

DRAFT ANALYSIS
ACICS
Meeting Date: 07/2020

Type of Submission:

Other Report

Current Scope of recognition:

The accreditation of private postsecondary institutions offering certificates or diplomas, and postsecondary institutions offering associate, bachelor's, or master's degrees in programs designed to educate students for professional, technical, or occupational careers, including those that offer those programs via distance education.

Criteria: 602.15(a)(1) Staffing/Financial Resources

Narrative:

Please see attached documentation for response.

Document(s) for this Section

Exhibit Title	File Name	Analyst Comments	Agency's Exhibit Comments
Exhibit 1 ACICS DOE Inquiry Response	Exhibit 1 ACICS DOE Inquiry Response.pdf		
Exhibit 2 ED Financial Inquiry Response	Exhibit 2 ED Financial Inquiry Response.pdf		
Exhibit 3 FY 20202 and FY 2021 2021 Prelim Exhibit 1	Exhibit 3 FY 20202 and FY 2021 2021 Prelim Exhibit 1.pdf		
Exhibit 4 Rejection of Consideration Exhibit 1	Exhibit 4 Rejection of Consideration Exhibit 1.pdf		
Exhibit 5 Registration Form Exhibit 1A	Exhibit 5 Registration Form Exhibit 1A.pdf		
Exhibit 6 Institutional Information Exhibit 3B	Exhibit 6 Institutional Information Exhibit 3 B.pdf		
Exhibit 7 State Approval to Operate Exhibit 1C	Exhibit 7 State Approval to Operate Exhibit 1 C.pdf		
Exhibit 8 Ownership Disclosure Form Exhibit 1D	Exhibit 8 Ownership Disclosure Form Exhibit 1D.pdf		
Exhibit 9 Audited Financial Statements 1E	Exhibit 9 Audited Financial Statements 1E.pdf		
Exhibit 10 Evidence of Workshop Attendance Exhibit 1F	Exhibit 10 Evidence of Workshop Attendance Exhibit 1F.pdf		
Exhibit 11 Catalog Exhibit 1G	Exhibit 11 Catalog Exhibit 1G.pdf		
Exhibit 12 Intitial CEP Exhibit 1H	Exhibit 12 Intitial CEP Exhibit 1H.pdf		
Exhibit 13 Initial CAR Exhibit 1I	Exhibit 13 Initial CAR Exhibit 1I .pdf		
Exhibit 14 Intitial Resource Report SDUIS Exhibit 2	Exhibit 14 Intitial Resource Report SDUIS Exhibit 2.pdf		
Exhibit 15 Reserve Fund Withdrawal Exhibit 2	Exhibit 15 Reserve Fund Withdrawal Exhibit 2.pdf		
Exhibit 16 Number of Institutionals Long Exhibit 3	Exhibit 16 Number of Institutionals Long Exhibit 3.pdf		
Exhibit 17 Executive Committee Meetings Exhibit 2	Exhibit 17 Executive Committee Meetings Exhibit 2.pdf		

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Exhibit 35 SDUIS Additional Response	Exhibit 35 SDUIS Additional Response .pdf		

Analyst Worksheet- Narrative

Analyst Review Status:

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Staff Determination:

The agency has not demonstrated compliance for this section.

Analyst Remarks to Narrative:

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List of Document(s) Uploaded by Analyst - Narrative

Exhibit Title

ACICS Inquiry Resolution Letter Revised 1-29-2020
Chronicle article
Inside Higher Ed article
Letter to ACICS inquiry

File Name

ACICS Inquiry Resolution Letter Revised 1-29-20204.pdf
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Exhibit B VIU Additional Documents	Exhibit B - VIU Additional Documents.pdf		
Exhibit C August 2019 Council Letter	Exhibit C - August 2019 Council Letter.pdf		
Exhibit D December 2019 Council Letter	Exhibit D - December 2019 Council Letter.pdf		

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Criteria: 602.17(c) On Site Review

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Criteria: 602.17(e) Agency Analysis of Information

Narrative:

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Exhibit G Institutional Communication	Exhibit G - Institutional Communication.pdf		
Exhibit H Accreditation Criteria	Exhibit H - Accreditation Criteria.pdf		
Exhibit I Pages from Visit Evaluation Procedures and Guidelines	Exhibit I - Pages from Visit Evaluation Procedures and Guidelines.pdf		
Exhibit J FXUA Team Report	Exhibit J - FXUA Team Report.pdf		
Exhibit K Call for Comment Templates	Exhibit K - Call for Comment Templates.pdf		
Exhibit L Current Student Survey Template	Exhibit L - Current Student Survey Template.pdf		
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Inside Higher Ed article	Inside Higher Ed article2.pdf
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Criteria: 602.28(d) Requirement to Initiate Review

Narrative:

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3rd Party Written Comments

There are no written comments uploaded for this Agency.

3rd Party Request for Oral Presentation

There are no oral comments uploaded for this Agency.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

November 21, 2019
Revised January 29, 2020

Michelle Edwards, President
Accrediting Council for Independent Colleges and Schools
1350 Eye Street, NW, Suite 560
Washington, DC 20005
Via email: medwards@acics.org

Dear Ms. Edwards:

The purpose of this revised letter is to clarify that the noncompliant criteria cited in my November 21, 2019, letter are not related to the noncompliant criteria cited in the Secretary of Education's decision on recognition dated November 21, 2018. This revised letter also clarifies that a written response is due February 28, 2020, per the process in 34 Code of Federal Regulations (CFR) Section 602.33.

I am writing to inform you of the results of our (the Office of Postsecondary Education's Accreditation Group's) review of the information and documentation provided by the Accrediting Council for Independent Colleges and Schools (ACICS or the agency), regarding the information reported in Inside Higher Ed on June 4, 2019, and The Chronicle of Higher Education on June 5, 2019, which reported the agency's public testimony to the Council for Higher Education Accreditation's recognition committee. This letter constitutes the Department staff's written draft analysis pursuant to Section 602.33(c) of ACICS' compliance with the criteria of concern.

As you know, the U.S. Department of Education's (Department's) authority over accrediting agencies is through the recognition process, by which the Secretary of Education (Secretary) reviews and recognizes accrediting agencies for the purposes of the Title IV Federal Student Aid programs or other federal programs. The primary concern of the Accreditation Group is to ensure that an accrediting agency acts in accordance with both its own policies and procedures and with the Secretary's Criteria for Recognition (Criteria).

The Inside Higher Ed and The Chronicle of Higher Education articles include statements that ACICS has encountered financial difficulty which could affect its ability to carry out its accrediting responsibilities. The article in The Chronicle of Higher Education also includes information that ACICS accredited an institution, Virginia International University (VIU), that is alleged, by a State agency, to have committed plagiarism, grade inflation, and other academic concerns. The same article states that the San Diego University for Integrative Studies (SDUIS) is seeking accreditation from ACICS, and that the institution is currently appealing a denial of reaccreditation decision by the Accrediting Council for Continuing Education & Training (ACCET).

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In response to the Department's letter dated June 19, 2019, ACICS provided a documented response to the issues that relate to the Criteria.

Administrative and fiscal capability

The agency provided a narrative response and its audited financial statements for fiscal years 2017 and 2018, its current budget and projections through 2023, its membership directory, a list of scheduled accreditation reviews, organizational chart, staff resumes and job descriptions (Exhibits 1 – FY 2020 and FY 2021-2023 Preliminary Budgets, 1 – Rejection of Consideration, 2 – Executive Committee Meeting Minutes, 2 – Reserve Fund Withdrawals, 3 – FY 2019 Budget, 3 – Number of Institutions Long Term Projections, 4, 5, 6, 7, 8, 9, and 10).

In its narrative response, ACICS stated that the 10 full-time, one part-time and one contract employee are sufficient to carry out the accreditation activities required for the 74 institutions (117 main and branch campuses) which offer over 250 different programs that are accredited by the agency. The agency provided the staff resumes and job descriptions to document that all accrediting responsibilities are included.

Regarding fiscal capacity, Department staff reviewed the information and documentation provided by the agency, which demonstrates that ACICS currently has sufficient financial resources to carry out its accrediting responsibilities. Although the documentation indicates that the agency is currently operating at a deficit and is projected to do so until 2023, ACICS has sufficient reserves to cover the expected operating deficits, and the level of those reserves are in line with other similarly sized accrediting agencies. In addition, the financial projections included within the agency's budget reflect a measured growth at a realistic level, which projects that the operating deficits will be eliminated by 2024.

These findings notwithstanding, ACICS is also required to submit to the Department its audited financial records on a yearly basis over the next three years, as required by the Secretary's recognition decision dated November 21, 2018, and is scheduled to submit a petition for recognition on February 1, 2020. These submissions provide the Department with additional opportunities to review the agency's actual fiscal performance measured against the projections provided.

While the information and documentation provided by ACICS did not indicate that the agency has been unable to fulfill its accreditation activities due to a lack of administrative or fiscal capacity as related to site visits, council meetings or other committee meetings, the Department is concerned that the lack of effective evaluation and monitoring approaches related to the two institutions discussed in this letter, VIU and SDUIS, reflects inadequate staffing and other resources, which does not demonstrate effective compliance with Section 602.15(a)(1).

Although not requested by the Department, ACICS addressed the assertion included in The Chronicle of Higher Education article that the agency's financial challenges could cause it to accredit institutions that did not meet the agency's standards. The agency provided information and documentation that it has limited the institutions that have been invited to apply for accreditation to those that meet the ACICS eligibility standards, and that the executive

committee of the agency is involved in the preliminary review process. The agency also provided information and documentation that it has limited the reinstatement of previously accredited institutions to those that meet ACICS' accreditation standards, and provided an example of a reinstatement denial due to academic quality concerns. ACICS asserts that if it were making accreditation decisions based solely on the agency's financial condition, it would not limit applications or reinstatements.

However, the institutional examples reviewed in this letter, SDUIS and VIU, do not demonstrate that the initial application review process is as discerning as described, nor that the renewal accreditation or monitoring processes are as thorough as necessary for the agency to identify issues with the institution's continued compliance with accreditation standards, as required by Sections 602.17(c), 602.17(e), and 602.28(d).

Virginia International University

The agency provided a narrative response and the accreditation actions on and significant correspondence to VIU, as well as correspondence with the State Council for Higher Education in Virginia (SCHEV) related to the institution (Exhibits 11 & 12).

In its narrative response, ACICS described its review of VIU once it learned of the action taken by SCHEV, including the agency's issuance of the show-cause directive in March 2019 and continued show-cause in May 2019. Based on the agency's narrative response and the timeline and information provided to the Executive Council of ACICS on March 21, 2019 (Exhibit 11, pages 1-2), the action taken by ACICS appears to be the result of an article in Inside Higher Ed on March 20, 2019, and not a result of the receipt of the audit and recommendation to revoke the certificate to operate by SCHEV on February 8, 2019 (Exhibit 11, pages 7-19).

The Department notes that the agency has a standard, Title II, Chapter 3, 2-3-700 (Accreditation Criteria, Publication Date: September 14, 2017), which states that "ACICS periodically receives and may investigate information from federal or state agencies or other accrediting agencies, or through public media sources, which may indicate possible criteria violations. Adverse information may include, but is not limited to, ... negative audits or program reviews, and government agency investigations." The agency also states in its Policies and Procedures Manual (Revised September 2017) that the At-Risk Institutions' Group (ARIG) will investigate adverse external information (Chapter 13: Complaint and External Information Review).

However, it is not clear that a review by the ARIG occurred. An email to the Executive Council of ACICS on March 21, 2019 stated there was a discussion and recommendation by the ARIG, but the supplemental information provided does not include any notation of an ARIG meeting nor discussion on VIU, and includes an accreditation action recommendation that appears to come from an individual, not the ARIG (Exhibit 11, pages 1-2).

The Department is concerned that the agency had information and documentation from SCHEV that called into question VIU's ability to potentially meet the ACICS' standards, but did not review the information and documentation, nor act upon it until over a month later once the issue was raised in the press. This appears to indicate that ACICS failed to follow its own policies and

procedures related to the timely review of adverse information, as expected by Section 602.28(d).

Even though ACICS eventually took action and issued a show-cause directive to VIU in March 2019, it is not clear from the information and documentation that the agency conducted its own review of the issues to ensure that VIU continued to meet ACICS' standards in the same areas, but instead relied upon the SCHEV review process and outcome. In addition, the March 2019 show-cause directive mainly addresses the potential revocation of VIU's license to operate by SCHEV and the institution's response to that proposed revocation, but does not demonstrate that ACICS initiated a review of VIU itself to determine if VIU continued to meet the agency's accreditation standards (Exhibit 11, pages 20-25). Therefore, the Department is concerned that ACICS still does not have adequate mechanisms in place to conduct a prompt review when it receives a negative report from a State or other agency about an institution nor to determine if the agency should independently investigate the allegations of the report to confirm compliance with ACICS' standards, as required by Section 602.28(d).

The Department is concerned with the strikingly different conclusions reached by ACICS and SCHEV regarding the academic quality of the distance learning programs at VIU. ACICS conducted its comprehensive renewal of accreditation through an on-site visit in January 2018 to VIU and did not appear to find the significant concerns found by SCHEV in August 2018, especially in relation to the courses offered by distance education. We are concerned that either ACICS's distance education standards did not contain the same level of rigor as those utilized by SCHEV or that ACICS's onsite reviewers failed to uncover the deficiencies noted by the SCHEV audit in August 2018 as required by Sections 602.16(c) and 602.17(c)

Specifically, SCHEV found that the courses offered by distance education provided limited peer-to-peer and faculty-student interaction, lacked academic rigor at the graduate level, and were not comparable to the residential offerings (Exhibit 11, pages 12-17). The concerns ACICS found related to distance education during the comprehensive evaluation of VIU in January 2018 was limited to the lack of an adequate distance education plan and that the plan wasn't integrated into the institution's Campus Effectiveness Plan (Exhibit 11, page 6). After a deferral action in April 2018 (Exhibit 11, pages 4-5) due to issues unrelated to distance education or other significant academic concerns, ACICS granted renewal of accreditation in August 2018 without conditions (Exhibit 11, page 3). Even though SCHEV did not ultimately revoke VIU's license to operate, the audit findings led to a forced three-year moratorium of distance education due to the severity of the issues in that area (Exhibit 12, page 9).

San Diego University for Integrative Studies

The agency provided a narrative response, as well as the application for accreditation, accreditation actions on and significant correspondence related to SDUIS (Exhibits 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 2 – Initial Resource Report SDUIS, 13, 14a, 14b, 14c, 15, 16 and 17).

The agency did not provide any correspondence with ACCET regarding SDUIS, as requested by the Department in its letter to ACICS. Instead, the agency states that SDUIS is not accredited by ACCET, but that it is a separate entity, USA English Language Center (USAELC), owned by

SDUIS, that is accredited by ACCET. Therefore, ACICS did not contact ACCET due to that distinction and because “the institution being invited to apply for accreditation is not, and cannot be, accredited by the agency (i.e. SDUIS’ program offerings are beyond ACCET’s scope of recognition).” The agency provided SDUIS’ documentation of this separation, to include listing of USAELC in the State of California Bureau for Private Postsecondary Education (BPPVE) directory in July 2019; approval by ACCET of a change of ownership without a change in control for USAELC in October 2018; State of California articles of incorporation for USAELC filed in October 2016; and the assignment by the IRS of an Employer Identification Number (EIN) to USAELC in August 2018 (Exhibit 17).

However, the Department notes that even though ACICS provided information and documentation that appear to support the agency’s assertion that SDUIS and USAELC are legally separate entities, the agency’s report from the initial resource site visit on June 30, 2016 includes a concern related to the ACCET action to place USAELC on show cause and requires “Evidence that the institution has been removed from the “Institutional Show Cause” status with ACCET” as part of the institution’s action plan (Exhibit 2 – Initial Resource Report_SDUIS, pages 4, 18, and 20). In addition, the Database of Accredited Postsecondary Institutions and Programs (DAPIP), that is hosted on the Department’s website, lists the “USA English Language Center at San Diego University of Integrative Studies” and includes the ACCET accreditation history and documentation under the “Institutional Accreditation” tab.

In Exhibits 14a, 14b, and 14c, the agency provided the response by SDUIS to public comments received by ACICS. The SDUIS’ response cover letter includes statements by the institution that: “SDUIS enjoys an excellent reputation in the professional community and is currently approved and monitored by the following agencies – Accrediting Council for Continuing Education and Training (ACCET)” (Exhibit 14a, page 7-8); and “the ESL program has been accredited by ACCET since 2013. A copy of our letter of accreditation is included as Attachment C” (Exhibit 14a, page 8). Beyond the cover letter, the attachments, provided by SDUIS to ACICS in response to the public comments, included numerous references to USAELC. For example, Attachment A (Exhibit 14a, pages 12-70), referred to as the “Who We Are” document, includes “USA English Language (sic) Center @ The San Diego University for Integrative Studies” on the cover, and references USAELC 10 times and SDUIS six times throughout the document. Attachment D (Exhibit 14b, pages 5-93), referred to as the institution’s Operations and Procedure Manual, includes “USA English Language Center, SAN DIEGO UNIVERSITY FOR INTERGRATIVE STUDIES” on the cover, as well as the website for USAELC, www.usaelc.com, and the email for SDUIS, sduis@sduis.edu, and other references to both USAELC and SDUIS throughout the document. Attachments F, H, I, and M within Exhibit 14c also include references to USAELC and SDUIS and do not distinguish between the two entities.

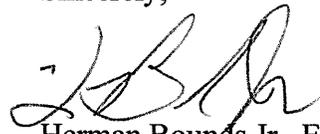
The breadth and depth of information and documentation provided by SDUIS does not clearly demonstrate that USAELC is a separate entity, nor does the information included within the initial resource site visit report or on the DAPIP. Therefore, it does not appear that ACICS conducted a comprehensive analysis to assess the relationship between SDUIS and USAELC, to determine if ACICS is required to take into account the accreditation action by ACCET on USAELC when reviewing SDUIS, as required by Section 602.28(d).

After receiving over 400 pages of documentation provided by SDUIS in response to the public comments, ACICS provided a two-paragraph email to acknowledge receipt of the response and confirm the Initial Resource Visit (Exhibit 15). There is no indication in the acknowledgement email, the initial resource site visit report nor any other information or documentation submitted by ACICS, that the agency has conducted a substantive analysis of the SDUIS response to the public comments. Therefore, the lack of inquiry by ACICS does not demonstrate the agency conducted its own analysis of the documentation, as required by Section 602.17(e).

As required by the Secretary's recognition decision dated November 21, 2018, ACICS provided a compliance report on Sections 602.15(a)(2) and 602.15(a)(6) to the Department prior to the deadline of December 21, 2019. Based on the findings of the Department staff in this review of ACICS, the agency is invited to provide information and documentation to address the compliance concerns noted in this letter related to Sections 602.15(a)(1), 602.16(c), 602.17(c), 602.17(e), and 602.28(d) within a written response due February 28, 2020, per the process in Section 602.33(c). If the areas of noncompliance noted in this letter are not addressed, Department staff will propose a recognition recommendation for the agency to submit a compliance report and will finalize this analysis for presentation to NACIQI, at a meeting to be designated by the Department.

Should you have any questions regarding this issue, please feel free to contact the staff analyst assigned to your agency, Elizabeth Daggett, at 202-453-6190 or via email at elizabeth.daggett@ed.gov. Thank you for addressing this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Bounds Jr.', written in a cursive style.

Herman Bounds Jr., Ed.S.
Director
Accreditation Group