

1015 15th St. NW, Suite 600 Washington, DC 20005 www.nsldn.org

May 10, 2019

SENT VIA EMAIL

Committee on Recognition Council for Higher Education Accreditation One Dupont Circle, N.W., Suite 510 Washington, D.C. 200036

Dear Council for Higher Education Accreditation Committee on Recognition:

Thank you for this opportunity to provide third-party comments regarding your recognition review of the Accrediting Council for Independent Colleges and Schools ("ACICS"). The National Student Legal Defense Network is a non-profit, non-partisan organization that works, through litigation and advocacy, to advance students' rights to educational opportunity and to ensure that higher education provides a launching point for economic mobility. We write briefly to highlight facts underlying our concerns that ACICS is not in compliance with CHEA recognition standards, including standards requiring attention to "public accountability."

ACICS's troubled history as an accreditor—which has been the subject of much discussion and criticism—is reason alone for CHEA to deny recognition to ACICS. We write today not to recount that long, troubling history but to highlight how even the most recent of facts reveals that ACICS *still* does not take its role as a gatekeeper of federal funds and student success seriously.

This week, ACICS has been holding its annual Conference and Business Meeting, the theme of which is "Ensuring Quality through Transparency and Accountability."¹ This is, of course, an important goal that all accreditors must strive to meet. But even a cursory review of the Conference Program establishes that ACICS does not take seriously its responsibilities. Take, for example, what was perhaps the single most important "breakout" session of all of the professional development tracks, *i.e.*, a session on "Institutionalizing Compliance" that was marketed towards School Administrators.² ACICS described this critical panel as follows:

What does this mean to you and how do you make it happen at your campus? This session **will provide best practices** from different institutions to demonstrate how compliance should not just rest on the shoulders of the campus director or compliance officer. Hear from your peers to **learn how they have made**

¹ See <u>http://www.cvent.com/events/2019-acics-professional-development-conference-and-annual-meeting/event-summary-21f39c724cfc49b18a54e1316f51afb3.aspx</u>

² The Conference Program is attached hereto as Exhibit A and also available at: <u>https://custom.cvent.com/200C0D70E13844618BF8F23B5EDBB5ED/files/75a7bbf116f54cafa65fc96d653</u> <u>5be27.pdf</u>.

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compliance a priority and encourage participation across their entire campus.³

Yet remarkably, the panelists for this presentation consisted of individuals representing two different institutions that have either directly been the subject of massive non-compliance or are owned by an entity that owns a separate institution that has been the subject of judicial findings of consumer fraud.

The first panelist was advertised as the COO of Broadview University – a school reportedly owned by the family of Terry Myhre.⁴ In 2016, a Minnesota court found that two other schools owned by the Myhre family, Globe University and Minnesota School of Business ("MSB"), had engaged in consumer fraud and deceptive trade practices.⁵ Subsequently, the U.S. Department of Education ("Department") found that these Myhre-owned schools were ineligible to participate in Title IV programs because they had been determined to have engaged in fraud regarding Title IV funds, that they lacked administrative capabilities and breached fiduciary duties to the Department by making substantial misrepresentations.⁶ And in 2017, Broadview University reportedly purchased four of the former locations of the Globe and MSB schools.⁷

The second panelist advertised was the "Chief Restructuring Administrator" of Dream Center Educational Holdings ("DCEH"). In January 2019, DCEH was placed—and remains to this day —in federal receivership, stemming from its management over a chain of schools known as Argosy University, the Art Institutes, and South University. Argosy University closed in March 2019, impacting 9,000 students, after the Department found that it committed a "severe breach of the required fiduciary standard of conduct."⁸ The Department's findings were connected to the fact that approximately \$16 million in federal Title IV aid funding belonging to students was misappropriated by DCEH and/or its affiliated entities. To date, those funds remain missing and DCEH has been unable to account for them. Meanwhile, in the Fall of 2018 a court-ordered

⁵ See Minnesota v. Minnesota Sch. of Business, Inc., No. 27-cv-14-12558, 2016 WL 9709976 (Minn. Dist. Ct. Sept. 8, 2016).

⁶ Ltr. from S. Crim to J. Myhre (Globe University), Dec. 6, 2016, available at: <u>https://studentaid.ed.gov/sa/sites/default/files/globe-recert-denial.pdf</u>; Ltr. from S. Crim to J. Myhre (Minnesota School of Business), Dec. 6, 2016, available at: <u>https://studentaid.ed.gov/sa/sites/default/files/msb-recert-denial.pdf</u>

⁷ Fain, *supra* n. 4.

⁸ Ltr. from M. Frola to M. Dottore, Feb. 27, 2019 at 7, available at: <u>https://studentaid.ed.gov/sa/sites/default/files/argosy-cio-denial-redacted.pdf</u>

³ *Id.* (emphasis added).

⁴ Paul Fain, *A Shuttered For-Profit Re-Emerges*, Inside Higher Ed (Aug. 9, 2017) available at: <u>https://www.insidehighered.com/news/2017/08/09/wisconsin-profit-re-emerges-backing-state-and-trump-administration</u>

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monitor who oversees DCEH issued a report finding DCEH to be out of compliance with numerous provisions of a Consent Judgment, including that: (i) DCEH must satisfy a Corrective Action Plan that requires it to return millions of dollars to students who paid tuition based on substantial misrepresentations and omissions regarding the accreditation status of two of its schools, constituting "an egregious act of non-compliance;"⁹ (ii) DCEH management prohibited DCEH compliance personnel from posting mandatory Gainful Employment failure warnings because those warnings would deter new students from enrolling; and (iii) DCEH management planned to profit personally off of DCEH students by funneling them into a for-profit educational entity that they controlled called Woz U.¹⁰

The panel was specifically advertised to "provide best practices" and to "learn how [the panelists] have made compliance a priority." But given the history of the institutions with which these panelists are affiliated, we simply cannot see why any accreditor that takes seriously the required attention to "public accountability" would invite representatives of these particular institutions to present on how to "institutionaliz[e] compliance." And, when placed in the larger context of ACICS' troubling history as an accrediting agency, we believe this recent activity suggests that ACICS has not learned from its prior mistakes.

Respectfully submitted,

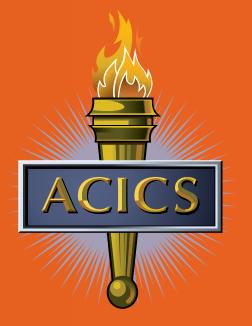
National Student Legal Defense Network.

⁹ The set of facts giving rise to the Corrective Action Plan is also the subject of an ongoing federal court class action lawsuit against DCEH and other affiliated entities, *Dunagan et al. v. Illinois Institute of Art-Schaumburg, LLC et al.*, No. 1:19-cv-00809 (N.D. Ill).

¹⁰ See, e.g., Motion for Entry of Order Clarifying Order Appointing Receiver, filed in *Digital Media Solutions LLC v. South University of Ohio, LLC*, No. 1:19-cv-00145 at Dkt. No. 77-1 at 5-10 (N.D. Ohio Feb. 26, 2019); *see also id.* at Dkt. 77-4 (Third Annual Report of the Settlement Administrator (Oct. 1, 2017 – Sept. 30, 2018)).

EXHIBIT A





ANNUAL CONFERENCE & BUSINESS MEETING ENSURING QUALITY THROUGH TRANSPARENCY AND ACCOUNTABILITY

Crystal City, VA • May 7-10, 2019

www.acics.org



⊘ TIME	PROGRAM
5:30 pm — 7:30 pm	Wine and Cheese Welcome Reception for Initial Workshop Attendees Chesapeake Rooftop



WEDNESDAY • MAY 8, 2019

⊘ TIME	B PROGRAM
8:00 am — 9:00 am	Check-in for Initial Accreditation Workshop (Additional Registration and Fee Required) Conference Theater
9:00 am — 5:00 pm	Initial Accreditation Workshop Conference Theater
12:00 pm — 4:30 pm	Exhibitor Set-up Independence Center A
12:00 pm — 7:30 pm	Registration Independence Center A Foyer
1:00 pm — 5:00 pm	ACICS: On-Call • One-on-One Q&A with ACICS Staff Independence Center A Foyer
5:30 pm — 7:30 pm	Welcome Reception Independence Center A
8:00 pm — 9:00 pm	Night Cap with Owners (By Invitation Only) Chesapeake Rooftop

CONFERENCE AGENDA



THURSDAY • MAY 9, 2019

O TIME	B PROGRAM
8:00 am — 9:00 am	Breakfast with Exhibitors Independence Center A
8:00 am — 7:30 pm	Registration Independence Center A Foyer
9:00 am — 10:00 am	Opening Plenary Regency AB
10:00 am — 10:30 am	Morning Break with Exhibitors Independence Center A
10:30 am — 11:45 am	Professional Development Tracks (Session 1) Various*
11:45 am — 12:45 pm	Lunch with Exhibitors Independence Center A
1:00 pm — 2:15 pm	Professional Development Tracks (Session 2) Various*
2:15 pm — 3:30 pm	Professional Development Tracks (Session 3) Various*
3:30 pm — 4:00 pm	Afternoon Break with Exhibitors Independence Center A
4:00 pm — 5:15 pm	Professional Development Tracks (Session 4) Various*
5:30 pm — 7:30 pm	Cocktail Reception Independence Center A

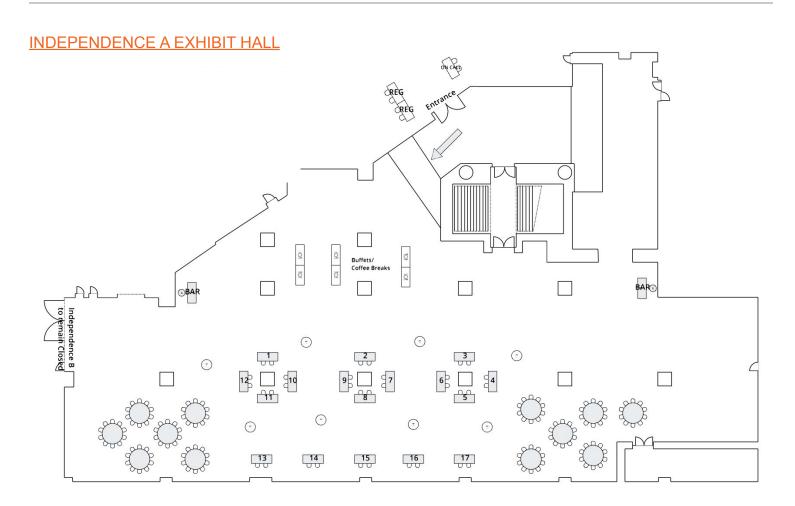
*Potomac I-VI



FRIDAY • MAY 10, 2019

⊙ TIME	PROGRAM
8:00 am — 9:00 am	Breakfast with Exhibitors Independence Center A
8:00 am — 1:00 pm	Registration Independence Center A Foyer
9:00 am — 10:30 am	Annual Business Meeting and Town Hall Regency AB
10:30 am — 11:00 am	Morning Break with Exhibitors Independence Center A
11:00 am — 12:00 pm	Plenary II Regency AB
12:00 pm — 1:00 pm	Lunch with Exhibitors Independence Center A
1:00 pm — 4:00 pm	Exhibitor Break Down Independence Center A
1:00 pm — 2:00 pm	Plenary III Regency AB
2:00 pm — 3:00 pm	Plenary IV Regency AB





EXHIBITION HALL BOOTH NUMBERS

Company	Booth #	Company	Booth #
CLA (CliftonLarsonAllen)	1	MDT Marketing	10
FA Davis	2	National Center for Competency Testing	11
■ FAME	3	■ Elsevier	12
American Medical Certification Association	4	Goodheart-Wilcox Publisher	13
CourseKey	5	Edwards Strategies	14
Textaim	6	Cengage Learning	15
Cyanna Education Services	7	Veterans Administration	16
Enrollment Resources	8	Wright International Student Services	17
Library and Information Resources Network	9	Ũ	



ACICS presents this prestigious award in recognition of an individual's extensive service to the organization as a volunteer in various capacities. The award represents ones commitment to the agency, passion for its work, and dedication to the tenants of academic quality that are core to the accreditation review process.

SCOT OBER

Scot Ober has taught business education for more than 25 years, most recently as a professor of business at Ball State University in Muncie, Indiana and online for Harrison College. He received his Ph.D. degree from the Ohio State University in 1974. In addition to his high school and university teaching experience, he has served as director of research for the Gregg Division of McGraw-Hill Book Company in New York City and served as a military secretary in Vietnam, where he was awarded the Bronze Star. He received the 1993 Distinguished Alumnus award from East Carolina University.

Scot is a past national president of Delta Pi Epsilon and a past national chair of the Policies Commission for Business and Economic Education. He also served a three-year term as editor of the Business Communication Quarterly and was named a Distinguished Member of the Association for Business Communication in 1997.

Scot has chaired or served as a member of more than 350 ACICS accreditation teams since 1978 and won the organization's Distinguished Public Evaluator Award in 2002. He also served on the first Intermediate Review Committee for that organization.

Scot has published more than 60 journal articles in every major business communication and business education journal and is the author or coauthor of nine textbooks in the areas of busi-ness communication, keyboarding, shorthand, and software applications. In addition, he has spo-ken or presented papers at hundreds of conferences and training sessions in 43 states as well as Canada, Mexico, Puerto Rico, England, and Greece. Several of his presentations have won the "Best-Paper Award" at professional conferences. Crossword puzzles that he has constructed have been published in The New York Times, The Wall Street Journal, the Los Angeles Times, the Washington Post, USA Today, and the Chronicle of Education.

Scot and his family live in Tucson.

COMMISSIONERS & ACICS STAFF

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Ms. Tibby Loveman Secretary*

Dr. Rafael Castilla
Mr. Scott DeBoer
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Perliter Walters-Gilliam Vice President of Accreditation

Diane Durham Accounting Manager

Terri Jelinek Senior Program Analyst

Cathy Kouko Senior Coordinator, Accreditation Compliance

Andre McDuffie HR Generalist, Accreditation Coordinator

Katie Morrison Accreditation Content Editor

R. Kay Ropko Senior Systems Manager

Shaniqua Smith Program Analyst I

Karly Zeigler Manager of Policy and Institutional Compliance

OPENING PLENARY

Framing the Future

Thursday, May 9, 2019 • 9:00 am - 10:00 am | Regency AB

With new regulations, possibly new legislation, and certainly new demand for skilled workers let's look at our sector's future.

Facilitator: Mr. Steve Gunderson, President & CEO Career Education Colleges and Universities (CECU)

PLENARY II

Beyond the Headlines: Media and the Changing Landscape of Public Perception

Friday, May 10, 2019 • 11:00 am - 12:00 pm | Regency AB

Our sector has had its share of news headlines this year. Join us for a one on one candid conversation to discuss trends in media coverage of the sector as well as thoughts on the changing higher education landscape.

Panelists: Mr. Paul Fain, News Editor – Inside Higher Ed and Ms. Michelle Edwards, President & CEO – ACICS

PLENARY III

Accreditors: Meeting Expectations for Quality, Transparency and Accountability Friday, May 10, 2019 • 1:00 pm – 2:00 pm | Regency AB

The US Department of Education states that the "goal of accreditation is to ensure that education provided by institutions and/or programs of higher education meets acceptable levels of quality." Hear directly from experts on what that means, for the field, for individual institutions and for students at large.

Moderator: Ms. Michelle Edwards, President & CEO – ACICS Panelists: Dr. Bill Larkin, Executive Director Accrediting Council for Continuing Education & Training (ACCET) Dr. Michale McComis, Executive Director Accrediting Commission of Career Colleges and Schools (ACCSC) Dr. Tony Mirando, Executive Director Accrediting Commission of Career Arts & Sciences (NACCAS)

PLENARY IV

Regulators and Beyond -Engaging with Partners in the Field

Friday, May 10, 2019 • 2:00 pm - 3:00 pm | Regency AB

Institutions engage with many stakeholders to expand educational access and quality. These partnerships can be critical elements of a robust and effective educational program. Hear from several partners as they discuss the keys to effective collaboration.

Moderator: Ms.Perliter Walters-Gilliam, Vice President of Accreditation Panelists: Ms.Sylvia Rosa-Casanova, Board Member National Association of State Administrators and Supervisors of Private Schools (NASASPS) Ms. Rachel Canty, Deputy Assistant Director, Homeland Security

Investigations – Student and Exchange Visitor Program (SEVP)

Volunteer Evaluators

ROOM: POTOMAC I BALLROOM LEVEL

Strengthened Reviews 10:30 am - 11:45 am

Are you a new evaluator? Are you an evaluator who has been conducting reviews since before the laptop computer? This session will discuss the enhancements to the onsite evaluation process that ensure a more deliberative assessment of all areas of an institution's operations. Emphasis will be placed on the mechanisms developed to fortify the depth of the team report, the strategies to identify potential fraud and abuse, and the evaluator's role in assessing institutional integrity. There will also be a broad discussion on challenges identified by team members and recommendations for improvement.

Facilitators: Ms. Michelle Edwards, President and CEO; and Mr. Edgar Krissler, ACICS Team Chair

Accountability in Institutional Reviews – Domestic and International 1:00 pm - 2:15 pm

Regardless of your team assignment, every evaluator is expected to participate in the review process with a willingness to hold both the institution and the evaluation team accountable in ensuring quality and thoroughness. Additional cultural and professional nuances exist on international evaluations and these will be discussed as exciting opportunities expand to Hungary, South Africa, Mexico, Spain, and beyond.

Facilitators: Ms. Perliter Walters-Gilliam, Vice President – Accreditation; and Dr. Billy Ferrell, ACICS Team Chair and Commissioner

Supporting Innovation as Part of the Review Process 2:15 pm - 3:30 pm

In our everchanging world, innovation is an important part of educating and preparing students for success in a technologically-dependent workforce. This session will outline how evaluation teams can validate and champion innovative ideas and strategies at an institution without forgoing compliance with ACICS *Accreditation Criteria*. We will explore best practices for ensuring academic quality without pigeonholing institutions into a limited set of expectations.

Facilitators: Ms. Karly Zeigler, Manager of Policy and Institutional Compliance; and Dr. Andrea Olson, ACICS Team Chair and Program Specialist

Assessing Academic Quality

4:00 pm - 5:15 pm

Assuring the success of students in their occupational and/or professional pursuits demands the objective assessment of academic quality, as defined by ACICS. Join us in this investigation and discussion of how to effectively review, evaluate, and report the determinants of academic quality at an institution and of its programs during an onsite evaluation.

Facilitator: Ms. Katie Morrison, Accreditation Content Editor; and Dr. Adriene Hobdy, ACICS Evaluator and Commissioner

School Administrators

ROOM: POTOMAC III/IV BALLROOM LEVEL

Best Practices for Evaluating Institutional Effectiveness 10:30 am - 11:45 am

The assessment of an institution's effectiveness is determined by the institution's mission and its stakeholders. ACICS requires, at a minimum, seven (7) elements, the evaluation of which differ from institution to institution, and campus to campus. In this session, hear from other institutions as they share best practices as well as challenges. Information will also be shared on the revisions being considered by the Council in this area – you will not want to miss it!

Moderators: Ms. Perliter Walters-Gilliam, Vice President – Accreditation

Panelists: Dr. Rafael Castilla, ACICS Commissioner and EVP of Eastwick College; and Dr. Genoveva Negron, Director of Institutional Effectiveness and Research, Atlantic University College

Placement Verification Best Practices 1:00 pm - 2:15 pm

Engage with other administrators that have had great success in getting placement verification responses from employers and graduates. This session will provide insights on what works (and what doesn't always work) to ensure that the ACICS Placement Verification Program (PVP) accurately reflects the placement services you provide to your students.

Moderators: Ms. Karly Zeigler, Manager of Policy and Institutional Compliance Panelists: Ms. Sherie Hurd, EVP, Empire College, and Mr. Scott DeBoer, ACICS Evaluator and Commissioner

Recruitment Monitoring and Oversight

2:15 pm - 3:30 pm

It's more than just a checklist! Several of your colleagues will disclose the different methods you can use to monitor your recruitment and admissions processes, how to get the most value from the reviews, and what to do when you identify abuse, misuse, or other areas of deficiency.

Moderators: Ms. Katie Morrison, Accreditation Content Editor

Panelists: Ms. Jill Martin, President of University of North America; and

Ms. Jane Parker, Director of Accreditation and Compliance, Schiller International University

Institutionalizing Compliance

4:00 pm - 5:15 pm

What does this mean to you and how do you make it happen at your campus? This session will provide best practices from different institutions to demonstrate how compliance should not just rest on the shoulders of the campus director or compliance officer. Hear from your peers to learn how they have made compliance a priority and encourage participation across their entire campus.

Moderators: Ms. Michelle Edwards, President and CEO

Panelists: Ms. Jeanne Herrmann, COO, Broadview University and

Ms. Connie Adelman, Chief Restructuring Administrator, Dream Center Education Holdings

School Owners & Executives

ROOM: POTOMAC V/VI BALLROOM LEVEL

Managing Leadership Transitions 10:30 am - 11:45 am

How do you ensure the longevity of your institution? This session explores how to plan for, and promote, the continuity of an institution's leadership. A successful father-and-son pair share their experiences and recommendations for effective and evolving management through generations.

Presenters: Mr. Mike Davis and Mr. Lenny Davis, Gwinnett College/Institute

• Your School Beyond the Numbers 1:00 pm - 2:15 pm

What numbers are the indicators of success at your institution? What are the other indicators that should be given similar weight? This session will discuss what owners and executives should consider as indicators of institutional success - beyond just the numbers. Enjoy a broader, executive-style discussion of what defines your organization's success!!

Presenters: Dr. Anthony Mirando, NACCAS Executive Director

Establishing a Culture of Ethics 2:15 pm - 3:30 pm

Ethical practice in all areas of an institutional operations, as well as at the ACICS Council, staff, and volunteer levels, are articulated in various ways and in various documents. This roundtable session will focus on a candid discussion about how institutions, through their leadership, direct a culture of ethical practice. Feedback will be solicited from the executives as the Council explores the development of a Code of Good Practice under the auspices of its Ethics Review Committee.

Roundtable Panelists: Dr. Judee Timm, Commissioner Liaison for Ethics Review Committee; and Ms. Monica Llerena, President of College of Business and Technology

Understanding Expectations Beyond Accreditation 4:00 pm - 5:15 pm

Accreditation provides many key incentives for institutional improvement, but regulatory expectations extend well beyond the accreditor to include other members of the triad and a wide variety of agencies focused on institutional performance. Standards are constantly changing, and this session will focus on the latest developments, provide a preview of potential changes, and include suggestions for developing effective programs to improve student outcomes.

Presenter: Mr. Jay Vaughan, Partner, Cooley's Education Practice Group

AMERICAN MEDICAL CERTIFICATION ASSOCIATION

American Medical Certification Association (AMCA) is headquartered in Fairfield, New Jersey. AMCA was established with the vision of enhancing the allied healthcare industry by providing national certification exams that validate the knowledge and expertise of professionals in this field.

Certification by definition means, "to attest as being or as represented as meeting a standard." It is through a set of standards that the American Medical Certification Association has developed each of its exams.

S www.AMCAexams.com

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CLA (CliftonLarsonAllen) is a professional service firm that provides external and internal audit services, accounting, tax, accounting and IT outsourcing, 403b pension plan compliance and auditing, financial advisory services, and other compliance and strategic consulting services for higher education institutions.

We have been providing these services to the higher education industry for more than 50 years. CliftonLarsonAllen has a dedicated staff of over 200 professionals nationwide serving over 400 higher education clients nationwide.

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fadavis.com

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S www.mdtmarketing.com

NATIONAL CENTER FOR COMPETENCY TESTING (NCCT)

NCCT, National Center for Competency Testing is an allied health certifying agency that works in partnership with quality academic programs. Our certifications provide credentials that help in job placement and meet many state certification requirements. To learn more about NCCT, visit our website, www.ncctinc.com or contact us at 800-875-4404. The certifications that we offer are Medical Assisting, Insurance and Coding, Medical Office Assistant, ECG Technician, Phlebotomy Technician, Patient Care Technician, and Certified Postsecondary Instructor.

S www.ncctinc.com

TEXTAIM

TextAim is a communications company that allows back and forth conversations with students by text. Since students prefer to use text instead of phones and email, TextAim helps schools to communicate with hundreds or thousands of students through a system as easy to use as email. The system is cloud-based, so no IT department is needed. TextAim is different than any other text program available and helps streamline and simplify communications with students in every department. Schools that have used TextAim have seen significant improvements in their ability to communicate with students and potential students.

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EXHIBITION HALL BOOTH NUMBERS

Company	Booth #
CLA (CliftonLarsonAllen)	1
FA Davis	2
FAME	3
American Medical Certification Association	4
CourseKey	5
Textaim	6
Cyanna Education Services	7
Enrollment Resources	8
Library and Information Resources Network	9
MDT Marketing	10
National Center for Competency Testing	11
Elsevier	12
Goodheart-Wilcox Publisher	13
Edwards Strategies	14
Cengage Learning	15
Veterans Administration	16
Wright International Student Services	17

Booth #

OPENING RECEPTION

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PROGRAM DESIGN



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