

May 10, 2019

Council for Higher Education Accreditation
One Dupont Circle NW, Suite 510
Washington, D.C. 20036

Re: Review of Recognition of the Accrediting Council for Independent Colleges and Schools

Dear members of the CHEA Committee on Recognition and members of the CHEA Board of Directors,

Thank you for the opportunity to comment on your recognition review of the Accrediting Council for Independent Colleges and Schools (ACICS).

Ideally, institutional accreditation provides the public with an assurance of quality. When student and public resources are directed to accredited institutions, it should be safe to assume some form of return on investment. CHEA's self-professed purpose in bestowing recognition on accreditors is to affirm the fitness of accrediting organizations now and in the foreseeable future. The council's recognition signals to the public that accreditors, and, therefore, the institutions they accredit, are trustworthy. CHEA's 2018 actions to improve its own standards for recognition, including the provision to allow just one deferral in determining recognition are commendable.

CHEA should deny its recognition to ACICS on both procedural and substantive grounds: (1) deferrals have been exhausted, and (2) that there is a lack of evidence—over the extensive time period since 2012—that ACICS adheres to CHEA's recognition standards.

1. ACICS has run out of deferment and delayed decision opportunities

While CHEA Board of Directors meetings include a portion that is open to the public, the substance of accrediting agency applications and review proceedings remain a mystery to outsiders. As CHEA recognition is referenced or even relied upon for some government purposes, the public deserves access to greater detail into the procedures used for determining accreditor recognition. However, ACICS application materials have not been provided to the public. As a result, the opportunity to provide input creates only an illusion of public input.

In 2018, CHEA updated its standards to include a provision that allows an agency just one deferral when under review for recognition.¹ This was a step in a positive direction with regard to ensuring the agencies recognized by CHEA are held to high standards within an appropriate timeline. However, CHEA failed to include a provision barring agencies that had already received a deferral prior to the policy change from receiving another. The case of ACICS demonstrates why this is problematic. CHEA has failed to make a definitive judgement about ACICS's standing since 2012.²

In 2012, ACICS was recognized for a period of three years and was due for a subsequent review prior to January 2016, and a deferral was eventually issued in April 2016 (in fact, this was the agency's second deferral over the course of its history with CHEA). This deferral was based on a lack of evidence that ACICS complied with CHEA's standards. Similar to the lack of publicly available information on ACICS application, there is no clarification on whether CHEA received further evidence of compliance or not. Instead, by the January 2017 meeting, the Board deflected by punting the issue to the recognition committee so it could consider whether ACICS had "the resources and capacity to sustain itself over a significant period of time." There was, again, no indication of subsequent resolution, even though CHEA Recognition Policy requires agencies to have "adequate financial, staff, and operational resources."³ Finally, the May 2017 and September 2017 meetings of the Board of Directors took the matter under advisement, meaning they further delayed making any final determination on ACICS recognition. Because CHEA standards now allow for just one deferral but do not clarify whether existing deferrals apply, there exists an implication that a decision on ACICS recognition could again be deferred. CHEA should refrain from issuing another deferral and instead deny its recognition to ACICS.

2. ACICS has not produced evidence of adhering to CHEA standards.

CHEA's April 2016 deferral on ACICS recognition was based on a need for more evidence that the agency has its accreditation processes in line with CHEA standards. Using the 2010 *CHEA Recognition Policy and Procedures* as a guide, CHEA sought to ascertain whether ACICS:

¹ CHEA *Recognition of Accrediting Organizations Policy and Procedures*, 2019.

<https://www.chea.org/revised-chea-recognition-policy-and-procedures-0>

² CHEA *Recognition Decision Summary for ACICS* <https://www.chea.org/sites/default/files/2019-03/ACICS.pdf>

³ CHEA *Recognition of Accrediting Organizations Policy and Procedures*, 2019.

<https://www.chea.org/revised-chea-recognition-policy-and-procedures-0>

- has a preponderance of institutions that routinely provide reliable information to the public on their performance, including student achievement, as determined by the institution;
- clarifies which of its accreditation activities are included in CHEA recognition and which are not; and whether ACICS
- clarifies the degree levels and programs within institutions that are accredited by ACICS from those that are not.⁴

The next action to be documented in a way that is accessible to the public was a January 2017 CHEA board meeting: in this meeting, board members punted the matter back to the Committee on Recognition, with an added note that the committee should “assess whether ACICS has the resources and capacity to sustain itself over a significant period of time.” This leaves it unclear as to whether CHEA obtained the additional evidence requested in 2016. It is also unclear from available CHEA records whether evidence of ACICS sustainability was provided.

Third parties are left to assume that CHEA’s judgment of ACICS rests on evidence acquired through other means. The May 2018 ACICS Department of Education Staff Report, obtained in June 2018 by the National Student Legal Defense Network and The Century Foundation, recommended denial of initial recognition on the basis of noncompliance with fifty-seven criteria.⁵ When the U.S. Department of Education requested comment on ACICS federal recognition, The Century Foundation’s experts expressed concerns that continue to apply to ACICS’s pursuit of CHEA recognition:

- ACICS is not widely accepted or recognized outside of ACICS institutions.
- ACICS lacks legitimate public representation on its Board of Directors.
- ACICS is unable to effectively evaluate institutions.

Similar to CHEA’s decision to postpone decision-making on ACICS’s status—a postponement which has been in effect since 2016—was the U.S. Department of Education’s decision to allow ACICS to continue adding to its application rather than give it a definitive denial of recognition. Therefore, it would seem ACICS has received preferential treatment from both the federal government and CHEA, since at least 2016, to the detriment of students and taxpayers, who are

⁴ CHEA Recognition Decision Summary for ACICS <https://www.chea.org/sites/default/files/2019-03/ACICS.pdf>

⁵ DeVos Releases Career Staff Report On For-Profit College Accreditor, ACICS, Reveals Continued Noncompliance, The Century Foundation, June 8, 2018.

<https://tcf.org/content/about-tcf/devos-releases-career-staff-report-profit-college-accreditor-acics-reveals-continued-noncompliance/>

the victims when ACICS-accredited institutions offer low-quality, low-value programs and, worse, close without warning.

CHEA should deny its recognition to ACICS.

Sincerely,

Stephanie Hall