Center for American Progress

1333 H Street, NW, 10th Floor
Washington, DC 20005
Tel: 202 682.1611 • Fax: 202 682.1867

www.americanprogress.org

Council for Higher Education Accreditation
One Dupont Circle NW, Suite 510
Washington, DC 20036

Re: Call for Public Comment: Accrediting Council for Independent Colleges and Schools

May 10, 2019

Dear Members of the CHEA Committee on Recognition,

Thank you for the opportunity to comment on the review of whether the Accrediting Council for Independent Colleges and Schools (ACICS) meets CHEA's standards of recognition. This comment is submitted on behalf of the Center for American Progress' postsecondary education team.

In September 2012, The Board of Directors made the decision to recognize ACICS for three years and required a full review at the end of that period.[1] In April 2016, The Committee on Recognition and Board of Directors reviewed ACICS' application for recognition and deferred the decision to obtain additional evidence it meets CHEA standards in three different areas, plus required a review of concerning public information that surfaced about the agency. In the time since then, and in addition to new concerns about whether ACICS has the resources and capacity to sustain itself, this committee and the Board of Directors have deferred the decision under advisement four additional times, extending the period of recognition six years, double what was originally called for. This can only be read as the committee having serious doubts about ACICS' ability to meet CHEA's quality standards.

During this time, ACICS actions or lack thereof, have raised and continue to raise serious concerns about its ability to serve as a reliable authority of college quality, which have been well documented in the attached two reports and several others including in numerous evaluations by the Department of Education.[2] These reports cover events occurring during the entire period CHEA approved ACICS and including the period it failed to make a decision on the agency's recognition. In that time, countless students have suffered harm. Most recently, ACICS had its federal recognition restored, based in part on its recognition by this very body, which it used to argue demonstrated that it was widely accepted as a reliable authority.

We write to urge the Committee on Recognition to deny ACICS' application for recognition. The agency's actions repeatedly demonstrate it does not meet the standards—neither the prior standards nor the ones recently approved—set forth under CHEA's standards for recognition. To do anything other than deny recognition, undermines CHEA's reputation as an agency that upholds standards for strong quality assurance, and makes CHEA complicit in the past and future harm of students that enroll in institutions approved by ACICS.

1. **Fails to Prevent Substantially Underperforming Institutions or Programs from Achieving or Maintaining Accredited Status and Provide Substantive and Timely Response to Public Concerns (11.A.2., 11.A.3.)**

CHEA standards require agencies to provide a procedure for the agency to take timely action to prevent substantially underperforming institutions or programs from achieving or maintaining accredited status. While ACICS might have a procedure on paper, it has consistently failed to prevent substantially underperforming institutions from achieving or maintaining accredited status and to respond in a timely and substantive manner to legitimate public concerns.

ACICS has routinely approved institutions with serious problems and failed to act to address them. Instead, it is typically the work of other regulators that identify trouble and force ACICS to act.

Take for example, the American College of Commerce and Technology (ACCT), which was first approved by ACICS in May 2015.[3] Less than a year later, the State Council of Higher Education for Virginia (SCHEV), the state authorizer, visited ACCT and found serious concerns. These problems include graduating students that have not met degree requirements, enrolling students in both undergraduate and graduate courses at the same time and admitting students without the required English proficiency. Despite these concerns, ACICS gave approval for the addition of a branch campus, less than a year into its initial accreditation. ACICS waited a full four months before following up with a visit, at a period between academic terms without the ability to observe a full schedule of students and classes. ACICS disagreed with SCHEV findings but eventually moved to deny accreditation over two years later, after SCHEV prevented new enrollment and sought to remove its state authorization.

Failure to prevent substantially underperforming institutions from achieving or maintaining accredited status and to take action in a timely manner is not just a problem of the past. It's still occurring in the present. In late 2018, ACICS' failure to catch and act on serious deficiencies resulted in the abrupt closure of the agency's largest chain of schools, those owned by Education Corporation for America (ECA).[4] In May 2018, ACICS placed ECA's largest chain on show cause after another accrediting agency, the

Accrediting Council for Continuing Education & Training (ACCET), reviewed the colleges and denied a grant of accreditation.[5] In a 59-page letter detailing failure to meet 23 standards, ACCET provided details of a long list of concerns, including low completion and job placement rates, high faculty turnover, and problems with governance and management.[6] These are deficiencies ACICS failed to catch. In addition, the agency failed to address the chain's serious and well-documented financial troubles, including its status on heightened cash monitoring, until it was placed under receivership, despite ACICS' regular monitoring of institutional finances. If ACICS failed to catch serious problems at the largest chain of institutions it oversaw, how can it be trusted to catch problems at the rest of its institutions?

For an even more recent example, just this year, six months after ACICS granted Virginia International University (VIU) a full three years of accreditation, SCHEV reviewed the college and found deficiencies so concerning, it moved to strip VIU of its certificate to operate.[7] Problems uncovered by SCHEV include rampant plagiarism, grade inflation, online courses deficient in quality and content, and enrolling students that demonstrate inadequate English proficiency.[8] ACICS has since placed the institution on sanction while it reviews the findings.[9]

In all three instances, the problems at these institutions only came to light after another regulator reviewed the college and made public the findings of its review. How ACICS can routinely monitor its institutions and miss basic problems with academic quality, rigor, and financial troubles remains to be seen. For additional examples, see the Center for American Progress' March 2018 comment to the Department of Education.[10]

2. Fails to Demonstrate Accountability for Performance and Transparency (11.A.3., 12.D.3., 11.B.1., 12.E.)

CHEA standards require an agency to be transparent in decision-making to include informing the public of reasons for the accrediting organization's accreditation actions in a timely, accessible manner and in a readily accessible directory. ACICS fails to meet these standards.

First, ACICS routinely sanctions colleges for failure to meet student achievement standards and then quickly removes the sanction and any record of why the agency was sanctioned without an explanation of why the sanction was removed. This raises concerns over whether the programs and institutions sanctioned demonstrably meet accreditor standards to warrant removing the sanction. If institutions can quickly improve performance on indicators like job placement over a matter of mere months, it raises concerns over whether institutions are manipulating information provided, which has routinely happened in the past, or whether ACICS is accurately measuring performance through its job placement verification procedures.

For example, in April 2018, ACICS sanctioned dozens of institutions and programs, largely for failure to meet student achievement standards.[11] Schools placed on sanction include Best Care College which was shown to have a 0% job placement rate; Bryan University, with campuses demonstrating a 28 and 47 percent job placement rate; College of Business and Technology with campuses showing a 27 and 33 percent job placement rate; Fortis Institute, with a 43 percent job placement rate; Pittsburgh Career Institute with a 43 percent placement rate; Stratford University with campuses showing a 31, 43, and 46 percent placement rate; and Universal Training Institute with a 30 percent job placement rate, among many others.[12] All of the sanctions were vacated by August 2018, a mere four months later.[13]

ACICS standards require institutions to have at least a 60 percent job placement rate. First, it is concerning, that so many campuses and programs (50+) would suddenly have trouble meeting student achievement standards seemingly overnight without being caught before.[14] This suggests the quality problems are pervasive and widespread across institutions and ACICS just failed to catch them. However, to make matters worse, it is not clear why the sanctions were removed so quickly. Did the programs and campuses dramatically improve their job placement rates over a period of four months? Were the calculations simply wrong? Did the institutions submit new data? All of these scenarios should raise questions about whether the institutions meet ACICS standards, whether ACICS can reliably monitor institutions, enforce its standards, and verify data, and whether the information submitted to the agency is accurate. Unfortunately, once ACICS removes the sanction, it deletes the record and the letter detailing why the sanction was issued from its public-facing website and does not provide any information on why it removed the sanction. The above examples are just a small subset occurring in a single month. This does not demonstrate neither accountability for performance nor transparency in its actions.

Second, ACICS' newly created directory contains questionable or inaccurate statuses without a letter detailing why the agency is on sanction. At least six institutions have statuses in the directory that the institution is on compliance warning or show cause and yet there is no letter documenting whether the institution is under sanction or detailing why on its lists of schools on compliance warning or show cause.[15] These institutions include Atlantic University College, California Institute of Management, Bryan University, Fortis Institute, Gwinnett College, and the Nobel School of Business.[16]

3. **Fails to Communicate and Consult with Appropriate in-country Governmental and Non-Governmental Entities Regarding the Accrediting Organization's Current and Proposed Activities (12.C.1)**

ACICS has failed to communicate and consult with appropriate in-country entities. In 2018, an investigative report by *Information*, found that ACICS-accredited Niels Brock, a business college in Denmark, did not have formal approval from the Danish government to issue bachelor's degrees (translated article attached), one of ACICS required standards.[17] In response to the information, ACICS President, Michelle Edwards, stated that Niels Brock did have approval on file to operate as a postsecondary institution in Denmark. Niels Brock, however, provided documentation that it does not have Danish authority to offer the degrees. Other concerns raised by the report found that students, 80 percent of whom enroll from Nepal with many others from Bangladesh and the Philippines, and the Danish Evaluation Institute have raised concerns about the quality of the education offered by Niels Brock. Following the report and evidence, ACICS placed the school on sanction and is seeking evidence that it is authorized to operate in Denmark.[18] This suggests that ACICS failed to do its due diligence and communicate with appropriate entities on the institution's authority to operate within the country it is located, outside of the U.S. Given this failure and its poor record of finding problems domestically, ACICS approval of schools internationally should be seriously called into question.

4. **Adequate financial, staff, and operational resources to perform its accreditation functions efficiently and effectively (12.H.)**

CHEA standards require agencies to have adequate financial, staff, and operational resources to perform its functions effectively. ACICS has rapidly lost revenue, staff, and institutions in its membership. According to tax statements, ACICS has had a steep revenue decline and has operated at a deficit for the last few years.[19] ACICS is currently under monitoring and review by the Department of Education for its financial stability. Given losses in membership, including its largest chain that accounted for roughly half of the students accredited by ACICS institutions, the commission should strongly consider whether ACICS has the resources to perform its job effectively.

Conclusion

CHEA has afforded ACICS ample time and opportunity to make its case, providing the agency with an additional 3 years beyond its initial grant of recognition, and providing at least four deferrals since. In that time, ACICS has presided over three of the largest school failures, failed time and time again to catch problems at the institutions it oversees and failed to take adequate action when warranted. As a result, thousands of students have been harmed.

ACICS will make the case that it is a reformed agency with stronger standards, new staff, and new life. Yet its record has and continues to demonstrate otherwise. Standards on paper are meaningless without the action required to apply them effectively.

The Committee on Recognition should review all of the evidence in the record, not just that provided by ACICS, and vote against ACICS recognition. To do anything otherwise makes CHEA complicit in past and future harm done to students.

Sincerely,

Antoinette Flores
Associate Director, Postsecondary Education
Center for American Progress
aflores@americanprogress.org

[1] Council for Higher Education Accreditation, Recognition Decision Summary for Accrediting Council for Independent Colleges and Schools," available at https://www.chea.org/sites/default/files/2019-03/ACICS.pdf.

[2] Ben Miller, "Up to the Job: National Accreditation and College Outcomes" (Washington, D.C.: Center for American Progress, 2015), available at https://www.americanprogress.org/issues/higher-education/report/2015/09/08/119248/up-to-the-job/; Ben Miller, "ACICS Must Go," (Washington, D.C.: Center for American Progress, 2016), available at https://cdn.americanprogress.org/wp-content/uploads/2016/06/03145034/ACICS-report.pdf; The Century Foundation, "DeVos releases career staff report on for-profit college accreditor, ACICS, revals continued noncompliance," 2018, available at https://tcf.org/content/about-tcf/devos-releases-career-staff-report-profit-college-accreditor-acics-reveals-continued-noncompliance/.

[3] Ben Miller and Antoinette Flores, "ACICS Should Not Gain Its Ability to Grant Access to Federal Financial Aid," available at https://www.americanprogress.org/issues/education-postsecondary/news/2018/03/09/447692/acics-not-regain-ability-grant-access-federal-financial-aid/
Ben Miller and Antoinette Flores, "Comment on Application for Recognition by the Accrediting Council for Independent Colleges and Schools," letter to Herman Bounds, U.S. Department of Education, March 1, 2018, available at https://cdn.americanprogress.org/content/uploads/2018/03/08101157/Center-for-American-Progress-ACICS-Comment5b15d.pdf.

[4] Andrew Kreighbaum, "Collapse of For-Profit Chain Long in the Making," *Inside Higher Ed*, December 6, 2018, available at https://www.insidehighered.com/news/2018/12/06/closure-education-corporation-america-raises-questions-about-oversight-and-support.

[5] Andrew Kreighbaum, "Another Setback for Programs Overseen by Troubled Accreditor," *Inside Higher Ed*, May 22, 2018, available at https://www.insidehighered.com/news/2018/05/22/profit-chain-falls-short-attempt-get-new-accreditors-approval.
[6] 59 page letter on file with author; shortened version: Accrediting Council for Continuing Education & Training letter to Virginia College, August 31, 2018, available at http://s3.amazonaws.com/docs.accet.org/downloads/adverse/1539.pdf.
[7] Elizabeth Redden, "'Rampant Plagiarism' and 'Patently Deficient' Online Education," *Inside Higher Ed*, March 18, 2019, available at https://www.insidehighered.com/news/2019/03/18/staff-virginia-regulator-recommend-revoking-colleges-certificate-operate-due.
[8] https://www.insidehighered.com/news/2019/03/18/staff-virginia-regulator-recommend-revoking-colleges-certificate-operate-due
[9] Accrediting Council for Independent Colleges and Schools, March 22, 2019 letter to Dr. Isa Sarac, President and CEO of Virginia International University, available at http://www.acics.org/uploadedFiles/Actions/00023099_VIU_SC-External%20Information.pdf.
[10] Miller and Flores, letter to Herman Bounds.
[11] Accrediting Council for Independent Colleges and Schools, "Final Actions Taken by the ACICS Council at the April 2019 Meeting," available at http://www.acics.org/uploadedFiles/Actions/Summary%20of%20April%202018%20Council%20Actions.pdf.
[12] Accrediting Council for Independent Colleges and Schools, April 25, 2018 letter to Mr. Theodore Fayette, CEO of Best Care College, available at http://www.acics.org/uploadedFiles/Actions/00028717_BestCareCo_SA-CSC_Revised.pdf; Accrediting Council for Independent Colleges and Schools, April 25, 2018 letter to Mr. Scott Haar, Executive Director of Bryan University, available at http://www.acics.org/uploadedFiles/Actions/00010722_BryanU_SA-CSC_Revised.pdf; Accrediting Council for Independent Colleges and Schools, March 15, 2018 letter to Ms. Mayra Nunez, Campus Director of College of Business & Technology, available at http://www.acics.org/uploadedFiles/Actions/0002232100024493_CBT_SA-CSC.pdf; Accrediting Council for Independent Colleges and Schools, April 25, 2018 letter to Mr. Parker, Fortis Institute, available at http://www.acics.org/uploadedFiles/Actions/00010934_FortisInst_SA-CSC_Revised.pdf; Accrediting Council for Independent Colleges and Schools, April 25, 2018 letter to Ms. Patti Yakshe, President of Pittsburgh Career Institute, available at http://www.acics.org/uploadedFiles/Actions/00070534_PittsburghCarInst_SA-CSC_Revised(1).pdf; Accrediting Council for Independent Colleges and Schools, April 25, 2018 letter to Dr. Valarie J. Trimarchi, Campus President of Stratford University, available at http://www.acics.org/uploadedFiles/Actions/00019411_StratfordU_SA-CSC_Revised.pdf; Accrediting Council for Independent Colleges and Schools, April 25, 2018 letter to Ms. Claudia Houston, School Administrator of Universal Training Institute, available at http://www.acics.org/uploadedFiles/Actions/00047158_UniversalTrainInst_SA-CSC_Revised.pdf.
[13] Accrediting Council for Independent Colleges and Schools, "Final Actions Taken by the ACICS Council at the August 2019 Meeting," available at http://www.acics.org/uploadedFiles/Actions/Summary%20of%20August%202018%20Council%20Actions(2).pdf
[14] ACICS, Actions from April 2018.
[15] Accrediting Council for Independent Colleges and Schools, "Campus Level Show Cause Actions," and "Compliance Warning Actions," as of May 9, 2019, available at

http://www.acics.org/commission%20actions/content.aspx?id=6712 and
http://www.acics.org/commission%20actions/content.aspx?id=6709.

[16] Accrediting Council for Independent Colleges and Schools, "ACICS Member Directory," available at http://personify.acics.org/Default.aspx?TabId=204.

[17] Paul Fain, "ACICS Sanctions Danish Business College," Inside Higher Ed, October 9, 2018, available at https://www.insidehighered.com/quicktakes/2018/10/09/acics-sanctions-danish-business-college; Andrea Dragsdahl, "Niels Brock uses heavily criticized American accreditor to circumvent Danish law," *Information*, March 9, 2018, available at https://www.information.dk/indland/2018/09/niels-brock-benytter-udskaeldt-amerikansk-akkreditering-omgaa-danske-regler

[18] Accrediting Council for Independent Colleges and Schools, letter to Ms. Anya Eskilden, President of Niels Brock Copenhagen Business College, available at http://www.acics.org/uploadedFiles/Actions/00171290_Niels%20Brock_CSC%20(April%202019).pdf.

[19] Accrediting Council for Independent Colleges and Schools, "2015 990 tax form" available at https://pdf.guidestar.org/PDF_Images/2016/521/829/2016-521829463-0de2e334-9.pdf; Accrediting Council for Independent Colleges and Schools, "2016 990 tax form" available at https://pdf.guidestar.org/PDF_Images/2017/521/829/2017-521829463-0ef6e4d0-9.pdf