

Case Name: *In the Matter of* Accrediting Council for Independent Colleges and Schools

Docket No.: 16-44-O

Filing Party: Respondent, Accrediting Council for Independent Colleges and Schools

Exhibit No.: B-O-29

Advisory: Accrediting Council for Independent Colleges and Schools Recognition Status Update

May 21, 2018

Issue: The Accrediting Council for Independent Colleges and Schools (ACICS) remains a federally recognized accrediting agency and, until advised otherwise by this office, you should regard the situation as if the Department of Education had never revoked ACICS's status.

Background: On March 23, 2018, the United States District Court for the District of Columbia issued a Memorandum Opinion in *Accrediting Council for Independent Colleges and Schools v. DeVos*, Civil Action No. 16-2448 (RBW). In its Memorandum Opinion, the district court remanded the December 12, 2016, decision to revoke ACICS's accreditation status to the Secretary of Education for further proceedings.

As a result of the District Court's remand, there is currently no final decision on the recognition petition that ACICS submitted to the Department of Education in January 2016. Accordingly, ACICS's status as a federally recognized accrediting agency is *restored and effective as of December 12, 2016*. Pursuant to 34 C.F.R. § 602.37(h), ACICS will remain in that status until the Secretary of Education issues a final decision on ACICS's recognition petition. There is currently no published timeline on when the Secretary of Education is expected to issue such a decision.

Discussion: The provisions of 38 U.S.C. § 3679(a)(2) are no longer applicable to schools currently or formerly accredited by ACICS. The 18-month grace period contained in that section is no longer applicable to any school. The date of June 12, 2018, has been rendered irrelevant and should no longer be referenced in any capacity.

This is the case because § 3679(a)(2) only applies to schools who would be subject to disapproval *solely* for the reason that the Secretary of Education withdrew the recognition of ACICS as an accrediting agency. Since the Secretary of Education has restored ACICS accreditation, effective as of December 12, 2016, there was no lapse in its status as a recognized accrediting agency. Consequently, a course of education cannot be subject to disapproval *solely* for the reason that ACICS lost its recognition as an accrediting body. Therefore, § 3679(a)(2) -- and the 18-month grace period that accompanies it -- are no longer applicable.

Impact on School Approval to Receive VA Education Benefits: The continued approval of any particular course of education depends on the program's current standing with ACICS or another recognized accreditor, as detailed below.

- **Scenario 1:** The program is currently accredited by ACICS (i.e., recognition has not expired nor otherwise been revoked by ACICS)
 - Status: Consider this to be an accredited program for the purposes of approval for VA educational benefits.
- **Scenario 2:** The program was formerly accredited by ACICS but has since obtained accreditation from another accrediting agency recognized by the Secretary of Education.
 - Status: Consider this to be an accredited program for the purposes of approval for VA educational benefits.
- **Scenario 3:** The program was formerly accredited by ACICS; however, is no longer accredited by ACICS (i.e., recognition has expired or otherwise been revoked by ACICS) and has not obtained accreditation from another accrediting agency recognized by the Secretary of Education.
 - Status: Effective immediately, do not consider this to be an accredited program for the purposes of approval for VA educational benefits. Such a program is subject for immediate suspension under 38 C.F.R. § 21.4259.

Questions: If you have any questions, please direct them to the Education Service Policy and Regulations Development Team via email at VAVBAWAS/CO/225C.

/s/

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Director, Education Service