was aligned with the recommendations of Department staff and NACIQI.

In a letter dated May 31, 2023, the SDO continued CAPTE's recognition, contingent upon the agency demonstrating compliance with the cited criteria within 12 months and on the condition that CAPTE submits a compliance report. CAPTE subsequently submitted its compliance report, which included documentation and information, as summarized below.

34 C.F.R. § 602.18(c): The previous SDO advised CAPTE that "[p]olicies in relation to this criteria are optional to enact; however, if CAPTE does have a policy specifically related to this regulation, the agency must meet relevant requirements. CAPTE must either remove reference to the decision-making body's ability to utilize alternative standards, or approve innovative approaches in situations aligning with 602.18(c) and cease such practices, or implement necessary policies and procedures in compliance with all requirements of 602.18(c) and provide documentation regarding their operationalization."

CAPTE indicated that it has removed from its Rules of Practice and Procedure the provision permitting the agency to grant a program an alternative mechanism for compliance with a

standard or element, suggesting that the agency no longer maintains alternative standards, which are permissible under this criterion. Although it appears that this specific provision has been removed from the agency's rules, it remains unclear how the current Rules of Practice and Procedure, Part 16.2, *Petitions/Submissions of Alternative Evidence for Compliance With Standards and Required Elements*, do not implicate the requirements of this criterion.

Under Part 16.2, CAPTE permits programs to submit "alternative evidence" to demonstrate compliance with standards and required elements. The agency further states that this provision is "intended to allow for unique and innovative approaches to demonstrating compliance." Although this section refers to "alternative evidence" rather than "alternative standards," 34 C.F.R. § 602.18(c) applies not only to alternative standards but also to alternative policies and procedures. CAPTE's "alternative evidence" is a policy that specifies what evidence it finds to be appropriate, and as such, it is a "policy" under § 602.18(c).

Under Part 16.2, the agency permits programs, in certain circumstances, to submit alternative evidence in lieu of the evidence ordinarily required to demonstrate compliance with its standards and elements. However, the current policy does not clearly indicate whether the alternative evidence submitted by a program must satisfy goals and metrics equivalent to those required under the agency's standard evidentiary expectations.

As the previous SDO advised, CAPTE must either remove reference to the decision-making body's ability to utilize alternative standards, or approve innovative approaches in situations aligning with § 602.18(c) and cease such practices, or implement necessary policies and procedures in compliance with all requirements of § 602.18(c) and provide documentation regarding their operationalization. The agency has not done so as it continues to use an alternative policy that is not in compliance with all requirements of § 602.18(c). As such, I find CAPTE noncompliant with § 602.18(c).

In accordance with 34 C.F.R. § 602.36(e)(3)(iii), if the record includes a required compliance report, and the SDO determines that an agency has not complied with the criteria for recognition, or has not effectively applied those criteria, during the time period specified by the SDO, the SDO denies, limits, suspends, or terminates recognition, except, in extraordinary circumstances, upon a showing of good cause for an extension of time as determined by the SDO and detailed in the SDO's decision. If the SDO determines good cause for an extension has been shown, the SDO specifies the length of the extension and what the agency must do during it to merit a renewal of recognition.

Here, CAPTE appears to have taken good faith efforts to come into compliance with 34 C.F.R. § 602.18(c). It may not have been obvious to CAPTE staff that its "alterative evidence" policy is a policy that is covered under § 602.18(c), and as such, it is possible that when they were updating the agency's standards that they overlooked this provision. In addition, I do not find evidence in the Staff Report or NACIQI transcript to suggest that Department staff or NACIQI identified the "alternative evidence" policy as being covered by § 602.18(c). As such, I find that good cause exists under 34 C.F.R. § 602.36(e)(3)(iii).

CAPTE must either remove reference to the decision-making body's ability to utilize alternative evidence or approve innovative approaches in situations aligning with 34 C.F.R. § 602.18(c) and cease such practices, or implement necessary policies and procedures in compliance with all requirements of 34 C.F.R. § 602.18(c) and provide documentation regarding their operationalization.

CAPTE must submit a compliance report within 45 days of the date of this decision letter and appear again before NACIQI at the Fall/Winter 2026 Committee meeting. I note that the compliance report procedures under 34 C.F.R. § 602.36(e)(3)(i) do not apply to this compliance report, as 34 C.F.R. § 602.36(e)(3)(iii) provides the SDO with significant discretion regarding "what the agency must do during it [the length of extension] to merit a renewal of recognition" after the agency fails to come into compliance after being cited for noncompliance previously. CAPTE's recognition is therefore extended until such time as I make a decision after the Fall/Winter 2026 NACIQI meeting.

If CAPTE fails to come into compliance during this period, I think it is unlikely that good faith will continue to be present, and I will be required to deny, limit, suspend, or terminate recognition under 34 C.F.R. § 602.36(e)(3)(iii).

34 C.F.R. § 602.26(f): CAPTE's Rules of Practice and Procedure, Part 4.16, *Regular and Formal Communication With External Communities of Interest*, demonstrate that the agency has established a policy that complies with the criterion. In addition, the agency submitted documentation demonstrating that it has properly operationalized this policy.

Request for Change of Scope

CAPTE has requested a change of scope to remove master's degrees in physical therapy from the list of degree and certificate programs the agency accredits. In the same letter dated May 31, 2023, the SDO declined to approve the agency's requested change of scope and instead directed the agency to submit additional materials to ensure that the administrative record contained sufficient evidence to support an informed decision regarding the request.

Specifically, the SDO requested that the agency provide more justification for the proposed change of scope, including an explanation of why eliminating master's degrees in physical therapy from the list of degree and certificate programs the agency accredits would be appropriate and would not raise concerns given the seemingly higher costs associated with doctoral programs without a corresponding meaningful increase in earnings. The justification was required to be submitted on the same timeline as the compliance report discussed above. CAPTE subsequently submitted materials purporting to justify the requested change of scope.

Department staff recommend that I approve the agency's requested change of scope.

During the December 16, 2025, meeting of the NACIQI, the Committee engaged in extensive discussion regarding CAPTE's request to remove master's degrees from its scope of recognition. Several Committee members raised substantial concerns regarding the proposed removal of the master's degree. Among the concerns raised were the likelihood that eliminating the master's

degree option would contribute to increased student indebtedness, the potential for such action to accelerate credential inflation within the profession, and the risk that removing the degree level from the agency's scope would foreclose educational pathways that may remain appropriate in certain states or institutional contexts. Committee members also questioned whether the record contained sufficient evidence demonstrating that a doctoral degree requirement produces improved patient outcomes or otherwise justifies the additional cost and length of training associated with doctoral programs.

Committee members further noted that many state licensing regimes reference accreditation standards or accredited programs when determining eligibility for licensure. As a result, removing master's degrees from CAPTE's scope of recognition could have the practical effect of limiting the ability of states to determine the educational requirements they deem appropriate for entry into the physical therapy profession. Other members expressed concern that eliminating the master's degree option could reduce institutional flexibility and impede innovation in program design, including potential pathways that could reduce time to degree and mitigate overall student indebtedness.

Following substantive discussion, including providing CAPTE's leadership an opportunity to respond to questions from Committee members, NACIQI voted overwhelmingly to recommend that I deny the agency's request to remove master's degrees from its scope of recognition.

I find the concerns raised by NACIQI to be well founded.

Accrediting agencies serve an important role in ensuring the quality and integrity of postsecondary education programs. At the same time, accrediting agencies exercise substantial influence over institutions and academic programs, including the structure and level of degrees required for entry into a profession. Although CAPTE characterizes its request as a routine modification to its scope of recognition, the practical consequences of the request are significant. Removing master's degrees from the agency's scope would effectively restrict accredited pathways into the physical therapy profession to doctoral-level programs.

Doctoral programs are generally longer in duration and substantially more expensive than master's programs, frequently requiring students to incur significantly greater levels of debt. These concerns are particularly salient given information in the administrative record suggesting that the increased cost associated with doctoral-level training does not necessarily correspond to commensurate increases in earnings for graduates of physical therapy programs. During the NACIQI discussion, CAPTE representatives also acknowledged that they were not aware of any specific studies demonstrating improved patient outcomes attributable to the transition from master's-level to doctoral-level preparation.

In the absence of such evidence, the agency has not demonstrated that eliminating master's-level education in physical therapy is necessary to ensure educational quality, protect students, or improve professional or patient outcomes. Instead, the requested change would function primarily to eliminate a potentially less costly and more accessible pathway into the profession.

Maintaining master's degrees within CAPTE's scope of recognition preserves institutional flexibility, allows states to retain discretion over licensure requirements, and ensures that accreditation does not unnecessarily restrict educational pathways into the profession. For these reasons, I conclude that CAPTE has failed to demonstrate that the requested change of scope is justified.

Accordingly, I deny CAPTE's request to remove master's degrees in physical therapy from the list of degree and certificate programs the agency accredits.

The record further suggests that CAPTE's request reflects a broader effort to restrict the range of academic credentials through which individuals may qualify for entry into the profession. Such efforts raise serious concerns regarding the potential for accreditors to contribute to unnecessary credential inflation and to impose educational requirements that increase costs for students without clear evidence of corresponding benefits.

Although these concerns are significant, my authority to take additional action in this context is constrained by 34 C.F.R. Part 602. Under 34 C.F.R. § 602.32(e), the SDO may take certain actions when considering an application for initial recognition or for an expansion of scope. CAPTE's request, however, involves a contraction of scope rather than an expansion. As a result, the current regulatory framework does not provide a direct mechanism for addressing the broader implications of the agency's request beyond the denial issued here.

This limitation in the Department's regulatory framework is noteworthy. As the Department prepares to engage in negotiated rulemaking to revise and strengthen its accreditation regulations, the Department intends to consider whether revisions are necessary to ensure that accrediting agencies do not use their recognition status to impose unnecessary credentialing requirements that increase costs, limit educational pathways, or otherwise undermine the interests of students and the public. Although certain elevated credentials may be needed in specific cases, accrediting agencies must justify why higher credentials lead to better outcomes. In this instance, CAPTE could not provide sufficient evidence demonstrating improved student or patient outcomes to justify the transition from master's-level to doctoral-level preparation. Accrediting agencies are expected to provide more robust evidence than the record before me offers.

The Department will closely scrutinize future actions by accrediting agencies that may have the effect of unnecessarily restricting pathways into regulated professions.

Accrediting Agencies May Not Have Standards that Violate Federal Law

Upon review of the transcripts from the December 16, 2025, NACIQI meeting, I note that multiple NACIQI members raised concerns regarding CAPTE's standards related to diversity, equity, and inclusion (DEI).

In response to one member's inquiry, you stated that "in summer of 2025, our board put a stay on accreditation standards that were specifically related to DEI and have a standards review group

that will be meeting beginning in January of 2026 to understand how to put forward best practices supporting all individuals access to physical therapy and physical therapy education."

In response to another NACIQI member, you further stated that the DEI standards "have not gone away. These are on stay." You also indicated that CAPTE intends to present a recommendation from the standards review group to the full board at its October 2026 meeting.

I commend CAPTE for suspending standards that may give rise to unlawfully discriminatory practices through so-called DEI-based requirements. Your testimony before NACIQI and the Department was clear: CAPTE has suspended its DEI standards and indicated that the Commission intends to consider revised standards this fall and may remove any unlawful DEI-related provisions from its standards.

This concern underscores a broader legal principle governing accreditation. As the NACIQI members' questions reflect, accrediting agency standards that conflict with federal law are impermissible. Institutions cannot comply with federal law while simultaneously implementing agency standards that require policies or practices that violate federal law. No accrediting agency, including CAPTE, may place institutions in such a no-win scenario where an institution must choose between violating federal law or violating the accreditor's standard.

Section 496(m) of the HEA limits the Secretary's authority to "recognize accrediting agencies or associations which accredit institutions of higher education [IHEs] for the purpose of enabling such institutions to establish eligibility to participate in [Title IV programs] or which accredit [IHEs] or higher education programs for the purpose of enabling them to establish eligibility to participate in other programs administered by the Department of Education or other Federal agencies." 20 U.S.C. § 1099b(m). In other words, the Secretary lacks the authority to recognize an accrediting agency if that agency is not accrediting IHEs for the purpose of enabling such institutions to establish eligibility to participate in Title IV programs or other federal programs.

Accrediting agencies that have standards that require institutions to not follow federal law are not enabling such institutions "to participate in [Title IV programs or] other programs administered by the Department of Education or other Federal agencies." 20 U.S.C. § 1099b(m). Indeed, compliance with federal law is a prerequisite for participating in Title IV. If an institution follows the accreditor's standard that violates federal law, those institutions cannot receive Title IV aid. Because the Secretary lacks the authority to recognize agencies that do not have a federal link, the Department must cease recognition of any accrediting agency that has policies that conflict with federal law. Put simply, accreditation policies that conflict with federal law effectively sever the federal link required by 20 U.S.C. § 1099b(m).

Conflicting accreditor standards are also inconsistent with the structure and purpose of the regulatory triad, which vests the federal government, states, and accreditors with distinct authorities and responsibilities. Accreditors plainly lack the authority to overrule the federal government with respect to civil rights or other areas of federal law. Congress has reserved that domain for the federal government.

Standards that Require Racial Preferences Conflict with Federal Law

I appreciate the comments that CAPTE made during the NACIQI meeting regarding its commitment to review its standards to avoid these conflicts of federal law; however, CAPTE has not yet taken specific action to eliminate such standards. Rather, it has placed a stay on Standard 2B in the 2024 Standards and Required Elements. This standard requires, among other things, for a program to:

- "[Promote] a culture of justice, equity, diversity, inclusivity (or JEDI), belonging, and anti-racism."
- "Describe how the program defines diversity as it relates to the program's mission and goals."
- "Describe how the program's mission, goals, and outcomes align with promoting a culture of JEDI, belonging, and anti-racism."
- "Describe the data collected, or that will be collected, to determine the extent to which the program promotes a culture of JEDI, belonging, and anti-racism."

This text is still included in the published document; however, the text cited here is shown with strikethrough text, and there is a footnote indicating that the language was stayed June 23, 2025, and updated September 16, 2025.

First, it is important to discuss what it means to promote a "culture of justice, equity, diversity, inclusivity (or JEDI), belonging, and anti-racism." It is of course possible that the term "diversity" in this context may be referring to something other than racial diversity. Indeed, it would be contradictory to have a policy that is race-conscious with respect to diversity and is also "anti-racist," as being anti-racist requires race-neutrality.

To be "anti-racist," I presume means to be opposed to discrimination of any kind on the basis of race. This is a noble goal that is incorporated into the Fifth and Fourteenth Amendments as well as Title VI of the Civil Rights Act. However, the term "diversity" when used as part of the phrase "diversity, equity, and inclusion" has most commonly been used to refer to racial diversity. A policy cannot promote racial diversity by discriminating against some people on the basis of race while simultaneously being antiracist. Affirmative action in any context is itself racist because certain individuals get treated differently based on nothing more than the color of their skin. As Supreme Court Chief Justice John Roberts has put it, "[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race."[1]

CAPTE's policy calls for institutions to define what "diversity" means, seemingly so to escape the conundrum highlighted above. Yet, CAPTE's standards do not require institutions to define "diversity" in a race-neutral manner. And common sense and a practical understanding of contemporary American culture suggests that some institutions may reasonably interpret CAPTE's policy to call for a race-conscious definition of "diversity." The record before NACIQI likewise suggests that this policy is not race-neutral because if the policy were race-neutral, there

[1] *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 748 (2007) (Roberts, C.J., plurality opinion).

would be no need for CAPTE to stay its implementation. As such, I assume that this policy—prior to its stay—was not administered in a race-neutral manner.

The U.S. Supreme Court has long held that racial classifications are subject to strict scrutiny analysis. To survive strict scrutiny, racial classifications are only permissible if "used to further compelling governmental interests" and if "narrowly tailored—meaning necessary—to achieve that interest." *Students for Fair Admissions v. President & Fellows of Harvard College*, 600 U.S. 181, 207 (2023) ("*SFFA*"). And although the Supreme Court has left "a door ajar"[2] to the possibility of racial classifications being constitutional, strict scrutiny is "automatically fatal in most cases" involving racial classifications.[3]

With respect to college admissions, the Supreme Court has aptly noted that racial preferences are "zero-sum" and that benefits that flow to some but not others "necessarily advantages the former at the expense of the latter." *SFFA*, 600 U.S. at 218-19. The Department of Justice's Office of Legal Counsel has noted that "after *SFFA*, it is now unmistakably clear that this test applies to *all* racial distinctions in education, however benign they may appear."[4] It is clear from this precedent that policies that treat students differently in an academic setting based upon race have essentially no chance of surviving strict scrutiny review.

Here, CAPTE's policy, which calls for institutions to promote diversity, would lead to students being treated differently on the basis of their race. Because there is no record before me suggesting that CAPTE has a compelling interest in race-conscious accreditation standards, or that such standards are narrowly tailored, the standard fails strict scrutiny review and violates Title VI of the Civil Rights Act.[5]

As stated above, accrediting agency policies and standards that violate federal law are impermissible. Although I have deep concerns about CAPTE's current standards, I acknowledge and commend you for suspending such standards and working toward eliminating them. Because CAPTE has stayed its DEI standards, I do not find CAPTE to be noncompliant with the recognition criteria in this context. Instead, I find CAPTE to be substantially compliant because you need to make modifications to your standards (as cited above) to be fully compliant. I also have concerns about the agency maintaining compliance so long as CAPTE has not formally rescinded any and all agency standards that violate federal law.

As such, CAPTE is hereby directed to submit two monitoring reports describing what actions the agency has taken to eliminate standards that violate federal law. The first monitoring report is due 6 months from the date of this decision letter, and the second monitoring report is due 12 months from the date of this decision letter. In accordance with 34 C.F.R. § 602.36(e)-(f), the monitoring reports will be reviewed by Department staff for approval.[6]

---

[2] *Edwards v. Vannoy*, 593 U.S. 255, 282 (2021) (Gorsuch, J., concurring).
[3] *Parents Involved in Cmty. Schs v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 752 (Thomas, J., concurring) (cleaned up).
[4] *Constitutionality of Race-Based Department of Education Programs*, 49 Op. O.L.C. (Dec. 2, 2025) (slip op. at 2).
[5] 42 U.S.C. § 2000d.
[6] The term "Department staff" refers to staff members within the Office of Postsecondary Education involved in making recommendations and decisions under 34 C.F.R. Part 602. This includes both career staff in the

CAPTE is responsible for ensuring that, until the agency permanently removes its DEI-related standards, it continues to refrain from implementing or enforcing such standards. If the agency were found to be applying suspended DEI standards to one or more programs, such action could constitute noncompliance. Such a finding of noncompliance could lead to the denial, limitation, suspension, or termination of the agency's recognition.

I want to remind CAPTE of its obligation to consistently apply and enforce its standards, as required under 34 C.F.R. § 602.18. This obligation includes maintaining effective controls to prevent the inconsistent application of the agency's standards. As applicable, each monitoring report shall include details about how CAPTE ensured that, prior to formal recission of its DEI-related standards, elements, procedures, and guidelines, that none of the suspended policies were enforced or implemented against any institution of higher education or program.

Recognition Decision and Period of Recognition: Consistent with my authority under 34 C.F.R. § 602.36(e)(3)(iii), I continue recognition temporarily such that CAPTE may submit a compliance report within 45 days of the date of this decision letter and appear again before NACIQI in the Fall/Winter 2026. Recognition is continued until such time as I am able to review the staff recommendation and NACIQI recommendation relating to this compliance report. Additionally, continued recognition is subject to CAPTE's submission of two monitoring reports as set forth above.

Scope of Recognition: The accreditation and preaccreditation ("Candidate for Accreditation") of physical therapist education programs leading to the first professional degree at the master's or doctoral level and physical therapist assistant education programs at the associate degree level and for its accreditation of such programs offered via distance education. Geographic Area of Accrediting Activities: Throughout the United States.

Sincerely,

Nicholas Kent
Under Secretary

cc: Mary Romanello, PT, Ph.D.
Director of Accreditation, CAPTE

Accreditation Group within the Office of Postsecondary Education and non-career staff, such as the Assistant Secretary for Postsecondary Education. The Assistant Secretary supervises the Accreditation Group and holds final decision-making authority over any staff recommendations or decisions under 34 C.F.R. Part 602.