

ACICS SEEKS TO MAINTAIN ACCREDITATION RECOGNITION IN LIGHT OF SIGNIFICANT RECENT REFORMS AND POTENTIAL HARM TO STUDENTS IF RECOGNITION IS WITHDRAWN

The Accrediting Council for Independent Colleges and Schools (ACICS) is a national accreditor of independent, nonpublic career schools and colleges in the United States and abroad. The National Advisory Committee on Institutional Quality and Integrity (NACIQI), which advises the Secretary of Education on accreditation matters, voted on June 23, 2016 to send to the Senior Department Official (SDO) of the Department of Education a recommendation to deny recognition to ACICS. On September 22, 2016, the SDO announced its decision to withdraw ACICS's recognition as a nationally-recognized accreditation agency. On October 21, 2016, ACICS submitted its appeal to the Secretary of Education.

Since August, 2016 ACICS has instituted a number of new initiatives that address the Department of Education's concerns and will strengthen the accreditation process overall. While the Department of Education considers the appeal, ACICS maintains its recognized status and continues to fulfill its accrediting and oversight responsibilities. ACICS has taken extraordinary steps to demonstrate compliance with the Department's recognition criteria. If the Secretary denies the appeal, ACICS will likely seek injunctive and other relief through the courts.

The permanent withdrawal of ACICS's recognition will result in immediate and meaningful harm to those students currently enrolled at ACICS-accredited institutions.

At this time, only one other national accreditor exists with a similar scope when it comes to programs at the graduate level. Only two national accreditors are able to accredit at the bachelors level. As a result, many institutions offering a bachelors or graduate degree may have to shut down those programs in order to maintain eligibility for their other programs. In addition, the capacity of the national accreditors to accommodate the many institutions seeking to transition is uncertain. Finally, the impact on students of a final decision to withdraw recognition would be immediate and significant, including effects on student aid, tuition reimbursement programs, transfer of credit, eligibility for state licensure or certification qualification, other professional licensure or certification, among other potential harms. .

In its appeal, ACICS outlined many additional issues of significant concern, supporting its position that ACICS should be given twelve months to come into compliance with the Department's Recognition Criteria;

- **The Department of Education did not follow its procedural requirements in revoking ACICS's status as an accreditor.** Regulations governing accreditation agencies state that they should be given twelve-months to demonstrate and achieve compliance with recognition criteria when deficiencies are identified. DOE notified ACICS on June 23, 2016 but issued its decision to withdraw recognition only three months later. Further, the Department has not informed ACICS which specific criteria it believes ACICS will be unable to meet within twelve months,

- **The SDO did not take into consideration significant progress made by ACICS since beginning discussions with the Department in early 2016.** On several occasions, including in a written response to the NACIQI’s recommendation, ACICS made the SDO aware of several recent steps taken to implement substantial, measurable changes to its policies and procedures. Recent, meaningful steps taken by ACICS and outlined in the appeal include:

 - Significant leadership and senior staffing changes, including: the appointment of a new President, Roger Williams, a 25-year veteran of management of higher education accreditation; significant changes in leadership at the Vice President level; and the doubling of public members on the Board to ensure added independent oversight.
 - Establishment of an At-Risk Institutions Group (ARIG), which to date has proactively investigated at least 22 campuses and engaged in numerous special site visits to enhance the identification and review of potentially at – risk institutions.
 - Implementation of new, enhanced standards regarding recruiting and admissions practices as well as enhanced systems to receive and address student complaints, including an online complaint system which improves monitoring capability.

- **The SDO decision-making process regarding ACICS has been in contrast to procedures and legal standards applied to other accrediting agencies.** In its appeal, ACICS raised significant concerns about procedural irregularities and potential bias in the process surrounding the findings and recommendations by the Department Staff and the recommendation of NACIQI. Examples of irregularities and potential bias cited in ACICS’s appeal include:

 - The report prepared by Department Staff did not take into account many explicit facts on the record or provide evidence for its conclusions. This observation was echoed by several NACIQI Panel members, one who noted that “the presentation [of the Staff Report] was more conclusory than it was explanatory.” Other NACIQI Panel members raised concerns that the recommendations were inconsistent with the record.
 - ACICS submitted more than 1,000 pages of evidence to the Department, citing specific examples of changes underway at the agency. Despite the volume of comprehensive material, the SDO issued a three-page decision that fails to identify specific criteria it believes ACICS will be unable to meet in the twelve-months.
 - To our knowledge, no other accrediting agency has been subjected to similarly abbreviated requirements or review standards.

ACICS believes the SDO did not consider these important issues when making its decision, thus not taking into account the substantial evidence that demonstrates ACICS’s capacity to fully

comply with the Department's recognition criteria within twelve months, nor the seriousness of ACICS's resolve to continue strengthening its accrediting processes. ACICS has appealed to the Secretary, seeking the opportunity to demonstrate full compliance with the recognition criteria over a twelve-month period.

ACICS continues to work diligently to restore ACICS's historical role as a highly-regarded accrediting organization and will continue to do so throughout the appellate process and any subsequent court actions. In the interim, ACICS will continue to work with its accredited institutions in a manner that serves the best interests of students.