

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION

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NATIONAL ADVISORY COMMITTEE ON  
INSTITUTIONAL QUALITY AND INTEGRITY

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MEETING

+ + + + +

THURSDAY  
MARCH 4, 2021

+ + + + +

The advisory committee met via  
video-teleconference, at 9:00 a.m. EST, Arthur  
E. Keiser, Chair, presiding.

ADVISORY COMMITTEE MEMBERS PRESENT:

ARTHUR E. KEISER, Chair  
KATHLEEN SULLIVAN ALIOTO  
JENNIFER L. BLUM  
RONNIE L. BOOTH  
WALLACE E. BOSTON  
JILL DERBY  
DAVID A. EUBANKS  
PAUL J. LeBLANC  
ROBERT MAYES  
ANNE D. NEAL  
RICHARD F. O'DONNELL  
MARY ELLEN PETRISKO  
CLAUDE O. PRESSNELL, JR.  
ROBERT SHIREMAN  
STEVEN VanAUSDLE

DEPARTMENT OF EDUCATION STAFF PRESENT:  
GEORGE ALAN SMITH, NACIQI Executive Director,  
Designated Federal Official  
HERMAN BOUNDS, Director, Accreditation Group  
ELIZABETH DAGGETT  
LAUREN FRIEDRICH  
NICOLE S. HARRIS  
CHARITY HELTON  
JASS HOLT  
VALERIE LEFOR  
REHA MALLORY  
DONNA MANGOLD  
STEPHANIE McKISSIC  
ANGELA SIERRA  
KARMON SIMMS-COATES  
MICHAEL STEIN

ACCREDITATION AGENCY REPRESENTATIVES PRESENT:  
Accrediting Council for Independent  
Colleges and Schools (ACICS)  
MICHELLE EDWARDS, President and CEO  
KARLY ZEIGLER, Director of Accreditation  
RAFAEL CASTILLA, Board Chair  
BILLY FERRELL, Board Chair-Elect  
KATHERINE D. BRODIE, Attorney, Duane Morris LLP

American Speech-Language-Hearing Association,  
Council on Academic Accreditation in  
Audiology and Speech Language Pathology  
JAYNEE HANDELSMAN, Board Chair, 2020  
NANCY ALARCON, Board Chair, 2021  
KIMBERLEE MOORE, Director of Accreditation  
TESS KIRSCH, Associate Director on  
Accreditation for Policy and Education

PUBLIC COMMENTERS:

ALEJANDRA ACOSTA, New America Education Policy Program

ELLA AZOULAY, Generation Progress

BERNARD A. ESKANDARI, Office of the Attorney General for the State of California

ANTOINETTE FLORES, Center for American Progress

DAVID HALPERIN

JUSTIN HAUSCHILD, Student Veterans of America

JAMES HAYNES, Veterans Education Success

MICHAEL ITZKOWITZ, Third Way

CHRISTOPHER MADAIO, Office of the Attorney General of the State of Maryland

CLAIRE McCANN, New American Education Policy Program

DARLENE ANNE MINORE, Minore Educational Strategies

ANGELA PERRY, Institute for College Access and Success

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1 P-R-O-C-E-E-D-I-N-G-S

2 9:06 a.m.

3 THE OPERATOR: Welcome back to the  
4 March 2021 National Advisory Committee on  
5 Institutional Quality and Integrity meeting.  
6 Thank you for joining us today.

7 As a quick reminder you may open the  
8 participant and chat panels on Webex by using the  
9 associated icons located at the bottom of your  
10 screen.

11 If you require technical assistance  
12 please send a private chat message to the event  
13 producer. With that I will turn the conference  
14 over to George Smith, NACIQI Executive Director.

15 DR. SMITH: Thank you, Candice. Good  
16 morning and welcome, everyone. This is the  
17 meeting of the National Advisory Committee on  
18 Institutional Quality and Integrity, also known  
19 as NACIQI.

20 My name is George Alan Smith and I'm  
21 the executive director and designated official of  
22 NACIQI. As many of you know NACIQI was

1 established by Section 114 of the Higher  
2 Education Act of 1965 as Amended, or HEA.

3 It is also (audio interference) as  
4 amended (audio interference) advisory committee.  
5 Sections 101(c) and 4487c-4 of the HEA (audio  
6 interference) Public Health Service Act, 42 USC  
7 Section 2966 require the Secretary to (audio  
8 interference) the state approval agency,  
9 nationally recognized accrediting agency, the  
10 state approval and accrediting agencies for  
11 purpose of nurse education.

12 The Secretary determines to be  
13 reliable authorities as to the quality of  
14 education provided by institutions and programs  
15 they accredit.

16 Eligibility of the educational  
17 institutions and programs who are participating  
18 in various (audio interference) accreditation by  
19 the agency listed by the Secretary.

20 As provided in HEA Section 114 NACIQI  
21 advises the Secretary in the discharge of these  
22 functions, and is also authorized to provide

1        advice regarding the process of eligibility and  
2        certification of institutions of higher education  
3        for participation in the federal student aid  
4        programs authorized under Title IV of the HEA.

5                In addition to these charges, NACIQI  
6        authorizes academic graduate degrees from federal  
7        agencies and institutions. This authorization  
8        was provided by letter from the Office of  
9        Management and Budget in 1954, and this letter is  
10       available on the NACIQI website along with all  
11       other records related to NACIQI's deliberations.

12               And so with that I'll turn it over to  
13       our chairperson, Art Keiser. Art?

14               CHAIR KEISER: Well, good morning,  
15       everyone. Welcome to day 2 of our NACIQI  
16       meeting. Again I want to thank George and Herman  
17       and his team and I'll have them introduce  
18       themselves in a moment. But without them this  
19       meeting would be much more difficult to operate  
20       and they do such a marvelous job.

21               The first thing I want to do is ask  
22       everyone who is on the panels to please mute your

1 phone because it becomes very difficult to hear  
2 when papers are rustling and things like that.  
3 So, please mute your phone unless you want to  
4 speak.

5 I'd like to start with introducing our  
6 members of the national advisory committee. I'll  
7 start with you, Kathleen.

8 DR. ALIOTO: I'm Kathleen Sullivan  
9 Alioto. I work in a variety of educational  
10 (audio interference) from early childhood to  
11 college over the last 50 years and that has given  
12 me a perspective so that my focus now is on the  
13 first three years of life, because that's where  
14 the seeds of our future begin. Thank you.

15 CHAIR KEISER: Thank you, Kathleen.  
16 Jennifer?

17 MS. BLUM: Hi, I'm Jennifer Blum.  
18 Nice to be back for a second day. I am an  
19 attorney that is focused on higher education  
20 policy development and compliance.

21 CHAIR KEISER: Ronnie?

22 DR. BOOTH: Hi, Ronnie Booth, retired



1 president of Tri-County Technical College in  
2 upstate South Carolina now doing a little  
3 consulting, and serving on --

4 CHAIR KEISER: Wally? Sorry, Wally?

5 DR. BOSTON: Wally Boston, president  
6 emeritus of American Public University System.

7 CHAIR KEISER: Jill?

8 DR. DERBY: Jill Derby, senior  
9 consultant with the Association of Governing  
10 Boards of Universities and Colleges.

11 CHAIR KEISER: David?

12 DR. EUBANKS: Good morning, everyone.  
13 I'm David Eubanks. I work at Furman University  
14 in South Carolina where I am assistant vice  
15 president for institutional effectiveness.

16 CHAIR KEISER: Paul? Michael? Robert  
17 Mayes?

18 MR. MAYES: Good morning. I'm CEO of  
19 Columbia Southern Education Group, parent company  
20 of Columbia Southern University and Waldorf  
21 University.

22 CHAIR KEISER: Anne?

1 MS. NEAL: Good morning, president of  
2 the National Association for Olmstead Parks and  
3 senior fellow at the American Council of Trustees  
4 and Alumni.

5 CHAIR KEISER: Rick?

6 MR. O'DONNELL: Good morning. Rick  
7 O'Donnell, founder of Skills Fund.

8 CHAIR KEISER: Mary Ellen?

9 DR. PETRISKO: Good morning. Mary  
10 Ellen Petrisko, educational and higher education  
11 quality assurance consultant and immediate past  
12 president of the WASC Senior College and  
13 University Commission.

14 CHAIR KEISER: Thank you. Claude?

15 DR. PRESSNELL: Claude Pressnell, good  
16 morning. President of the Tennessee Independent  
17 Colleges and Universities.

18 CHAIR KEISER: Bob?

19 MR. SHIREMAN: Bob Shireman, director  
20 of higher education at the Century Foundation.

21 CHAIR KEISER: Steve?

22 DR. VANAUSDLE: Steve VanAusdle,

1 president emeritus of Walla Walla Community  
2 College out in Washington State.

3 CHAIR KEISER: And yesterday I forgot  
4 to introduce myself. My name is Art Keiser. I'm  
5 chancellor of Keiser University in Florida.

6 Herman, would you like to introduce  
7 your team, and yourself of course?

8 MR. BOUNDS: Yes, Art, sure. Good  
9 morning. My name's Herman Bounds and I am the  
10 director of the accreditation group.  
11 Accreditation staff members are Elizabeth  
12 Daggett, Reha Mallory, Nicole Harris, Stephanie  
13 McKissic, Charity Helton, Karmon Simms-Coates,  
14 Mike Stein, and Jass Holt. And Jass will be  
15 available by email to assist anyone today who is  
16 having technical issues with e-recognition.  
17 Thank you.

18 CHAIR KEISER: George, do you have  
19 anyone?

20 DR. SMITH: Right. Valerie Lefor  
21 who's helping us today, a former accreditation  
22 analyst. And we have two colleagues from the

1 OGC, Donna Mangold and Angela Sierra supporting  
2 our work today. Thank you.

3 CHAIR KEISER: Okay, great. Well,  
4 thank you everyone and we appreciate you being  
5 here. We have a lot of work to do today. Let me  
6 go over the --

7 DR. SMITH: Lauren Friedrich is also  
8 on. Sorry about that, Lauren Friedrich from OGC.  
9 Thanks.

10 CHAIR KEISER: Okay. No problem. Let  
11 me start with going over the procedures of how we  
12 do our reviews. We begin with the primary  
13 readers who are assigned by the staff, introduce  
14 the agency application.

15 The department staff then provides a  
16 briefing to the committee, and questions are  
17 asked by the committee to the department staff.  
18 Agency's representatives provide comments about  
19 their petition. Questions by NACIQI are followed  
20 by response and comments from the agency.

21 We then have third party comments and  
22 in this next group we have a number of third

1 party comments. I will be timing them and they  
2 will be at three minutes and given three minutes,  
3 and I will ask them to keep their comments to  
4 three minutes.

5 The agency then has a chance to  
6 respond to the comments made by the third party  
7 commenters. The department staff then responds  
8 finally to the agency, and the third party  
9 comments, and then finally we have a discussion,  
10 a motion, and a vote.

11 Today is a little different in that  
12 because the first one will require a compliance  
13 report, a monitoring report, and two Section  
14 602.33 reviews that will be considered by NACIQI  
15 the standard review procedures will be adjusted  
16 to accommodate the individual reviews including  
17 separate motions and votes on the agency's  
18 compliance with the criteria identified in each  
19 review, and then finally a final motion and a  
20 vote will be on the recognition recommendation.

21 With that -- before we get started I'd  
22 like to recognize Bob Shireman. He has a comment

1 he would like to make.

2 MR. SHIREMAN: Thank you, Art. I will  
3 not be participating in this portion of the  
4 meeting. Last fall before I was named to NACIQI  
5 I joined as a signatory to a letter from 10  
6 consumer protection organizations to Herman  
7 Bounds regarding the very matter that NACIQI is  
8 about to discuss, recognition of ACICS.

9 Because I therefore already have  
10 participated in this matter I have decided not to  
11 participate in the ACICS portion of this meeting.  
12 I will return to the meeting when the ACICS  
13 matter is concluded. Thank you.

14 CHAIR KEISER: Thank you, Bob. Okay.  
15 We now go to the matter at hand, the compliance  
16 report and recognition of the Accrediting Council  
17 for Independent Colleges and Schools, commonly  
18 known as ACICS. (audio interference) Mary Ellen  
19 Petrisko and Claude Pressnell, and the department  
20 staff is Elizabeth Daggett. Claude, Mary Ellen,  
21 the floor is yours.

22 DR. PETRISKO: Thank you. The

1       Accrediting Council for Independent Colleges and  
2       Schools, or ACICS, formerly known as the  
3       Accrediting Commission for Business Schools was  
4       founded in 1912 and first recognized by the  
5       Secretary of Education in 1956.

6               The agency is a Title IV gatekeeper  
7       and accredited institutions offer certificates,  
8       diplomas, and associate, bachelor's, and master's  
9       degrees.

10              In 2016 the then Secretary denied  
11       recognition effective December 12, 2016. After a  
12       court remanded the recognition back to the  
13       department, a review of additional information  
14       and documentation, recognition was reinstated on  
15       November 21, 2018 to include the required  
16       submission of a compliance report and a  
17       monitoring report in one year.

18              The required compliance report was  
19       submitted by ACICS on December 19, 2019. The  
20       next day, December 20, 2019, the monitoring  
21       report was submitted.

22              In its review of the monitoring report

1 department staff determined that one or more  
2 deficiencies potentially existed in the ACICS  
3 compliance with or affected application of the  
4 Secretary's criteria for recognition and  
5 therefore processed the report in accordance with  
6 review procedures set forth in Section 602.33 for  
7 the review of agency restoring the period of  
8 recognition.

9           Additionally, two separate inquiries  
10 were initiated under Section 602.33, one on June  
11 19, 2019, the other on February 24, 2020 related  
12 in the former case to the review of ACICS's  
13 financial capacity and its handling of two  
14 institutions, Virginia International University  
15 and the San Diego University for Integrative  
16 Studies, and in the latter two its review of  
17 Reagan National University. Thank you.

18           CHAIR KEISER: Thank you. Will the  
19 staff please come forward?

20           MS. DAGGETT: Good morning, Mr.  
21 Chairman and members of the committee. My name  
22 is Elizabeth Daggett and I am providing a summary



1 of the review of the four agenda items for the  
2 agency ACICS. The four items include the review  
3 of a compliance report, a monitoring report, and  
4 two inquiries initiated under Section 602.33.

5 The current scope of recognition for  
6 the agency is the accreditation of private  
7 postsecondary institutions offering certificates  
8 or diplomas, and postsecondary institutions  
9 offering associates, bachelor's, or master's  
10 degrees in programs designed to educate students  
11 for professional, technical, or occupational  
12 careers, including those that offer those  
13 programs via distance education.

14 ACICS was last reviewed by NACIQI in  
15 the summer of 2016 when the committee recommended  
16 denial of recognition. Ultimately Secretary John  
17 B. King, Jr., denied recognition effective  
18 December 12, 2016.

19 After a court decision remanded the  
20 recognition decision back to the department for  
21 review of additional information and  
22 documentation Secretary Betsy DeVos reinstated

1 the agency's recognition on November 21, 2018 to  
2 include the submission of a compliance report and  
3 monitoring report in 12 months.

4 ACICS submitted the compliance report  
5 on December 19, 2019, and the monitoring report  
6 on December 20, 2019. In its review of the  
7 monitoring report department staff noted that one  
8 or more deficiencies may exist in the agency's  
9 compliance with the Secretary's criteria for  
10 recognition, or the agency's effective  
11 application of those criteria, and therefore  
12 processed (audio interference) in accordance with  
13 the review procedures set forth in 602.33.

14 In addition to the reviews of the  
15 compliance report and monitoring report two  
16 inquiries under Section 602.33 were initiated  
17 since the last review by NACIQI.

18 The inquiry initiated June 19, 2019  
19 which I will refer to as the capacity inquiry  
20 related to the review of the financial capacity  
21 of ACICS and its review of two institutions.

22 The inquiry initiated February 24,

1 2020 which I will refer to as the RNU inquiry is  
2 related to the agency's review of Reagan National  
3 University. Although separate, these reviews  
4 occurred at the same time and there's overlap in  
5 the areas of non-compliance.

6 For the compliance report the staff  
7 recommendation to the senior department official  
8 for this agency is to terminate recognition.  
9 This recommendation is based on our review of the  
10 agency's compliance report and its supporting  
11 documentation.

12 Our review of the agency's report  
13 found that the agency is not in compliance with  
14 the Secretary's criteria for recognition. ACICS  
15 failed to demonstrate compliance with Section  
16 602.15(a)(2) in the compliance report.

17 The Secretary required the agency to,  
18 quote, to provide -- to submit a compliance  
19 report within 12 months and provide additional  
20 evidence responding to whether existing  
21 evaluators have received the improved training.

22 ACICS failed to demonstrate that it

1 consistently trained its representatives for  
2 their role and followed its own policies and  
3 procedures as required by regulation.  
4 Specifically, ACICS failed to demonstrate that  
5 all site visitors complete training required by  
6 the agency's policies and procedures.

7 Section 496(1) of the Higher Education  
8 Act as Amended provides that the period of time  
9 for an agency to come into compliance with  
10 criteria with which the Secretary has determined  
11 it not to be in compliance may not exceed 12  
12 months unless a good cause extension is provided.

13 Section 496(1) further provides that  
14 if an agency does not come into compliance within  
15 this 12-month period the Secretary shall limit,  
16 suspend, or terminate the agency's recognition.

17 ACICS was first found non-compliant  
18 with the criteria in 2016 by department staff,  
19 the NACIQI, the senior department official, and  
20 Secretary King. That non-compliance continued  
21 when Secretary DeVos issued her decision to  
22 reinstate the agency's recognition in 2018

1 subject to submission of the compliance report.

2 The compliance report submitted by the  
3 agency does not demonstrate compliance with  
4 Section 602.15(a)(2) over four years later. A  
5 review of the compliance report was conducted in  
6 accordance with the procedures for submitting a  
7 compliance report as required in Section 602.32.

8 The department received five third  
9 party comments in response to a Federal Register  
10 notice invitation for comments, and those  
11 comments are incorporated in the analysis.

12 For the monitoring report the staff  
13 recommendations to the senior department official  
14 for this agency is to terminate recognition.  
15 This recommendation is based on our review of the  
16 agency's monitoring report and its supporting  
17 documentation.

18 Our review of the agency's report  
19 found that the agency is not in compliance with  
20 the Secretary's criteria for recognition. ACICS  
21 failed to demonstrate compliance with Section  
22 602.15(a)(1) and 602.19(b).

1                   Specifically, for 602.15(a)(1) ACICS  
2                   failed to demonstrate that it has the financial  
3                   resources to carry out its accrediting  
4                   responsibility based on a review of the agency's  
5                   financial statements over a five-year period and  
6                   related documents.

7                   ACICS's financial statements show a  
8                   consistent downward trend in net assets and  
9                   change in net assets for operations during the  
10                  last five years. ACICS has been able to maintain  
11                  its operations by drawing funds from its  
12                  investment portfolio which has decreased in value  
13                  by almost one-third during the same time period.

14                  Department staff has no basis to  
15                  believe that ACICS will be able to turn around  
16                  its precarious financial situation and does not  
17                  believe that this situation can be resolved  
18                  simply by controlling expenses because at some  
19                  point restricting spending will, if it has not  
20                  already, compromise administrative capability.

21                  For Section 602.19(b) (audio  
22                  interference) -- I'm sorry, can everybody mute,

1       please? For Section 602.19(b) ACICS failed to  
2       demonstrate that it has effective monitoring and  
3       evaluation approaches. Because using the  
4       oversight effort (audio interference) ACICS still  
5       did not uncover the serious areas of non-  
6       compliance identified by other accrediting or  
7       approval agencies.

8               Specifically, ACICS failed to uncover  
9       significant areas of non-compliance by Virginia  
10       International University -- I'll refer to them as  
11       VIU, but they're now known as Fairfax University  
12       of America -- which was revealed by an audit by  
13       the State Council for Higher Education in  
14       Virginia which is SCHEV.

15               SCHEV found significant areas of  
16       concern regarding faculty-student interaction,  
17       peer to peer interaction, academic rigor at the  
18       graduate level, and the comparability of the  
19       distance education for residential offerings  
20       which are areas where at least some overlap in  
21       review between ACICS and SCHEV would be expected.

22               Therefore the agency's review of VIU

1 does not demonstrate that its evaluation  
2 approaches (audio interference) compliance  
3 concern. More broadly, ACICS provided a list of  
4 14 oversight efforts outside of the regular  
5 renewal of accreditation activities. But even  
6 with those oversight efforts ACICS still did not  
7 uncover the serious areas of non-compliance with  
8 financial capability or educational quality  
9 standards identified by other accrediting or  
10 approval agencies noted on the at-risk  
11 institutions group (ARIG) report submitted by the  
12 agency at the specific request of the Secretary.

13 Besides providing the list of  
14 oversight activities, ACICS did not provide any  
15 examples of its effective application of those  
16 monitoring/evaluation approaches to identify non-  
17 compliance by an institution with agency  
18 standards and therefore did not demonstrate  
19 compliance with Section 602.19(b).

20 A review of the monitoring report was  
21 conducted in accordance with the procedures for  
22 review of agencies during a period of recognition



1 as described in Section 602.33. The department  
2 received four public comments in response to a  
3 Federal Register notice invitation to comment,  
4 and those comments are incorporated in the  
5 analysis.

6 For the capacity inquiry the staff  
7 recommendations to the senior department official  
8 for this agency is to terminate recognition.  
9 This recommendation is based on our review of the  
10 agency's capacity inquiry response and its  
11 supporting documentation.

12 Our review of the agency's inquiry  
13 response found that the agency is not in  
14 compliance with the Secretary's criteria for  
15 recognition. ACICS failed to demonstrate  
16 compliance with Sections 602.15(a)(1), 602.16(c),  
17 602.17(c), and 602.17(e).

18 For Section 602.16(c), ACICS did not  
19 demonstrate that its standards effectively  
20 addressed the quality of an institution's  
21 distance education in the review of VIU. As  
22 stated previously, ACICS failed to uncover

1 significant areas of non-compliance by VIU  
2 regarding its distance education which was  
3 revealed by a SCHEV audit.

4 SCHEV found significant areas of  
5 concern regarding faculty-student interaction,  
6 peer to peer interaction, academic rigor at the  
7 graduate level, and the comparability of the  
8 distance education for residential offerings.

9 Besides the VIU documentation ACICS  
10 did not provide any examples to demonstrate that  
11 its standards effectively address the quality of  
12 an institution's distance education and therefore  
13 did not demonstrate compliance with 602.16(c).

14 Regarding Section 602.17(c) ACICS did  
15 not demonstrate that it obtained sufficient  
16 information to determine compliance during an  
17 onsite review with respect to the review of VIU,  
18 with the specific evaluation failures just stated  
19 in Section 602.16(c).

20 For Section 602.17(e) ACICS failed to  
21 demonstrate that it conducts its own analysis of  
22 institutional information and documentation to

1 determine compliance with its standards in their  
2 review of San Diego University of Integrative  
3 Studies, SDUIS.

4 Specifically, ACICS received public  
5 comments and a 400-page response from SDUIS that  
6 failed to demonstrate that ACICS reviewed the  
7 comments or response as required by the agency's  
8 policies and procedures.

9 Besides the SDUIS documentation, ACICS  
10 did not provide any examples to demonstrate that  
11 it conducts its own analysis of information and  
12 documentation as required by its policies and  
13 procedures, and therefore did not demonstrate  
14 compliance with Section 602.17(e).

15 Finally, for Section 602.15(a)(1) the  
16 oversight failures revealed in the reviews of VIU  
17 and SDUIS do not demonstrate that the  
18 accreditation review and monitoring processes  
19 used by ACICS are adequate to identify compliance  
20 issues and call into question the agency's  
21 administrative and/or fiscal capabilities.

22 The review of the capacity inquiry was

1 conducted in accordance with the procedures for  
2 review of agencies during the period of  
3 recognition as described in Section 602.33. The  
4 department received four public comments in  
5 response to a Federal Register notice invitation  
6 for comments, and those comments are incorporated  
7 in the analysis.

8 For the RNU inquiry the staff  
9 recommendation to the senior department official  
10 for this agency is to terminate recognition.  
11 This recommendation is based on our review of the  
12 agency's RNU inquiry response and supporting  
13 documentation.

14 Our review of the agency's inquiry  
15 response found that the agency is not in  
16 compliance with the Secretary's criteria for  
17 recognition. ACICS failed to demonstrate  
18 compliance with Sections 602.15(a)(1),  
19 602.15(a)(2), 602.17(c), 602.18(c), and  
20 602.19(b).

21 For Section 602.15(a)(2) ACICS failed  
22 to demonstrate that it has confident and

1 knowledgeable individuals trained for their roles  
2 as site visitors, members of the decision-making  
3 body, or other agency representatives. For  
4 example, as described in Section 602.17(c) of the  
5 final staff analysis ACICS sent a site visit to  
6 RNU in anticipation of their review of distance  
7 education it failed to demonstrate to the  
8 department that the site visitor was qualified  
9 and trained to evaluate distance education.

10 Similarly, in Section 602.16(a)(1)(ii)  
11 of the draft staff analysis department staff  
12 noted that the site visit team wrote in its  
13 report that they were unable to, quote,  
14 "retrieve, view, or assess any instructional  
15 materials," end quote, and that students, quote,  
16 "did not have access to or possess course  
17 textbooks," end quote.

18 These learning materials issues were  
19 not listed as deficiencies in the team report  
20 which indicates a lack of training on the  
21 agency's standards and therefore a lack of  
22 administrative capability.

1                   Beside the RNU documentation ACICS did  
2                   not provide any information or documentation  
3                   regarding the training of any agency  
4                   representatives and therefore did not demonstrate  
5                   compliance.

6                   Regarding Section 602.17(c) ACICS  
7                   failed to demonstrate that it obtained sufficient  
8                   information to determine compliance with its  
9                   standards during its onsite reviews of RNU.  
10                  Specifically, ACICS does not obtain student  
11                  surveys in sufficient quantities to be  
12                  meaningful, nor to meet its own policies and  
13                  procedures in the review of RNU.

14                  ACICS also has not demonstrated that  
15                  it collects sufficient information regarding  
16                  students using other methods. In particular, the  
17                  site visit team for the initial accreditation  
18                  review in 2017 found that RNU's student files  
19                  failed to include documentation of prior  
20                  education as all the files included international  
21                  diplomas that had not been evaluated for  
22                  validity, and no documentation of student or

1 graduate involvement in program design or  
2 oversight as required by ACICS standards.

3 Remarkably, the files also showed that  
4 over two accreditation review cycles no students  
5 violated satisfactory academic progress or had  
6 withdrawn. These findings coupled with the  
7 limited response from the student surveys should  
8 have been red flags calling into question the  
9 existence of a legitimate student population.  
10 Therefore, ACICS has not demonstrated that it  
11 obtained sufficient information to determine if  
12 an institution complied with the agency's  
13 standards when conducting an onsite visit.

14 For Section 602.18(c) ACICS failed to  
15 demonstrate that it bases accreditation decisions  
16 on published standards in its review of RNU.  
17 Specifically, ACICS admitted that the RNU onsite  
18 administrator did not attend the required  
19 workshop, and that was a, quote, "failure to  
20 comply with procedural standards," end quote.

21 However, ACICS provided no information  
22 or documentation on the failure of the agency to

1       enforce its current policies and procedures  
2       related to this requirement nor on how to prevent  
3       the failure to meet this requirement from  
4       happening in the future.

5               ACICS also admitted that RNU checked  
6       that it was accredited on its initial self-  
7       assessment when applying for accreditation, but  
8       the agency responded that it could easily verify  
9       that claim. Yet ACICS did not provide any  
10      information or documentation that it did verify  
11      that claim, nor did ACICS provide the agency's  
12      policies and procedures for reviewing and  
13      verifying the self-assessment claims in general.

14              Further, ACICS applied a small  
15      population exemption to the review of RNU's  
16      placement rate. However, that exemption was not  
17      included in the agency's written policy at the  
18      time, was not discussed by agency staff in its  
19      accreditation recommendation, and was not  
20      included in the action letter as a reason for the  
21      acceptance of the low placement rate. Therefore,  
22      ACICS has not demonstrated that it based its



1 accreditation decision on published standards in  
2 its review of RNU.

3           Regarding Section 602.19(b) ACICS  
4 failed to demonstrate that it has effective  
5 monitoring and evaluation approaches in the  
6 review of RNU. Again, ACICS provided a list of  
7 14 oversight efforts outside of the regular  
8 renewal of accreditation activities, but even  
9 with those oversight efforts ACICS still did not  
10 uncover the continuation of serious areas of non-  
11 compliance identified in the 2017 site team  
12 review, such as insufficient or unavailable  
13 learning materials, inaccurate faculty files, and  
14 curricula issues, and that were found again in  
15 the 2019 site team review.

16           Following ACICS's renewal visit in  
17 2019 it placed RNU on show cause, quote, "given  
18 the sheer number of findings of non-compliance,  
19 and the fact that the institution has fallen so  
20 far out of compliance in such a short period of  
21 time," end quote, and that the, quote, "council  
22 specifically noted that a number of issues

1 identified during the renewal of accreditation  
2 process were identical to those found during the  
3 initial review," end quote.

4 Therefore, ACICS has not demonstrated  
5 that its monitoring and evaluation approaches are  
6 effective in identifying an institution's  
7 continued non-compliance with agency standards.

8 Finally, for Section 602.15(a)(1) the  
9 numerous oversight failures revealed in the  
10 review of RNU do not demonstrate that the  
11 accreditation review and monitoring process used  
12 by ACICS are adequate to identify compliance  
13 issues, and again, call into question the  
14 agency's administrative and/or fiscal  
15 capabilities.

16 The review of the RNU inquiry was  
17 conducted in accordance with the procedures for  
18 review of agencies during the period of  
19 recognition as described in Section 602.33. The  
20 department received four public comments in  
21 response to a Federal Register notice invitation  
22 for comments, and those comments are incorporated

1 in the analysis.

2 Therefore, as I stated earlier, for  
3 each of the four reports and inquiries the staff  
4 is recommending that the senior department  
5 official terminate recognition of ACICS. There  
6 are agency representatives here to answer your  
7 questions. Thank you.

8 CHAIR KEISER: Primary readers, do you  
9 have questions for our staff?

10 DR. PRESSNELL: Not at this time, no.

11 CHAIR KEISER: Mary Ellen, do you have  
12 any questions for the staff?

13 DR. PETRISKO: No questions.

14 CHAIR KEISER: Any member of the  
15 committee, questions? If not we invite the  
16 agency representatives to appear before us, and  
17 they are Ms. Michelle Edwards, Ms. Karly Zeigler,  
18 Dr. Rafael Castilla, and Dr. Billy Ferrell.  
19 Welcome.

20 MS. EDWARDS: Good morning. My name  
21 is Michelle Edwards and I'm the president and CEO  
22 of the Accrediting Council for Independent

1 Colleges and Schools, commonly referred to as  
2 ACICS.

3 For nine years prior to becoming  
4 president and CEO of ACICS I was a chief academic  
5 and compliance officer at a school accredited by  
6 ACICS. In that time I served as an ACICS  
7 commissioner, a member of the council which also  
8 serves as the board of directors. Additionally,  
9 I participated in at least 50 school visits as an  
10 evaluator. I appreciate the opportunity to speak  
11 to members of NACIQI as you prepare to provide  
12 recommendations to the senior department official  
13 regarding our continued recognition as an  
14 accreditor.

15 Three of my colleagues join me today  
16 and I would like them to introduce themselves.

17 MS. ZEIGLER: Good morning, everyone.  
18 I'm Karly Zeigler, director of accreditation at  
19 ACICS. In my role I'm responsible for oversight  
20 of the accreditation process, initial application  
21 procedures, policy development, and the  
22 replacement verification program. I've been in

1       this position since August of 2020 and before  
2       that I was manager of policy and institutional  
3       compliance. I've been with ACICS as a whole  
4       since 2010 and I pass it over to Dr. Castilla.

5               DR. CASTILLA: Good morning. I'm Dr.  
6       Rafael Castilla, chair of the council and board  
7       of directors of ACICS. I also serve on the  
8       academic issues committee of the New Jersey  
9       President's Council.

10              I have an MD degree from the Corpus  
11       University Foundation, Bogota, Colombia, and an  
12       MBA from Rider University in New Jersey. I am  
13       working postsecondary career education for 32  
14       years, 24 of which at Eastwick College in New  
15       Jersey where I serve as executive vice president.

16              Since I moved from the faculty to the  
17       administration 18 years ago I have led all  
18       accreditation processes with institutional and  
19       programmatic agency. My accreditation experience  
20       from the institutional side and formed by the  
21       decision to join the ACICS council two years ago.

22              I am passionate about education policy

1 and access to higher education with a focus on  
2 diversity, innovation, and quality. I quickly  
3 found that the ACICS council and staff shared my  
4 values with a focus on enhancing policies and  
5 procedures to lead member institutions to deliver  
6 high-quality programs that serve the needs of our  
7 diverse student population and the communities  
8 where they live.

9 I am proud to be part of this  
10 organization and look forward to the continued  
11 success of ACICS and its member institutions.  
12 Next is my colleague Dr. Billy Ferrell.

13 DR. FERRELL: Thank you, Rafael and  
14 good morning everybody. As you heard I'm Dr.  
15 Billy Ferrell. I'm here today in my capacity as  
16 ACICS council chair elect. I also serve as one  
17 of the designated public members on the council.

18 I currently serve as assistant  
19 superintendent at Cityscape Schools. That's an  
20 open enrollment public charter school district in  
21 Dallas, Texas.

22 As for my educational background I

1 have a master's degree and a doctoral degree both  
2 in education. My master's is from Oral Roberts  
3 University and my doctorate is from Argosy  
4 University in Dallas, Texas.

5 In prior years I served as an academic  
6 dean of a non-profit vocational college for over  
7 21 years. My tenure there contributed to  
8 remarkable achievements such as a full  
9 articulation agreement with Texas A&M University  
10 in Commerce, Texas. And we were also selected by  
11 the Department of ED to host a cadre of  
12 university professors from China who wanted to  
13 learn more about career education.

14 And like my colleague Dr. Castilla  
15 I've been a member of the council since 2018 and  
16 I've served as an evaluator for ACICS since 1998.  
17 And like Dr. Castilla I'm honored to be part of  
18 this organization, to be able to support the  
19 extraordinary work that's been undertaken under  
20 Michelle Edwards' leadership in these past four  
21 years.

22 And we all look forward to answering

1 any of your questions today. So, let me now turn  
2 it back over to Michelle.

3 MS. EDWARDS: I know we have a lot of  
4 ground to cover today and I will get into the  
5 details of several areas of interest identified  
6 by NACIQI and the department.

7 But before I do that, however, I would  
8 like to address an important development that  
9 directly impacts this committee's review of  
10 ACICS' recognition.

11 Earlier this week the Department of  
12 Education's Office of Inspector General released  
13 a report to the Secretary dated March 2, 2021  
14 regarding the department's handling of ACICS'  
15 petition for re-recognition in 2016 and the  
16 department's subsequent reinstatement and review  
17 of ACICS' recognition.

18 This report corroborates many of the  
19 assertions that I will make throughout this  
20 presentation regarding the inconsistent  
21 application of the recognition standards by the  
22 department's accreditation staff, the staff's



1 continuous moving of the goal posts regarding how  
2 much and what sort of evidence is required to  
3 demonstrate compliance, and the disparate demands  
4 and expectations placed on ACICS as compared to  
5 other recognized institutional accreditors.

6 The OIG's mission as stated on its  
7 website is to serve as an independent, non-  
8 political entity within the department  
9 responsible for identifying waste, fraud and  
10 abuse, and to recommend actions to address  
11 systemic weaknesses and improve ed programs and  
12 operations.

13 In this case the OIG's objectives were  
14 to determine, one, the process used by the  
15 department to assess ACICS' compliance with the  
16 recognition regulations from 2016 through 2018,  
17 and two, what evidence the department considered  
18 in its review of selected recognition criteria,  
19 and whether the department's conclusions were  
20 supported by the evidence.

21 The OIG determined that the department  
22 did not comply with the regulatory requirements

1 in its 2016 review of ACICS, as also found by a  
2 federal judge. But the OIG goes much further.

3 The OIG also found that the Office of  
4 the Under Secretary in the Obama administration  
5 was involved in the department's review of ACICS  
6 to the point where the OUS directed questions for  
7 the department's accreditation staff to ask ACICS  
8 that did not relate to the recognition criteria,  
9 and directed the accreditation staff to deny  
10 ACICS' requests for time extension.

11 The accreditation staff told OIG that  
12 they felt pressured and perceived a disregard for  
13 the accreditation procedures by the OUS. The OIG  
14 reports the accreditation group director  
15 described the OUS involvement as, quote, "not  
16 part of the normal recognition review process,"  
17 end quote, and he said that what occurred during  
18 the ACICS review was, quote, "not the norm."

19 The accreditation staff told the OIG  
20 that, quote, "OUS' level of involvement was  
21 unprecedented during the ACICS review, and that  
22 OUS' disregard for the recognition regulations

1 unnecessarily slowed and negatively affected the  
2 recognition process for ACICS."

3           OIG says that the accreditation group  
4 director told them that the, quote, "level of  
5 involvement from OUS led the accreditation group  
6 to feel that the OUS officials under Secretary  
7 King did not trust them to do their job," end  
8 quote, and the OIG reports that the accreditation  
9 staff stated that the supplemental questions  
10 raised by OUS, quote, "appeared to be piling on  
11 ACICS, were unnecessary, and were not always  
12 relevant to the review."

13           The OIG summarized this section of its  
14 report by stating, "Failure to consider all  
15 available and relevant evidence when making a  
16 recommendation decision could also call into  
17 question the integrity of the accreditation  
18 process and damage to the department's  
19 reputation."

20           Specifically, the department's  
21 recognition practices and objectivity during the  
22 process, and overall competence, could be called

1       into question.

2                   Of course, damage to the department's  
3       reputation is not the only casualty when the  
4       department takes recognition action contrary to  
5       the regulations and to the available evidence.  
6       It goes without saying that the department's  
7       actions in 2016 have caused tremendous damage to  
8       ACICS' reputation.

9                   In addition, schools that were forced  
10      to find alternate accreditation spent untold  
11      millions of dollars to accomplish what never  
12      should have been necessary.

13                  The second part of the OIG's review  
14      looked at the actions by the former SDO under  
15      Secretary DeVos to review ACICS' 2016 application  
16      and the subsequent decision by the judge to  
17      remand ACICS' case back to the Secretary for  
18      further consideration.

19                  The Secretary directed the SDO to  
20      review the evidence in the record when the  
21      department withdrew ACICS' recognition in 2016,  
22      and the subsequent information that ACICS

1 provided in May 2018.

2 The SDO determined that in 2016 ACICS  
3 in fact was in compliance with 19 of the 21  
4 regulations cited in the withdrawal decision and  
5 could comply with the remaining 2 regulations in  
6 12 months, and the Secretary concurred with that  
7 decision.

8 The OIG sampled the SDO's reasoning  
9 and supporting documentation for 6 of these 19  
10 findings and determined that the SDO's  
11 conclusions in every case were supported by the  
12 evidence.

13 The OIG also said that it, quote, "did  
14 not identify any evidence cited that contradicted  
15 the SDO's conclusions," end quote. Let me repeat  
16 that. The former SDO determined in September  
17 2019 based on evidence in the full record in 2016  
18 along with the supplemental evidence through May  
19 2018 that ACICS complied with 19 of the 21  
20 recognition regulations in question and could  
21 demonstrate compliance with the 2 remaining  
22 regulations within 12 months.

1                   The OIG reviewed the SDO's work,  
2                   determined that the evidence supported the SDO's  
3                   conclusions, and found no evidence to contradict  
4                   the SDO's conclusions. Nearly all of the  
5                   purported issues on which the findings of non-  
6                   compliance under discussion today are based from  
7                   2016, 2017, and 2018, prior to the determination  
8                   of ACICS' compliance by both the SDO and the  
9                   Secretary in the fall of 2018 that has now been  
10                  reviewed favorably by the OIG.

11                 The OIG explained that too many of the  
12                 department's recognition procedures rely on  
13                 subjectivity by reviewers and a lack of detailed  
14                 procedures to guide the review of recognition  
15                 petitions. The OIG determined that this lack of  
16                 procedures, quote, "can and has led to  
17                 inconsistencies across agency reviews regarding  
18                 the documentation that is deemed sufficient to  
19                 demonstrate compliance with federal recognition  
20                 requirements," end quote.

21                 The OIG further determined that,  
22                 quote, "the lack of specificity in the department

1 recognition review guidelines allows for  
2 differences in opinion when evaluating  
3 accrediting agencies' compliance with recognition  
4 criteria, and that determination of what  
5 constitutes sufficient evidence to demonstrate  
6 compliance may be inconsistent among accrediting  
7 agency reviews."

8 The OIG made several recommendations  
9 to address the problems that it identified. In  
10 response to the OIG's report Secretary Zais  
11 wrote, quote, "We agree with your findings and  
12 expect your recommendations."

13 This new development makes clear that  
14 much of the basis for ACICS' appearance here  
15 today have been undercut by the findings of the  
16 non-partisan independent OIG to which the  
17 Department of Education has now agreed on the  
18 record.

19 The narrative being pushed by activist  
20 groups and political opponents of career colleges  
21 that ACICS is an incompetent rogue agency,  
22 woefully out of compliance with the recognition

1 requirements is and always has been complete  
2 fiction. Because this OIG report is obviously  
3 material to today's proceedings I would ask that  
4 the entire report be made a part of the record.

5 Nevertheless we are here today. Our  
6 obligation is to address the findings in the four  
7 reports before you to explain why those findings  
8 are incorrect and to demonstrate why you should  
9 reject the department staff's recommendations  
10 that ACICS' recognition should be terminated.

11 I would ask you to judge us based on  
12 the text of the recognition criteria and that you  
13 consider all the relevant evidence demonstrating  
14 compliance. As you know, and as the OIG  
15 confirmed, the department staff failed to do so  
16 in 2016 and we believe they have done so again  
17 regarding these reviews.

18 The fundamental question before this  
19 committee, the senior department official, and  
20 the Secretary is whether ACICS complies with the  
21 recognition criteria. Sitting before you today I  
22 can tell you unequivocally that I believe that



1 ACICS is in compliance with the recognition  
2 requirements as established by the Department of  
3 Education and Congress, and I am prepared to  
4 defend that statement in whatever level of detail  
5 is required by members of this committee.

6 As you consider ACICS today I want to  
7 remind you pursuant to NACIQI's charter that you  
8 were chosen to serve in part based on your  
9 expertise, integrity, impartiality, and good  
10 judgment. Unfortunately, as the former Under  
11 Secretary acknowledged to the OIG in OIG's  
12 earlier report in 2018 the recognition process  
13 is, quote, "potentially driven more by policy  
14 preferences than regulatory requirements," end  
15 quote.

16 I ask and hope that your decision is  
17 based on the facts and the recognition criteria,  
18 not outside pressure or desire to change  
19 accreditation as we know it.

20 I was a member of the council in 2016  
21 when ACICS faced a fundamentally existential  
22 question, would we continue to operate in the

1 future. At the time my answer to that question  
2 was straightforward, yes. But I knew then that  
3 ACICS needed to implement significant changes in  
4 order to live up to its mandate of advancing  
5 educational excellence at independent, non-public  
6 career schools, colleges, and organizations.

7 I believed then as I do today that  
8 ACICS has an important role to play and an  
9 obligation to fulfill that role effectively with  
10 integrity, accountability, and transparency. I  
11 agreed to become president and CEO of ACICS in  
12 July 2017 knowing full well what I was getting  
13 myself into. My mandate was to be a change agent  
14 and I have embraced that mission from day one.

15 I believe in the value of  
16 accreditation. I believe in the value of career  
17 education, and I believe that on behalf of the  
18 students served by our schools we can and must  
19 set high standards for ourselves and then live up  
20 to them.

21 I'm proud to sit here today and tell  
22 you that ACICS is a fundamentally different

1 organization than it was five years ago. ACICS  
2 has implemented a number of change initiatives  
3 that have been grounded in three essential  
4 principles -- agency effectiveness, quality  
5 improvement, and institutional integrity and  
6 accountability. These are not platitudes.

7 In the past five years we implemented  
8 nine changes to our bylaws and completed a  
9 comprehensive review of our policies and  
10 procedures (audio interference). We also made 86  
11 changes to our accreditation criteria.

12 While we made a number of significant  
13 changes, and I will speak to them in depth  
14 throughout the day, I'd like to turn it over to  
15 my colleague Karly Zeigler to provide an  
16 overview.

17 MS. ZEIGLER: Thank you, Michelle, and  
18 thank you to all of you members of NACIQI for the  
19 opportunity today. I will focus my remarks on  
20 just the significant changes we've implemented in  
21 the past five years, specifically relating to  
22 those three principles that Michelle mentioned,

1 agency effectiveness, quality improvement, and  
2 institutional integrity and accountability.

3 When it comes to agency effectiveness  
4 one criticism in the past was that of our  
5 governing body, the commissioners serving on our  
6 council that they were largely representative of  
7 the member institutions we accredited as is the  
8 case with most accrediting agencies.

9 We've expanded and diversified the  
10 membership of our council to ensure that we have  
11 robust and varied outside perspectives from  
12 beyond the realm of career colleges, and of  
13 course to protect against potential financial and  
14 other professional conflicts of interest.

15 Five years ago our council of 15  
16 members included 4 public members, or individuals  
17 not affiliated with or accredited by ACICS, which  
18 even then was more public members than the  
19 federal regulations required. Today we have nine  
20 council members and six, or two-thirds of them  
21 are public members.

22 In terms of quality improvement I

1 cannot overstate our work has been in this area.  
2 As Michelle mentioned we've implemented almost  
3 100 new accreditation criteria and procedural  
4 changes to improve the effectiveness of the  
5 accreditation process.

6 Some examples include our board of  
7 ethics procedures and codes of ethics for  
8 volunteers, include training, workshops, and  
9 continuous learning opportunities (audio  
10 interference), an expanded scope of interim  
11 onsite review which takes place between the  
12 renewal of our accreditation evaluations,  
13 enhanced teach-out requirements, and recruitment  
14 and admissions monitoring improvement, including  
15 training onsite teams specifically to monitor  
16 admissions personnel and activities, including  
17 listening in on recorded or live calls, reviewing  
18 text instant messages and emails, and reviewing  
19 other training materials, manuals, and scripts.

20 Through our own systematic review  
21 process we've further updated a number of areas  
22 of our standards, including distance education

1 policies and procedures, requirements for the  
2 campus effectiveness brand, for both ACICS and  
3 institutions to be able to further continuously  
4 monitor outcomes and evaluate their  
5 effectiveness, as well as our student achievement  
6 standards. We've even increased our retention  
7 standard for degree programs. And in recent  
8 years the majority of our institutions were  
9 performing above the previous standard.

10 We've also established a more rigorous  
11 process for collecting and verifying data,  
12 monitoring progress and holding our schools  
13 accountable. Our Campus Accountability Report or  
14 what we refer to as the CAR collects data on our  
15 campuses and programs semi-annually at both  
16 program and campus level.

17 The CAR tracks individual students by  
18 name and unique ID, not just a collective number  
19 (audio interference). We developed the placement  
20 verification program, or PVP, that relies on a  
21 custom built web-based application to facilitate  
22 the submission and review of graduate placement

1 information submitted by our ACICS member  
2 schools. It provides a user-friendly process for  
3 the submission of placement information for  
4 verification by the graduate and/or employer  
5 directly to ACICS prior to validation by ACICS  
6 review team as an appropriate placement.

7 This system also includes integrity  
8 safeguards such as capturing and comparing IP  
9 addresses for all submissions and placement  
10 confirmations to avoid fraud.

11 I myself have worked at ACICS for 10  
12 years and I can confidently say that the work we  
13 have done in the past 5 years is transformative.  
14 We're focused on ensuring the quality of  
15 education and the integrity of our institutions  
16 serving our students, and I believe in the  
17 integrity and effectiveness of the organization.  
18 Thank you again for the opportunity to share my  
19 perspective, and now let me turn it to Michelle.

20 MS. EDWARDS: Thank you, Karly. To  
21 say we have put our blood, sweat, and tears into  
22 enhancing our policies and procedures would be an

1 understatement. I am proud of the schools that  
2 have shown their commitment to our shared  
3 objectives and to committing themselves to  
4 continuous improvement. We are all stronger  
5 together.

6 Let me share with you some key  
7 statistics that illustrate who we are today. We  
8 set bright line standards for student  
9 achievement, specifically in terms of retention  
10 rates, placement rates, and licensure exam pass  
11 rates.

12 Let's start with student retention  
13 rates. We require a minimum of 60 percent  
14 retention in a given year in order to be in  
15 compliance, but we encourage our schools to go  
16 beyond that minimum and have established 70  
17 percent as the benchmark, the rate we're moving  
18 everyone towards. I am proud to say that 100  
19 percent of our schools are in compliance with the  
20 60 percent retention rate, and in fact the  
21 average retention rate today is 79 percent.

22 We also track overall placement rates,



1 whether or not individuals graduating or  
2 completing a program in an ACICS school are able  
3 to obtain a job in their field of study or  
4 training. We require schools to meet a placement  
5 rate of at least 60 percent and as for the  
6 retention rate have also set 70 percent as the  
7 benchmark. Today the average placement rate for  
8 our institutions is 73 percent, and those  
9 placements are rigorously verified by ACICS.

10 We track licensure pass rates annually  
11 with the submission of the CAR. Those falling  
12 below the compliance rate at 60 percent are  
13 placed on a monitoring status and required to  
14 provide periodic updates and develop a plan to  
15 improve their rates. The average licensure pass  
16 rate for the 2020 reporting period was 81  
17 percent.

18 We have faced challenges and setbacks  
19 in our journey to build a better future. We are  
20 operating in a larger ecosphere, one that  
21 presents parallel challenges that we cannot  
22 entirely mitigate from financial and

1 technological changes to social and political  
2 ones.

3 In 2016 we had approximately 855  
4 campuses enrolling over 440,000 students, and we  
5 had 39 staff members. Let me tell you about  
6 ACICS today.

7 We currently have 84 campuses  
8 enrolling over 48,000 students, 10 staff members.  
9 That's an average of 8 to 1 school to staff, and  
10 certainly in line with other institutional  
11 accreditors. Additionally, we have not had to  
12 cancel or postpone any site visits due to a lack  
13 of personnel. We currently accredit campuses in  
14 21 states and 8 countries outside of the U.S.

15 According to the most recent College  
16 Scorecard our institutions had a 58 percent  
17 average graduation rate. Also, 27 percent of our  
18 campuses do not participate in Title IV.

19 According to the most recently published Cohort  
20 Default Rate Report our institutions had an  
21 average cohort default rate of 10 percent.

22 We have zero campuses owned by

1 publicly traded companies. Twenty percent of our  
2 campuses are not-for-profit. Ninety-three  
3 percent of our campuses are degree granting, and  
4 74 percent of our institutions operate bachelor's  
5 or master's degrees. These are statistics that  
6 should be celebrated, not described as bottom of  
7 the barrel.

8 Do we still have work to do? Of  
9 course. As the former Secretary recently  
10 acknowledged in our recognition decision other  
11 recognized accreditors have work to do as well.  
12 But let me say this clearly and unequivocally.  
13 ACICS complies with the recognition requirements  
14 as established in the Department of Education's  
15 regulations.

16 Since 2016 reviewed by the SDO and  
17 Secretary confirmed we were in compliance with  
18 all but two of the recognition criteria, and I  
19 believe ACICS currently demonstrates full  
20 compliance with the two recognition criteria  
21 flagged by former Secretary DeVos in her November  
22 21, 2018 order.

1                   We should be judged objectively. I  
2 welcome an in-depth review of how my organization  
3 is operating today. Please ask us detailed  
4 questions about how we conduct evaluations, how  
5 we hold our schools and ourselves accountable  
6 while fostering continuous improvement.

7                   I'm proud of the work we've done and  
8 I only ask for a fair shake. Unfortunately I  
9 believe we've been denied that thus far. I  
10 believe that the Department of Education failed  
11 to apply the recognition criteria to ACICS in a  
12 fair and objective way.

13                  I recognize those are bold statements  
14 to make and I don't make them lightly. But I  
15 feel compelled to raise them as part of this  
16 process, particularly in light of the new OIG  
17 findings. ACICS has also raised these directly  
18 with the department as part of our detailed  
19 reply.

20                  I believe ACICS is being held to  
21 standards and a level of scrutiny that are not  
22 applied to other accreditors, that fail to give

1 my organization the appropriate professional  
2 discretion granted to accreditors regarding the  
3 enforcement of our standards, and that are not  
4 required by the recognition regulations.

5 I believe that department staff has  
6 assumed facts simply not in evidence. I also  
7 believe that department staff once again failed  
8 to consider evidence relevant to the recognition  
9 criteria and has failed to fully review all 9,400  
10 pages in the 139 exhibits provided over the  
11 course of this current review.

12 And I believe the department staff has  
13 at times misread, misunderstood, or misapplied  
14 both the recognition regulations and the ACICS  
15 accreditation standards and policies informing  
16 its recommendations, and that it unfairly has  
17 substituted its judgment on accreditation  
18 decisions for those properly made by ACICS.

19 And finally, I believe the department  
20 staff's recommendations have relied on factors  
21 that Congress and regulations did not intend to  
22 be considered, and have been influenced

1       improperly by political and policy pressures from  
2       within and outside the department.

3               I urge members of NACIQI to embrace  
4       your mission wholeheartedly to provide  
5       recommendations to the Department of Education  
6       regarding accreditors' compliance with the  
7       recognition criteria.

8               At the last meeting of this committee  
9       a former NACIQI member said, quote, "The duty of  
10      NACIQI and the department is to evaluate whether  
11      an accreditor has established satisfactory  
12      standards and set in motion practices to ensure  
13      compliance going forward."

14              I believe ACICS complies with all  
15      recognition criteria, and I urge you to consider  
16      all of the evidence presented in support of that  
17      statement. At the same time I urge you to  
18      consider your actions in a larger context, both  
19      the role of the proverbial triad in promoting  
20      educational excellence, and the specific legal  
21      parameters established to make that structure  
22      function effectively for all parties involved.

1                   If there are to be legally binding  
2 changes to the accreditation process and the  
3 expectations placed on accreditors those changes  
4 must be made explicitly and through a rulemaking  
5 and/or legislative process. Until that happens  
6 ACICS should be held to the same standard, the  
7 same rules, and the same processes as any other  
8 accreditor.

9                   Now let me get into some specifics.  
10 I want to preface these comments with a reminder  
11 of the gravity of the recommendation before you  
12 today. I've attended every NACIQI meeting since  
13 starting in this role four years ago, and this is  
14 the first time I have seen an agency responding  
15 to more than one report at a time.

16                  As you can imagine there's a lot at  
17 stake and a lot of ground to cover here today. I  
18 ask that you afford ACICS the appropriate time  
19 this morning for this presentation. I am  
20 confident we will demonstrate we fully comply  
21 with the recognition criteria.

22                  The first item on the agenda is ACICS'

1 final report on compliance. The catalyst for  
2 today's appearance by ACICS in front of NACIQI is  
3 the 2018 order from Secretary DeVos requiring  
4 ACICS to prepare a compliance report addressing  
5 two specific issues.

6 First, the Secretary directed ACICS to  
7 submit evidence regarding the training of ACICS'  
8 site visitors, the qualifications of the data  
9 integrity reviewer, and the activities of the  
10 ethics review board as required by Section  
11 602.15(a)(2).

12 And second, the Secretary directed  
13 ACICS to submit evidence that it requires the  
14 members of its intermediate review committee to  
15 find conflicts of interest attestation in  
16 accordance with Section 602.15(a)(6).

17 In the draft staff analysis regarding  
18 training department staff acknowledged that ACICS  
19 provided, quote, "information and documentation  
20 related to the competency of its representative  
21 including a merited description of the training  
22 provided along with documentation of the



1 communication of the required training and  
2 training activities," end quote.

3 Department staff noted also that,  
4 quote, "training activities included a refresher  
5 training for all site visitors, along with  
6 additional training webinars in specialized  
7 areas, educational activities in distance  
8 education which was applicable to those site  
9 visitors qualified to serve in that role."

10 The final report prepared by  
11 department staff found that ACICS had provided  
12 documentation showing that all active team  
13 chairs, and all but three active team members had  
14 completed the refresher training.

15 Two of these three team members, each  
16 of whom had served on ACICS' visiting team for  
17 more than a decade, have now completed all other  
18 refresher training, and will provide third party  
19 comments later in these proceedings.

20 The last team member noted by  
21 department staff was an emergency last minute  
22 visit team member who had not previously served

1 on an ACICS team. A site visit team was  
2 scheduled to evaluate an institution that offers  
3 a graduate level nurse anesthetist program.  
4 Because the pool of evaluators is quite small  
5 ACICS had to identify and utilize a new  
6 evaluator, G. Randall, who holds a Ph.D. in  
7 nursing and a master of science in nurse  
8 anesthesia.

9 ACICS explained on the response to the  
10 draft staff analysis that this evaluator was  
11 trained onsite at the start of the evaluation  
12 visit by the ACICS staff member. But the final  
13 report on compliance failed ACICS for failing to  
14 provide documentation of that one-off just in  
15 time training.

16 ACICS has now formalized its training  
17 materials and documentation protocols for just  
18 such just in time training on the rare occasions  
19 when it's necessary. ACICS appreciates the  
20 department staff's acknowledgment of the high  
21 quality and sufficiency of ACICS' legacy and  
22 ongoing training. Neither the draft staff

1 analysis nor the final report raised any  
2 questions or concerns regarding the extent,  
3 safety, or quality of either the legacy and  
4 ongoing training that ACICS provides to  
5 representatives, or the refresher training that  
6 ACICS developed in response to the Secretary's  
7 order.

8           The Secretary required ACICS to  
9 demonstrate, quote, "existing evaluators have  
10 received the approved training," end quote, but  
11 she did not prescribe how ACICS would make that  
12 demonstration. 602.15(a)(2) requires ACICS to  
13 have evaluators, quote, "qualified by education  
14 experience in their own right and trained by the  
15 agency on their responsibilities as appropriate  
16 for their roles," end quote.

17           ACICS provided resumes for its  
18 evaluators to demonstrate their education and  
19 experiential qualifications, and there is nothing  
20 in the final report that challenges the  
21 qualifications of the ACICS evaluators.  
22 Nevertheless, after acknowledging that ACICS has

1 provided all of the training for evaluators  
2 required by the recognition regulations and  
3 raising no questions about the quality of the  
4 training department staff alleges that ACICS did  
5 not comply with Section 602.15(a)(2) because it  
6 asserts we did not demonstrate the effectiveness  
7 of the training we provided.

8 ACICS is concerned that the department  
9 staff is once again applying unwritten standards  
10 in its review of ACICS by stating in the final  
11 report that ACICS cannot demonstrate the efficacy  
12 of its training programs. A June 2018 report by  
13 the department's OIG supports our concern that  
14 staff used arbitrary standards when evaluating  
15 evidence, likely because no written procedures  
16 exist to help staff define how much is enough,  
17 and the OIG repeated this criticism in its report  
18 this week.

19 It determined that the department  
20 lacked written procedures for the review of  
21 evidence, and as a result often held agencies to  
22 different and subjective standards. This is such

1 an example.

2 As a result the department's new  
3 regulations of July 1, 2020 make it clear that if  
4 the agency documents that it has a written policy  
5 in place it is deemed compliant with the  
6 department's requirements unless the Secretary  
7 can point to specific evidence that proves the  
8 agency's policy was ineffective.

9 The department is required to prove  
10 evidence of failure in order to find the agency's  
11 policies to be ineffective. In the case of this  
12 compliance review ACICS provided evidence that  
13 the training materials developed in response to  
14 the Secretary's 2018 order were comprehensive,  
15 and that site visitors either completed the  
16 training, or were removed from the list of active  
17 participants.

18 It is clear that ACICS has met the  
19 requirements to provide training to its active  
20 site visitors and team chairs, including by  
21 creating new refresher training courses designed  
22 to ensure that seasoned site visitors are updated

1 on new policies and procedures that ACICS has put  
2 into place, and to remind them of their  
3 responsibilities and ethical requirements in  
4 acting in such a role.

5 Staff provided no details in the final  
6 report to support a conclusion that the training  
7 programs that were the subject of the Secretary's  
8 2018 order were ineffective. Absent such a  
9 finding, and as will be confirmed by the third  
10 party commenters, ACICS is confident that its  
11 training policies are effective and fully address  
12 the requirements of the Secretary's order.

13 It's undisputed that ACICS provided  
14 all of its described routine and refresher  
15 training to every member of its evaluator ranks  
16 exactly as described by the Secretary and  
17 required by Section 602.15(a)(2) and the  
18 accreditation handbook. ACICS fully complied  
19 with its recognition requirement.

20 The final report on compliance notes  
21 that ACICS provided information to address  
22 questions and comments in the draft staff

1 analysis on the ethics review board, and there  
2 are no observations in the final report on  
3 compliance regarding the data integrity reviewer.  
4 ACICS appreciates the department staff  
5 acknowledgment that there are no remaining issues  
6 and that ACICS has fully addressed these matters.

7 With regard to the second issue on  
8 conflict of interest attestation the final report  
9 prepared by department staff concludes that ACICS  
10 provide the information necessary to demonstrate  
11 compliance with this recognition regulation, and  
12 there is no evidence of any conflict of interest  
13 in the record. ACICS appreciates the department  
14 staff acknowledgment that this issue is resolved.

15 To summarize, ACICS has fully  
16 addressed the two issues identified by Secretary  
17 DeVos in her 2018 order directing preparation of  
18 the compliance report. Department staff  
19 acknowledge that ACICS has provided the  
20 information and documentation required by the  
21 recognition regulations.

22 The only thing that is provided by the

1 department staff in support of its recommendation  
2 to terminate recognition is an alleged failure to  
3 document to staff's satisfaction that the  
4 training ACICS provides to its evaluators is  
5 effective, even though such effectiveness has not  
6 been questioned in the final report on  
7 compliance, and is not an element of the  
8 recognition regulation.

9 ACICS fully complies with the  
10 recognition requirement, and we respectfully ask  
11 this committee to reject the department staff's  
12 recommendation.

13 Next I would like to take some time to  
14 discuss the institutions which are mentioned in  
15 the three separate monitoring reports you're  
16 reviewing today.

17 The first monitoring report was  
18 directed by the Secretary in her 2018 order when  
19 she asked ACICS to provide information regarding  
20 several different recognition regulations even  
21 while finding that ACICS was in compliance with  
22 those regulations.



1           The remaining two monitoring reports  
2       were initiated by department staff and were  
3       driven largely by press accounts regarding  
4       testimony that ACICS gave to CHEA and ACICS'  
5       oversight of a couple of institutions.

6           Discussion of these institutions is  
7       intermingled throughout the three reports and  
8       forms the basis of each termination  
9       recommendation. I would like to provide you with  
10      an overview of these three institutions, namely  
11      Reagan National University, San Diego University  
12      of Integrative Studies, and Virginia  
13      International University, and will then discuss  
14      the specific allegations in each report.

15           I'll start with Reagan National  
16      University, or RNU, which has attracted the most  
17      attention and generated the most outrageous  
18      allegations.

19           RNU is a small school founded in 2010  
20      in Sioux Falls, South Dakota, that offers  
21      bachelor's and master's degree programs. RNU  
22      applied to ACICS for initial accreditation in

1       2016. At the time it was authorized by the  
2       Secretary of State to provide postsecondary  
3       education in South Dakota unaccredited and had a  
4       population of approximately 50 students. After  
5       establishing its eligibility for accreditation  
6       and completing the application materials it  
7       hosted an ACICS initial grant visit team in  
8       February 2017.

9               ACICS sent a team of five evaluators  
10       to conduct a two-day site visit to RNU. This was  
11       a highly experienced team whose members  
12       collectively had more than 30 years of evaluator  
13       experience, and had conducted more than 200  
14       visits for ACICS.

15              RNU reported in its application  
16       materials that it offered programs via distance  
17       education, and the team included an evaluator to  
18       review the distance education offerings. The  
19       team quickly determined, however, that RNU did  
20       not actually offer distance education as defined  
21       by ACICS.

22              Instead, the RNU delivery model was

1 more like independent study and the evaluation  
2 was conducted accordingly. RNU's over-reliance  
3 on independent study was cited as a finding of  
4 non-compliance by the initial visit team.

5 The February 2017 team made six team  
6 findings of non-compliance. RNU responded to the  
7 team report in March 2017, but that response did  
8 not address all of the issues. ACICS deferred  
9 the application in its April 2017 team meeting  
10 and required additional evidence that RNU had  
11 come into compliance.

12 ACICS reviewed that subsequent  
13 response at its August 2017 team meeting and  
14 again determined that compliance issues remained.  
15 It was only in December 2017 after receiving and  
16 reviewing three substantive responses with  
17 documentation from the institution that ACICS  
18 determined that RNU had finally addressed all of  
19 the compliance issues and gave RNU an initial  
20 grant of accreditation.

21 ACICS policies allow for an initial  
22 grant of accreditation up to three years for an

1 institution not previously accredited by a  
2 recognized agency. Because RNU had struggled to  
3 demonstrate compliance ACICS gave it only a two-  
4 year grant of accreditation through December 31,  
5 2019.

6 Under our procedures this meant that  
7 RNU would have to begin the re-accreditation  
8 process to renew its accreditation in mid-2018,  
9 just months after receiving initial  
10 accreditation.

11 During the month after RNU obtained  
12 accreditation it was subject to ongoing  
13 monitoring and oversight by ACICS. ACICS  
14 required RNU to participate in a half-day  
15 orientation program called ACICS Fundamentals for  
16 New Members: A Guide for New Members on  
17 Requirements for Maintaining Accreditation. This  
18 orientation was provided by my colleague Karly  
19 and was attended by RNU's president and its  
20 academic dean. It covered such topics as annual  
21 and periodic reporting, the PVP program,  
22 institutional planning centered on the campus

1 effectiveness plan, and substantive changes.

2 One of the key monitoring tools was  
3 the CAR which gathers student outcome and  
4 achievement information. The ACICS CAR format  
5 evolved as the PVP evolved and by 2018  
6 institutions were required to file CAR reports  
7 every quarter so that ACICS received constantly  
8 updated information on student retention and  
9 graduate placement results.

10 One of RNU's earliest CAR reports  
11 indicated a zero percent placement rate,  
12 prompting the ACICS to issue a show cause  
13 directive. We soon determined, however, that the  
14 issue was not that graduates were not getting  
15 jobs, but that RNU was not reporting the  
16 placements properly through the PVP portal. Once  
17 the reporting protocols were fixed RNU reported  
18 placement rates consistent with ACICS'  
19 requirement.

20 As I described earlier, the PVP  
21 process requires placements to be confirmed  
22 directly to ACICS by the graduate or the employer

1 before they can be considered valid placements in  
2 the placement rate calculation.

3 In October 2019, only 22 months after  
4 RNU obtained initial accreditation, ACICS sent a  
5 five-person team to conduct RNU's re-  
6 accreditation evaluation. This was another  
7 deeply experienced team with over 40 years of  
8 collective service that collectively had done  
9 over 600 evaluations for ACICS.

10 During this two-day site visit the  
11 team observed classes in session, talked to  
12 faculty, staff, and students, and reviewed  
13 administrative records and staff and personnel  
14 files. In the end the team found a small  
15 struggling school with 70 students and it cited  
16 28 findings of non-compliance.

17 Given the large number of findings of  
18 non-compliance that had developed in the 22  
19 months since RNU first obtained accreditation  
20 ACICS issued a show cause directive on its first  
21 review of the team report and response in  
22 December 2019 which was the first step in the due

1 process for removing RNU's accreditation.

2 In accordance with normal ACICS  
3 procedures ACICS -- RNU was scheduled to respond  
4 to the show cause directive at ACICS' April 2020  
5 meeting. In February 2020 a reporter from USA  
6 Today wrote an article in which he reported going  
7 to the school's location twice and finding it  
8 closed.

9 The sensationalistic report went on to  
10 imply that the school did not exist and perhaps  
11 never existed, and it made a host of other false  
12 and misleading assertions and innuendos regarding  
13 ACICS' accreditation of RNU.

14 Following contact from the reporter  
15 ACICS sent a representative to conduct an  
16 unannounced visit to RNU on February 8, 2020.  
17 This was just over a month after ACICS had placed  
18 the institution on show cause and less than a  
19 month following notification from the institution  
20 stating that they intended to respond to the show  
21 cause.

22 The representative also determined

1 that the campus appeared to be abandoned and  
2 spoke with an RNU administrator. Later that same  
3 day RNU notified ACICS that it was voluntarily  
4 relinquishing its accreditation effective  
5 immediately. It's worth noting that RNU was  
6 authorized to operate by the state of South  
7 Dakota throughout this entire period, was never  
8 in the Title IV program, and was never approved  
9 by SEVP to issue student visas.

10 We don't know why RNU suddenly  
11 vanished in February 2020, but we do know that a  
12 highly experienced team found a small and  
13 struggling school in operation in October 2019.  
14 The team found the school significantly out of  
15 compliance with the accreditation standards, and  
16 ACICS immediately began the process of removing  
17 RNU's accreditation. That process was well  
18 underway when the reporter showed up and found a  
19 locked door.

20 We suspect that the RNU owners had  
21 determined that efforts to retain its  
22 accreditation could not succeed and they instead



1 simply walked away. All of ACICS' interactions  
2 with RNU going back to 2016 are well documented  
3 in the record before you today.

4 Next I want to share some background  
5 and history regarding San Diego University of  
6 Integrative Studies, or SDU. SDU is an  
7 institution in San Diego that offers programs to  
8 the graduate level. It is or was affiliated with  
9 the USA English Language Center or Centers.

10 SDU began talking with ACICS about  
11 initial accreditation in 2015. It eventually  
12 completed some of the preliminary application  
13 materials and steps, and ACICS staff conducted an  
14 initial resource visit in June 2016 to determine  
15 whether SDU was prepared to move forward with its  
16 application.

17 During this preliminary application  
18 phase the question of the affiliation between SDU  
19 and the center arose. At the time the center was  
20 accredited by ACCET, another recognized  
21 accreditor, and ACCET had issued a show cause for  
22 the center.

1                   During the June 2016 resource visit  
2                   staff advised SDU that the relationship with the  
3                   center would have to be explained and the show  
4                   cause order from ACCET would have to be resolved  
5                   before SDU's application to ACICS could move  
6                   forward.

7                   At that same time ACICS was working  
8                   with SDU in 2016 this committee voted to  
9                   recommend withdrawal of ACICS' recognition.  
10                  ACICS soon thereafter imposed a moratorium on  
11                  initial applications, effectively preventing  
12                  further action or movement on the SDU's  
13                  application.

14                  Once ACICS' recognition was restored  
15                  in April 2018 and ACICS subsequently lifted the  
16                  moratorium on initial applicants, ACICS in March  
17                  2019 invited SDU to revise its application. In  
18                  its letter ACICS advised SDU that it first would  
19                  have to address the issues raised in the June  
20                  2016 resource visit report, including the ACCET  
21                  actions regarding the center. SDU never provided  
22                  this information and ACICS concluded that SDU had

1       abandoned its application and considered this  
2       matter closed.

3               In June 2019 the Chronicle for Higher  
4       Education wrote an article that among other  
5       things said that SDU was pursuing ACICS  
6       accreditation while it was appealing a denial of  
7       re-accreditation by ACCET. This article to which  
8       ACICS did not contribute is demonstrably wrong  
9       for several reasons.

10              First, because SDU offered programs to  
11       the graduate degree there can be no doubt that it  
12       was accredited by ACCET which only accredits  
13       institutions with programs to the associate's  
14       degree.

15              Second, it is undisputed and well  
16       documented in the record that by 2018 the center  
17       which was accredited by ACCET had further  
18       distanced itself from SDU by obtaining its own  
19       license to operate from the California Bureau of  
20       Private Postsecondary Education and by organizing  
21       itself as a separate legal entity.

22              And third, SDU's application to ACICS

1 was frozen in the preliminary stage in 2016 and  
2 was never reactivated. Despite repeated  
3 explanations by ACICS department staff continues  
4 to question our compliance with Section 602.28(d)  
5 because it says that ACICS did not take ACCET's  
6 action into account during its review of SDU.

7 ACICS documented that it required SDU  
8 to explain the issues with ACCET which ACICS then  
9 routinely would have verified and confirmed with  
10 ACCET to determine whether SDU as an initial  
11 applicant was eligible to move forward with its  
12 application.

13 ACICS provided the department with  
14 several examples of it doing just that with  
15 regard to other institutional applicants as  
16 required by its own standards and the recognition  
17 requirement.

18 In this case, however, SDU never  
19 provided the required information and ACICS never  
20 had the opportunity to follow its normal  
21 procedures because the SDU's application for  
22 initial accreditation was derailed by the

1 moratorium in 2016 and was never revised or  
2 continued.

3 Department staff also accuses ACICS of  
4 violating its own procedures in Section 602.17(e)  
5 by failing to take into account public comment it  
6 received about SDU. This allegation completely  
7 ignores the well documented fact that ACICS sent  
8 these comments to SDU and required it to respond  
9 in writing.

10 Department staff then misreads the  
11 ACICS accreditation criteria and imagines a non-  
12 existent step in the application process in which  
13 ACICS must resolve public comments that the  
14 recognition requirements do not even require it  
15 to collect before an institution's application  
16 can advance.

17 Finally, the department staff uses  
18 these baseless observations about SDU's  
19 application to conclude that ACICS may not be in  
20 compliance with Section 602.15(a)(1) regarding  
21 administrative capability because its staffing  
22 and other resources might not be sufficient to

1       conduct effective evaluations.

2               To be clear, the department staff  
3       speculates on this point based on the application  
4       of SDU which never proceeded much beyond the  
5       preliminary phase, which never was invited to  
6       prepare a self-evaluation, which never hosted an  
7       evaluation team, and which never was even  
8       considered for accreditation by ACICS, let alone  
9       the recipient of ACICS accreditation.

10              Instead, SDU's preliminary application  
11       was derailed by the department's flawed effort to  
12       remove ACICS' recognition in 2016 and was never  
13       reactivated. Again, ACICS' interactions with SDU  
14       as described above are well documented in the  
15       record before this committee today.

16              A third university is Virginia  
17       International University, or VIU. VIU is a non-  
18       profit institution offering primarily bachelor's  
19       and master's degree programs in a variety of  
20       business and technology fields. It has been  
21       accredited by ACICS since 2018.

22              ACICS conducted a routine two-day re-

1 accreditation visit to VIU in January 2018 with a  
2 team of six evaluators plus two accreditation  
3 staff members. Ms. Daggett observed the visit on  
4 behalf of the department staff. At the time of  
5 the visit VIU enrolled approximately 325  
6 students.

7 The team made 10 findings of non-  
8 compliance, including findings about the distance  
9 education program, faculty preparation and  
10 qualification, record-keeping, and curriculum.

11 VIU responded to the team report that  
12 ACICS deferred action on the re-accreditation  
13 application at its April 2018 meeting and  
14 requested additional information regarding the  
15 correction of the findings. ACICS subsequently  
16 awarded a new grant of accreditation in August  
17 2018.

18 The State Council for Higher Education  
19 in Virginia, or SCHEV, conducted its own site  
20 visit to VIU in August 2018. SCHEV identified  
21 five findings of non-compliance, issues with  
22 record-keeping, faculty, and the business

1 education program which it shared with ACICS six  
2 months later in February 2019.

3 SCHEV noted that two of its five  
4 findings were repeats from its evaluations in  
5 prior years. SCHEV staff advised ACICS in  
6 February 2019 that they would recommend to the  
7 SCHEV board that it begin its (audio  
8 interference) to revoke VIU's license. The SCHEV  
9 board accepted the staff's recommendation in  
10 March 2019, setting up an opportunity for VIU to  
11 appeal and seek a resolution with SCHEV.

12 Following consultation with SCHEV  
13 ACICS issued a show cause order to VIU. It  
14 required VIU to respond to the allegations made  
15 by SCHEV and to demonstrate its compliance with  
16 the ACICS standards in a personal appearance at  
17 the ACICS meeting in May 2019. ACICS heard the  
18 testimony but continued the show cause order  
19 until its August 2019 meeting while requiring VIU  
20 to provide additional information regarding its  
21 compliance.

22 VIU ultimately reached a solution with



1 SCHEV that included the suspension of its  
2 distance education program, and it retained its  
3 SCHEV license to operate even today.

4 Following the SCHEV resolution and  
5 after receiving the in-person testimony from VIU  
6 at the May 2019 meeting, and reviewing additional  
7 documentation at the August 2019 meeting, ACICS  
8 vacated its show cause directive.

9 Department staff criticizes ACICS both  
10 because the findings of non-compliance by the  
11 ACICS team in January 2018 were not the same as  
12 those made by the SCHEV team in August 2018, and  
13 because ACICS was reacting to the SCHEV action.

14 Department staff said that some  
15 overlap would be expected between the two  
16 reports, even though they were conducted nearly  
17 nine months apart by different teams applying  
18 different standards because the staff assumed  
19 without any evidence or proof that the variables  
20 reviewed by the two teams would have been the  
21 same.

22 The department staff ignores the fact

1       that the ACICS team did find numerous issues of  
2       non-compliance at VIU and that ACICS required VIU  
3       to correct, and that there was in fact some  
4       overlap in the areas of non-compliance between  
5       ACICS and SCHEV.

6               Some months later the SCHEV team found  
7       other issues that violated SCHEV's rules,  
8       prompting ACICS to issue a show cause order to  
9       VIU and requiring VIU to appear before ACICS to  
10      address these issues.

11             ACICS on the other hand asserts that  
12      its cooperation with SCHEV to share information  
13      and to hold institutions accountable for  
14      compliance is an example of the triad working  
15      exactly as it's intended to work.

16             As the former SDO noted in her 2018  
17      report to the Secretary, quote, "Congress  
18      established a regulatory triad to oversee  
19      institutions participating in Title IV programs  
20      so that all three entities can share  
21      responsibility for monitoring compliance and  
22      identifying issues of non-compliance."

1                   It's also important to note that ACICS  
2                   in mid-2020 finalized an overhaul of systems  
3                   education standards and policies with the  
4                   assistance of an advisory committee and a third  
5                   party distance education expert.

6                   These new and revised standards hold  
7                   institutions to a high standard of compliance  
8                   regarding the delivery of distance education  
9                   programs. They expand the documentation needed  
10                  to demonstrate an institution's readiness to  
11                  deliver effective distance education courses and  
12                  programs including appropriate technology and  
13                  infrastructure to protect student privacy and  
14                  maintain effective delivery, reinforce and  
15                  strengthen the expectations for substantive  
16                  interaction among students and between students  
17                  and faculty, require specific institutional  
18                  policies regarding academic integrity  
19                  expectations and oversight of the distance  
20                  learning environment, expand the requirements for  
21                  faculty teaching distance education courses, and  
22                  strengthen the requirements for institutions to

1 monitor and evaluate the effectiveness of the  
2 distance learning program and the achievement of  
3 educational learning goals.

4 Recognition decisions must be made on  
5 an agency's current standards and policies rather  
6 than policies and standards from the past. As  
7 noted in the recently updated accreditation  
8 handbook full compliance is based on, quote,  
9 "whether the agency has the appropriate policy,  
10 procedure, or standard in place and has adhered  
11 to those policies, procedures, and/or standards."

12 I'll now address each of the  
13 monitoring reports. The first report is the  
14 monitoring report directed by Secretary DeVos.  
15 In her 2018 order Secretary DeVos directed ACICS  
16 to provide a monitoring report regarding several  
17 recognition regulations even though she  
18 explicitly found ACICS in compliance with those  
19 regulations.

20 In the final report the department  
21 staff concludes that ACICS has not demonstrated  
22 that it continues to comply with Sections

1 602.15(a)(1) and 602.19(b). ACICS is confident  
2 that it fully complies with the requirements of  
3 those sections.

4 In regard to Section 602.15(a)(1) the  
5 final report on monitoring focuses solely on  
6 ACICS' financial situation, finding that, quote,  
7 "department staff has no basis to believe that  
8 ACICS will be able to turn around its precarious  
9 financial situation," end quote."

10 Let me say at the outset it is more  
11 than a little ironic that the department staff  
12 now urges the termination of ACICS' recognition  
13 due to perceived financial concerns that were  
14 caused entirely, 100 percent by the department's  
15 previous attempt to withdrew ACICS' recognition  
16 in 2016 in violation of federal law.

17 I also note rather than describing  
18 ACICS' financial situation as precarious, the  
19 department staff made an entirely different  
20 observation in the draft staff analysis on  
21 monitoring when it stated the following. Quote,  
22 "Although the documentation indicates that the

1 agency is currently operating at a deficit and is  
2 projected to do so until 2023 ACICS reported  
3 sufficient reserves to cover the operating  
4 deficit, and the level of those reserves is in  
5 line with those of other similarly sized  
6 accrediting agencies."

7 The draft analysis also reported,  
8 quote, "The financial projections included within  
9 the agency's budget reflect a measured growth at  
10 a realistic level which projects that the  
11 operating deficits will be eliminated by 2024,"  
12 end quote.

13 ACICS currently has invested reserves  
14 in excess of \$8.6 million. Its projected  
15 operating loss for FY 2021 ending June 30, 2021  
16 is \$1.4 million with its projected operating  
17 losses for FY 2022 and 2023 at \$903 and \$380,000  
18 respectively.

19 Accordingly, its realistic budgets for  
20 the next several years have it beginning FY 2024  
21 operating on a breakeven basis with nearly \$6  
22 million still in reserves. To reiterate, the

1 department acknowledges that ACICS has sufficient  
2 reserves to cover its expected losses and a  
3 realistic plan to eliminate that deficit, yet it  
4 now characterizes our financial position as  
5 precarious.

6 The department staff analysis on  
7 monitoring found that ACICS had reserves  
8 comparable to those of other similarly sized  
9 accrediting agencies that were sufficient to  
10 cover its operating deficits until its realistic  
11 plan allowed it to eliminate the operating  
12 deficits.

13 The final report on monitoring did not  
14 reverse course and find that ACICS does not have  
15 adequate financial resources to carry out its  
16 accrediting responsibilities as ACICS is required  
17 to demonstrate in accordance with the regulation.

18 Instead, the final report on  
19 monitoring simply notes that, quote, "Department  
20 staff has no basis to believe that ACICS will be  
21 able to turn around its precarious financial  
22 position," end quote.

1                   This conclusion is wholly opposite  
2                   from the draft staff analysis, entirely  
3                   unsupported by any evidence in the record, and  
4                   pure conjecture by the department staff. It is  
5                   not a finding of non-compliance with a  
6                   recognition regulation.

7                   Similar to other recognized  
8                   institutional accreditors a substantial portion  
9                   of ACICS' revenues come from accrediting fees  
10                  paid by member institutions. Once the  
11                  recognition issues are resolved ACICS expects a  
12                  modest increase in membership, thereby resulting  
13                  in increased dues.

14                 Furthermore, with increased membership  
15                 revenues from ACICS sponsored conferences and  
16                 workshops will further strengthen the agency's  
17                 financial standing.

18                 The only other issue raised in the  
19                 final staff report on monitoring is ACICS'  
20                 oversight of its members as required by Section  
21                 602.19(b). The only concern raised by the  
22                 department staff to support its finding of non-



1 compliance deals with ACICS' oversight of VIU  
2 which I discussed in detail earlier as well as a  
3 passing reference to the separate report on RNU.

4 For the reasons already discussed and  
5 incorporated here I am confident that ACICS  
6 conducted a thorough review of VIU, and that it  
7 fulfilled its responsibilities under the triad  
8 when SCHEV raised its concerns with VIU.

9 I also reiterate that ACICS last year  
10 completed and implemented revised distance  
11 education standards that further strengthen  
12 ACICS' requirements and oversight of this  
13 increasingly important delivery mode.

14 Section 602.19(b) is also one of the  
15 areas of the SDO's review in 2018 that the OIG  
16 looked into in this week's report. The SDO and  
17 the Secretary in the fall of 2018 found that  
18 ACICS complied with the requirements of this  
19 section.

20 According to the OIG the SDO found,  
21 quote, "ample evidence of ACICS' monitoring  
22 actions," and that "there were numerous examples

1       that ACICS had many effective mechanisms to  
2       monitor and evaluate its institutions," end  
3       quote.

4               The OIG also reports the SDO to have  
5       determined that, quote, "it would be inaccurate  
6       to review the documents in the record and  
7       conclude that ACICS only takes action as a result  
8       of information obtained by other agencies," end  
9       quote, and noted instances where ACICS had found  
10      problems that it shared with other regulators as  
11      well as instances where it reacted to problems  
12      brought to its attention by other regulators.

13              There is abundant information in the  
14      record demonstrating that ACICS closely monitors  
15      its accredited institutions.

16              Next I'd like to address the final  
17      staff report on capacity. The final staff report  
18      focusing on ACICS capacity concerns also  
19      questions ACICS' compliance with 602.15(a)(1) as  
20      well as Section 602.16(c), 17(c), and 17(e). The  
21      staff analysis again is wrong and ACICS is  
22      confident it fully complies with these three

1 criteria.

2 When discussing Section 602.15(a)(1)  
3 in this report department staff focuses on ACICS'  
4 oversight of VIU and SDU which I discussed  
5 earlier. Here, department staff conclude  
6 incorrectly that ACICS' actions with regard to  
7 these institutions did not demonstrate that ACICS  
8 was effective in identifying compliance issues  
9 which the department staff asserts could be the  
10 result of a lack of administrative or fiscal  
11 capability.

12 Department staff also assert without  
13 foundation or support that, quote, "it appears  
14 that inadequate staffing and other resources are  
15 likely the reason for the ineffective evaluation  
16 mechanisms," end quote.

17 As ACICS made clear in the voluminous  
18 documentation provided to the department staff  
19 and throughout this presentation the basic  
20 premise that ACICS' evaluations of VIU and SDU  
21 were flawed is ineffective and wrong.

22 And even if questions on this point

1 remain department staff does not find with any  
2 certainty that its oversight concerns amount to  
3 non-compliance with Section 602.15(a)(1). The  
4 department staff again speculates about what  
5 could be an issue, and that other possible  
6 concerns appear likely.

7 The department makes no observation  
8 regarding how or why severing resources are  
9 inadequate, or attempts to connect its  
10 speculations to its perceived concerns about  
11 ACICS' oversight of VIU or SDU.

12 Regarding Section 602.16(c) and the  
13 evaluation of distance education programs the  
14 final report again criticizes ACICS' evaluation  
15 of VIU in January 2018. In this instance  
16 department staff quotes a single statement from  
17 the site visit team that reported that the team  
18 reviewed a number of distance education courses,  
19 quote, "to verify that online courses provide the  
20 opportunities for interaction between faculty and  
21 students and among students," end quote.

22 The department staff concludes that

1       this single phrase in a single 2018 team report  
2       for a single institution, quote, "does not  
3       demonstrate that ACICS conducted a comprehensive  
4       review of the quality of distance education at  
5       VIU during its onsite visit, nor does it  
6       demonstrate an effective review of distance  
7       education at its accredited institutions  
8       overall," end quote.

9               The department staff fails to report  
10       that ACICS assigned an evaluator to each team  
11       specifically to review the distance education  
12       program. In addition, the team report template  
13       in use by ACICS teams for many years, including  
14       for the VIU visit, has an entire section  
15       specifically dedicated to the assessment of  
16       distance education programs.

17              The report template in use for the VIU  
18       visit included 32 questions, many with subparts,  
19       that the team had to answer regarding distance  
20       education. The distance education on the VIU  
21       team made a number of observations, both positive  
22       and critical, about the VIU distance education

1 program.

2 Included in the distance education  
3 section of the report were a number of comments  
4 by the team regarding observations of classes,  
5 interviews with faculty and students, and reviews  
6 of documentation demonstrating usage of the LNS  
7 by faculty and students.

8 It is irresponsible for the department  
9 staff to draw a sweeping conclusion about ACICS'  
10 compliance with recognition regulations from a  
11 single statement in a single team report.

12 First, the department staff finds  
13 nothing improper or inadequate about the actions  
14 of the ACICS team during the VIU site visit that  
15 was observed in person by the department staff.  
16 Only the way the team chose to report its actions  
17 was insufficient to satisfy some undefined  
18 measure of effectiveness.

19 Second, the purpose of the site visit  
20 report was to describe the team's actions during  
21 the re-accreditation visit to this particular  
22 institution, not to build a record to demonstrate

1 ACICS' compliance with the recognition  
2 requirements.

3 It is improper for department staff to  
4 conclude a single statement by a single team  
5 reporting on one aspect of its assessment is  
6 insufficient to prove that ACICS and its teams  
7 are effective in their assessments at other  
8 institutions across the membership.

9 This is particularly true when the  
10 final staff report ignores documentation in the  
11 record demonstrating both a substantive and  
12 thorough review of distance education conducted  
13 by the VIU team and the ACICS standards,  
14 policies, and procedures regarding the assessment  
15 of the distance education program across our  
16 membership.

17 The final staff report criticizes  
18 ACICS repeatedly because it coordinated the  
19 investigation of allegations regarding VIU with  
20 SCHEV which it is required by recognition  
21 regulations to do so as a member of the triad,  
22 and it states that, quote, "ACICS never

1 independently investigated the issues raised in  
2 the SCHEV audit," end quote.

3 This statement is not accurate. It  
4 ignores the fact that ACICS issued a show cause  
5 order to VIU obligating it to explain the issues  
6 raised in the SCHEV report and to demonstrate  
7 that it continued to comply with the ACICS  
8 accreditation standard.

9 ACICS' review of these matters  
10 included a mandatory personal appearance by VIU  
11 leadership in front of ACICS and documented  
12 responses to findings of non-compliance outlined  
13 in the show cause orders in March and May 2019.

14 The discussion in the final staff  
15 report on capacity regarding ACICS' compliance  
16 with the requirement in 602.17(c) regarding  
17 effective site visits also focuses almost  
18 entirely on the evaluation of VIU with a passing  
19 reference to RNU. The department's analysis,  
20 however, provides no information that the ACICS  
21 team visit was in any way inadequate, only that  
22 the ACICS findings of non-compliance were not the



1 same as the findings of the SCHEV team eight to  
2 nine months later.

3 Among the most egregious error in the  
4 final report on capacity inquiry is the  
5 discussion of ACICS' compliance with 602.17(e).  
6 For this issue the department staff focuses  
7 entirely on SDU. As I mentioned earlier, ACICS  
8 never accredited or even considered accrediting  
9 SDU which never proceeded past the initial  
10 inquiry stage.

11 The final report on capacity inquiry  
12 says that ACICS never considered the public  
13 comment it received regarding SDU. That is  
14 simply wrong. The department says that ACICS  
15 solicited and received limited comments about SDU  
16 (audio interference) have not submitted any  
17 evidence to demonstrate that it has engaged in  
18 any substantive review of either the comments, or  
19 SDU's documentation, or considered any  
20 appropriate response in review of the comments or  
21 documents, end quote.

22 The department staff completely

1 ignores the documentation that ACICS provided  
2 demonstrating that it forwarded those public  
3 comments to SDU in June 2016 for review and  
4 response, and that SDU responded later that same  
5 month. This all occurred before ACICS conducted  
6 the initial resource visit to SDU.

7 Moreover, department staff misreads  
8 the ACICS accreditation standards and  
9 manufactures a nonexistent step in the evaluation  
10 process regarding these public comments.

11 Department staff observed that, quote,  
12 "completion of the public comment step would  
13 require an analysis of the comments and a  
14 preliminary assessment of those comments and the  
15 institution's response before moving on to the  
16 next step," end quote.

17 But there is nothing more than the  
18 department staff's opinion or speculation. There  
19 is no public comment step in the ACICS  
20 application process. Instead, consideration of  
21 public comment informs each phase of the process,  
22 including the preliminary review, the resource

1 visit, the team evaluation visit, and  
2 consideration by the council.

3 And finally, I would like to discuss  
4 the final report on RNU. The final report on RNU  
5 describes five areas of non-compliance with the  
6 recognition regulations including Sections  
7 602.15(a)(1), 15(a)(2), 17(c), 18(c), and 19(b).  
8 I've already addressed ACICS' compliance with  
9 15(a)(1) in the final report on monitoring and  
10 the final report on capacity inquiry, 602.19(b)  
11 in the final report on monitoring, and 17(c) in  
12 the final report on capacity. I also addressed  
13 ACICS' compliance with 602.15(a)(2) in the final  
14 report on compliance.

15 ACICS complies with the requirements  
16 in Section 602.15(a)(1). In the final report on  
17 RNU the department again questions whether ACICS  
18 has adequate administrative staff and financial  
19 resources to carry out its accrediting  
20 responsibilities as required by Section  
21 602.15(a)(1), this time basing its conclusion on  
22 ACICS' alleged failure to address all of the

1 issues raised in the draft staff analysis on RNU.

2 The department staff finds the  
3 outstanding issues in Section 602.18(c) and 19(b)  
4 do not demonstrate administrative capability.  
5 Agency staff did not confirm RNU met the workshop  
6 attendance requirement in the review of the  
7 application for accreditation, nor verified the  
8 answers provided on RNU's pre-application self-  
9 assessment.

10 As an initial matter ACICS notes that  
11 the department staff concern about the workshop  
12 attendance and the pre-application self-  
13 assessment are related to RNU's initial  
14 accreditation efforts in 2016 and early 2017.

15 It is unclear to ACICS why such  
16 ancient issues are the subject of a monitoring  
17 report being considered in 2021. In any case  
18 ACICS' operations are drastically different now  
19 than they were then.

20 RNU in 2016 sent someone to the ACICS  
21 accreditation workshop other than the CEO as  
22 required in the ACICS accreditation criteria.

1 The department criticizes ACICS because it says  
2 that ACICS, quote, "provided no discussion or  
3 documentation on the failure of the agency to  
4 enforce its current policies and procedures  
5 related to this requirement," end quote.

6 The department's conclusion that this  
7 one-off instance from nearly five years ago in  
8 particular calls into question ACICS'  
9 administrative capability is wholly  
10 disproportionate.

11 The department's other criticism of  
12 ACICS in this regard stems from the conclusion  
13 that ACICS did not verify information provided by  
14 RNU in its 2016 pre-application self-assessment  
15 for initial accreditation.

16 Specifically, the department notes  
17 that RNU selected yes from a dropdown menu on the  
18 electronic application in response to the  
19 question is the institution currently accredited.  
20 RNU, however, did not provide any additional  
21 information as requested on the application form  
22 including the identity of the other accrediting

1 agency, or the effective date of the other  
2 agency's grant of accreditation.

3 ACICS explained in its response to the  
4 draft staff analysis on RNU that it could not  
5 determine whether RNU selected yes in error, or  
6 if it was perhaps confused about the terminology.  
7 It is undisputed that RNU was not accredited by  
8 another recognized agency which was a simple fact  
9 for ACICS to confirm in conversations with RNU  
10 and by checking other agencies' directory  
11 information.

12 Nonetheless, the department challenges  
13 ACICS' administrative capability because it says  
14 that, quote, "ACICS did not provide any  
15 information or documentation that it did verify  
16 that claim, nor the agencies' policies and  
17 procedures for reviewing and verifying the self-  
18 assessment claims in general."

19 It is not clear why ACICS would  
20 maintain documentation of such a routine and  
21 simple step as confirming in 2016 that an  
22 applicant institution was not accredited by

1 another agency, or what sort of documentation  
2 department staff in 2021 would find persuasive.

3 More importantly, department staff  
4 disregards the entire initial application process  
5 that ACICS has explained and that department  
6 staff AHS observed and reviewed many times. So-  
7 called self-assessment claims made by  
8 institutions seeking to pursue initial  
9 accreditation by ACICS are limited to basic  
10 eligibility information that ACICS routinely  
11 verifies in subsequent conversations with the  
12 initial applicant, by staff during the initial  
13 resource visit, in the self-evaluation process,  
14 by the evaluation team during an initial  
15 accreditation visit, and by the council when  
16 considering whether to grant initial  
17 accreditation.

18 The final report on RNU challenges  
19 ACICS' compliance with the requirement in Section  
20 602.15(a)(2) that the agency has confident and  
21 knowledgeable representatives trained for their  
22 roles. The department bases its finding on a

1 question about the qualifications of a single  
2 distance education evaluator and on a statement  
3 included in the initial site visit report.

4 ACICS notes again that the department  
5 is focused on the initial site visit to RNU that  
6 occurred in February 2017, more than four years  
7 ago. The department notes that ACICS had  
8 included in its response to the draft staff  
9 analysis on RNU its response to the same  
10 criterion in the final report on compliance, but  
11 the department finds that, quote, "ACICS did not  
12 respond specifically to the concern in the draft  
13 staff analysis regarding insufficient training of  
14 its representatives."

15 However, the department fails to note  
16 that ACICS' response to the final report on  
17 compliance included documentation of its training  
18 materials and activities which ACICS incorporated  
19 as an exhibit to its response to the draft staff  
20 analysis on RNU. Department staff did not cite  
21 the adequacy of training of representatives as a  
22 finding in the final report on compliance.



1                   If documentation provided by ACICS is  
2                   sufficient to document compliance with a specific  
3                   requirement in one report the same documentation  
4                   must be acceptable to document compliance with  
5                   the same requirement in another report. This is  
6                   another example of the department staff's  
7                   repeated failure to review documentation provided  
8                   by ACICS in violation of the Administrative  
9                   Procedures Act.

10                   In the draft staff analysis on RNU the  
11                   department made the following observation.  
12                   Quote, "RNU's application and the team report  
13                   from the initial site visit stated that RNU was  
14                   seeking review of the programs offered online as  
15                   distance education as noted above. However,  
16                   based on the visit report, no distance education  
17                   specialist was assigned to the site visit team to  
18                   conduct a review of the distance education."

19                   The department's observation is not  
20                   correct. ACICS explained and documented in  
21                   response to the draft staff analysis on RNU with  
22                   respect to Section 602.17(c) that an evaluator

1 named Mr. Bleacher had been identified to RNU as  
2 the team member who would review the distance  
3 education program along with other  
4 responsibilities.

5 Because the team determined there was  
6 no distance education program to review Mr.  
7 Bleacher's role on the team as reported on the  
8 report cover was to review his other  
9 responsibilities.

10 In the final report on RNU the  
11 department now raises for the first time a  
12 question about whether Mr. Bleacher in fact was  
13 qualified to review a distance education program.  
14 ACICS could have provided this information easily  
15 to the department staff if it had been requested.

16 Mr. Bleacher has more than 25 years of  
17 experience as a faculty member, administrator,  
18 and curriculum and training designer in both on-  
19 ground and online programs, including serving on  
20 a team that developed the online program presence  
21 for a community college in Colorado.

22 At the time of the RNU visit he was

1 Dean of Faculty at Strayer University where he  
2 oversaw online and on-ground faculty, and  
3 designed online training and education materials.  
4 He was eminently qualified to review the distance  
5 education at RNU if such a program had existed.

6 In the draft staff analysis on RNU the  
7 department also questioned with regard to Section  
8 602.16(a)(1)(ii) a comment made by the initial  
9 evaluation team in 2017 regarding the  
10 availability of instructional resources for  
11 students.

12 The department concludes that this  
13 statement constituted non-compliance with the  
14 ACICS accreditation standard, but because the  
15 team did not cite it as a finding of non-  
16 compliance the department says that this must  
17 demonstrate a, quote, "lack of training on the  
18 agencies' standards and therefore a lack of  
19 administrative capability."

20 However, as noted in its response to  
21 the draft staff analysis it is inappropriate and  
22 disproportionate for the department staff to read

1 a single statement in a team report from four  
2 years ago, substitute its judgment on a question  
3 of institutional compliance for that of the site  
4 visit team, and conclude that this single  
5 observation is an indication of poor training of  
6 team members, or the lack of administrative  
7 capability on the part of ACICS.

8 In addition, even if there is merit to  
9 the staff's observation, the finding wholly  
10 disregards the department staff acknowledgment in  
11 the final report on compliance that every active  
12 evaluator in the ACICS evaluator pool has  
13 undergone refresher training regarding the  
14 evaluation process.

15 The department's particular concern  
16 about its findings in regard to Sections  
17 602.16(a)(1)(ii) and 17(c) is the basis for its  
18 conclusion that ACICS has not demonstrated that  
19 it properly trained its representatives for their  
20 roles as required by Section 602.15(a)(2).

21 But ACICS has demonstrated that the  
22 department's observations and concerns about a

1 single team visit more than four years ago are  
2 inaccurate and unsubstantiated. ACICS has  
3 demonstrated and documented its compliance with  
4 Section 602.15(a)(2).

5 The final report on RNU with regard to  
6 Section 602.16(a)(1)(ii) makes several incorrect  
7 statements of fact and determines that ACICS does  
8 not, quote, "adhere with fidelity," end quote, to  
9 its statement -- standards regarding curricula,  
10 even though it concludes that ACICS is  
11 substantially -- in substantial compliance with  
12 the recognition regulations.

13 Most notably, the department finds  
14 incorrectly that RNU changed from, quote,  
15 "distance education to 100 percent participation  
16 in independent study, to 100 percent in-person  
17 scheduled classes in a matter of only a few  
18 months," end quote.

19 ACICS explained in detail in its  
20 response to the draft staff analysis on RNU that  
21 its 2017 evaluation team determined that RNU in  
22 fact had never offered distance education, and

1 that its delivery model when it sought initial  
2 accreditation from ACICS instead was one of  
3 independent study.

4 The final report on RNU finds ACICS to  
5 be in substantial compliance with the fiscal and  
6 administrative capacity requirement in Section  
7 602.16(a)(1)(v) but it nevertheless questions  
8 ACICS' fidelity to the requirement based on a  
9 truly astonishing analysis by the department  
10 staff.

11 Specifically, the department takes the  
12 clear position that ACICS has a responsibility to  
13 investigate the background, qualifications, and  
14 experience of audit firms before it will accept  
15 financial statements prepared by them. No other  
16 accrediting agency is held to this standard.

17 The draft staff analysis questions  
18 RNU's choice of auditors by stating, "However, it  
19 is not clear that ACICS' confirmed financial  
20 statements are certified by an independent  
21 certified public accountant.

22 "The financial statements for a South

1 Dakota-based institution are on the letterhead of  
2 Wang & Associates which includes an address in  
3 Washington, DC. From the department's research  
4 that accounting firm has no web presence or  
5 apparent expertise in the review of financial  
6 statements, or institutions of higher education."

7 ACICS verified the web address of Wang  
8 & Associates in a few seconds with a handful of  
9 keystrokes in a Google search and we found that  
10 the auditor who signed this audit is listed as  
11 having been certified by the DC Board of  
12 Accountancy since 1990.

13 ACICS provided all of this information  
14 in its response to the draft staff analysis, even  
15 though it had no obligation under the recognition  
16 regulations to conduct such an investigation.

17 Our response to the draft analysis  
18 said, "ACICS has no reason to doubt that the  
19 audited financial statements that RNU provided  
20 are anything other than what they purport to be.  
21 Nothing in the recognition regulations obligates  
22 ACICS or any other recognized accreditor to

1 confirm the licensure of an institution's  
2 auditor, to check the auditing firm's web page to  
3 ascertain its level of experience in auditing for  
4 institutions of higher education, or to question  
5 why an institution has engaged an auditor in  
6 another state.

7 "Absent some indication of fraud or  
8 other impropriety which doesn't exist here, ACICS  
9 accepts audited financial statements on auditor  
10 letterhead at face value, and has every reason to  
11 believe that every other recognized accreditor  
12 does the same."

13 The final staff report on RNU  
14 acknowledges the submission of this information,  
15 but it states, quote, "However, ACICS did not  
16 provide the protocols it used to determine that  
17 there was no reason to doubt the submission of  
18 financial statements for a small institution  
19 located in South Dakota by an accountant based in  
20 DC with no apparent experience with institutions  
21 of higher education, or if the agency were to  
22 discover potential fraud or impropriety related



1 to the submitted financial statements," end  
2 quote.

3 There is no recognition regulation or  
4 policy that requires ACICS to have such  
5 protocols. The department, which could not find  
6 Wang & Associate's web page, and apparently is  
7 unaware that the Wang offices are just blocks  
8 away from the department's headquarters, has no  
9 basis for concluding that Wang has, quote, "no  
10 apparent experience with institutions of higher  
11 education," end quote.

12 Even if the department's supposition  
13 that Wang did not have experience with  
14 institutions of higher education is true that  
15 would be irrelevant here. RNU did not  
16 participate in Title IV and the auditor had no  
17 responsibility to review Title IV compliance or  
18 other matters unique to institutions of higher  
19 education.

20 Wang simply had to conduct a routine  
21 financial audit of a small business enterprise  
22 which any CPA firm is inherently qualified to

1 handle.

2 On these dubious observations the  
3 department staff finds that ACICS is in  
4 substantial compliance with its regulation, even  
5 though it finds that ACICS does not adhere with  
6 fidelity to its standards.

7 It will no doubt come as a surprise to  
8 both, (a) to institutions that they may be  
9 required to justify to their accreditors why they  
10 choose a particular auditing firm, and (b) to  
11 other accreditors that the department expects  
12 them to develop and implement protocols for  
13 determining whether an institution's choice of  
14 auditing firm warrants investigation, and whether  
15 the auditing firm has an acceptable level of  
16 experience with institutions of higher education  
17 before the accreditor decides to accept the  
18 financial statement.

19 The outrageous position taken by the  
20 department staff with regard to ACICS' obligation  
21 to vet an institution's auditor is yet another  
22 example of both holding ACICS to different

1 standards than the department imposes on other  
2 institutional accrediting agencies, and of the  
3 department's repeated practice of inventing  
4 recognition standards that have not been  
5 promulgated through a rulemaking process as  
6 required by the Administrative Procedures Act.

7 It's worth noting that the OIG report  
8 this week examined the SDO's review of this  
9 topic. The OIG reports that the SDO found that  
10 ACICS, quote, "used multiple tools to monitor its  
11 member institutions' financial responsibility,  
12 and to take appropriate action when an  
13 institution's financial capacity is in question  
14 or insufficient," end quote.

15 The SDO also found according to the  
16 OIG that, quote, "that ACICS provided evidence  
17 that it is diligent in the financial review of  
18 its institutions," end quote. This finding by  
19 the SDO in September 2018 was at exactly the same  
20 time as the 2018 RNU audit by Wang & Associates  
21 of which the department now questions ACICS'  
22 fidelity to the regulations.

1           The final report on RNU also asserts  
2           that ACICS has not demonstrated that it conducts  
3           site visits to institutions that collect  
4           sufficient information to evaluate an  
5           institution's compliance with accreditation  
6           standards as required by Section 602.17(c).

7           ACICS first notes that the department  
8           staff reaches this sweeping conclusion about  
9           ACICS' compliance based solely on the  
10          department's review of RNU. The final report on  
11          RNU says that ACICS told RNU that, quote, "at  
12          least 10 percent of students across all  
13          disciplines and day and evening schedules will be  
14          surveyed which set the agency's own expectation  
15          for the number to be completed," end quote.

16          The department again misunderstands  
17          our policy. Our policy sets the number of  
18          students who would be surveyed, not the number of  
19          surveyed students who would have to return the  
20          survey instrument which of course none of us can  
21          control.

22          The final report then finds that ACICS

1 did not follow its own policies because during  
2 the 2019 re-accreditation visit only 3 of the 70  
3 current students returned their survey  
4 instruments, rather than 7 as the department  
5 seemed to expect.

6 Even if the analysis were correct, the  
7 department is basing a finding on the agency's  
8 non-compliance on the fact that four students did  
9 not return a survey instrument to the evaluation  
10 team.

11 The department then concludes, quote,  
12 "Overall, ACICS has not (audio interference) that  
13 it obtained sufficient information regarding  
14 students during its onsite visit because it does  
15 not obtain student surveys in sufficient  
16 quantities to be meaningful, nor has it  
17 demonstrated that it collects sufficient  
18 information regarding students using other  
19 methods," end quote.

20 In making this conclusion which is  
21 again based on a single team report the  
22 department ignores at least five other statements

1 in the RNU team report indicating the team's  
2 interaction with students.

3 The final report on RNU then observed  
4 that the draft staff analysis stated that  
5 observations and findings related to the student  
6 population seemed to point to issues that were  
7 not explored by the 2017 site visit team which it  
8 said should have been red flags calling into  
9 question the existence of a legitimate student  
10 population.

11 The department failed to note,  
12 however, that several of its observations which I  
13 reiterate were from the 2017 evaluation in fact  
14 were cited as findings of non-compliance by the  
15 evaluation team. The department's assertions  
16 that these matters were not explored by the site  
17 visit team is simply wrong. There is no evidence  
18 whatsoever to doubt the presence of a legitimate  
19 student population at RNU. ACICS fully complies  
20 with the requirements in Section 602.17(c).

21 The final report on RNU finds ACICS  
22 out of compliance with the requirement in Section

1       602.18(c) that it base its accreditation  
2       decisions on its published standards. The  
3       conclusion is based in part on the department's  
4       determination that the RNU chief onsite  
5       administrator did not attend an ACICS  
6       accreditation workshop in 2016 as required by  
7       ACICS standards, that ACICS did not document how  
8       it confirmed that RNU was not accredited by  
9       another recognized agency when it completed its  
10      application for initial accreditation in 2016,  
11      and that the 2017 initial visit team collected  
12      only three surveys rather than seven surveys as  
13      the department staff mistakenly thinks ACICS  
14      standards require. ACICS addressed these  
15      assertions above and will not repeat that  
16      discussion.

17               The only additional assertion made by  
18      the department in this section is that ACICS did  
19      not follow its own policies when it declined in  
20      2019 to enforce the placement rate standard and  
21      take action on two programs with exceptionally  
22      small enrollment when all other RNU programs had

1 placement rates above ACICS' minimum requirement.

2 Specifically, RNU's annual report for  
3 the year ended June 30, 2018 indicated that one  
4 bachelor's degree program had successfully placed  
5 one of the two graduates from the program and a  
6 second bachelor's degree program had placed two  
7 of its four graduates.

8 ACICS explained in its response to the  
9 draft staff analysis on RNU that, quote, "ACICS  
10 historically has not imposed strict outcomes  
11 requirements on very small programs with 10 or  
12 fewer students or graduates such as the two RNU  
13 programs in question, although it still routinely  
14 monitors these programs," end quote.

15 The department concludes that this use  
16 of ACICS' discretion to apply an unwritten  
17 exemption and to waive its strict requirement  
18 when it deems appropriate, quote, "does not  
19 demonstrate that ACICS bases its accreditation  
20 decisions on published standards."

21 Based on the department's observation  
22 ACICS revised its policies as of May 2020 to



1       require that institutions must request and  
2       justify such an exemption for programs with small  
3       numbers of students or graduates.

4               The final report on RNU acknowledges  
5       this policy change, but the issue nevertheless  
6       and incorrectly remains a finding. ACICS has  
7       more than adequately demonstrated that it makes  
8       accreditation decisions based on its  
9       accreditation standards notwithstanding the  
10      department's focus on a handful of very old  
11      observations regarding one institution. ACICS  
12      complies with this recognition requirement.

13              And finally, the final report on RNU  
14      finds that ACICS does not adequately monitor  
15      institutions to identify problems with continued  
16      compliance as required by Section 602.19(b). It  
17      repeats an issue from the draft staff analysis  
18      regarding differences between RNU's initial  
19      campus accountability report and its subsequent  
20      CAR.

21              ACICS addressed this issue in its  
22      response to the draft staff analysis, but the

1 department apparently misunderstood. RNU  
2 submitted its initial CAR report in July 2016.  
3 As ACICS explained, initial CAR reports at that  
4 time were prepared in hard copy and collected  
5 information from various aspects of an  
6 institution's operations.

7 After RNU obtained initial  
8 accreditation it was required to file the  
9 standard CAR report. Its first such report for  
10 the year ended June 30, 2018 was due in November  
11 2018.

12 Prior to 2018 ACICS had converted the  
13 standard CAR to an electronic format and revised  
14 the CAR report to focus solely on student  
15 outcomes in large part driven by the department's  
16 insistence in 2016 that ACICS develop and enforce  
17 bright line student outcome requirements even  
18 though the department did not impose these same  
19 requirements on other institutional accreditors.

20 These revisions were necessary in  
21 order for the student outcome information to  
22 populate the placement verification program

1 database that the former SDO lauded in her 2018  
2 report to the Secretary.

3 ACICS subsequently monitored the CAR  
4 report for initial applicants to mirror the  
5 standard CAR report. Department staff reviewing  
6 this matter in 2021 for some reason cannot accept  
7 the idea that our agency monitor its reporting  
8 forms between 2016 and 2018.

9 Department staff recounts the myriad  
10 reporting and oversight activities conducted by  
11 ACICS, yet it observes that, quote, "none of  
12 these activities resulted in ACICS uncovering any  
13 of the serious compliance issues identified in  
14 the 2017 site team review," end quote.

15 Department staff, however, does not  
16 explain how or why those reporting and oversight  
17 activities that ACICS implements once an  
18 institution is accredited would have identified  
19 issues of non-compliance from 2017 before RNU was  
20 even accredited.

21 ACICS explained to the department that  
22 the 2017 initial site visit team identified a

1 number of findings of non-compliance. RNU  
2 provided several different responses over the  
3 next many months to document that it had  
4 addressed those issues before it finally had  
5 demonstrated compliance and received an initial  
6 grant of accreditation in December 2017.

7 Based on the record ACICS gave RNU  
8 only a two-year grant of accreditation expiring  
9 in December 2019. This meant that RNU would have  
10 to start the self-evaluation and re-accreditation  
11 process within approximately nine months of  
12 obtaining initial accreditation. In the  
13 meantime, RNU was subject to ACICS' oversight and  
14 monitoring as I described earlier.

15 ACICS conducted the re-accreditation  
16 visit in October 2019, just 22 months after RNU  
17 first obtained accreditation. The team found a  
18 small and struggling but functioning institution,  
19 and it identified a number of findings of non-  
20 compliance.

21 Because RNU had fallen so far out of  
22 compliance with the accreditation standards in

1 such a short period of time ACICS immediately  
2 issued a show cause order to RNU.

3 To summarize, RNU is a small school  
4 founded in 2010. Like many similar (audio  
5 interference) institutions it experienced some  
6 degree of difficulty with the accreditation  
7 process. It eventually crossed the threshold to  
8 demonstrate compliance with the accreditation  
9 standards and obtained initial accreditation, but  
10 ACICS required it to repeat the accreditation  
11 process in very short order to demonstrate that  
12 its initial compliance had held.

13 When the re-accreditation process  
14 found this not to be the case ACICS took  
15 appropriate action.

16 After the ACICS adverse action to  
17 remove RNU's accreditation was well underway USA  
18 Today wrote a sensationalistic story that falsely  
19 insinuated that RNU was a complete fiction, and  
20 that ACICS somehow was unwilling or unable to  
21 ferret out the deception.

22 The final report on RNU which was

1 triggered by the USA Today article finds that  
2 ACICS is unworthy of recognition by focusing on  
3 events primarily associated with a single  
4 institution's application for initial  
5 accreditation in 2016 and 2017.

6 Nearly all of the department's  
7 criticisms in this regard are inaccurate,  
8 incomplete, or inappropriate. ACICS has  
9 demonstrated on the record that it complies fully  
10 with the monitoring requirements outlined in  
11 Section 602.19(b) as well as all of the other  
12 recognition requirements cited in the final  
13 report on RNU.

14 With that the ACICS team is ready to  
15 address any questions the committee has with  
16 regard to our compliance with the recognition  
17 criteria.

18 CHAIR KEISER: Well, thank you very  
19 much for that very thorough report. I am going  
20 to request that we take an eight-minute break  
21 because we've been sitting here for a long time.  
22 So we will return in eight minutes which will be

1 at 11:31 and begin with the questions to the  
2 agency. Thank you.

3 (Whereupon, the above-entitled matter  
4 went off the record at 11:23 a.m. and resumed at  
5 11:36 a.m.)

6 CHAIR KEISER: Well, thank you, folks  
7 for being patient. I know we needed a break.  
8 I'm going to try to push lunch back to -- hoping  
9 we will get through the questions to the agency.

10 I do want to now recognize the two  
11 lead readers to begin the questioning of the  
12 agency, and that is Mary Ellen Petrisko and  
13 Claude Pressnell. The floor is yours, folks.

14 DR. PETRISKO: Thank you, Art. Before  
15 I get started with the questions that I had  
16 before my preparation but also on the basis of  
17 the presentation from the agency for which I  
18 thank you. I thank you for that detailed  
19 presentation. Very helpful.

20 I want to acknowledge the fact that at  
21 the beginning of your presentation you noted that  
22 a report has just been issued by the OIG. We

1 have -- the readers have not seen that report, so  
2 I want to acknowledge that it exists, but also  
3 acknowledge that we don't have access to it. We  
4 have not had access to it.

5 And so as we go forward if there are  
6 elements in that report that the agency wishes to  
7 refer to in responding to other questions about  
8 what we have seen and what the staff analysis  
9 said and all the evidence that's been provided  
10 please refer to that orally, but again note that  
11 we (audio interference) seen it so we won't be  
12 able to really incorporate that into this  
13 discussion.

14 So with that, again, welcome, good  
15 morning, thank you for being with us today. I  
16 would like to start my questions, our  
17 conversation in talking about the work of staff  
18 in particular. Those of us who have worked in  
19 accreditation know that the councils, the  
20 commissions, very dedicated, very hard-working.  
21 Their work is more episodic. They're not there  
22 every day. The staff is there all the time. A



1 lot of the work, preliminary work, and ongoing  
2 work, and work in partnership with the teams, and  
3 work in partnership with the council happens with  
4 the staff. So I think it's really important in  
5 talking about that capacity to deal with the  
6 agency, with the institutions and with the board,  
7 and with the evaluators to understand the staff's  
8 work.

9 So, I really appreciate the fact that  
10 mention has been made of what's been happening  
11 since 2016 and quite a number of changes that  
12 have happened at the agency.

13 I'd like to harken back to 2016 as  
14 well, and note that in the previous meeting of  
15 NACIQI working with ACICS the representative  
16 ACICS at that time mentioned a blue ribbon panel  
17 that was commissioned in that year in 2016. And  
18 I want to quote what was said about the work of  
19 that blue ribbon panel, and then ask a couple of  
20 questions about that.

21 So, the panel was commissioned to, and  
22 I'm quoting, "review every aspect of the

1 operation, including the composition and the  
2 structure of the council," and you commented on  
3 the changes there, "the composition and structure  
4 of the board of directors itself." It includes  
5 all of the current personnel and so HR has to be  
6 looked at. Human resources has to be looked at.

7 The sufficiency of training and the  
8 sufficiency of skills. We believe that there  
9 will be going forward very immediately  
10 substantially different people involved in every  
11 aspect of the operation. It does involve that  
12 level of depth and (audio interference) in order  
13 to pull this off, and pulling this off was with  
14 relationship to all the work and the intentions  
15 of the agency at that point to really make a  
16 number of changes to which you have referred.

17 So, again, I want to talk about staff.  
18 I want to talk about the credentials of staff.  
19 The comment was made in the materials that we  
20 received that ACICS staff have the credentials,  
21 experience, and qualifications necessary to  
22 administer the agency's accreditation activities

1 and finance it in an effective manner.

2 So, going back to the blue ribbon  
3 group in 2016 and looking at the changes. The  
4 three agency representatives at that time I  
5 believe are no longer with ACICS. The staff  
6 resumes that we saw with the application, 10  
7 staff members that you mentioned, looking at the  
8 staff in 2016 I think the mention was 39 staff  
9 members, if not at that point at some point  
10 around then. That number came down to 10.

11 Looking at the current website there  
12 have been some changes since we received the  
13 information. The vice president for  
14 accreditation is no longer there, but Ms. Zeigler  
15 has taken on the role of the director of  
16 accreditation.

17 So my question is this. The blue  
18 ribbon committee's work, when was this concluded  
19 and what were the recommendations about staff in  
20 place at that time, and any changes to staff that  
21 needed to be made, and any additional training,  
22 or any other changes in the staff's work. Can

1       you tell us about that? And I want to talk about  
2       the specific processes as well. Thank you.

3                   MS. EDWARDS: Sure. The blue ribbon  
4       panel was before I was in this role. It was  
5       created in I believe right around April of 2016  
6       and it was discussed at the committee in 2016.

7                   If I recall the blue ribbon panel, one  
8       of the representatives of the blue ribbon panel  
9       became the interim president and CEO of ACICS  
10      following their appearance in June of 2016. So  
11      the role of the blue ribbon panel became more of  
12      that of an internal review since the panel was  
13      somebody that was now hired by the agency.

14                  I do know that many changes were made  
15      in the year that -- that was Roger Williams, the  
16      year that he served as the interim president and  
17      CEO of ACICS. Many of the staffing changes were  
18      made prior to me starting in this role in July of  
19      2017 so I wouldn't be able to speak to any of the  
20      specific reviews that he made of the staff and  
21      some of those.

22                  I would be able to speak about the

1 criteria changes that were made because those  
2 were specifically reviewed and approved by the  
3 board, as well as changes to the bylaws you  
4 mentioned.

5 One of the major changes to the bylaws  
6 was even though the department requires one in  
7 seven are public members, our bylaws require a  
8 minimum of 40 percent must be public on our  
9 council, and currently two-thirds of our council  
10 are public.

11 So I would be able to speak to those  
12 type of changes that occurred. When I started in  
13 July of '17 we also made -- I made some  
14 additional reviews and changes to the staffing  
15 once I took that role to right-size the staff.  
16 And so I would be able to speak to those  
17 questions specifically.

18 DR. PETRISKO: Okay. One role in  
19 particular. You referred in the materials that  
20 we had to your executive staff, and that was you  
21 as the executive director and then there were two  
22 vice presidents. They have since the time of the

1 materials that we received they are no longer  
2 there. So there's no vice president of  
3 accreditation, but Ms. Zeigler has taken on the  
4 role of the director of accreditation. Is that  
5 correct?

6 MS. EDWARDS: That is correct.

7 DR. PETRISKO: Is that just a  
8 replacement for that role, or has that role  
9 changed?

10 MS. EDWARDS: We changed the role. If  
11 you look at our staff members now we have an  
12 average tenure of 8 years with those 10 staff  
13 members. We chose instead of -- an organization  
14 with 10 individuals doesn't necessarily need  
15 multiple vice presidents. So we created -- in  
16 working with the board we created three director  
17 positions, a director of accreditation, a  
18 director of institutional compliance, and a  
19 director of operations. So that now, those three  
20 directors along with myself are the executive  
21 team, executive management team of the agency.

22 DR. PETRISKO: Okay, thank you. One

1 of the reasons why I asked the question is in  
2 looking at the qualifications of the staff  
3 according to their resumes, and the resumes that  
4 were provided were also provided a job  
5 description signed in 2018 or 2019. So at first  
6 I thought that this was new staff, but then I  
7 went back and looked at older websites and saw 10  
8 years back that the staff has been there for 10  
9 years and maybe longer, had actually been in  
10 place.

11 So, the qualifications are I think in  
12 a lot of cases a bachelor's degree and a number  
13 of years of experience, professional experience,  
14 perhaps higher education experience. Am I  
15 correct that the staff, especially the longest  
16 serving staff primarily their work and their  
17 experience in accreditation has been at ACICS?  
18 They have not had roles in higher education  
19 institutions. Their experience really came from  
20 working with ACICS, is that correct?

21 MS. EDWARDS: That would be correct.

22 DR. PETRISKO: Okay, thank you. So,

1       there's so many processes that go on in  
2       accreditation, even before teams are on the  
3       ground. So, could you explain to us, especially  
4       the early processes, eligibility. How does that  
5       actually happen?

6                       We saw the self-assessment form. You  
7       mentioned it with regard to the -- whether there  
8       was or not another accreditor for RNU. How is  
9       eligibility determined by whom at ACICS?

10                      MS. ZEIGLER: I can answer that one.  
11       So, with the initial application process as a  
12       first step is they would go to our website, look  
13       at our minimum eligibility requirements, review  
14       our criteria. If we get an email inquiry we  
15       would guide them there as well to make sure  
16       they're familiar with the steps in the process,  
17       minimum eligibility requirements as well as the  
18       criteria so they know what the expectations are  
19       obviously.

20                      They would complete that self-  
21       assessment checklist essentially, and that is  
22       just that, a self-assessment for them to assess



1       whether they would meet the minimum eligibility  
2       requirements.

3               We get a notification that an  
4       institution may have completed that as well as  
5       then A category, A category being based on what  
6       they attest to meeting in that minimum  
7       eligibility self-assessment, that they appear to  
8       meet our minimum eligibility, or a B would be  
9       there's a couple of areas that's uncertain. We  
10      wouldn't send the flag to reach out to them for  
11      further instructions (audio interference)  
12      institution. And then C meaning they get an  
13      automated notification saying you don't meet our  
14      minimum eligibility and that's it.

15             With the one A they would then get a  
16      note saying it looks like you meet our minimum  
17      eligibility. You can proceed to our registration  
18      phase. Again, that's not starting the initial  
19      application. It's completing a registration that  
20      they fill in more information about their  
21      institution, what programs they offer, enrollment  
22      numbers, things of that sort. So that way we can

1       get another -- that's really the first place  
2       where we assess whether they appear to meet the  
3       minimum eligibility requirements.

4               We look at that. We have  
5       conversations with the institution and a little  
6       back and forth usually at that stage,  
7       particularly if there's anything in the  
8       registration that we have questions on, or are  
9       questionable.

10              And then completing that information,  
11      looking at the program we would determine whether  
12      they can be issued an invitation to apply.  
13      That's something that's somewhat unique to ACICS  
14      is we have to issue a formal invitation for an  
15      institution to apply. The application is not  
16      just open to any individual institution that  
17      wants to pay a fee for an application.

18              DR. PETRISKO: Can I ask a question?  
19      When you're saying we look at -- they fill in  
20      this sort of automated checklist and then we look  
21      at this and we determine whether they're A, B, or  
22      C. Is that one staff member? How does the staff

1 work with that? Is there some other committee  
2 that works -- I'm just wondering like who does  
3 it, and how many people are involved in that?

4 MS. ZEIGLER: So that is at the staff  
5 level. It's myself and sometimes I'm assisted by  
6 Michelle or two other staff members that work  
7 with us as well to make a determination.  
8 Certainly if there's anything that we find  
9 questionable or are uncertain about regarding  
10 that we would make that determination together.

11 DR. PETRISKO: Sure. That's just  
12 (audio interference) know. Thank you. I assumed  
13 from your title and from how you introduced  
14 yourself, I just wanted to verify what the  
15 process was.

16 So, and if they get to the point where  
17 it is invited to apply, and what happens then?  
18 And can you tell us, the period of application is  
19 one year after which that application is no  
20 longer considered to be in play. So what do they  
21 do at the point of application and when is that  
22 period, that one year? What has to happen by

1       that one year for an institution to either go  
2       forward, or to be accredited, or whatever the  
3       status might be?

4               MS. ZEIGLER:  Once invited to apply  
5       the institution would need to upload their state  
6       approval to operate as a postsecondary  
7       institution, articles of organization, and  
8       financial audit would be provided in that first  
9       stage.  And then our CPA does the review of the  
10      financial audit to determine financial stability,  
11      again, as part of the minimum eligibility to  
12      proceed.  That's also once they have uploaded all  
13      those documents they would pay the application  
14      fee to process the application.

15             So then it goes forward.  We review  
16      those first phase documents.  Again, it's sent  
17      off for internal financial review.  Once that is  
18      completed and we have an analysis on the  
19      financials we would then either ask for further  
20      information and staff would (audio interference)  
21      as needed, or if they say that they seem  
22      financially fit to be able to move forward in the

1 process then we would notify the institution that  
2 they can move forward and submit the next set of  
3 documents, including their campus effectiveness  
4 plan in preparation for the first visit which is  
5 a resource visit.

6 And that is a staff only visit again  
7 done by either myself or two other staff members  
8 that we have trained to do these visits. And  
9 that is essentially just looking at the  
10 institution to ensure that they have the  
11 resources, the critical areas of compliance in  
12 place to be able to move forward in the process.  
13 So that would be the next step. That's our first  
14 touch point where we go out to the institution,  
15 visit the institution to look at that.

16 DR. PETRISKO: Okay.

17 MS. ZEIGLER: From there, with the  
18 resource visit we would review that. We'd write  
19 up a report. Most often it's the case we would  
20 require an additional follow-up, a request for  
21 further information from the institution on any  
22 concerns, or recommendations.

1                   Then that resource report again, would  
2                   be reviewed at the staff level as far as their  
3                   ability to meet those critical areas of  
4                   compliance. It's certainly more shallow (audio  
5                   interference) and less stress of a full team  
6                   visit.

7                   So then once we conduct an analysis,  
8                   a review of the response to the initial resource  
9                   visit and any additional documentation they  
10                  provide to that staff would make a  
11                  recommendation. Once again it's whether they can  
12                  proceed to the next process, or next phase,  
13                  excuse me, in the initial application process.

14                  And that is then preparing for an  
15                  initial grant visit. So they would submit their  
16                  next set of documents which would include their  
17                  self-study and evaluation, their first campus  
18                  accountability report, and all the documentation  
19                  in preparation for that team visit.

20                  At that point that's when they're  
21                  assigned a visit cycle, a staff coordinator, and  
22                  they pull together a full team to review that

1 institution for the initial grant visit.

2 The initial grant visit as referred to  
3 several times as a team of usually five or more  
4 evaluators to look at the -- we have a chair to  
5 look at the administrative and CEP, campus  
6 effectiveness plan, a student relations  
7 specialist to look at student records, financial  
8 aid if they offer it, admissions, recruitment,  
9 all those areas, an educational activity  
10 specialist. And then for each program area a  
11 specialist is assigned as well for the program  
12 specific content.

13 So those specialists are assigned  
14 based on the pool of evaluators, or if we  
15 contemplated at some point during the initial  
16 process we start to review as to whether we need  
17 to -- for additional evaluators for our teams as  
18 well.

19 But once the team has been assigned  
20 the coordinator is coordinating with the  
21 institution to prepare for the visit, make sure  
22 all the documentation has been provided in

1 advance for the team to review, and then the  
2 scheduling of the visit. The team would be  
3 onsite to conduct their review.

4 At a minimum it would be a two-day  
5 visit for the team to get through all the  
6 materials, two to three days is the typical  
7 length of that visit. They would conduct their  
8 review and then all of the individual team  
9 reports are compiled, collected, and come back  
10 for editing, sent to the institution.

11 The institution then provides their  
12 response to the report as a whole, and in  
13 particular to any findings that the team found  
14 onsite. They would provide a comprehensive  
15 response to each area, and then from there that  
16 goes through the typical review to our  
17 intermediate review committee which is comprised  
18 of a panel of reviewers to make a recommendation.

19 They would do a full review of the  
20 response materials, the team report, and the  
21 application materials as well. And then that  
22 goes to our council and they conduct their full



1 review of the recommendation, of the team report,  
2 of the response materials, of the full  
3 application materials to make their determination  
4 and take an action. So that's (audio  
5 interference).

6 DR. PETRISKO: So, when does the  
7 institution stop being an applicant? Is that  
8 when the team goes out? Is that when the council  
9 acts?

10 MS. ZEIGLER: When the council acts,  
11 takes a final action.

12 DR. PETRISKO: So, I thought with RNU  
13 -- I'm thinking of it now. So I was going to  
14 talk about RNU later, but I'll ask the question  
15 now.

16 I thought with the RNU case that it  
17 was actually a two-year process between the time  
18 they were deemed eligible and when there was a  
19 grant because of the two deferral periods.

20 MS. ZEIGLER: Yes.

21 DR. PETRISKO: Is that allowed for?  
22 I thought the application after one year, that

1 was it. I didn't see any possibility of --

2 MS. ZEIGLER: I think the one year  
3 you're referring to is an application can only  
4 remain active for one year without submission.  
5 So if it remains dormant, meaning the institution  
6 has not submitted to their application for one  
7 year it automatically expires.

8 MS. EDWARDS: And if I could add,  
9 Karly. Until they start the self-evaluation  
10 process to submit a self-study, that's the point  
11 they're becoming an applicant. So up until that  
12 point they're in the application process.

13 And I think to answer your question  
14 about when do they become impacted, if within one  
15 year that they have not provided anything  
16 additional to the application process to move  
17 forward.

18 DR. PETRISKO: Okay, thank you. You  
19 answered one of my questions which was going to  
20 be how the responses to the findings are  
21 reviewed. I hadn't seen that clearly before you  
22 said that it's actually that intermediate review

1 committee that takes a look at whatever the  
2 institution will respond to in the case of  
3 findings that they write to you, they give you  
4 the evidence.

5 And then that review committee is the  
6 group that makes a determination as to whether  
7 those responses are adequate or not. Is that  
8 correct?

9 MS. ZEIGLER: Yes. They would review  
10 the response and make a recommendation, as well  
11 as our council. They would also review the  
12 responses for the recommendation.

13 DR. PETRISKO: I actually looked at  
14 the responses from RNU. There were three  
15 different response -- three different documents  
16 presented as response. The total was 3,278  
17 pages. So the committee reviews that and the  
18 council reviews that as well?

19 MS. EDWARDS: That's correct.

20 MS. ZEIGLER: We open it up  
21 electronically to them, specifically one to two  
22 weeks prior to staff's review. Prior to the

1       scheduled sessions for review.

2                   DR. PETRISKO:   Okay, thank you.   I  
3       should have asked this question about the  
4       eligibility.   When I was looking at the  
5       eligibility criteria there were two that I wanted  
6       to ask about in particular and how these were  
7       determined.

8                   So, eligibility criterion B is the  
9       residential enrollment and enrollment in each  
10      program shall be sufficient both to support  
11      course work and learning experiences that  
12      separately or in combination constitute  
13      measurable and defined educational program, and  
14      to enable ACICS to assess the educational  
15      effectiveness of those programs.   Then it talks  
16      about distance education being considered on a  
17      case-by-case basis.

18                  Then it also says it shall have a  
19      sufficient number of graduates from a majority of  
20      its programs to enable ACICS to assess the  
21      educational effectiveness of those programs.   So,  
22      I guess in the self-assessment there's

1 information about how many programs, how many  
2 students, and how many graduates.

3 My question boils down to this. In  
4 looking at RNU 7 programs, 50 students. In  
5 looking at the resource visit the number of  
6 graduates -- six programs of the seven programs  
7 had graduates that they reported I guess in the  
8 previous year.

9 Three of those degree programs had one  
10 graduate. Two of those degree programs had two  
11 graduates. And if I remember this correctly one  
12 of the programs had three graduates. So I'm  
13 wondering how are those small institutions with  
14 that many programs with that number of students,  
15 how is it determined that that is -- that that  
16 meets those criteria? I guess I'll leave it at  
17 that.

18 And that the placement criteria being  
19 percentages. I mean, if you have one graduate  
20 it's 100 percent. If that one doesn't get placed  
21 it's zero. So, in the one case where it was a 50  
22 percent placement rate it was two graduates, one

1 was placed. One was not. So, in that case it's  
2 either a zero, or 50 percent, or 100 percent. So  
3 how do you deal with those small institutions at  
4 the eligibility stage to say they meet those  
5 criteria, and those criteria are met throughout  
6 the life of the institution? How is that looked  
7 at by the staff, by the review committee, by the  
8 council? And maybe the chair would like to also  
9 respond to that.

10 MS. ZEIGLER: So in the initial  
11 process we look at that obviously when they first  
12 submit that registration information that's  
13 looked at. That's when we have conversations  
14 with the school to say okay, we're looking at the  
15 numbers here. We have some concerns. When do  
16 you anticipate further -- more graduates? When  
17 is your next cohort graduating? What is your --  
18 for enrollment what are you looking at? We look  
19 at those numbers and talk to the institution  
20 then.

21 The institution tells us, oh, we're  
22 having a graduation here. We expect that. They

1 can tell us that.

2 When the resource visit, that's when  
3 we look at the specifics to say okay, that's when  
4 we first capture the numbers by documentation of  
5 what the current enrollments are, graduates as  
6 reported in just that past year.

7 Often with institutions that have not  
8 been accredited before that are startup  
9 institutions they do have small enrollment  
10 numbers in order to be viable at that point in  
11 time. So it's not uncommon to see small numbers,  
12 small cohorts, particularly for only graduating a  
13 few at a time.

14 Some programs with initial  
15 accreditation -- there's programmatic  
16 accreditation as well that they're seeking to  
17 obtain that will limit them to a certain. We had  
18 one school in particular that was limited to  
19 nine, a cohort of nine as far as enrollment. So  
20 all of those are part of the consideration. So  
21 looking at the numbers.

22 And then to determine for minimum

1 eligibility we say okay, we generally as a rule  
2 want to see between at least five in a program at  
3 the time of the initial grant visit. So often at  
4 our resources we'll say one or two, we have  
5 concern you're going to have to have more  
6 graduates. We want to wait until there's the  
7 next cohort or things of that nature we'd advise  
8 the institution. And then the review team would  
9 also make a determination because they're  
10 reviewing that criteria as well.

11 DR. PETRISKO: So, the determination  
12 was made that one graduate in these programs was  
13 sufficient to move forward. The recommendation  
14 was not made to the institution why don't you  
15 wait until this builds a little bit. The  
16 institution was five years old at this point, I  
17 believe.

18 But it's up to the institution whether  
19 they continue, whether they want to continue, and  
20 it's up to the committee and then the council to  
21 say yes, we will allow you to do so. Is that  
22 correct?



1 MS. EDWARDS: That is correct. When  
2 you have -- these were bachelor's and master's  
3 degree programs so if they -- even though they  
4 had been in operation for five years, four years  
5 to get through the bachelor's degree and  
6 sometimes nowadays five, we felt that the fact  
7 that they had enrollment in the program plus that  
8 they had an experience graduating graduates even  
9 though they were a small cohort that they did  
10 meet the minimum eligibility requirements.

11 DR. PETRISKO: Okay. The next process  
12 I'd like to understand is -- and this was  
13 referred to with regard to the SDU case. The  
14 only question that I have there is what is the  
15 process for reviewing other agencies'  
16 accreditation actions, if there has been a  
17 probationary action, or a withdrawal, a  
18 revocation. How is that information reviewed  
19 within the agency?

20 MS. EDWARDS: Karly can discuss --

21 (Simultaneous speaking)

22 DR. PETRISKO: You get the

1 notification. Here's what happened. Then what  
2 happens? How do you look at it?

3 MS. EDWARDS: Karly, if you can start  
4 that I'll finish the process.

5 MS. ZEIGLER: For any institution if  
6 we are -- we have eyes on notifications from  
7 other agencies. As we all know we're all  
8 required to notify one another of agency actions.  
9 We review those obviously for any institutions  
10 that have dual accreditation, or that have --  
11 that we're the institutional accreditor for.

12 Certainly if there's another action by  
13 an agency that would spark probably a  
14 conversation and an inquiry sent to the agency,  
15 as well as to the institution to provide further  
16 information.

17 And then from there that would go to  
18 the council. Or if staff (audio interference)  
19 also determine that further information is needed  
20 they may ask for further information as well. So  
21 collectively it will go to the council for  
22 review.

1 MS. EDWARDS: Yes. And so whether  
2 that's in the initial process, initial  
3 application process, or in the just current  
4 ongoing monitoring of an institution the council  
5 would look at that documentation once staff has  
6 gathered all of the relevant material.

7 DR. PETRISKO: So, if you would get a  
8 notification from a programmatic -- a nursing  
9 program, for example. And your institutions  
10 don't have any nursing programs, would you go to  
11 the institution and say -- let me take it back.

12 If there's an agency's action that  
13 you're not sure. Take nursing out. If you're  
14 not sure that an agency's action touches on your  
15 accreditation standards. Let me put it that way.  
16 How do you double check to make sure that it is  
17 or isn't relevant to your institution?

18 MS. ZEIGLER: I'll take that. So at  
19 any time -- we're an institutional accreditor, so  
20 if it's any program at the institution we will  
21 certainly investigate it. And like I said, we  
22 will collect the information. We will reach out

1 to the accreditor as well as to the institution  
2 to get the action letter that would state the  
3 reason for such an action. And then that will be  
4 part of the review by the council to determine  
5 whether there are any areas out of compliance  
6 with ACICS criteria.

7 MS. EDWARDS: And then we would be  
8 able to provide -- once we've reviewed the  
9 documentation from the other accreditor and had  
10 conversations with that accreditor we would be  
11 able to provide to aid the council in their  
12 review a side by side identifying which criteria  
13 would be applicable. But as Karly mentioned it  
14 is reviewed by the council each time.

15 DR. PETRISKO: Okay. And I think that  
16 answered my question. So when you do get a  
17 notification from another agency about such an  
18 action automatically you send a letter to your  
19 accredited institution and say please give us the  
20 information on this. Give us the action letter  
21 and tell us what you're doing about it. That's  
22 standard procedure.

1 MS. EDWARDS: It is. And we also  
2 reach out to the other accreditor we received it  
3 from to understand exactly what the issues are as  
4 well. So we do both at the same time.

5 DR. PETRISKO: Okay, thank you. The  
6 next process question that I have is with regard  
7 to name changes. And interestingly both of the  
8 institutions that we received information, we're  
9 talking about today are institutions that started  
10 out with one name and ended up with another one.

11 And we saw the information on Reagan  
12 National University which had been Si Tanka  
13 University before that. And we saw the  
14 application for the name change.

15 There's a place in the application for  
16 name change where information is requested for  
17 why the change is happening. And in that case  
18 the institution said they wanted to honor the  
19 former President who had died I think 9 years  
20 earlier, or 11 years earlier or something. They  
21 wanted to honor that President Ronald Reagan.

22 In the case of VIU which became

1       Fairfax University of America we didn't see that  
2       information so I wondered how that happened. In  
3       particular, with regard to that institution, that  
4       name change happened in the middle of the process  
5       of show cause, revoking the show cause, et  
6       cetera. So, the final letter that was sent I  
7       think was sent to a different president and the  
8       new name of the institution.

9               Here's my question. Besides the  
10       application form with the notification of the  
11       reason why the name change is being requested, is  
12       there any attempt made to get any further  
13       information about if there's anything, any other  
14       reason? Are they notifying all of their current  
15       constituents of the changes? Are they putting  
16       this out so that there's a continuity of the  
17       institution being the same institution so that  
18       it's not, you know, they're one thing one day and  
19       they're another thing another day.

20               How do you review it and in particular  
21       how was that reviewed with regard to Virginia  
22       International?

1 MS. EDWARDS: I don't have the  
2 Virginia International University application in  
3 front of me since it was not part of the record  
4 under review. So I wouldn't be able to speak to  
5 specifics in their application, but I can tell  
6 you that if an institution is making a business  
7 decision to change their name ACICS typically  
8 doesn't take exception to that.

9 Certainly we require information prior  
10 to it occurring. The application has probably  
11 been updated since -- I think it was in 2018 for  
12 Reagan National University, so we may have made  
13 some updates to what we request in the  
14 application.

15 But the first thing that we do require  
16 is that they have their verified state approval  
17 first. So they would have to have gone through  
18 the process with their state, and then at that  
19 point the state has approved the name change and  
20 we review the documents to view the same.

21 Obviously when the team reviews the  
22 materials and when a team is onsite they would

1 want to know that all the materials they are  
2 reviewing are under the new name, but there's no  
3 specific protocol to make sure there's a  
4 continuity in the previous name and the new name.

5 DR. PETRISKO: Okay. In that case,  
6 and -- I don't know if you have any information  
7 on this, but there was one change made because  
8 the -- in RNU's case I guess they used the  
9 signature of Ronald Reagan and at some point  
10 somebody told them they couldn't do that. I  
11 don't know if there was communication from Reagan  
12 Library, or a state, or whatever, but there was a  
13 change made in that regard. After that --

14 (Simultaneous speaking)

15 MS. EDWARDS: It's been several years,  
16 but I believe that when the council reviewed the  
17 application if I recall I think it was in their  
18 catalog possibly. And the council made that  
19 determination that they didn't feel that it was  
20 appropriate to keep that in their catalog.  
21 Obviously without express copyright permission  
22 which they clearly didn't have.



1 DR. PETRISKO: Okay. All right.

2 Thanks. That answers I think most of my  
3 questions on staff involvement processes. I'd  
4 like to talk about the ARIG, the at-risk  
5 institutions group, and the process -- still  
6 talking about process -- for referring  
7 institutional problems to that group.

8 Again looking back at the 2016 meeting  
9 with NACIQI there was a statement made that  
10 particularly for the at-risk institutions group  
11 we are making sure that we are doing our own  
12 investigation.

13 It looks like with the chronology of  
14 the VIU case there was the February letter,  
15 February 11 and 12. As soon as the letter was  
16 received by ACICS there was a communication by  
17 the then vice president for accreditation to  
18 SCHEV asking about that.

19 But later, let me see. I think I have  
20 that as well. Okay. So February 11 ACICS was  
21 notified. Immediately thereafter, the next day  
22 there was an email from the then vice president

1 to council and to you, Ms. Edwards, saying at the  
2 March meeting their council will consider the  
3 staff's recommendation to revoke and decide  
4 whether to proceed with that recommendation or  
5 ask VIU to do something else.

6 My thought was to wait until after the  
7 March meeting and final decision to determine if  
8 a show cause directive is warranted. That  
9 decision will be communicated within days of the  
10 conclusion of the meeting so we should be ready  
11 to act accordingly.

12 So that was February 12. And then on  
13 March 21 after SCHEV acted it was brought to the  
14 executive committee which did act to (audio  
15 interference) bring a show cause.

16 So, looking back at the statement that  
17 had been made in 2016 about we need to have our  
18 own investigations when there are problems it did  
19 not appear that that happened in the case of VIU.  
20 A month went by after there was notification  
21 about the SCHEV audit before any action was  
22 taken, and it did not appear to be the case that

1       there was an independent investigation of the  
2       problems that SCHEV had uncovered. And I realize  
3       that there had just been almost I think it was  
4       nine months before -- several months before the  
5       SCHEV audit there had been a visit. So, could  
6       you just speak to that months and waiting for the  
7       SCHEV without doing additional investigation?

8               MS. EDWARDS: Sure. At the time the  
9       agency was confident that it had just completed a  
10      thorough evaluation visit at VIU, and once we had  
11      -- we had multiple conversations with SCHEV about  
12      the timeline of their visit and of course it was  
13      referenced in their letter sent to the  
14      institution and to ACICS.

15             So we knew that the time period was  
16      the same time that ACICS had already been there  
17      and had uncovered findings that the institution  
18      had responded to and subsequently been given a  
19      grant of accreditation by the council.

20             Additionally, and we noted in our  
21      response to the department that the SCHEV order  
22      immediately -- or part of the SCHEV order was

1       that they ceased distance education activities.  
2       So there really wasn't anything that the council  
3       could go back and look at at that point in time.

4               So I think coupled with the fact that  
5       we had recently had all of the information that  
6       we garnered from the visit, that we had  
7       identified the findings, and that the institution  
8       had responded satisfactorily to the findings was  
9       the reason that we didn't physically go back to  
10      the institution.

11             We did, however, as you mentioned  
12      issue a show cause directive which required the  
13      council to appear -- I'm sorry, required the  
14      institution to appear in person before the  
15      council to explain everything that had occurred.  
16      And they did that in compliance -- or  
17      demonstrating compliance with our criteria as  
18      well as the information that they provided  
19      regarding their response to SCHEV.

20             DR. PETRISKO:   Okay, thank you.   I  
21      realize I'm jumping around a little bit here, but  
22      I hope that it's not too disconcerting the way

1 I'm asking the questions.

2 I keep going back to 2016 conversation  
3 and what was intended at that point, and seeing  
4 how things have come along since then and changed  
5 with actions since 2016.

6 Again, back in 2016 during the  
7 conversation there was a discussion about the  
8 team reports, and the fact that they were  
9 primarily check boxes. And the interim director  
10 at that time replied, I'm quoting again, that, "A  
11 much deeper dive into the depths and breadth of  
12 our team reports is still necessary. We simply  
13 did what we could with this cycle, reflecting the  
14 fact that there is need for more robust structure  
15 and content for those team reports."

16 Can you talk a little bit about what,  
17 if anything, has changed since then? I know that  
18 the team reports now, if there's -- in one of the  
19 check boxes if there's a problem that there is  
20 narrative, and that that narrative then finds its  
21 way into a finding at the end of the report.

22 Sometimes that narrative is truncated

1 so that what goes into the finding isn't  
2 necessarily with the detail that it is in that  
3 initial narrative which has shown to be a bit  
4 problematic with regard to the -- there's no  
5 textbook, there's no computer equipment, et  
6 cetera.

7           Anyway, can you tell us a little bit  
8 more about the team reports, have they changed,  
9 what's the structure? Anything else besides what  
10 we've -- the team reports that we've seen, are  
11 they still being done in the same way?

12           MS. EDWARDS: Well, I would remind the  
13 committee that you're looking at team reports  
14 from a review that occurred in 2017 so at that  
15 point the team reports had not been dramatically  
16 changed.

17           I can speak to the fact that with all  
18 of the obviously criteria that has changed that  
19 affects the team reports. But the team report no  
20 longer is all check boxes as was noted in 2016.  
21 The narrative responses required by the team have  
22 been significantly added to each report,

1       therefore giving the council a more full picture  
2       of what the team is reviewing while they're  
3       onsite prior to the council making a  
4       determination.

5                   And I think, Dr. Ferrell, would you be  
6       comfortable speaking to the changes you've seen  
7       as an evaluator?

8                   DR. FERRELL:   Sure.   I've been an  
9       evaluator since 1998 and in those days it was  
10      solid narrative.   And it was a very, very lengthy  
11      process.   And the two or three days when we were  
12      trying to review all the narrative.

13                   And then at some point in my tenure  
14      you're correct, it was decided to -- well, let's  
15      shrink the narrative and make some more check  
16      boxes.

17                   And then in more recent history as  
18      you're pointing out it was then changed again.  
19      And so the last trip I did which was probably a  
20      year ago, there was much more narrative, not just  
21      when there was a finding, or a possible area of  
22      non-compliance, but for example, they were asking

1 about community resources of the school. There  
2 are several questions that are strictly narrative  
3 as you're writing the report today.

4 MS. EDWARDS: And that's the case in  
5 each of our reports that the evaluators are now  
6 using. You'll find that there is significantly  
7 more narrative that is required, and as Dr.  
8 Ferrell said, even just to describe, not  
9 necessarily when identifying an issue of non-  
10 compliance.

11 MS. ZEIGLER: And just to add, we  
12 actually have a template review committee among  
13 staff that meets to review our templates to add  
14 any criteria changes that may have been made, to  
15 add to our templates. But also that was a charge  
16 of that committee, to increase the narratives to  
17 find areas where we can enhance the reports and  
18 provide further information by adding the  
19 narrative pieces.

20 DR. PETRISKO: I'd like to get back to  
21 Reagan National University. And you've already  
22 mentioned the fact that there were significantly



1 more findings in the 2019 review than there had  
2 been in the 2017 review, including some that were  
3 findings (audio interference) and some that were  
4 new.

5 I have to say that when I looked at  
6 some of the specifics in those findings it was  
7 hard for me to understand how the institution  
8 could have been in compliance in 2017, but fallen  
9 out of compliance in 2019. And I'll give you  
10 some examples.

11 Whether the grading system was  
12 explained on the transcript. So evidently it was  
13 explained in 2017 but then somehow it wasn't  
14 explained on the transcript in 2019.

15 Whether the curriculum and length of  
16 the program were appropriate to meet program  
17 objectives. That there were no internships or  
18 lab hours for any courses, although course  
19 descriptions included them.

20 The catalog did not meet standards.  
21 Instructional equipment, I mentioned this before,  
22 was not appropriate to the computer science

1       undergraduate program.

2               So, I guess my big question here is,  
3       again going back to 2016 conversation with NACIQI  
4       that the statement was made that -- on the part  
5       of the agency that the agency had leaned too far  
6       in the direction of improvement over compliance,  
7       and there were two deferrals for this institution  
8       as well.

9               I'm wondering whether, especially for  
10       an initial grant of accreditation whether looking  
11       at compliance -- let me focus the question. For  
12       an initial grant of accreditation how should the  
13       agency -- how does the agency look at the issue  
14       of compliance over improvement? And then I have  
15       a follow-up question on deferral and meaning of  
16       deferral.

17               MS. EDWARDS: The strict answer to  
18       that is that they (audio interference) the same  
19       way. Whether it's an initial accreditation or a  
20       re-accreditation we're looking for compliance at  
21       that point.

22               As Karly mentioned the resource visit

1 is kind of the visit that is the staff only that  
2 is designed to look at what the institution has  
3 done and make suggestions and improvements, and  
4 suggestions for improvement at that point.

5 But once the initial team comes for  
6 the initial grant visit the expectation is that  
7 the school demonstrates compliance. And so the  
8 deferral was on an unaccredited institution and  
9 it still took them two deferrals before they were  
10 able to demonstrate compliance with their  
11 responses and their documentation.

12 DR. PETRISKO: Isn't deferral when you  
13 don't have sufficient information? It's not a  
14 question of you're not doing it as the standards  
15 require.

16 MS. EDWARDS: Well right, but you  
17 can't find someone who is not accredited out of  
18 compliance. So when they're an initial applicant  
19 we're deferring action, requesting additional  
20 information, and until they have demonstrated  
21 compliance that's the point in time that the  
22 council would act to grant accreditation.

1 (Simultaneous speaking)

2 MS. EDWARDS: -- warning activity that  
3 could happen other than the council could choose  
4 to deny the application which has happened  
5 several times in the past.

6 DR. PETRISKO: Okay. I just have a  
7 couple of more questions. So, effectiveness of  
8 evaluators. Do you ever say after this team  
9 visit we shouldn't use this evaluator again, or  
10 the evaluator needs more training, or how is the  
11 effectiveness of the evaluators assessed?

12 MS. EDWARDS: I think we probably both  
13 could speak to that. Yes, that absolutely  
14 occurs. Internally we evaluate the evaluators  
15 based on their performance on visits following  
16 each visit cycle.

17 If we believe that an evaluator -- we  
18 evaluate them on a number of issues, but if we  
19 believe that they're not sufficiently prepared,  
20 we didn't feel that they had reviewed the  
21 materials prior to coming to the visit. There's  
22 been a lot of different things that we look at,

1 and certainly there are times where we've made an  
2 evaluator inactive based on their performance on  
3 a visit. I don't know if you have something you  
4 want to supplement that with, Karly?

5 MS. ZEIGLER: We also do a post visit  
6 cycle meeting with staff as well which we discuss  
7 kind of at length the visits themselves as well  
8 as the visit team, any concerns of any evaluator  
9 at that point as well. And any -- if there's  
10 great concerns we would discuss with the  
11 evaluator and as Michelle mentioned take them out  
12 of our evaluator pool or make them inactive.

13 DR. PETRISKO: I think I will actually  
14 leave it there. I think we'll have some  
15 opportunities after third party comments, et  
16 cetera, to have some further conversation so I  
17 will leave it there and turn it over. Thank you.

18 DR. PRESSNELL: Thank you again for  
19 your report and the detail of your report. I've  
20 got a few questions that Mary Ellen wasn't able  
21 to cover with her questioning.

22 First of all, I want to take a look at

1 Reagan National University and just ask you just  
2 some simple questions about it. Is a two-year  
3 granting of accreditation, is that a part of the  
4 regular policies of ACICS?

5 MS. EDWARDS: Well, policy states that  
6 an unaccredited institution, somebody that's  
7 coming to us that does not have previous  
8 accreditation, can receive up to a three-year  
9 grant. So that's how the policy is written.

10 DR. PRESSNELL: Okay.

11 MS. EDWARDS: Obviously based on the  
12 findings in 2017 the council used the information  
13 they had to issue a shorter grant than I guess  
14 would be typical.

15 DR. PRESSNELL: All right. And the --  
16 so there was initially a grant in '17 and you  
17 guys made a visit in October of '19, is that  
18 correct?

19 MS. EDWARDS: That's correct.

20 DR. PRESSNELL: Okay. But then the --  
21 according to your previous comments there was a  
22 sensational reporting about the doors being

1 shuttered. And so you all went to investigate  
2 that. And evidently it was closed. And again  
3 your comment was it had vanished in January of  
4 2020.

5 So, were there no indications in  
6 October 2019 that in just a couple of months that  
7 it was going to shutter its doors?

8 MS. EDWARDS: No, there was none. As  
9 I mentioned the entire -- a full team visited the  
10 university and found a small campus, but they  
11 viewed classrooms, they interviewed students,  
12 they interviewed faculty and staff, they observed  
13 classes. There was zero indication that there  
14 was any fraud, or that they were not -- we did  
15 not anticipate that the school would close their  
16 doors at that point in time.

17 Following the visit the council issued  
18 a show cause in December of 2019. And in January  
19 of 2020 Reagan National University paid their  
20 show cause fee, indicated they would be  
21 responding to the show cause. On February 1 of  
22 2020 they submitted their quarterly

1       accountability report.   So there was zero  
2       indication from ACICS that there was anything  
3       other than an operating institution at that  
4       point.

5               DR. PRESSNELL:   Okay.   Did you do a  
6       teach out with them then upon closure?

7               MS. EDWARDS:   Unfortunately when they  
8       voluntarily withdrew from ACICS the authority to  
9       enforce or request that was no longer there for  
10      our agency.   We reached out to the state agency  
11      and attempted to coordinate information with  
12      them, but they were not responsive.

13              DR. PRESSNELL:   Okay.   An abrupt  
14      closure of an institution, you don't think that  
15      speaks to your capacity as an accreditor?

16              MS. EDWARDS:   Well, for the record  
17      they voluntarily withdrew their accredited status  
18      with ACICS.   And so we didn't have any indication  
19      that there was a closure.   We did as part of the  
20      show cause directive which I mentioned is the  
21      first step in withdrawing their accreditation  
22      required a teach out plan from the institution.



1                   They would have every indication -- so  
2                   a teach out plan would have given us a student  
3                   audit, would have told us what would happen if  
4                   they were to lose their accreditation. They  
5                   would have responded to that in the end of  
6                   February prior to their appearance before the  
7                   council in April.

8                   So we had taken the appropriate steps  
9                   in our criteria and in regards to the Secretary's  
10                  recognition criteria to require those teach out  
11                  plans as following our process.

12                  MS. ZEIGLER: I'd like to add  
13                  additionally. I mean you know, of course that  
14                  raises concern for anybody to see a school just  
15                  shut their doors. So we also discussed as a  
16                  staff and visit council what can we do moving  
17                  forward.

18                  So we put in place new criteria to  
19                  allow for additional stipulations with a show  
20                  cause directive, or with any council action. At  
21                  any time they can add additional stipulations to  
22                  protect students in cases where they think there

1       may be a concern if an institution is losing  
2       their accreditation or of imminent closure.

3               DR. PRESSNELL:   So, has this happened  
4       before, an abrupt closing?   Maybe you guys were  
5       not aware of the institution being at risk of  
6       closing.

7               MS. EDWARDS:   This is the first one  
8       I'm aware of.

9               DR. PRESSNELL:   Okay.   Is this also  
10       the site where you thought it was 100 percent  
11       online and then you found out it was not online?

12              MS. EDWARDS:   This is the site that  
13       they claimed had distance education in their  
14       initial application materials, therefore we sent  
15       a distance education reviewer to the initial  
16       accreditation visit.   And the team determined  
17       that they were not offering distance education  
18       according to any definition including our own.

19              DR. PRESSNELL:   Okay.   So when you  
20       sent the team out with the assumption -- was the  
21       assumption they were 100 percent online at that  
22       time, or was the assumption is they just had an

1 online program?

2 MS. EDWARDS: You know, I don't recall  
3 because that was in February of 2017, if it was  
4 100 percent online, or --

5 DR. PRESSNELL: The reason I ask --  
6 (Simultaneous speaking)

7 MS. EDWARDS: -- probably a hybrid.

8 DR. PRESSNELL: Okay. Yes, the reason  
9 I ask is just because of the team that was sent,  
10 there was no indication that the team was  
11 readjusted based on the reality of what the  
12 campus was actually doing. It just indicated  
13 that the team reviewed it differently. And so  
14 there could be some questions as to the expertise  
15 of the team based on the change of the makeup of  
16 the institution. So I was just trying to get  
17 some clarity on that from the report because the  
18 report seemed to indicate that the assumption is  
19 that it was an online program, and then it was  
20 found out to not be an online program. So I  
21 didn't know if you made adjustments in the team  
22 makeup based on that new reality.

1 MS. EDWARDS: Well, no. We had sent  
2 an evaluator that was qualified to review the  
3 program in a distance education modality which  
4 would have been a separate report as well as the  
5 content and curriculum of the program. So when  
6 the team determined that it was not an online  
7 program the same team member that was already  
8 allocated to the team was able to complete the  
9 review of the programs as was previously  
10 indicated on the visit report.

11 DR. PRESSNELL: Okay. Related to the  
12 review teams and the whole issue on training,  
13 I've heard your comments that you feel like the  
14 department is requiring you to do more than other  
15 accreditors.

16 The way that I've read the reports is  
17 that the department is just making sure that you  
18 do what you say you're going to do. So in terms  
19 of if you require 100 percent completion of  
20 training before you can go onsite that that 100  
21 percent is actually attained because that's your  
22 rule. And so they're just trying to benchmark

1       against what you say is required.

2                   Do you have a response to that because  
3       to me that's (audio interference).

4                   MS. EDWARDS: No, I understand. The  
5       two third party speakers that will speak to you  
6       guys this afternoon will tell you that they have  
7       had extensive training at ACICS. They've both  
8       been evaluators for well over a decade and have  
9       completed multiple visits. I would assume  
10      they're going to tell you about the training that  
11      they've had, the training that occurs before  
12      every visit team.

13                  I would also say that the refresher  
14      training that ACICS created was something new in  
15      response to the Secretary's order. And that was  
16      in addition to training that evaluators had  
17      already received. So the two that are in  
18      question had already been fully trained and  
19      vetted by ACICS over the course of more than 10  
20      years.

21                  Our policy I believe was also  
22      misunderstood as it said at a minimum, at the

1 minimum level they would complete a refresher  
2 training. These folks had far exceeded the  
3 minimum level and had completed a chair training  
4 which we believe would supersede the minimum  
5 requirement to complete a refresher training that  
6 was created.

7 DR. PRESSNELL: Okay. Your own  
8 comments earlier indicated that you did make an  
9 exception with one individual because they were  
10 highly qualified. I don't think anybody -- I  
11 didn't read anything that they were questioning  
12 the qualification of the individual. It again  
13 was just saying that ACICS requires 100 percent  
14 training and to your own presentation you guys  
15 have made significant changes in terms of your  
16 criteria.

17 And so making sure the training  
18 obviously is going to address that, not  
19 necessarily the content expertise of the  
20 reviewer, although that's important. But it's  
21 just that if you're making changes as an  
22 accreditor even if somebody is incredibly well

1 qualified they would need to have a refresher on  
2 exactly what your new policies and procedures  
3 are.

4 MS. EDWARDS: Right. No, I understand  
5 completely, and in that case it was a very last  
6 minute addition to the team. And so the training  
7 that would typically take place prior to the  
8 visit actually took place while onsite, one on  
9 one working through the report.

10 Probably in that case is a far better  
11 training than conducting something before when  
12 you're not actually doing it at the same time.  
13 So that was the exception in that case.

14 DR. PRESSNELL: Okay. Go ahead.

15 MS. ZEIGLER: If I may. For every  
16 site visit we do the team has a pre-visit meeting  
17 in which we go over again another refresh of the  
18 expectations of our evaluators as well as any  
19 criteria changes that have occurred recently to  
20 ensure that they are up to date on any of those  
21 changes as well. So that happens for every  
22 evaluator, new or old, during the pre-visit

1 meeting for every site visit.

2 DR. PRESSNELL: Okay, thank you. The  
3 other point of clarification that I would like to  
4 have is related to the SCHEV report on VIU. I'm  
5 trying to get -- I want to make sure I understand  
6 the sequence because the report seemed to  
7 indicate that ACICS, one, had not uncovered a  
8 number of the issues that SCHEV had uncovered,  
9 granted your criteria may be different than  
10 SCHEV's, but the department staff seemed to  
11 indicate there ought to be overlap. And based on  
12 the issues they cited I think we would all agree  
13 that there probably are some overlap pieces.

14 So a couple of questions. One, I'm  
15 trying to figure out your reliance on SCHEV's  
16 decision. It appeared to me in the sequence of  
17 events that ACICS was not willing to step in to  
18 do an evaluation until SCHEV had made a  
19 determination of what they were going to do.

20 And then the second question is when  
21 ACICS took action as a result of SCHEV's decision  
22 there seemed to be a lack of evidence that you



1 actually made your decision directly based on  
2 criteria of ACICS.

3 So, I just need some clarity on that.  
4 So again, the sequencing and the reliance of  
5 ACICS on SCHEV. And then whether or not once the  
6 decision was made did you have a full analysis of  
7 how they fell short for your criteria as well.

8 MS. EDWARDS: Right. The staff  
9 recommendation that we had received in February  
10 was just that, a recommendation of SCHEV staff.  
11 So after conversations with SCHEV prior to ACICS  
12 taking our action we wanted to see if the board  
13 was going to agree with the staff.

14 Certainly ACICS staff can make all  
15 kinds of recommendations, but until the board  
16 takes -- or the council takes an action it's not  
17 binding on an institution. So we waited for that  
18 to occur.

19 And then as far as the in-person  
20 hearing, the council was able to ask the  
21 institution directly to demonstrate their  
22 compliance. Just like we're doing today there

1 was Q&A, not just what the documents that were  
2 provided on the record.

3 So the members on the panel, the show  
4 cause panel were able to ask the institution to  
5 talk about the different findings and to  
6 demonstrate how they meet compliance with ACICS'  
7 standards while working on their response to  
8 SCHEV.

9 DR. PRESSNELL: Okay. I think (audio  
10 interference) that I have is that ACICS' actions  
11 seem to be really delayed in terms of the  
12 appropriate. I mean, especially with Reagan it  
13 just seems to me that for you all to have been  
14 making a visit as recently as you did, and to  
15 have literally no indication they were going to  
16 shutter their doors, that's part of what  
17 accreditation is about is to anticipate.

18 So I'm hoping that all accreditors  
19 need to be able to evaluate institutions and  
20 understand which institutions are at risk, and so  
21 that we can avoid this from a consumer protection  
22 standpoint. I mean, I don't know, if they just

1 had 50 students, I don't know if they had 50  
2 students in January that, wow. I mean, nothing  
3 is more disappointing than to walk up as a  
4 student and see that the -- or be a faculty  
5 member and see that the doors are chained and  
6 locked.

7 I was a little surprised at your  
8 characterization of the news report as being  
9 sensational when your conclusion was exactly the  
10 same when you went there in January. Sure enough  
11 they were closed. Well, that's not really a  
12 sensational report. That was a factual report.

13 So my concern is that ACICS is too far  
14 behind the curve on institutional decisions,  
15 whether it be relying on SCHEV and not (audio  
16 interference) criteria against the SCHEV  
17 requirements, or doing your own independent  
18 investigation based on this new evidence that  
19 SCHEV had put them on notice. These are the  
20 types of things that I think accreditors will end  
21 up, you know, that they play a key role in  
22 protecting the consumer particularly.

1 MS. EDWARDS: Right. If I can respond  
2 to that, we did -- I'm sorry.

3 DR. PRESSNELL: No, go ahead.

4 MS. EDWARDS: We did following the new  
5 rules that were put out in July 1, 2020 regarding  
6 teach out agreements and teach out plans, we had  
7 strengthened our teach out plan and teach out  
8 agreement criteria.

9 I think we also had added additional  
10 actions to our council that I believe -- or to  
11 our criteria that I believe were just approved in  
12 September of 2020 -- or it could have been  
13 February of 2021 -- that can be applied at any  
14 time if we deem that they're necessary and  
15 appropriate such as following the visit instead  
16 of requiring teach out plans which our criteria  
17 said at the time, we now have explicit criteria  
18 that would allow us to ask for teach out  
19 agreements which I think everybody knows are very  
20 different from teach out plans, and would require  
21 a lot more work on the campus' part to  
22 demonstrate that all of the students would be

1 taken care of in the event of an imminent  
2 closure.

3 We also added something in there for  
4 a temporary cessation of new enrollment. So if  
5 we have a concern that an institution is not in  
6 compliance, and everything we can do to protect  
7 the students, we can now take that action to  
8 temporarily cease new enrollment.

9 And I would remind everyone too, the  
10 due process in our criteria as well as in the  
11 department's recognition criteria that we have --  
12 we give the opportunity for the institution due  
13 process to respond to actions by the accreditor.

14 DR. PRESSNELL: It's too bad it wasn't  
15 in place for the students at Reagan National at  
16 that time. Mr. Chairman, that's all the  
17 questions that I have.

18 CHAIR KEISER: Well, before we get to  
19 everybody else let us take a 45-minute lunch  
20 break, and we'll come back, and then the members  
21 will have an opportunity to talk to the agency.  
22 So it is 12:45. We will reconvene at 1:30.

1 (Whereupon, the above-entitled matter  
2 went off the record at 12:50 p.m. and resumed at  
3 1:34 p.m.)

4 CHAIR KEISER: Well, good afternoon.  
5 Hope you had a good lunch. We are going to  
6 continue, but first I think we have a point of  
7 order that's been raised by Mr. Eubanks. Dr.  
8 Eubanks, sorry.

9 DR. EUBANKS: Thanks, Art. Hearing  
10 that the committee members mostly have not had  
11 time to review the Inspector General's report I  
12 was wondering if the committee might entertain  
13 the idea of deferring final discussion of votes  
14 until tomorrow.

15 CHAIR KEISER: We don't need a second  
16 for a point of order, so this is the discussion.  
17 Is anybody opposed to that?

18 DR. PRESSNELL: I'm okay with that.

19 CHAIR KEISER: Thank you. I assume we  
20 will continue through with the interviews of the  
21 agency by the members of the committee. We will  
22 then go to third party comments. We'll get to

1 the -- just to the final part which is the  
2 discussion piece and the vote. Is that what your  
3 intent is?

4 DR. EUBANKS: That was my suggestion  
5 as it works out with the schedule, sure.

6 CHAIR KEISER: Okay. Is there any  
7 discussion on that? Is there anybody opposed to  
8 that? I don't think we need a roll call for  
9 that. Just raise your hand. I can see most of  
10 you. If you agree with the point of order.  
11 Okay, it looks like it passes so --

12 DR. PRESSNELL: Well, Art, I have a  
13 question. Sorry. This is Claude. I had a  
14 question. I think it's appropriate to take a  
15 look at the report. I guess I just have a  
16 question for the legal staff as to -- does the  
17 report directly address the reports we've  
18 received from the staff, or does it deal with  
19 historical issues? Can we gain a little bit of  
20 insight on this?

21 MS. MANGOLD: Art, it's Donna. Can  
22 you hear me?

1 CHAIR KEISER: Not very well. Stay  
2 closer to your microphone.

3 MS. MANGOLD: The report is focused on  
4 2016 and 2018, what happened in the prior  
5 reviews. At the end I believe that there is a  
6 mention of this review, but it does not address  
7 this review. It addresses what happened in 2016  
8 and 2018.

9 DR. PRESSNELL: In terms of  
10 departmental procedure or in terms of NACIQI's  
11 actions or both?

12 MS. MANGOLD: I'm sorry. In terms of  
13 what the department did with the review in 2016,  
14 and that is focused on the same issue that came  
15 up in the litigation with regard to certain  
16 documents that -- the review of certain  
17 documents.

18 And then the report also focuses on  
19 what happened in 2018 when the review of those  
20 documents took place.

21 DR. PRESSNELL: Okay. All right. I  
22 appreciate that. Thank you.



1 CHAIR KEISER: Okay. Are we in  
2 agreement? I thought I saw if we had enough  
3 votes to postpone the final discussion and the --  
4 till tomorrow and the votes. We have five votes  
5 as it is right now. So, if that's the case if  
6 you would raise your hand if you want to ask  
7 questions of ACICS I will try to recognize you as  
8 they come up. Jennifer, you're first.

9 It's like -- what's that game show?  
10 The first person is it. Then Robert Mayes. And  
11 then --

12 (Simultaneous speaking)

13 CHAIR KEISER: And then Anne Neal.

14 (Simultaneous speaking)

15 MS. EDWARDS: Thank you. I'd like to  
16 ask my legal counsel, Katherine Brodie, to make a  
17 comment about that.

18 MS. BRODIE: Greetings, Chairman and  
19 members of the committee. I'm here solely to  
20 watch the process of the committee to make sure  
21 my client is getting a fair hearing with regard  
22 to the discussion that's happening today.

1                   With regard to the report we just want  
2                   to make sure that it's entered into the record  
3                   and that we allow the SDO to determine its  
4                   relevancy. Whether or not the committee members  
5                   have their own opinions about what is relevant in  
6                   the report it is very important that that be in  
7                   the record. We're subject to a 10-day  
8                   requirement to respond to the recommendation and  
9                   that response has to do with what is in the  
10                  record, and if it's not clearly in the record we  
11                  may be adversely impacted by that. So I want to  
12                  make sure that whatever is decided that we still  
13                  have the flexibility to keep that document in the  
14                  record and be able to have the SDO make a  
15                  determination of its relevancy with respect to  
16                  the evidence.

17                  CHAIR KEISER: Katherine, we  
18                  understand that. I think that's why the  
19                  committee wants to read it first. They have not  
20                  had a chance to read it. So before it's put into  
21                  the record if they decide to do that I think they  
22                  need to read it first, and that's the purpose of

1       postponing the discussion, the final discussion  
2       till tomorrow.

3                   MS. BRODIE: I understand. I just  
4       wanted to make sure that my client's perspective  
5       was understood on this document. Thank you.

6                   CHAIR KEISER: Okay. Jennifer, you're  
7       next.

8                   MS. BLUM: All right, thank you. So  
9       I just wanted to start by saying I think the  
10      agency knows this, but there are a couple of us  
11      who are new to the committee and certainly not  
12      new to accreditation, but new to the committee  
13      and I'm mindful of that. I feel like I'm coming  
14      in pretty late in the story.

15                  Having said that, I'm really focused  
16      as I was yesterday on consistency and process of  
17      the department and of us as committee members.  
18      And so I think you'll see that my questions  
19      somewhat relate to ensuring that this process is  
20      as it should be.

21                  So, let me start with saying, first of  
22      all, we asked questions yesterday about public

1 members. I do think it's great that the ACICS  
2 has a significant number of -- I just want to  
3 start on the positive with the significant number  
4 of public members.

5 I also heard loud and clear all the  
6 changes that you've made to your standards. I  
7 had a question about this process, the fact that  
8 we are having four reports today which I think  
9 everybody would admit is -- I think we can all  
10 say that that's unusual.

11 And two of them were actually due I  
12 think -- you filed them back in December of '19  
13 if I remember correctly. And based on what we've  
14 heard today. I think they probably should have  
15 been up late summer and they were held (audio  
16 interference) by the department. And I'll be  
17 talking to the department about this later too,  
18 but they were held.

19 In theory it was held because they  
20 already had information about their two other  
21 reports that they were beginning to work on. But  
22 I just wanted to ask you about that. But I have

1 one other question.

2 Am I correct that but for these four  
3 reports you would have a normal petition for  
4 renewal coming up soon?

5 MS. EDWARDS: That is correct. We are  
6 also on the July 2021 agenda for our renewal  
7 petition.

8 MS. BLUM: Your normal five-year  
9 renewal petition.

10 MS. EDWARDS: That's correct.

11 MS. BLUM: Where all the changes that  
12 you've discussed earlier today would sort of bear  
13 themselves out.

14 MS. EDWARDS: That's correct.

15 MS. BLUM: Okay. I just wanted to  
16 make sure that we all understood that piece. I  
17 also wanted to ask, the three institutions, RNU,  
18 VIU, SDU, sorry for all the acronyms, it's like  
19 an alphabet soup. But for the three institutions  
20 were they -- they were all in the initial  
21 accreditation phases, in various different  
22 phases, but they were all in those phases of for

1 the first time receiving accreditation, right?

2 MS. EDWARDS: No, that is not correct.

3 RNU was in initial (audio interference) visit in  
4 February of 2017. SDU never proceeded past the  
5 application phase and so they never had an  
6 initial grant visit. And VIU had been accredited  
7 since 2008.

8 MS. BLUM: Okay, right. VIU was the  
9 one that was accredited. And was VIU Title IV?

10 MS. EDWARDS: Yes, they are.

11 MS. BLUM: Okay. And the other two  
12 weren't because they were never accredited. Or  
13 they'd never been --

14 MS. EDWARDS: That's correct.

15 MS. BLUM: So RNU, the department's  
16 report is regarding an action on a non-Title IV  
17 institution. So that report by the department is  
18 on a non-Title IV institution. Do you happen to  
19 know whether RNU -- whether the purpose of  
20 seeking the accreditation by -- I'm asking you a  
21 question that might be better asked of the  
22 institution (audio interference), of RNU, and

1 asking you were they getting accreditation so  
2 that they could be Title IV? Do you happen to  
3 know that?

4 MS. EDWARDS: I don't know the answer  
5 to that. That was before my time when they were  
6 going through that process. It was 2016.

7 MS. BLUM: Okay. So then I have -- I  
8 wanted to go to some questions that were also  
9 asked yesterday, just general questions. So, in  
10 total VIU, SDU, RNU, total number of students --  
11 and I'm not minimizing the impact on them. So I  
12 don't want -- like any time something bad happens  
13 to an institution it's obviously bad for the  
14 students. But we're talking probably, like how  
15 many students?

16 MS. EDWARDS: I do know at the time of  
17 the visit in October of 2019 RNU had 70 students.  
18 As far as SDU, again, they never proceeded past  
19 the application phase so I'm unaware how many  
20 students they have. And I believe that they're  
21 still an operating institution. And as far as  
22 VIU I don't have that number at my fingertips.

1 MS. BLUM: Okay.

2 (Simultaneous speaking)

3 MS. EDWARDS: -- operating.

4 MS. BLUM: And then can you speak for  
5 a little bit about all of your other schools?  
6 So, you have -- actually I was surprised by how  
7 many non-Title IV schools you actually accredit.  
8 But you have lots and lots of other institutions  
9 that you accredit. Can you give rough numbers of  
10 how many are in some form of an adverse action  
11 right now? Do you have that available?

12 MS. EDWARDS: Sure. Currently right  
13 now we have four institutions that are under a  
14 show cause directive. One is under that  
15 directive for their renewal of accreditation.  
16 Three are under that directive for their student  
17 achievement information that was submitted in  
18 December of 2019.

19 And we also have nine campuses  
20 currently under a compliance warning. Three of  
21 those are related to their renewal of  
22 accreditation, and six of those are related to



1       their student achievement data that was submitted  
2       on November 1, 2020.

3               MS. BLUM:   And of the 48,000 students  
4       I think you said were -- is that the number?

5               MS. EDWARDS:   That's correct.

6               MS. BLUM:   Two-thirds are Title IV?  
7       How many are Title IV?   You don't have to give me  
8       an exact number, but am I?

9               MS. EDWARDS:   I don't know the exact  
10       number of the students.   I know that 27 percent  
11       of our institutions are non-Title IV.   But I  
12       don't know the number of students.

13              MS. BLUM:   I just wanted -- the reason  
14       I was asking is I just wanted to level set on the  
15       severity of that.   And this isn't, by the way,  
16       I'm not opining on the history here because there  
17       is a history here with ACICS.   I'm certainly not  
18       taking away from that.   But I am emphasizing that  
19       this is a pretty big decision.

20              So I just -- and I thought it was  
21       helpful to have the numbers out there because I  
22       don't think we had heard those numbers yet today,

1 and to me they're pretty relevant.

2 I also just wanted to follow up, it's  
3 more of a comment on a couple of things. I'll  
4 make it really fast. I think Mary Ellen  
5 mentioned the number of graduates of the -- the  
6 small number, really small number of graduates.  
7 I just wanted to say that that's an issue across  
8 higher ed where we have the chicken and egg. So  
9 I am acknowledging that there's a little bit of a  
10 chicken and egg. How do you get accredited  
11 without graduates, but you can't really get --  
12 it's hard to get enrollments until you have -- so  
13 I just wanted to mention that.

14 So I think that's it for me. Most of  
15 my questions are actually for the staff, but I  
16 just wanted to get sort of on the table some of  
17 the -- how many students and how many  
18 institutions.

19 Actually, sorry. The 84 campuses you  
20 mentioned, how many institutions is that?  
21 Because you mentioned 84 campuses.

22 MS. EDWARDS: Fifty-nine.

1 MS. BLUM: Thank you.

2 CHAIR KEISER: Robert Mayes, Kathleen,  
3 and then Anne. Robert?

4 MR. MAYES: I appreciate the level of  
5 due diligence I think that's been done today. I  
6 realize it's taken a lot of time. And in that  
7 regard I'm going to kind of hit on two questions  
8 that are -- we've already talked on some, but I'd  
9 like to get more clarity and have a chance for it  
10 to be talked about again.

11 To go back to RNU and its initial  
12 accreditation steps. So, it had a lot of  
13 findings in the initial visit, and it went before  
14 the commission. It wasn't denied, but it went  
15 through a process of two deferrals.

16 So in the course as we know, late  
17 during the (audio interference) it had a lot of  
18 findings on that visit that happened a couple of  
19 years later. So it gives the perception that the  
20 process for a new school up front is not very  
21 loaded, not very rigorous or thorough. It's  
22 because (audio interference) and it kind of

1 (audio interference) one of the key things we're  
2 talking about today.

3 So, if you could just -- for one, I'm  
4 trying to talk again about why weren't they  
5 denied, why was the deferral the right choice.  
6 And then if this same situation came up again has  
7 anything changed in your process that -- where  
8 anything different would be done?

9 MS. EDWARDS: Well, thank you for that  
10 question. As far as when they were initially  
11 discussed by the council that was over four years  
12 ago so I wouldn't be able to react to the  
13 discussion as to why they were deferred rather  
14 than denied.

15 But I can tell you that the team did  
16 uncover findings at the visit, and required the  
17 institution to demonstrate compliance with those  
18 findings before they went through -- or before  
19 they were granted re-accreditation.

20 I think going forward I think it's  
21 important to note that since this the ACICS has  
22 granted three, only three initial applications,

1 or initial grants of accreditation since this one  
2 was granted in 2017. We looked at the process.  
3 We evaluated the process to make sure that we  
4 felt we were covering every step in the process.  
5 And like I can say, we've had just three that  
6 have occurred since then.

7 As far as you know, if this tool is  
8 making and talking about the deferral versus the  
9 denial, we're looking for -- as an accreditor  
10 we're looking for quality improvement. And if  
11 the school is making progress towards compliance  
12 we want to give them the opportunity to get  
13 there. And so that's why now we would defer  
14 action on institutions.

15 Typically accreditation is very new  
16 for a lot of institutions and agencies --  
17 institutions. And so sometimes it takes them a  
18 couple of tries to make sure that they have  
19 everything, every policy and procedure in place  
20 to be able to demonstrate compliance with an  
21 agency's criteria. And remind me, what was the  
22 second part?

1                   MR. MAYES: (audio interference) the  
2 second part was if the same scenario happens  
3 again now has anything changed in that whole  
4 denial versus deferral for a new school coming in  
5 with that many compliance issues.

6                   MS. EDWARDS: Yes. Again, I think I  
7 would just reiterate that in that case the  
8 council must determine that there was an  
9 opportunity for them to demonstrate compliance  
10 and give them that chance to do so.

11                   I don't think since I've been in this  
12 role -- well again, we've only accredited three  
13 institutions, so I can recall that ACICS has  
14 denied initial accreditation in the past, but  
15 that opportunity has not presented itself yet.

16                   MR. MAYES: I understand. Thank you.  
17 For a second, I think one of the bigger points  
18 that stand out with the Virginia International  
19 situation is one again you've been asked already.  
20 It has to do with the visit that was conducted by  
21 the ACICS team versus the team from the state.

22                   It wasn't that far apart, but it was

1       some. And then that the issues should have been  
2       there, should have been kind of seen as (audio  
3       interference) probably didn't totally change. If  
4       you can maybe just, I know you've hit it some,  
5       but think of that one again of why you feel --  
6       why (audio interference) the difference in time,  
7       and the different terms had just started, and  
8       more terms had went by by the time the state  
9       visited. Just lay that one out again of how you  
10      think everything was done the best it could be if  
11      you don't mind.

12               MS. EDWARDS: Sure. Well again, the  
13      team visited in January of 2018 and evaluated VIU  
14      on -- it was a renewal of accreditation.  
15      Evaluated the institution on its compliance with  
16      our criteria.

17               The team did note findings of non-  
18      compliance, including many of overlap in what  
19      SCHEV identified. The SCHEV visit -- so the  
20      institution would have responded in March of  
21      2018. They were reviewed by the council at their  
22      April 2018 meeting.

1           The council still required additional  
2           information and deferred action to its August  
3           meeting. So the institution between January and  
4           August had the opportunity to provide additional  
5           information to demonstrate compliance with those  
6           findings that were discovered by the team in  
7           January of 2018.

8           The SCHEV team went in August of '18  
9           and discovered some of the same findings that the  
10          team had uncovered as well.

11          I think it's also important to note  
12          that a state agency is certainly going to look at  
13          -- they're going to have a different set of  
14          standards as far as consumer protection and those  
15          types of standards. And so ACICS followed their  
16          process and their procedures. SCHEV followed  
17          their process and procedures.

18          I think it's also important to note  
19          that as far as when ACICS was notified by SCHEV  
20          of the recommendation by the staff, that the  
21          staff was recommending to the board of the  
22          denial, we literally only waited a few weeks



1 before taking action ourselves and requiring the  
2 institution to demonstrate compliance with our  
3 standards at that time as well.

4 MR. MAYES: That's helpful, thank you.  
5 My last thing, just to follow up on the  
6 statements you've made. You had mentioned that I  
7 think only a few schools had received initial  
8 accreditation in the recent time frame. Do you  
9 want to add -- maybe add context to that? Maybe  
10 how many have applied and -- versus that three?  
11 That might be helpful.

12 MS. EDWARDS: Sure. I'll ask Karly to  
13 speak to that.

14 MS. ZEIGLER: We have three  
15 institutions that recently received an initial  
16 grant of accreditation as Michelle mentioned.  
17 And we have three that are actually awaiting an  
18 initial grant visit, their team visit before  
19 going before the council for consideration.

20 We have about 17 other institutions  
21 that are in any of those phases of the  
22 application process. So they've initiated the

1 application. And then we have several, probably  
2 approximately 20 that have completed our  
3 registration, but as I mentioned earlier that  
4 doesn't necessarily translate to an application,  
5 or a request to be considered for an application.

6 MS. EDWARDS: I guess the short answer  
7 is there are three that are currently in the  
8 pipeline that would likely -- could likely be  
9 considered by the council in 2021.

10 MR. MAYES: Okay. That's all. Thank  
11 you.

12 CHAIR KEISER: Kathleen.

13 DR. ALIOTO: Okay. Thank you for this  
14 (audio interference) such a comprehensive report  
15 this morning. I have some questions about the --  
16 piggybacking on Jennifer, your testimony as well.  
17 You now have 84 campuses and 59 institutions  
18 serving 48,000 students, is that correct?

19 MS. EDWARDS: Approximately, yes,  
20 that's correct.

21 DR. ALIOTO: And you said that 27  
22 percent were not Title IV.

1 MS. EDWARDS: Correct.

2 DR. ALIOTO: So I'm wondering about  
3 the other students and graduates, and what their  
4 student debt is at this point.

5 MS. EDWARDS: Well, I certainly can  
6 review the information that's provided publicly  
7 on the College Scorecard. That is not something  
8 that is required by an agency to have in our  
9 standards. I certainly do have some data that I  
10 can share based on our current institutions.

11 And again, I think we all know that  
12 the information that's posted on the College  
13 Scorecard is -- it lags a few years, and so it  
14 would have schools that are not accredited by  
15 ACICS, but yet are accredited by other  
16 accreditors.

17 The average median debt on the most  
18 recently published score card for our current  
19 institutions is just over \$18,000. The average  
20 median salary is just over \$30,000.

21 DR. ALIOTO: Okay. All right. Now,  
22 so that's an improvement over the last five

1 years. Or not?

2 MS. EDWARDS: I wouldn't have -- it's  
3 really not apples to apples based on the fact  
4 that we are now 10 percent of the organization  
5 that we were sitting before you in 2016. But  
6 when you look at those data compared to other  
7 institutional accreditors it appears that we're  
8 in line with the rates that other institutional  
9 accreditors have as well.

10 DR. ALIOTO: Yes. (audio  
11 interference) Okay. So the next question is how  
12 much do you get paid by an institution when you  
13 talk about them going to your financial analysis  
14 and the fact that you think by 2024 you'll be in  
15 good shape again? How much do these institutions  
16 or campus pay you?

17 MS. EDWARDS: I'm not quite sure I  
18 completely understand the question, but I can  
19 tell you that --

20 DR. ALIOTO: What is your fee?

21 MS. EDWARDS: Well, there's all kinds  
22 of fees. We have -- just like every other

1       accreditor we have multiple different  
2       applications. Each application has a different  
3       fee. We have levels of -- based on an  
4       institution's revenue that they pay a sustaining  
5       fee. When an institution has a renewal of  
6       accreditation they pay fees based on the number  
7       of evaluators for that visit. There's lots of  
8       different fees that an institution would pay to  
9       an accreditor.

10               DR. ALIOTO: Could you give us a  
11       range?

12               MS. EDWARDS: Everything from an  
13       application that's free to an application that  
14       may cost \$5,000. They vary depending on what the  
15       application is.

16               DR. ALIOTO: Okay. So the application  
17       is \$5,000. And what is the fee following up on  
18       that (audio interference) fee?

19               MS. EDWARDS: I'm sorry, can you  
20       repeat that question?

21               DR. ALIOTO: I'm trying to figure out  
22       how you're going to manage to get back to carry

1 the staff that you're carrying, and to get back  
2 into shape.

3 MS. EDWARDS: Sure. The (audio  
4 interference) the bulk of where revenue would  
5 come from for most accreditors. Sustaining fees  
6 as well as a combination of application fees.  
7 Every time an institution wants to start a new  
8 program, any time they want to edit one of their  
9 programs and make changes to a program there's  
10 application fees. So those fees.

11 There's initial application fees.  
12 There are fees for renewals or accreditation.  
13 Fees for workshops. We certainly hope that we  
14 will be having face to face workshops again.  
15 That's another point of revenue.

16 Our schools pay anything in sustaining  
17 fees from \$1,219 up through \$14,000. It just  
18 depends on the amount of revenue, tuition revenue  
19 by the institution.

20 DR. ALIOTO: Okay. So my final  
21 question or comments are based on the fact that  
22 you said that your financial situation today was

1 caused by the Department of Education. In fact,  
2 the financial situation that you're in today is  
3 that you gave accreditation a bad name. ACICS  
4 gave accreditation as an industry a bad name. It  
5 was not caused by the DOE or the vote of this  
6 body, now speaking in 2016. It was caused  
7 because of the standards around ITT Technical,  
8 Corinthian Colleges, the Dream Center, the ECA  
9 collapse, and Vatterot College.

10 And last year we had these other  
11 incidents with Reagan and it seems to me a  
12 pattern. So, you did not -- you are not in the  
13 financial position you're in as an entity because  
14 of the DOE. It was because your industry  
15 accredited institutions that had the worst  
16 graduations, default, and student loan repayments  
17 rate of any.

18 You have a committee. We're here for  
19 integrity and excellence. You have this  
20 committee voting in 2016 to terminate your  
21 capacity to be the gatekeeper not only for  
22 educational excellence, but also the gatekeeper

1 at that time for \$3.3 billion in student loans.  
2 That is why the --

3 CHAIR KEISER: Thank you, Kathleen.  
4 Okay, Anne?

5 DR. ALIOTO: You're welcome.

6 MS. NEAL: I took down my hand.  
7 Jennifer covered my questions. Thank you.

8 CHAIR KEISER: Mary Ellen, you have a  
9 question?

10 DR. PETRISKO: Yes. Am I unmuted?

11 CHAIR KEISER: You're okay.

12 DR. PETRISKO: Okay. A couple of  
13 things. One, I want to -- something I wanted to  
14 ask before real quickly on RNU. The visit was  
15 February 8 unannounced, but their letter saying  
16 they wanted to voluntarily withdraw is dated  
17 February 7 which was the day before that review,  
18 that unannounced visit.

19 They were allowed to withdraw  
20 voluntarily, although the standards in place at  
21 the time I believe say that if an institution is  
22 found to be not in operation that their



1 accreditation is summarily withdrawn, or  
2 suspended, or something like that.

3 So it said on the website that they  
4 voluntarily withdrew. Now that action was taken  
5 in 2020. My question is, and it's sort of like  
6 some of the questions we've just had. If that  
7 were the case today, if you saw -- it had to  
8 happen. If you saw an institution was not in  
9 operation would you allow them to voluntarily  
10 withdraw with a predated letter of withdrawal?

11 MS. EDWARDS: No, we would not. And  
12 what happened in that case was we had a report  
13 that was published and it was also as part of the  
14 record in response to our visit that we had asked  
15 the school to provide.

16 The school did send the letter the  
17 same day that we did the visit even though it was  
18 dated the 7th. Their response letter (audio  
19 interference) or from ACICS clearly says that  
20 they withdrew under a show cause directive, and  
21 so that is on the record. That was also provided  
22 to the state agency that was approving them at

1 the time as well.

2 DR. PETRISKO: What would the action  
3 be now if you at that -- at the time that you  
4 went to visit and saw no operation, what would  
5 the action be now?

6 MS. EDWARDS: It would be a withdrawal  
7 of accreditation by revocation. (audio  
8 interference) clearly in our criteria that says  
9 if -- obviously if we find out a school is closed  
10 that we would revoke their accreditation.

11 DR. PETRISKO: Okay. (audio  
12 interference) the materials, there were I believe  
13 70 institutions, and now it's 59 institutions.  
14 So if (audio interference) the number has gone  
15 down by 11. Were those withdrawals? Were those  
16 terminations? Who were those institutions? What  
17 happened with them?

18 MS. EDWARDS: I'm sorry, I missed the  
19 beginning. You cut out. Could you repeat that,  
20 please?

21 DR. PETRISKO: Yes. Thank you. The  
22 materials that we reviewed if I remember

1       correctly said there was -- at the time that the  
2       materials were received there were 70  
3       institutions. Now it's 59. So that's a  
4       relatively short period. Were those council  
5       actions to deny, or to revoke? Were there  
6       institutions that voluntarily left? What's the  
7       difference in 11 institutions in a relatively  
8       short time?

9                   MS. EDWARDS: Could you tell me  
10       exactly? Obviously there's four different  
11       reports that were responded to in different time  
12       periods and so they would contain different  
13       information. Which report --

14                   (Simultaneous speaking)

15                   DR. PETRISKO: -- the number that I  
16       have (audio interference) institutions and I  
17       can't say which one of the reports it was. So,  
18       it might have been going back to 2017. It might  
19       have been 2019. Anyway, okay.

20                   (Simultaneous speaking)

21                   MS. EDWARDS: Depending on which  
22       report it was there could have been voluntary

1        withdrawals at the time, or even closures.

2                DR. PETRISKO:    Okay.

3                MS. EDWARDS:    I wouldn't know --

4                                (Simultaneous speaking)

5                MS. EDWARDS:    -- I knew exactly which  
6        report you were referencing.    Sorry.

7                DR. PETRISKO:    But is it safe to say  
8        since 2018 or 2019 that there have been voluntary  
9        withdrawals, that there have been closures, that  
10       there have been revocations, or any of those?

11               MS. EDWARDS:    Yes, there have been.

12               DR. PETRISKO:    Okay.    My next question  
13       is you mentioned so many changes in your  
14       beginning remarks I couldn't write fast enough to  
15       write them all down.    You mentioned 9 changes to  
16       your bylaws, 86 changes to your criteria,  
17       improved training, expanded interim reviews,  
18       enhanced teach out requirements, enhanced  
19       distance education policies and procedures, and  
20       the new PVP that you have, the performance  
21       evaluation placements.

22               MS. EDWARDS:    Right.

1 DR. PETRISKO: I know that there's so  
2 much here, and I don't think I captured them all,  
3 but can you tell us more about when these various  
4 changes were made. How much evidence there is  
5 now of these things that we didn't get because  
6 the materials we have are from previous requests?  
7 And whether VIU and RNU were -- in their reviews  
8 were in any way affected by any of these changes.  
9 I do see and did see that the 2019 team reports  
10 for RNU is different than the 2017 team report.  
11 There are submitted sections for narrative. So I  
12 did see that one change. But it would be really  
13 good to know a little more specifically, or as  
14 specifically as you can when various changes were  
15 made over the last -- since we met in 2016, and  
16 very importantly, how much evidence is there now  
17 of what you've changed.

18 MS. EDWARDS: Sure. I'm going to let  
19 Karly speak to the specific timeline of those,  
20 and then I can follow up with what's in place  
21 now.

22 MS. ZEIGLER: A lot of the changes

1       noted have been 2016 and moving forward. Our  
2       policy changes come from a number of areas,  
3       obviously from site visits, from policy changes  
4       at the department level, from specialists in the  
5       field, call for comments, all different areas.  
6       So those can be initiated at any time and go to  
7       the council.

8               We have our annual policy meeting  
9       where the council talks about numerous areas for  
10      policy and procedural changes, and that review.  
11      So that happens once a year, but then at every  
12      meeting (audio interference) as well.

13             We also have additional committees on  
14      the council that discuss --

15             DR. PETRISKO: If I can interrupt, my  
16      question isn't so much about how you decide to  
17      make changes, but when. Like you changed your  
18      bylaws. When did that happen? I know you had a  
19      -- January 2021 is your (audio interference)  
20      publication (audio interference) criteria. You  
21      talk about 86 changes. Did those all come up  
22      between 2020 and 2021? Can you give us -- and I

1 know there's a lot (audio interference) talking  
2 about. It would be very important to understand  
3 what has happened when, and again, the evidence  
4 that you have that we don't have of what is  
5 different now than it was before. So, to the  
6 extent you could put a little bit of a chronology  
7 on some of these changes it would be really  
8 helpful. You said after 2016. Was it 2017? Was  
9 it December of 2020? That would be helpful.

10 MS. ZEIGLER: There's not just one  
11 answer I guess. We have made changes along the  
12 way. In 2016 we made several changes to  
13 admissions and monitoring. That was really the  
14 start of the implementation of our PVP. That was  
15 the big piece in that year.

16 Then in 2017 -- we also have -- we  
17 have our policy changes that initiate through  
18 processes I mentioned previously, but then we  
19 also have a systematic process of review that  
20 puts areas such as our library and special  
21 resources, such as distance education, ESL (audio  
22 interference) that fall on a schedule to be

1 reviewed at every few years, every five years.

2 MS. EDWARDS: And if I can just add,  
3 Karly, that all of our, you know, our council  
4 meets four times a year including their policy  
5 meeting. And at those meetings policy is  
6 reviewed each time. I just wanted to supplement  
7 that.

8 MS. ZEIGLER: And initiated a call for  
9 comment. And then at the following council  
10 meeting is when those changes would be finalized  
11 following the (audio interference) and the  
12 feedback from this (audio interference).

13 (Simultaneous speaking)

14 DR. PETRISKO: I'm not done. The  
15 reason I ask the question is that --

16 CHAIR KEISER: -- the issues, yes.  
17 Because I don't think that stuff was requested of  
18 the agency in the petitions, or in the reports.

19 DR. PETRISKO: The reason why I asked  
20 the question was that the question was asked  
21 about the next review that would be scheduled  
22 depending on what action. The next thing that



1 would be scheduled. And so trying to understand  
2 what the difference is between now and what would  
3 be anticipated later if there was evidence of  
4 these changes that we don't have now. I'll leave  
5 it at that.

6 (Simultaneous speaking)

7 MS. ZEIGLER: We made several  
8 throughout, from 2016 to --

9 CHAIR KEISER: -- question, Mary  
10 Ellen?

11 DR. PETRISKO: I'm done. Thank you.

12 CHAIR KEISER: Claude, your turn.

13 DR. PRESSNELL: Yes. I just have  
14 several real quick ones to some -- back on Reagan  
15 National. There was the finding by your team  
16 site visit about documentation on prior education  
17 related to international students, and that that  
18 documentation was not -- the diplomas were not  
19 verified. Were you able to see that through, or  
20 was that the finding? Or was that finding in  
21 October of 2019 so they didn't follow up? What's  
22 the status on that?

1 MS. EDWARDS: I don't recall  
2 specifically if that was a finding in 2019. I  
3 can tell you that in 2017 the council required to  
4 see the documentation of the evaluation of  
5 transcripts that are earned outside of the United  
6 States. That is part of our criteria. We do  
7 require those to be evaluated. And I can tell  
8 you that that was a finding, and the finding was  
9 resolved in 2017. I don't recall specifically  
10 out of the 28 if that was one of the findings in  
11 2019.

12 DR. PRESSNELL: Okay. The staff  
13 report seemed to indicate it was 2019 so it may  
14 have been an ongoing problem. Just one last  
15 thing. When you guys were there for your own  
16 site visit in October 2019 and then it shuttered  
17 its doors just a few months later were there  
18 students there? I mean, I'm just trying to make  
19 sure that there were students enrolled --

20 MS. EDWARDS: -- the time of the  
21 visit.

22 DR. PRESSNELL: Yes.

1 MS. EDWARDS: Are you asking if there  
2 were students at the time of the visit?

3 DR. PRESSNELL: Yes.

4 MS. EDWARDS: Absolutely. The team  
5 interviewed students. The team sat in on  
6 classes. It was a functioning institution.  
7 There absolutely were students there. There are  
8 multiple references in the report about  
9 interviews with students and different comments  
10 about observing students. And that is absolutely  
11 in there and on the record.

12 DR. PRESSNELL: Okay. So, if a  
13 student -- or I'm sorry, if an institution  
14 voluntarily withdraws accreditation and shuts  
15 its doors then you're basically under the  
16 impression that ACICS has no obligations at all.  
17 Or I guess you're saying you don't have authority  
18 so you can't do anything with a teach out  
19 program.

20 Because you talked about adjusting  
21 your teach outs and everything, and I don't know  
22 if you guys (audio interference) Reagan National,

1 or you did before. How would that deal with --  
2 even if you withdrew accreditation right away, my  
3 assumption is if you withdraw it you would have  
4 some responsibility on the teach out piece. Is  
5 that correct or incorrect?

6 MS. EDWARDS: It's correct that  
7 certain actions in the recognition criteria  
8 require you to request teach out plans and teach  
9 out agreements. As I mentioned earlier we  
10 strengthened our criteria just as recent as --  
11 and I looked it up. It was in December of 2020.  
12 We added additional stipulations to our criteria  
13 to allow us to ask for teach out agreements  
14 sooner in the process, to allow us to have cease  
15 (audio interference) enrollments if we have  
16 concerns so that we can do everything in our  
17 power to assist the students in the case of an  
18 imminent closure.

19 DR. PRESSNELL: Okay. But that just  
20 wasn't in place in time for Reagan National.

21 MS. EDWARDS: It was not in our  
22 criteria that could be legally enforced, that is

1 correct. We did, however, and that's on the  
2 record as well that in October 2019 when we  
3 issued the show cause we did ask for teach out  
4 plans which would provide us the student audits,  
5 the plans for in case of an imminent closure.  
6 However, the institution withdrew before  
7 providing that response.

8 We attempted contact with the state to  
9 work with them on the process, but they were  
10 unresponsive.

11 DR. PRESSNELL: Okay. There's just a  
12 history of consumer protection issues that still  
13 remain with me, but anyway, thank you, Mr.  
14 Chairman.

15 CHAIR KEISER: Steve, and then I have  
16 a question, and then I'll have Jennifer close it  
17 out. You're muted, Steve.

18 DR. VANAUSDLE: I probably sounded  
19 better muted. I have a couple of questions  
20 relative to financial capacity. That seems to be  
21 one of our issues and I think I just heard you  
22 had three institutions you've recently

1       accredited. And if we think of it as a  
2       membership organization you're building  
3       membership.

4                You've got 3 in process, and you have  
5       27 knocking on the door wanting to pursue your  
6       services. Do I have those right?

7                MS. EDWARDS: That's pretty close to  
8       accurate, yes.

9                DR. VANAUSDLE: Okay. How many  
10       institutions in your strategic thinking might you  
11       lose in the next two to three years?

12               MS. EDWARDS: Well --

13               DR. VANAUSDLE: If you do your plan  
14       and you've got to project on both sides.

15               MS. EDWARDS: Exactly, and we did in  
16       our projections to the department. I think we're  
17       hoping with recognition intact that we would be  
18       able to maintain our current membership as well,  
19       knowing that there's going to be attrition in  
20       that. And so certainly we would lose a couple,  
21       and once the -- once recognition is formally  
22       intact and continues then we would be able to

1       increase our membership with new members.

2                   DR. VANAUSDLE:   So, out of these  
3       members that are in process or knocking on your  
4       door how many of them are former members of your  
5       council?

6                   MS. EDWARDS:   I think Karly can  
7       probably answer that.   I know one off the top of  
8       my head.   I'm not sure.

9                   MS. ZEIGLER:   There's one institution  
10      with three (audio interference).

11                  DR. VANAUSDLE:   Okay.   So, one of your  
12      challenges -- we're in kind of challenging times  
13      in higher education right now.   And one of the  
14      things we're all doing I think is probably  
15      marketing our services the best we can.   Can you  
16      talk a little bit about your marketing strategies  
17      that might give us confidence that your  
18      membership will be solid, and your finances would  
19      be solid?   What's the -- the financial part of  
20      your plan look like?

21                  MS. EDWARDS:   Well, we certainly don't  
22      market our services to institutions.   I think

1       it's important to note that every agency has a  
2       different mission, a different scope of  
3       recognition.

4               Institutional choice creates the  
5       environment that institutions can search for the  
6       accreditor that's the best fit for their mission.  
7       Our mission is to advance educational excellence  
8       at independent non-public career school colleges  
9       and organizations in the U.S. and abroad.

10              While some institutional accreditors  
11       have a programmatic or maybe a delivery method,  
12       or even a focused scope, we have a very broad  
13       mission. And our institutions looking at ACICS  
14       look to accreditation for peer review, quality  
15       improvement, and to be with similar like-minded  
16       institutions.

17              We find that institutions outside of  
18       the United States look to ACICS as accreditor  
19       with our international experience. We have 12  
20       campuses in 8 countries. Based on degree level I  
21       think we have institutions -- 57 percent of our  
22       institutions offer a program at the master's



1 degree level. We've been accrediting those  
2 degrees for decades. We have well-defined, well-  
3 tested criteria. And I think those are many of  
4 the factors that institutions look at.

5 Several of our campuses have gone on  
6 to be accredited by other accrediting bodies,  
7 even formally known as regional accreditors. We  
8 have campuses that are dually accredited. So I  
9 think that we have institutions that are  
10 interested in coming to ACICS, and once  
11 recognition is intact and we're moving forward  
12 without institutions having a fear of losing  
13 their accreditation again, and going down the  
14 road of what happened in 2016 I believe that we  
15 would be in a position to again maintain and  
16 begin to slowly build our membership.

17 DR. VANAUSDLE: In terms of your  
18 administrative capacity the information that  
19 we've read is what we have. But do your member  
20 institutions evaluate you as well on the services  
21 you provide in terms of quality and timeliness  
22 and so on?

1 MS. EDWARDS: You know, we actually  
2 just did a survey in, well, our current strategic  
3 plan in 2020 we surveyed our membership. And we  
4 asked them what they needed from us. They wanted  
5 us to continue to focus on career education.  
6 They wanted additional training opportunities  
7 which we have continued to roll out a robust  
8 training program. I think Karly mentioned it  
9 this morning, with ACICS Learn offers  
10 professional development to all areas of an  
11 institution.

12 We have -- we've rolled out a campus  
13 effectiveness plan workshop for our members. We  
14 continue to add new workshops. We're rolling out  
15 a retention and placement workshop. And so I  
16 think those are things that our members have told  
17 us that they want, and we've continued to add  
18 those to our offerings for our members.

19 DR. VANAUSDLE: Thank you, Mr.  
20 Chairman.

21 CHAIR KEISER: If I may ask a couple  
22 of questions. In the report all I saw was an '18

1       audit. In the '18 audit I did not see a notation  
2       by the auditor that you had a going concern  
3       issue. Is that correct?

4               MS. EDWARDS: That is correct. And we  
5       also received our -- since our last submission we  
6       received our FY '20. And again those had no  
7       going concerns and an unqualified opinion. As  
8       far as I know that's been for at least the last  
9       five years. I'm not sure before that.

10              CHAIR KEISER: So, your auditors feel  
11       that you are in a position to sustain your  
12       operations?

13              MS. EDWARDS: That's an accurate  
14       statement I believe.

15              CHAIR KEISER: The second question I  
16       have is Kathleen brought up the ITT, the  
17       Corinthian, and Dream Center though I thought  
18       Dream Center was more regional accreditation  
19       versus ACICS.

20              What's your position there? Because  
21       I know you get bashed for that. What do you feel  
22       happened with the publicly traded companies that

1 closed while they were accredited by you?

2 MS. EDWARDS: Well, I guess I would  
3 note that none of these are raised as any support  
4 for any of the findings that are currently under  
5 review. They were also discussed, adjudicated,  
6 in 2016.

7 But I will tell you in regards to ITT,  
8 the class (audio interference) was a violation of  
9 security laws, not academic quality or student  
10 outcomes. And again, it was in 2016. I think  
11 everybody remembers that the SEC charged ITT and  
12 two top executives with fraud alleging that they  
13 misled their investors about losses and lending  
14 programs.

15 Their demise was the result of a  
16 department decision to bar them from using Title  
17 IV funds to enroll their students. We have  
18 standards with respect to institutions with an  
19 internal loan program. Our standards address how  
20 the institution interacts with its current and  
21 potential students.

22 It's beyond an accreditor's expertise

1 to review how a publicly traded company presents  
2 this on their financial statements, or represents  
3 it to its investors. ITT was not a failure of  
4 the institution's accreditor.

5 CHAIR KEISER: Corinthian?

6 MS. EDWARDS: As well as Corinthian.  
7 I think, again, Corinthian closed in 2015, six  
8 years ago, and ACICS was the institutional  
9 accreditor for only a portion of those Corinthian  
10 campuses. The remainder were accredited by three  
11 other institutional accreditors. To my knowledge  
12 the department nor the media placed any of the  
13 other accreditors under the same level of  
14 scrutiny as ACICS.

15 Regardless, we did take significant  
16 actions to address concerns surrounding some of  
17 those areas that affected those -- many of the  
18 Corinthian institutions. We introduced the  
19 placement verification program which ensures 100  
20 percent placement verification of every graduate.  
21 We discussed this in our opening remarks.

22 We've also added additional

1 requirements for recruitment and monitoring to  
2 onsite evaluations which we discussed briefly  
3 this morning as well.

4 CHAIR KEISER: Thank you. Jennifer,  
5 you have the last question it looks like.

6 MS. BLUM: All right, thanks. So  
7 actually some of my questions, the financial  
8 capacity questions were pretty much asked by  
9 Steve and you, Art. But I did have, I just  
10 wanted to clarify and sort of draw in the final  
11 point on this.

12 Have you -- you just referenced your  
13 FY '20 audit. Is that something -- what's really  
14 confounding me a little bit is the complexity of  
15 this process of the four reports. So, the four  
16 reports are on very specific items which is fine,  
17 one of which though is financial (audio  
18 interference) is calling out financial concerns  
19 over financial capacity.

20 Does the department have as part of  
21 the back and forth, do we have actually in the  
22 record the FY '20 audit you just referenced?

1 MS. EDWARDS: You have the draft FY  
2 audit. The unaudited financials were published.  
3 Because again that was submitted in September of  
4 2020, and we had not yet finished our 2020 audit.  
5 So the draft financials were provided on the  
6 record.

7 MS. BLUM: I'm trying to -- what I'm  
8 trying to do is make sure that I understand the  
9 record on which we're trying to make this  
10 decision. And so similarly, and Mary Ellen  
11 brought it up again. I brought it up once. Mary  
12 Ellen brought it up again. All of the changes  
13 that you've made either to your criteria or to  
14 your processes, your standards I should say. To  
15 your standards and to your processes over the  
16 last four years or so, four or five years, are  
17 those in the record with the department in these  
18 four reports, or is that not -- or were those not  
19 in because the reports are focused on such  
20 specific items that the opportunity hasn't  
21 existed for the record to include them?

22 MS. EDWARDS: Probably a little of

1 both. I think some are on the record. I think  
2 many of them are not, based on the timeline of  
3 when each of these reports were submitted. I  
4 think one was submitted as early as -- the  
5 capacity report I believe was as early as  
6 February of 2020 was the last response that ACICS  
7 made to the department. The others were in May  
8 of 2020, and another one in September of 2020.

9 And again, as you mentioned, many of  
10 the changes may not have been applicable, or  
11 asked about in some of these reports. So you're  
12 correct that many of those policies would not be  
13 in this record, but they would be demonstrated in  
14 our renewal application, our renewal petition  
15 that is scheduled for July of 2021.

16 MS. BLUM: Okay. And then I had one  
17 last question I wanted to understand. I'll ask  
18 the department staff this question too, but from  
19 your perspective. One thing I'm trying to  
20 understand is these three -- and then you have a  
21 number of -- I totally understand why you would  
22 want to have new institutions to accredit from a



1 financial capacity standpoint. I think somebody  
2 else spoke to this. Having schools to accredit  
3 is kind of an important part of the accreditation  
4 agency process.

5 Having said that, given this world  
6 that you have lived in for several years now of  
7 regulatory compliance world which the agency has  
8 lived in and its institutions have lived in, the  
9 back and forth, do you pause about starting new  
10 initial accreditation processes on institutions?  
11 Am I correct in my recollection that at some  
12 point the department paused? Was there a period  
13 of time where you were not allowed to start a new  
14 accreditation process?

15 MS. EDWARDS: No, that's incorrect.  
16 We chose to place a moratorium on initial  
17 applicants in 2016 following the recommendations  
18 to deny our renewal from this committee in 2016.  
19 So we placed that. We lifted the moratorium in  
20 2018 and our first initial applicant that was  
21 granted accreditation, that happened in May of  
22 2020.

1 MS. BLUM: Did you lift it after -- at  
2 what point in time in '18? I'm just curious. So  
3 did you have a freeze on new accreditations up  
4 until the -- all the legal and regulatory actions  
5 were completed?

6 MS. EDWARDS: That's correct. I don't  
7 recall. Karly may remember the exact date that  
8 we lifted the moratorium, but off the top of my  
9 head I would say it was September of 2018. But  
10 Karly may have the better recollection.

11 MS. ZEIGLER: I don't remember  
12 exactly, but I do believe it was towards the end  
13 of (audio interference).

14 MS. EDWARDS: But it was -- so when we  
15 received notice from the judge in April of '18 we  
16 still didn't immediately lift that moratorium.  
17 It was later in that year when we did that.

18 MS. BLUM: I just wanted to understand  
19 the timeline of the new institutions relative to  
20 this back -- because --

21 (Simultaneous speaking)

22 MS. EDWARDS: I believe we coincided

1 with the SDO and the Secretary's decision in  
2 2018, but I would have to double check that date.

3 (Simultaneous speaking)

4 MS. EDWARDS: The accreditation group  
5 is copied on all of that when our memos to the  
6 field goes out following every council meeting.  
7 So every notification, every criteria change,  
8 every FYI, every policy notification about the  
9 moratorium, all of that is provided to them  
10 following each council meeting in our memos to  
11 field.

12 MS. BLUM: That's interesting. Okay.  
13 So the department is aware every time you start a  
14 new accreditation process?

15 MS. EDWARDS: No, not necessarily. If  
16 we put a policy out there that says we're placing  
17 a moratorium on something, or when we change  
18 (audio interference) draft criteria to the field,  
19 when we publish final criteria, just like every  
20 other stakeholder it is copied on that same  
21 document.

22 MS. BLUM: Understood. Thanks.

1 CHAIR KEISER: Thank you. Thank you,  
2 representatives of the agency. We are now going  
3 to third party comments. Now, to the third party  
4 commenters I will warn you that you have three  
5 minutes and only three minutes. I will be timing  
6 you using my trusty cell phone and its clock  
7 mechanism. We will give you a -- I will give you  
8 a warning at one minute, and then hopefully you  
9 will wrap it up.

10 Okay, we're going to start. George,  
11 are we all set to start? Candice?

12 DR. SMITH: Yes. Candice has the list  
13 of the oral commenters and she'll just go in  
14 order.

15 CHAIR KEISER: Okay. Our first  
16 presenter is Ms. Alejandra Acosta from New  
17 American Education Policy Program. Ms. Acosta,  
18 you have three minutes.

19 MS. ACOSTA: Thank you. Hi, everyone.  
20 Thank you for the opportunity to provide comment  
21 today. Again, my name is Alejandra Acosta from  
22 New American Higher Education Program.

1           As you consider the recognition of  
2           ACICS today it is critical to consider the  
3           second, third, and fourth chances that the agency  
4           has been given to demonstrate compliance, and its  
5           continued failure to do so.

6           When ACICS' recognition was withdrawn  
7           in 2016 the agency was out of compliance with  
8           dozens of federal criteria. ACICS' president  
9           promised in front of this body that it would  
10          improve, saying that, quote, "We will be in  
11          compliance within 12 months," end quote.

12          The department's accreditation staff  
13          as well as the members of this advisory panel  
14          disagreed and overwhelmingly agreed that ACICS'  
15          recognition should be terminated. It has been  
16          nearly five years since that NACIQI meeting and  
17          ACICS is still not compliant.

18          More than half of the criteria on  
19          which the department cited ACICS for compliance  
20          concerns and the reports you're considering today  
21          it was also cited for non-compliance with in  
22          2016.

1                   And these are not minor issues. The  
2                   agency's ability to carry out its accrediting  
3                   responsibilities (audio interference) it has  
4                   competent and knowledgeable individuals involved  
5                   in the review and decision-making of ACICS'  
6                   accredited schools, and (audio interference)  
7                   monitors institutions to identify problems are  
8                   all serious conditions for maintaining the  
9                   quality and integrity of institutions.

10                  NACIQI has taken the unprecedented  
11                  step of reviewing a single agency on four  
12                  individual reports, because in addition to the  
13                  issues spotted several years ago by then  
14                  Secretary Betsy DeVos concerns have continued to  
15                  crop up among the accreditation experts in the  
16                  department, and time and time again ACICS seems  
17                  to be at fault for another failed institution, or  
18                  another low-quality higher education.

19                  NACIQI members should take a careful  
20                  look at ACICS and ask why if ACICS was making the  
21                  necessary improvements it would not have done so  
22                  already, even given many years more than any

1 other agency would have been given.

2 With almost five years --

3 (Simultaneous speaking)

4 MS. ACOSTA: -- the department's  
5 accreditation staff are still worried. There's  
6 no reason to provide yet another extension for  
7 good cause or otherwise, and another 12 months  
8 won't make a difference. It can't and it won't,  
9 not when five years wasn't enough. I urge NACIQI  
10 to vote to revoke ACICS' recognition and to  
11 restore good faith in the accreditation process  
12 by doing so. Thank you.

13 CHAIR KEISER: Thank you, Ms. Acosta.  
14 Our second presenter is Ms. Ella Azoulay. I hope  
15 I said that right. From the Generation Progress.

16 MS. AZOULAY: Hello. Can you hear me?

17 CHAIR KEISER: Yes.

18 MS. AZOULAY: Thank you. My name is  
19 Ella Azoulay and I help coordinate the higher ed  
20 (audio interference) at campaign health at  
21 Generation Progress. Among many other things we  
22 advocate for people impacted by entities like

1 ACICS and hear about their experiences firsthand.

2 ACICS is out of compliance with  
3 federal requirements and we're urging the  
4 Education Department to happily withdraw their  
5 recognition. The longer they maintain their  
6 recognized status the more students enroll in  
7 potentially low-quality institutions it accredits  
8 given its poor record of oversight.

9 It's important to note that this is  
10 not the first time in recent years that ED has  
11 determined that ACICS is unable to adequately  
12 monitor low-quality or poorly performing  
13 institutions. ACICS was given a rundown of their  
14 shortcomings, sufficient time, over four years to  
15 correct concerns, and yet still comes up short.

16 This elicits the conclusion that ACICS  
17 is incapable of effectively monitoring and  
18 identifying when institutions they accredit are  
19 of questionable quality.

20 In reading about the experiences of  
21 former students of ACICS' accredited institutions  
22 it became immediately clear to me that ACICS'



1 failure of oversight harms students.

2 For example, let's take colleges owned  
3 by Education Corporation for America, accredited  
4 by ACICS until just before their sudden closure.  
5 Students at Virginia College, Stratford  
6 University, and Brightwood College experienced  
7 similar shock of frustration and despair due to  
8 their institution's broken promise, all of which  
9 could have been avoided if ACICS was capable of  
10 doing the job that it required.

11 Jill Tracy attended Brightwood  
12 College. She went into debt for her degree and  
13 emerged with abundant confusion about her debt, a  
14 worthless degree, and no job prospects. She  
15 says, "I went through an even worse situation,  
16 Brightwood College in Baltimore, Maryland. I  
17 graduated as a medical assistant on the dean's  
18 list and then earned my certification via  
19 National Healthcare Association. I graduated  
20 August 2017. My certification isn't worth the  
21 paper it's printed on. No doctor will hire me.  
22 As a student we all were aware that the president

1 was fired and the entire financial aid department  
2 was found corrupt, and I had a Pell grant and  
3 paid the rest with one scholarship and cash.  
4 Then when I attempted to contact my student  
5 advisor I was told they shut their doors. Then  
6 while doing my 2018 taxes I found out the corrupt  
7 financial aid did to me what they did to --

8 CHAIR KEISER: One minute.

9 MS. AZOULAY: -- students and got a  
10 federal student loan in my name without my  
11 signature or okay. I tried to find help and I  
12 keep hitting brick walls. I'm in financial  
13 distress and I have a list of fellow students who  
14 have the same exact position. It's much worse  
15 than I'm saying on Twitter. I ask for your  
16 indulgence and to help me get the help I need  
17 please," end quote.

18 Low-income and first generation  
19 students are most at risk by the continued  
20 recognition of ACICS as well as black and LatinX  
21 students who are targeted by predatory for-profit  
22 institutions. If ACICS retains recognition it

1 will only further have the ability to harm  
2 students and borrowers like Jill.

3 For these reasons and the promise the  
4 Education Department represents to Americans we  
5 urge you to revoke recognition of ACICS. Thank  
6 you for your time.

7 CHAIR KEISER: Thank you. Our third  
8 speaker is Mr. Bernard A. Eskandari, California  
9 Attorney General's Office.

10 MR. ESKANDARI: Good afternoon. Thank  
11 you for the opportunity. My name is Bernard  
12 Eskandari. I'm a supervising deputy attorney  
13 general with the California Attorney General's  
14 Office.

15 Our office is charged with enforcing  
16 California's consumer protection laws. These  
17 laws protect California residents from predatory  
18 actors including for-profit schools accredited by  
19 ACICS.

20 California has the largest number of  
21 ACICS accredited campuses in the country. As you  
22 know, accreditors serve a critical role in the

1 triad. State law enforcement agencies like our  
2 office have limited tools and can only step in  
3 when there is massive failure by an accreditor  
4 resulting not only in failing institutions, but  
5 fraud, deception, and other violations of state  
6 law.

7 Among ACICS' most glaring failures was  
8 its decision to accredit Corinthian Colleges.  
9 Our office led national efforts to pursue  
10 Corinthian, a massively predatory for-profit  
11 company that defrauded tens of thousands of  
12 students around the country, costing taxpayers  
13 billions.

14 ACICS accredited Corinthian until the  
15 day it filed bankruptcy, despite more than 20  
16 state and federal investigations revealing  
17 pervasive fraud. Our office and other states are  
18 still dealing with the catastrophic harms to our  
19 residents that resulted from its continued  
20 accreditation.

21 Corinthian is just one example.  
22 Career Education Corporation, Education

1 Management Company are others. More so than any  
2 other accreditor ACICS schools are frequent  
3 targets of investigations, lawsuits, and  
4 settlements by state law enforcement agencies.

5 ACICS' recognition is not an  
6 entitlement. In the last five years every review  
7 of ACICS has consistently found compliance  
8 deficiencies. The IG report confirms this and in  
9 no way undermines the current staff  
10 recommendation to terminate.

11 Over the last five years ACICS itself  
12 has repeatedly conceded non-compliance. It  
13 admitted non-compliance before this committee in  
14 June 2016. In December 2016 at a federal court  
15 hearing its counsel admitted non-compliance. In  
16 February 2017 at another federal court hearing  
17 its interim president conceded non-compliance.

18 CHAIR KEISER: One minute.

19 MR. ESKANDARI: Every time it says it  
20 needs just 12 more months to come into  
21 compliance. ACICS has repeatedly misled the  
22 department, this committee, the public, and at

1       least one federal court in an attempt to maintain  
2       its recognition for its own benefit. Its  
3       decision to accredit low-quality for-profit  
4       schools has ruined the lives of hundreds of  
5       thousands of vulnerable students. The committee  
6       should vote to withdraw its recognition. Thank  
7       you.

8                   CHAIR KEISER: Thank you. Ms. Viviann  
9       Anguiano from the Center for the American  
10      Progress will speak for -- on behalf of  
11      Antoinette Flores.

12                   MS. FLORES: Hi, this is Antoinette  
13      Flores from the Center for American Progress.  
14      Thank you for the opportunity to comment. I've  
15      closely followed the recognition proceedings of  
16      ACICS over the last five years. I wanted to  
17      address the recent report from the department's  
18      Office of the Inspector General on the 2016 and  
19      2018 recognition of ACICS.

20                   First and foremost, the OIG report  
21      does not affect the consideration of these four  
22      reports. The IG specifically wrote that the

1 department's current inquiry was not included in  
2 the scope of our inspection. Beginning on page  
3 29 the OIG lists numerous areas of non-compliance  
4 identified by the department staff since that  
5 review and separates those from the 2016 and 2018  
6 processes.

7           Regarding the 2016 process the OIG  
8 found that the department should have considered  
9 a second round of documents. That is no  
10 surprise. In fact, the reason we're all here  
11 today is that ACICS filed a lawsuit and a court  
12 remanded the decision to the department for  
13 reconsideration.

14           The OIG also wrote that the Under  
15 Secretary's office was more involved in the  
16 review than usual. Again, that should not be  
17 surprising given how rarely the accreditation  
18 staff sees so many systemic problems where they  
19 recommend terminating recognition.

20           When an agency loses recognition it  
21 requires the cooperation and coordination of the  
22 entire department to ensure students are able to

1 maintain access to aid and institutions are able  
2 to seek alternative accreditation.

3 Moreover, the director of the  
4 accreditation group himself stated that the staff  
5 and the department would have reached the exact  
6 same recommendation, whether or not OUS was  
7 involved and had already identified a long list  
8 of areas of non-compliance.

9 Regarding the 2018 process, the OIG  
10 found that the senior department official's  
11 recommendation did place (audio interference)  
12 evidence in finding ACICS compliant, but also  
13 noted that recognition criteria allows for  
14 subjectivity.

15 In 2018, just before ACICS was  
16 restored, staff were reviewing ACICS' compliance  
17 on all issues and preparing a report --

18 CHAIR KEISER: One minute.

19 MS. FLORES: -- found ACICS deficient  
20 on dozens of items, many of which you're  
21 reviewing today. In other words, the  
22 accreditation experts in the department, those



1 best able to interpret the sometimes subjective  
2 recognition requirements, believed ACICS was  
3 wildly out of compliance.

4 The OIG only reviewed a handful of  
5 these areas. As you review the OIG report  
6 tonight I urge you to remain sharply focused on  
7 the matter at hand. Four separate reports  
8 compiled by accreditation experts at the  
9 Education Department, each finding numerous areas  
10 of non-compliance, even after years of attempting  
11 to come back into compliance, and each  
12 recommending that the department terminate the  
13 agency's recognition. Thank you.

14 CHAIR KEISER: Thank you. The next  
15 speaker is Mr. David Halperin who's an attorney.

16 MR. HALPERIN: Good afternoon, members  
17 of NACIQI. I'm David Halperin from Washington,  
18 DC. There remains way too much bias in the  
19 Department of Education system in favor of  
20 protecting institutions and not enough effort to  
21 protect students and taxpayers.

22 The question should not be does ACICS

1       deserve yet one more chance. Instead it should  
2       be are students and taxpayers best served by  
3       continuing to recognize ACICS, or by ending  
4       recognition.

5               ACICS (audio interference) the quality  
6       and integrity of some of the worst colleges and  
7       universities in the country. Allowing federal  
8       aid to flow to schools that have been deceiving  
9       and abusing students, leaving them buried in debt  
10      and crushing their dream.

11             After the department with NACIQI's  
12      overwhelming endorsement de-recognized ACICS and  
13      then re-recognized it, ACICS has continued to be  
14      asleep at the switch and out of compliance. I  
15      joined a letter to the department in November  
16      detailing these problems.

17             If the department withdraws  
18      recognition it would be a hardship for the  
19      employees of ACICS. It would be a hardship for  
20      the remaining 50 or so ACICS accredited schools,  
21      their owners and investors, their employees and  
22      teachers, and yes, also their students. The

1 schools would have to find new accreditors or  
2 shut down.

3 It would be a hardship. But there  
4 will be much more hardship if the department  
5 again protects ACICS. If every institution in  
6 the department's orbit is treated as too big to  
7 fail, or just protected because that's what the  
8 department always does in the end then there's no  
9 deterrent for anyone against predatory behavior,  
10 dishonest behavior, negligent and incompetent  
11 behavior.

12 Then there is little protection for  
13 students, and far less incentive for schools and  
14 accreditors to behave ethically and effectively  
15 because everyone will stay in business no matter  
16 how badly they perform or behave. But students,  
17 veterans, single mothers, immigrants --

18 CHAIR KEISER: One minute.

19 MR. HALPERIN: -- first of their  
20 family to go to college, people who just want a  
21 chance pay the price for that brand of  
22 collegiality in higher education. So do

1 conscientious employees at predatory schools,  
2 people who call me every week in anguish over the  
3 blatant abuse that they see.

4           You have the power to send the message  
5 that such business as usual does not serve  
6 students and taxpayers, and does not serve higher  
7 education. From every standpoint. Efficiency,  
8 fairness, justice, morality, the right decision  
9 is to drop ACICS as a recognized accreditor once  
10 and for all. Thank you.

11           CHAIR KEISER: The next speaker is Mr.  
12 Justin Hauschild, Student Veterans of America.

13           MS. HAUSCHILD: Thank you. Good  
14 afternoon. My name is Justin Hauschild and I'm  
15 the legal fellow with Student Veterans of  
16 America. On behalf of the 750,000 student  
17 veterans at schools with SVA chapters in all 50  
18 states and 3 countries internationally Student  
19 Veterans of America thanks NACIQI for the  
20 opportunity to provide oral comment on the  
21 Accrediting Council for Independent Colleges and  
22 Schools' ongoing compliance issues, and their

1 future recognition as an accrediting agency.

2 I will make Student Veterans of  
3 America's position on this matter very clear. We  
4 are firmly opposed to ACICS' continued  
5 recognition as an accreditor. And in my  
6 remaining time I will cover three reasons why.

7 First, ACICS has a dismal track record  
8 of exercising proper oversight of the  
9 institutions it accredits, something that its  
10 continued issues with compliance demonstrates is  
11 an ongoing issue. One need look no further than  
12 the circumstances surrounding ITT Technical  
13 Institute and Corinthian Colleges for examples of  
14 how the agency's failures can negatively impact  
15 students, including thousands of student veterans  
16 who at that time faced the disturbing prospect of  
17 having permanently wasted their valuable earned  
18 education benefit and amassed student loan debt  
19 for ultimately worthless credits.

20 Now, in the years that followed relief  
21 measures were passed into law so veterans could  
22 recoup some of that entitlement. With the

1 passage of such laws, especially since they don't  
2 address other issues like student loan debt or  
3 functionally worthless degrees doesn't diminish  
4 the need to prevent similar behavior going  
5 forward.

6 Second, and the specific subject of  
7 today's hearing is the very indication of similar  
8 behavior going forward. ACICS remains ostensibly  
9 non-compliant with numerous federal accrediting  
10 standards, and beyond the 12 months allowed by  
11 law.

12 For example, the agency is seemingly  
13 still not compliant with the standard that  
14 requires them to have competent and knowledgeable  
15 individuals to conduct its onsite evaluations,  
16 apply or establish its policies, and make its  
17 accrediting and pre-accrediting decisions,  
18 something related to the agency's past failures.

19 Of course, the department has also  
20 noted there were other areas of non-compliance.  
21 The agency --

22 CHAIR KEISER: One minute.

1 MS. HAUSCHILD: -- compliance issues  
2 coupled with the core student outcomes at the  
3 many schools it oversees currently does not  
4 inspire confidence that the agency is truly  
5 course correcting to better serve students.

6 Third and finally, ACICS appears to be  
7 on shaky financial footing which is problematic  
8 because it raises the question of whether the  
9 agency has the necessary resources to cure  
10 current compliance issues.

11 We encourage NACIQI to thoroughly  
12 review the written coalition comment we signed as  
13 the points I've made here are only a summary of  
14 those covered in the written comment.

15 To conclude, we urge NACIQI to find  
16 ACICS non-compliant and revoke the agency's  
17 recognition as an accrediting agency. Student  
18 Veterans of America implores you to act swiftly  
19 and decisively to protect student veterans,  
20 service members, their families, and all  
21 students. Thank you.

22 CHAIR KEISER: The next speaker is Mr.

1 James Haynes from the Veterans for Education  
2 Success.

3 MR. HAYNES: Good afternoon. Thank  
4 you for the opportunity to comment on ACICS'  
5 fitness to serve as an accrediting agency. My  
6 name is James Haynes. I'm the federal policy  
7 manager at Veterans Education Success.

8 The bottom line message I want to  
9 leave you with today is too many veterans have  
10 been harmed under ACICS' watch. The time is long  
11 past to revoke ACICS' status as an accreditor.  
12 For years ACICS has failed to protect students  
13 and taxpayers from predatory schools, including  
14 schools pursued by law enforcement.

15 Inadequate oversight of schools  
16 continued after its 2018 reinstatement, leading  
17 to harm for thousands of students. Our  
18 organization has helped roughly 1,000 veterans  
19 from ACICS schools.

20 The pivotal words of Brown Mackie  
21 student veteran Matthew Mitchell who testified to  
22 NACIQI in 2016. "The education I received was



1       substandard and very few for-profit schools will  
2       accept transfers and allow me to continue my  
3       education which will most likely force me to  
4       repeat courses. But since I have over \$16,000 in  
5       loans and I've exhausted my GI bill that seems  
6       unlikely."

7                       Veterans organizations have  
8       traditionally called for ACICS to be de-  
9       recognized, including a 2018 letter from 30  
10      veterans organizations. Our research team  
11      analyzed student outcomes at about 100 schools  
12      still accredited by ACICS as of September 2018  
13      and found 70 percent of students at ACICS  
14      approved colleges earned no more than a high  
15      school graduate six years after enrolling.

16                    ACICS students were twice as likely as  
17      other students to have unmanageable debt, and  
18      ACICS students faced worse outcomes in 2018 than  
19      in 2016. The 2018 abrupt closure of Education  
20      Corporation of America, ECA, and USA Today's 2020  
21      investigation into Reagan National University are  
22      only the latest examples.

1                   In the eight years before it  
2                   precipitously closed ECA's brand including  
3                   Virginia College and Brightwood College received  
4                   about \$500 million in tuition and fee payments  
5                   for GI bill students.

6                   While ACICS revoked the chain's  
7                   accreditation just before it closed, it ignored  
8                   early warning signs including poor job placement  
9                   and graduation rates, inadequate equipment and  
10                  supplies, and high faculty turnover rates.

11                  I will close with the testimony --

12                  CHAIR KEISER: One minute.

13                  MR. HAYNES: -- Michelle Griffin, a  
14                  21-year Army veteran. With only 90 days of  
15                  clinicals remaining for her associate's degree in  
16                  surgical technology she learned that Virginia  
17                  College was closing. No school she contacted  
18                  would accept her credits and she couldn't afford  
19                  to start over at a new school. "I have no  
20                  degree, no job, and not enough of my GI bill left  
21                  to pay for a degree. I have wasted two years of  
22                  my life that I will never get back." Thank you.

1 CHAIR KEISER: Mr. Michael Itzkowitz,  
2 Third Way.

3 MR. ITZKOWITZ: Good morning. My name  
4 is Michael Itzkowitz. I'm an education  
5 consultant, senior fellow for Third Way, and the  
6 former director of the U.S. Department of  
7 Education's College Scorecard.

8 Let me go off script and first say  
9 that I and no one else on this call would want to  
10 send their children to an ACICS school, period.  
11 That should be a huge red flag.

12 It's been almost five years since the  
13 recognition of the college accreditor ACICS was  
14 revoked by the U.S. Department of Education. The  
15 reason -- former Secretary of Education John King  
16 determined in December 2016 that it would be  
17 unable to come into compliance over the next 12  
18 months, demonstrating a risk that outweighed the  
19 benefit for students who attended ACICS  
20 institutions and taxpayers that subsidized their  
21 higher education pursuits.

22 This agency has an extensive list of

1 notable and horrifying achievements for a college  
2 accreditor recognized by the federal government.  
3 Let me mention just a few.

4 First, there was their honor roll  
5 recognition of FastTrain College in Miami,  
6 Florida which was found by investigative  
7 authorities to have used unscrupulous recruitment  
8 activities to encourage enrollment while  
9 subsequently fabricating their high school  
10 diplomas. The owner was later found to have  
11 stolen more than \$6.6 million in federal  
12 financial aid.

13 Then there was Corinthian Colleges, a  
14 for-profit company with campuses around the  
15 country that deceived their prospective students  
16 with inflated job placement statistics. The  
17 result -- over 100 lawsuits, tens of thousands of  
18 students left with low earnings and unmanageable  
19 debt, and billions in taxpayer dollars that  
20 funded credentials worth less than the paper they  
21 were printed on.

22 This was followed by its eventual

1 collapse in 2015, leaving students in a lurch  
2 scrambling to find other schools to accept their  
3 credits, something that most institutions just  
4 would not do.

5 This lack of oversight led to a  
6 similar fate on other large ACICS institutions,  
7 including ITT Tech and more recently Education  
8 Corporation of America, resulting again in tens  
9 of thousands of students fending for themselves  
10 with no teach out agreements in place for them to  
11 fall back on.

12 The more reputable institutions  
13 switched to another college accreditor following  
14 Secretary John King's initial determination to  
15 terminate ACICS' federal recognition status.  
16 What's left? Institutions that no other college  
17 accreditor would accept as meeting their minimum  
18 quality standards.

19 Looking at ED's own most recent  
20 accreditation data file we can see how poorly  
21 most ACICS institutions serve their students.  
22 Two-thirds of ACICS institutions show most of

1       their students earning even less than a typical  
2       high school graduate, even 10 years after initial  
3       enrollment.

4               Even so, these schools received \$698  
5       million in that award year, even though most  
6       students showed no return on investment. In  
7       summation, ACICS does not guarantee the minimum  
8       level of quality that should be expected of a  
9       federally recognized accreditor, nor do they  
10      serve as an effective gatekeeper of (audio  
11      interference) students at risk and taxpayers with  
12      an effective use of federal funds.

13             Last, they've shown their inability to  
14      come into compliance for four --

15             CHAIR KEISER: Thank you. Mr.  
16      Christopher J. Madaio, Office of Attorney General  
17      of Maryland, Consumer Protection Division.

18             MR. MADAIIO: Hello, yes. Christopher  
19      Madaio from the Maryland Consumer Protection  
20      Division, Attorney General's Office. I testified  
21      before you in 2016 and at that time talked about  
22      how ACICS was out of compliance and expecting it

1 to come into compliance within 12 months was akin  
2 to rearranging the deck chairs on the Titanic.  
3 The changes ACICS has made have not stopped the  
4 sinking ship, and have not stopped students from  
5 being harmed now five years later.

6 First, I want to briefly say that  
7 ACICS is being inaccurate when it says that ITT  
8 Tech's problems were the result of an SEC  
9 investigation. ITT was sued by the Consumer  
10 Financial Protection Bureau for unfair,  
11 deceptive, and abusive recruitment practices, and  
12 it was also under active investigation by a  
13 bipartisan group of state attorneys general for  
14 also unfair and deceptive recruitment practices,  
15 and that investigation was publicly reported in  
16 ITT's investor and SEC filings.

17 So now we're going to talk about the  
18 ECA example. And this is important as many have  
19 brought it up because it's another example of  
20 ACICS' failure to comply with the department's  
21 criteria, including but not limited to the  
22 failure to have competent and knowledgeable

1 individuals to conduct onsite reviews, and the  
2 failure to effectively monitor and evaluate  
3 institutions.

4 ECA as we talked about was rife with  
5 problems which ACCET quickly discovered when it  
6 issued an initial denial of ECA's attempt to get  
7 Virginia College accredited. It wasn't until  
8 then that ACICS started to take a look at the  
9 school.

10 However, long before ACCET's findings  
11 ACICS should have taken action. Virginia College  
12 was on HCM1 with the Department of ED as of late  
13 2014 because of a bad financial composite score.  
14 Why hadn't ACICS looked into the school at any  
15 point before ACCET raised issues?

16 ACICS has not complied with federal  
17 requirements that accreditors maintain adequate  
18 staff. And you would think that it would be the  
19 one to do that after --

20 CHAIR KEISER: One minute.

21 MR. MADAIIO: -- and other mishaps.

22 Even with everything that happened, ACICS moved



1 too slow when it finally did act in issuing its  
2 show cause orders in May and taking action late.

3 The bottom line is that ACICS failed  
4 to uncover longstanding quality concerns with  
5 ECA, did not help to secure teach out agreements  
6 when it became clear that there was a problem,  
7 and it basically left AG's offices and regulators  
8 to pick up the slack and try to help students.

9 Despite ACICS' claims it has improved  
10 its ability to conduct oversight by verifying job  
11 placement rates it failed to catch any concerns  
12 related to ECA, and as well as we talked about  
13 with VIU, RNU, and some of the other schools.  
14 Tens of thousands of students are left holding  
15 the bag and its recognition should be withdrawn  
16 because it is not in compliance with federal  
17 requirements and it cannot come into compliance.  
18 Thank you.

19 CHAIR KEISER: Ms. Clare McCann, New  
20 American Education Policy Program.

21 MS. MCCANN: Thank you. Yes, I'm  
22 Clare McCann from New America. The Reagan

1 National University ACICS inquiry was initiated  
2 when it appears that a reporter was able to  
3 determine that the institution did not still  
4 exist before its accreditor did.

5 And the department has correctly  
6 identified the biggest problems with ACICS'  
7 involvement with RNU. For instance,  
8 accreditation staff looked at ACICS' statements  
9 at a 2019 show cause order to RNU had many,  
10 quote, "identical issues" to those that had been  
11 identified two years earlier before ACICS  
12 accredited the school.

13 In that situation it found severe  
14 constraints in its administrative capability to  
15 ensure identified issues are cured, and in ACICS'  
16 capability to effectively monitor its  
17 institutions' compliance with agency standards.

18 But the documents reviewed in the RNU  
19 inquiry suggest additional severe problems, and  
20 the first of those is with the faculty at Reagan  
21 National. ACICS' site visit raised some  
22 questions about the faculty, five of whom did not

1 have addresses local to the campus despite  
2 supposedly teaching in person.

3 But it's not clear that ACICS  
4 sufficiently investigated or verified that people  
5 worked at RNU submitted in response to that  
6 issue. For instance, the Education Department  
7 staff looked for all 27 faculty members listed in  
8 the Reagan National catalog online and found that  
9 none of them list prior or current employment by  
10 RNU.

11 USA Today reporters who visited the  
12 campus found much the same. Having tracked down  
13 four of the people listed as faculty on the RNU  
14 website all four said they had never worked at  
15 RNU, and the rest did not even seem to exist  
16 online.

17 This is evidence that ACICS' onsite  
18 reviews are not sufficient, and that ACICS'  
19 standards with respect to faculty, and especially  
20 its enforcement of those standards are  
21 inadequate.

22 Additionally, the ACICS site reviewers

1 for Reagan National in 2017 found that students  
2 did not have access to any instructional  
3 materials or textbooks. But while these issues  
4 were noted by the site visit team they were  
5 missed entirely in the team report, and not  
6 required to be corrected before the school was  
7 accredited. And the same issues surfaced again  
8 at RNU in 2019 when the institution was placed on  
9 show cause.

10 Rather than demonstrating that this  
11 was not a failure of training and evidence of  
12 incompetent decision-makers at ACICS, ACICS  
13 deflected, telling the department it wasn't  
14 required to submit the evidence that has been  
15 requested regarding this issue. It is non-  
16 compliant with these criteria.

17 This egregious oversight is also  
18 evidence that ACICS is not compliant with federal  
19 criteria regarding curricula rather than  
20 substantially compliant as the department found.  
21 NACIQI should take these additional issues into  
22 account today and vote to withdraw recognition.

1 Thanks for your time.

2 CHAIR KEISER: Thank you. Dr. Darlene  
3 Ann Minore, Minore Educational Strategies.

4 DR. MINORE: Hello. Let me take a  
5 moment to introduce myself. I have earned a  
6 Ph.D. in educational psychology in 1995 and I've  
7 worked in higher education for 30 years. I've  
8 managed institutional accreditation since 1995  
9 and worked with both regional and national  
10 accreditors.

11 Previously I served as the compliance  
12 person for Bainbridge Graduate Institute which  
13 achieved its initial accreditation through ACICS.  
14 I also managed their applications and  
15 responsibilities to the Washington Tech Board.  
16 This was this institution's initial grant of  
17 accreditation. They earned status in the (audio  
18 interference) database and became a Title IV  
19 eligible school in 2009.

20 I've served as an ACICS program  
21 evaluator for more than 10 years during which I  
22 conducted over 170 visits. I'm a veteran member

1 of the IRC since 2014.

2 ACICS has made significant  
3 improvements to evaluator training and oversight  
4 of the evaluator pool. I attended the team chair  
5 debrief and refresher training on November 20,  
6 2018. Topics included distance education library  
7 requirements, and the review of comparability of  
8 curriculum.

9 This refresher also stressed the value  
10 of reviewing external information and council  
11 action. ACICS has added additional training  
12 courses in the last four years that focus on  
13 educational activities and distance education.  
14 All team members are required to be trained prior  
15 to a site visit, and all chairs share multiple  
16 resources in both hard copy and through links  
17 with the team prior to ensure that they can  
18 follow all ACICS evaluator procedures and  
19 guidelines.

20 I have observed that evaluators are  
21 more knowledgeable in ACICS standards and  
22 policies and procedures --

1 CHAIR KEISER: One minute.

2 DR. MINORE: The entire team will  
3 participate in a thorough read-through of the  
4 team's report before they leave the campus.  
5 ACICS maintains a robust and effective monitoring  
6 and oversight regime. Evaluators are no longer  
7 simply allowed to accept student achievement  
8 reported by an institution. The PVP now requires  
9 100 percent verification.

10 The oversight framework now includes  
11 an at-risk institution group. The evaluation of  
12 distance education has multiple areas that are  
13 reviewed. Student identity, security monitoring,  
14 distance education review, and faculty and  
15 students must be appropriately trained in the  
16 online platform.

17 Specific review for the possible  
18 abuses of Title IV is covered in student  
19 relations, and the revised template necessitates  
20 much (audio interference) thank you for your  
21 time.

22 CHAIR KEISER: Thank you. Okay, next

1 speaker is Ms. Angela Perry from the Institute  
2 for College Access and Success.

3 MS. PERRY: Thank you. Thank you,  
4 members of the committee for the opportunity to  
5 make comments. My name is Angela Perry. I'm a  
6 senior policy analyst with the Institute for  
7 College Access and Success.

8 I'm here today to recommend that you  
9 find ACICS out of compliance with federal  
10 requirements and to withdraw the agency's  
11 recognition.

12 It has been more than four years since  
13 the Department of Education decided to revoke  
14 ACICS' recognition for the first time in 2016.  
15 Unfortunately in the years since multiple  
16 investigations of institutions accredited by  
17 ACICS have been undertaken and the agency has  
18 continued to accumulate evidence of non-  
19 compliance.

20 In fact, even as the Secretary of  
21 Education restored ACICS' recognition in 2018 it  
22 was noted that the agency was still out of



1 compliance with two of the required recognition  
2 criteria.

3 In the time since ACICS' recognition  
4 was restored the department has investigated the  
5 agency's compliance on numerous other occasions,  
6 and ACICS remains non-compliant on multiple  
7 standards. One department evaluation found  
8 evidence suggesting that even now ACICS'  
9 monitoring processes are not as thorough as  
10 necessary to identify issues, that the mechanisms  
11 in place to conduct reviews are inadequate, and  
12 that ACICS systematically failed to uncover  
13 significant quality concerns.

14 These types of failures demonstrate  
15 that despite having been given multiple chances  
16 ACICS is incapable of meeting the requirements  
17 put in place to protect students and the public.  
18 ACICS' pervasive, longstanding inability (audio  
19 interference) reliable authority regarding the  
20 quality of education and training offered by the  
21 institutions or programs it accredits, as well as  
22 the lack of action the agency has taken has left

1       tens of thousands of students' lives damaged.

2               The Department of Education and NACIQI  
3       must ensure that recognized --

4               CHAIR KEISER:   One minute.

5               MS. PERRY:   -- recognition criteria,  
6       and take action where accreditors fail to do so.  
7       Allowing ACICS to continue despite this record  
8       puts thousands of students at future risk.  I  
9       urge you to find ACICS non-compliant based on all  
10      the available evidence, and to withdraw the  
11      agency's recognition.  Thank you.

12              CHAIR KEISER:  Thank you.  Next is Dr.  
13      David -- I'm going to have a tough one --  
14      Teneyuca of the University of Texas at San  
15      Antonio.  Dr. Teneyuca?

16              THE OPERATOR:  I don't see him on the  
17      list of attendees.

18              CHAIR KEISER:  Then I have the next is  
19      Aaron Howard from Premiere International College.

20              THE OPERATOR:  Mr. Howard, please make  
21      sure your line isn't set to mute.  Mr. Howard,  
22      your line is open.

1 CHAIR KEISER: Mr. Howard?

2 THE OPERATOR: His line is open. His  
3 phone might be set to mute. Please check your  
4 phone. We're not hearing anything.

5 CHAIR KEISER: The next speaker would  
6 be Cynthia Rue, also Premiere International  
7 College.

8 THE OPERATOR: Ms. Rue, please make  
9 sure your phone isn't set to mute. Your line is  
10 open. You're able to give your comments now.  
11 I'm not sure. Neither of them -- we're not  
12 hearing anything from either of those lines.

13 CHAIR KEISER: Okay, no problem. That  
14 would be the last of the third party presenters.  
15 I guess right now we would call back the  
16 commission to respond to the third party  
17 commenters.

18 MS. EDWARDS: Thank you, Mr. Chairman.  
19 Most of the third party comments were offered by  
20 the same group of activists and opponents of non-  
21 public career education that have been attacking  
22 career colleges for more than a decade. A number

1 of years ago these same groups turned their  
2 attention to ACICS and began an effort to  
3 undercut ACICS' credibility and ultimately its  
4 recognition as an accrediting agency by spinning  
5 up false or exaggerate narratives about ACICS'  
6 actions and alleged inaction regarding  
7 institutions that it accredited, and even some  
8 that ACICS never accredited.

9 I want to note for the record that a  
10 majority of the Corinthian campuses in California  
11 were not even accredited by ACICS, and the only  
12 school group that was found by the department to  
13 have inflated their placement rates again was not  
14 an ACICS accredited institution.

15 One of the speakers also mentioned  
16 that ACICS institutions could not achieve  
17 accreditation by another accreditor. I would  
18 note that just last year one of our institutions  
19 received accreditation by a regional accreditor.

20 We recognize that these groups play a  
21 role in protecting the rights and opportunities  
22 for our students which is important to all of

1 higher education. Further, we agree that issues  
2 of student debt and employment opportunities are  
3 areas that require attention across all of higher  
4 education. The efforts by these groups and some  
5 of their political allies, however, seem to lay  
6 responsibility for all of these problems at the  
7 feet of ACICS.

8 The comments these speakers have made  
9 today are more of the same. They offer no new  
10 relevant information and simply repeat the  
11 misinformed allegations they've made before.  
12 There is not much more I can say about them other  
13 than to ask you to focus on the evidence of  
14 compliance that we have provided, and not give  
15 unwarranted credit to these statements that  
16 simply rehash old stories.

17 We are here today to determine whether  
18 ACICS complies with the recognition requirements,  
19 not to address the ills that impact all of higher  
20 education. With respect to any graduate who has  
21 not been able to find employment I would say that  
22 unfortunately the COVID pandemic has interrupted

1 employment opportunities for many people across  
2 the country. Our institutions continue to report  
3 solid, verified placement results. But it is an  
4 unfortunate fact at any given time that some  
5 graduates do not yet have the positions that they  
6 seek.

7           These last several years without  
8 question have been difficult for ACICS, but in  
9 the face of allegations regarding our compliance  
10 with the recognition requirements we took  
11 aggressive action to review our operations. We  
12 increased the public participation on our  
13 decision-making bodies, expended resources to  
14 build a best in class graduate placement  
15 verification system, continued the systematic  
16 review of all of our accreditation standards,  
17 conducted a complete review and updating of our  
18 distance education standards in particular, and  
19 required every one of our evaluators to complete  
20 refresher training.

21           ACICS today is an organization that  
22 has been examined and scrutinized from top to

1 bottom. Where we found issues or policies that  
2 needed to be improved or strengthened we did so.  
3 Our membership today is a fraction of its ranks  
4 from five years ago, but the institutions that  
5 ACICS accredits today are successful institutions  
6 that are producing solid outcomes.

7 In the meantime, we've right-sized our  
8 operation to reflect the new membership reality,  
9 and we are well on our way to stabilizing our  
10 financial situation as a result. I've presented  
11 a lot of information to this committee today. My  
12 goal is to demonstrate that ACICS in fact is in  
13 compliance with every recognition standard raised  
14 in each of the four reports under consideration.

15 I believe that any objective  
16 examination of the evidence in the record  
17 supports that conclusion that we are in  
18 compliance, and that there is no substantive  
19 evidence in the record to conclude that we are  
20 not in compliance.

21 The regulations require that  
22 recommendations must be supported by evidence in

1 the record, and the evidence before you  
2 overwhelmingly demonstrates that ACICS is in  
3 compliance.

4 Therefore, I would respectfully ask  
5 the committee accept our response to the final  
6 report on compliance and recommend to the SDO  
7 that we are in compliance with the two  
8 recognition regulations that Secretary DeVos  
9 ordered us to address.

10 In addition, I ask that you conclude  
11 that the evidence presented by the department  
12 staff in their final report does not support its  
13 termination recommendation. Thank you today for  
14 your time and your consideration.

15 CHAIR KEISER: Thank you, Ms. Edwards.  
16 I now call Elizabeth Daggett back for her  
17 response to the third party presenters and to the  
18 agency. Elizabeth?

19 MS. DAGGETT: Thank you, Mr. Chair,  
20 and members of the committee. I just want to  
21 respond to a few things before we get to any  
22 other questions that you might have.



1 I did want to reiterate what Michelle  
2 Edwards said, that four reviews is unprecedented  
3 and it should be noted as such. It's  
4 unprecedented in that usually there is just one  
5 review. This one is four.

6 Two of those reviews were started due  
7 to the 2018 decision from Secretary DeVos. The  
8 other two were also initiated under the DeVos  
9 administration. I wanted to make that clear  
10 because it seemed like that there was an  
11 accusation of how that was started.

12 In regards to the compliance report  
13 ACICS states that it's now in full compliance,  
14 but it said that when it initially submitted its  
15 compliance report back in December of 2019. It  
16 further said that again when it submitted its  
17 response to the draft report where I had found  
18 discrepancies in the documentation, and even now  
19 it's only after the termination recommendation  
20 has been submitted to the agency that it appears  
21 that Mr. Teneyuca and Dr. Minore, or Dr. Teneyuca  
22 may have actually participated in training, but

1       that's not clear because that documentation was  
2       never provided.

3               They also stated that there was a just  
4       in time training for that one, that third member,  
5       but they never provided any documentation of that  
6       training either.

7               So they had plenty of time from their  
8       initial response to the compliance report. This  
9       was an item that was noted back in 2016. It was  
10      reiterated in the SDO recommendation to the  
11      Secretary. It was reiterated in the 2018  
12      decision by the Secretary as still non-compliant.

13              They've had time to submit a  
14      compliance report, respond to the draft, and then  
15      they still were not able to demonstrate  
16      compliance.

17              I also want to say, sorry, that in the  
18      SDO recommendation that was quoted by the  
19      Secretary one of the items that they brought up  
20      is that due to the longstanding experience of  
21      both Dr. Teneyuca and Dr. Minore that that should  
22      be accepted as sufficient for the training. But

1 in the SDO decision on page 32 it was  
2 specifically stated that, quote, "ACICS has  
3 clearly made strides in its training effort.  
4 However, it is unclear whether its existing  
5 evaluators have undergone the training and ACICS'  
6 narrative indicates they have not."

7 The final staff report specifically  
8 requested this be done in order to prove  
9 application of the criterion. Quote, "The agency  
10 needs to document that each volunteer has  
11 undergone the improved training process before  
12 being permitted to fulfill the tasks assigned to  
13 them," end quote. That's from the 2016 final  
14 staff report.

15 At a minimum it would seem like ACICS  
16 should require existing evaluators to undertake  
17 supplemental or refresher training that reflects  
18 its improvements in this area rather than to  
19 assume just because they are qualified on paper  
20 they are also properly trained. Accordingly, I  
21 would recommend to you that you find ACICS out of  
22 compliance with this criterion for not having

1 demonstrated its evaluators have undergone the  
2 improved training. Even at this point, after  
3 having multiple notices ACICS was not able to do  
4 that in the documentation.

5 I also want to go to the fact that  
6 they say that Mr. Bleacher who was included on  
7 the RNU visit report and who was listed as the  
8 potential distance education evaluator, but then  
9 was moved to a different role because there was  
10 no distance education at RNU.

11 They said that if we had looked at the  
12 compliance report documentation that we would  
13 have found that he had been trained. And it is  
14 true that there was a notice of him having the  
15 distance education training, but there is nothing  
16 to indicate that he ever fulfilled the refresher  
17 training that the agency themselves stated was  
18 required, and that the SDO and the Secretary said  
19 was required.

20 Not to mention the fact they have  
21 never provided any documentation of the  
22 effectiveness of this training, and the reviews

1 that were under review in these different  
2 inquiries and reports did not demonstrate that it  
3 was effectiveness based on the timing.

4 For the student surveys, ACICS states  
5 that it can't compel students to take surveys,  
6 and also stated that their requirement was,  
7 quote, "10 percent will be surveyed." It doesn't  
8 seem to mean that when they say that 10 percent  
9 will be surveyed that they're only saying that  
10 that would be a -- that that would -- I'm sorry,  
11 excuse me.

12 It seemed to me that 10 percent would  
13 be the required response rate in that statement,  
14 not that that would be how many they would try to  
15 survey. In addition, I would just like to point  
16 out that prior to my position at the department I  
17 worked for an accrediting agency and I know that  
18 my accrediting agency had a requirement of a  
19 certain amount of surveys and I made it a point  
20 to make sure that I got that number.

21 I also want to bring up VIU. I know  
22 there's been a lot of discussion, and I know that

1 ACICS has stated that they found a lot of the  
2 same findings. But that is a misinterpretation,  
3 because the only distance education issue that  
4 they found was that they didn't have a plan that  
5 included elements that ACICS required, and that  
6 that plan was not included in their CEP, their  
7 campus effectiveness plan.

8 Not to mention I want to state that  
9 the SCHEV audit was provided. Even though it was  
10 a staff recommendation the audit with all of the  
11 findings was provided to ACICS at that February  
12 9, 2018 notice, but there was no investigation by  
13 ACICS. It specifically noted that they had two  
14 of five findings from a prior report, SCHEV did.

15 I believe I heard ACICS also say that  
16 the notice from SCHEV said that they told them to  
17 stop doing their distance education at that time,  
18 and so therefore they couldn't go back and  
19 investigate. But I reread the letter that was  
20 provided in February 2018 and it did not have  
21 anything that placed a moratorium at that time.  
22 There was nothing to prevent ACICS from going

1 back to VIU at that time once they got that  
2 letter in February of -- I'm sorry, I'm getting  
3 the date wrong. In February of 2019.

4 Next I want to talk about due process.  
5 For all of these reports and inquiries they were  
6 allowed to either submit a compliance report or  
7 monitoring report, or to provide an initial  
8 response to an inquiry letter. A couple of the  
9 inquiry letters I asked for additional  
10 documentation in between time before I worked to  
11 create the draft staff report.

12 Then they had an option to respond to  
13 all those drafts, and the information and  
14 documentation has been provided, is what has been  
15 provided. So they had the opportunity to provide  
16 any additional information that they wanted to,  
17 but the information and documentation they  
18 provided is what's in the record.

19 Finally, I want to address the  
20 consistency in review. So agencies are reviewed  
21 on their own merits. That includes the  
22 information that's available and that there is no

1 review that's done in a vacuum. And in fact it  
2 was very difficult with all of these different  
3 reports to keep all of the information together.  
4 But all of it did overlap and so that's why they  
5 all kind of reference each other.

6 I don't think I have -- I do want to  
7 -- oh, one other thing because Claude brought it  
8 up. When we send notices to agencies about --  
9 when we're starting an inquiry under 602.33 we  
10 include statements such as, as you know the U.S.  
11 Department of Education's authority over  
12 accrediting agencies is through the recognition  
13 process by which the Secretary of Education  
14 reviews and recognizes accrediting agencies for  
15 the purposes of the Title IV federal student  
16 programs and other federal programs.

17 The primary concern of the  
18 accreditation group is to ensure that an  
19 accrediting agency acts in accordance with both  
20 its own policies and procedures, and with the  
21 Secretary's criteria for recognition. And I feel  
22 that that's important because ACICS keeps going



1 back to what is required by the regulations, and  
2 that's not the only thing. It's also whether or  
3 not they're following their own policies and  
4 procedures.

5 So I believe that's what I have for my  
6 remarks, but I'm happy to try to answer any  
7 questions you might have.

8 CHAIR KEISER: Could I ask Anne, or  
9 did people put their hands down and then put them  
10 up again? Because there's still some -- Jennifer  
11 and Kathleen from before. Put them down and then  
12 I'll start all over again. Kathleen, could you  
13 put your hand down? Is she there? Okay. Now  
14 you can raise your hands. I just won't put  
15 Kathleen on the list. Go ahead. Anybody. I  
16 have a question if nobody else does. Claude, do  
17 you have a question?

18 DR. PRESSNELL: Yes, just real quick.  
19 Beth, trying to understand then the concerns that  
20 have been happening over time. When Secretary  
21 DeVos re-granted the recognition for ACICS did  
22 she do that with the understanding that they were

1 in full compliance, or was the monitoring report  
2 required because they still were not in full  
3 compliance at that time?

4 MS. DAGGETT: Well, I mean, the  
5 regulations were different at the time because  
6 that was November of 2018. But the Secretary  
7 made the decision to adopt the SDO's  
8 recommendation. So they were out of compliance  
9 with the two issues that were noted in the  
10 compliance report. So they were found in  
11 substantial compliance, substantially compliant  
12 in regard to the four items that were included in  
13 the monitoring report.

14 DR. PRESSNELL: Okay. Thank you.  
15 Again, could you go ahead and define substantial  
16 compliance for those who are -- for us again?

17 MS. DAGGETT: Yes. So the definition  
18 of substantial compliance is now included in the  
19 new regulations. It's in Section 602.3. So the  
20 definition as included in the regulations is  
21 substantial compliance means the agency  
22 demonstrated to the department that it has the

1 necessary policies, practices, and standards in  
2 place, and generally adheres with fidelity to  
3 those policies, practices, and standards, or the  
4 agency has policies, practices, and standards in  
5 place that need minor modifications to reflect  
6 its generally compliant practice.

7 DR. PRESSNELL: Thank you.

8 CHAIR KEISER: Elizabeth. I have a  
9 question -- Jennifer. I am concerned when what  
10 happened in 2016, when ACICS was told they were  
11 financially insolvent when they had \$16 million  
12 in the bank and budgeted \$3 or \$4 million. How  
13 do you get to the fact that they're substantially  
14 financially out of compliance when their auditors  
15 don't see them as an ongoing concern, and they  
16 have reserves that are very significant.

17 The second part of that was the  
18 staffing. Yesterday we accredited or recognized  
19 an agency that had 2 and a half FTEs to oversee  
20 roughly the same number of institutions and this  
21 has 10. And reviewing the resumes of the 10 I  
22 did not find anyone really significantly

1 unqualified. That's to me one of the most  
2 important issues. I just don't see the logic  
3 here.

4 MS. DAGGETT: Okay. I'd be happy to  
5 try to answer your questions. I think as far as  
6 the finances go we were looking at a trend  
7 analysis. And that's how we came up with our --  
8 the information that you found in -- that's  
9 included in the monitoring report, the very  
10 specific financial information was pulled from  
11 the financial audits that were provided by ACICS  
12 themselves. And we studied them to review the  
13 trends.

14 Those trends show a continuing  
15 downward movement in their finances, and it  
16 doesn't appear to -- that there's a way for it to  
17 stop. I know that there's been a discussion by  
18 many of you asking about the number of  
19 institutions that they had, and where they're  
20 planning to go, and how are they going to recoup  
21 this money, and there isn't really a great answer  
22 for that. And even their budget projections

1 don't necessarily speak very well to that.

2 As to your second question about the  
3 number of staffing, it wasn't necessarily the  
4 number of staff that is the total problem. It's  
5 the fact that they're just maybe -- well, it may  
6 not be the training. It may be the number. It  
7 may not be the capacity that they have, but  
8 whatever it is it doesn't appear that they're  
9 able to conduct effectively their accreditation  
10 activities and responsibilities.

11 CHAIR KEISER: And what do you mean by  
12 -- again, listening to them I did not hear that.  
13 I heard that one -- to get a nurse anesthetist in  
14 advance of a visit, they're hard to find. There  
15 are very few of them. We teach nurse  
16 anesthetists. We're one of the few accredited --  
17 the only accredited program. One of the only  
18 accredited programs in Florida.

19 That's what you do when you have to  
20 get a specialist for a specific program, you get  
21 people from industry. And sometimes that doesn't  
22 fit into that guideline. Is that the basis?

1 Because that seemed to be the basis, that you  
2 didn't have evidence of this quick or whatever  
3 they called it onsite training.

4 MS. DAGGETT: No, I would not say  
5 that's correct. That's about the training. That  
6 would be about the issues that's in the  
7 compliance report, the 602.15(a)(2), the training  
8 issue. That would not be what I would consider  
9 the administrative capability issues that were  
10 cited.

11 They're more cited to the fact that  
12 all of these overall concerns, the fact that the  
13 failure to implement their own policies and  
14 procedures, the consistent application of their  
15 standards, the ineffective monitoring. All of  
16 these things call into question the  
17 administrative capability of the agency.

18 I would go back to yet again this is  
19 the only agency I'm aware of that has ever had  
20 four reports at the same time, and these were not  
21 reports that were all -- they were brought for  
22 specific reasons. And so there are not other

1 agencies that are focused of these same things.

2 CHAIR KEISER: I think if you read the  
3 IG report you'll understand why we're kind of in  
4 a waterfall right now. Jennifer, you have  
5 questions?

6 MS. BLUM: I do. I just want to start  
7 by saying that the department, I mean you guys  
8 have had your hands full for five years on this,  
9 and as Art just referenced I think the IG report  
10 is a helpful read on process. Even before I knew  
11 that there was an IG report my real focus here  
12 actually is on process and consistency, and  
13 honestly getting to a conclusion one way or the  
14 other for the students and for the schools with  
15 regard to this agency because the back and forth  
16 is not sustainable.

17 So to that end my concerns with regard  
18 to this process do relate to having four reports  
19 six months before a renewal petition. I want to  
20 ask something because you said something, Beth,  
21 that was helpful just now, a few minutes ago when  
22 you were responding to the agency.

1                   Do you think in your view that the  
2                   agency knew that they could, for example, they  
3                   made all these changes to their criteria and  
4                   standards. Admittedly they might not be directly  
5                   related to the four -- the subject matter of the  
6                   four reports. Are you saying that the agency had  
7                   an opportunity to submit the records of their  
8                   changes in processes, changes in criteria, all  
9                   the positive things that they think that they've  
10                  done? Did they have an opportunity with regard  
11                  to these four reports to do that?

12                 MS. DAGGETT: I mean, there's no limit  
13                 on what they could have responded to. They could  
14                 have provided as much as possible as we have seen  
15                 many agencies do. They want to demonstrate  
16                 compliance and they'll provide whatever  
17                 documentation is required to do that. And so I  
18                 mean, that would be up to the agency to make that  
19                 determination and they made the determination of  
20                 what documentation and information to include.

21                 MS. BLUM: Okay. But in fairness, you  
22                 also know that there's a petition. And by the



1 way, have they filed their petition? Because  
2 they're up in July. This is me being new. Like  
3 what's the timing of the petition relative to --  
4 would they have already filed?

5 MS. DAGGETT: They did, yes. Their  
6 petition was filed February 1 of 2020 for their  
7 renewal petition because we had to make the  
8 assumption that this compliance report would be  
9 accepted. The renewal petition would only be in  
10 response to if their compliance report is  
11 accepted here because at this point they are not  
12 considered in a recognition period until the  
13 compliance report were to be accepted. If the  
14 compliance report is not accepted the renewal  
15 petition was submitted under the assumption to  
16 meet the new review process requirements of the  
17 two-year prior submission. That's why they  
18 submitted it so early. Technically the  
19 compliance report is a determining factor in  
20 whether or not the renewal report is -- would  
21 actually be in effect.

22 MS. BLUM: I want to go back to Art's

1 line. I was going to go down the same path and I  
2 want to kind of continue it on the financial  
3 capacity piece and -- financial and  
4 administrative capacity piece. And you  
5 mentioned, Beth, a downward trend.

6 I mean, yes, there's a downward trend.  
7 They're 10 percent of the agency that they were  
8 because of so many schools -- and for lots of  
9 different reasons that we don't need to go into  
10 they have way less schools than they did.

11 So yes, it's a downward trend. But  
12 unless you're telling me that that downward trend  
13 has like in the last six months become a problem,  
14 or the last year has become a problem. To me,  
15 and I'm not a financial person, but their  
16 financial situation doesn't seem weak given the  
17 number of institutions that they are now  
18 accrediting.

19 And so long as that number has now hit  
20 like a sustainable place, and I don't know if it  
21 has, I'm just saying. But I wouldn't -- I mean  
22 my view is the downward trend, yes, of course

1       their resources have gone down. Their  
2       investments -- their overall. But that's because  
3       of the number of schools that they -- on the flip  
4       side they're accrediting less schools. So they  
5       don't need as much money as they had in that --  
6       at the beginning of what you call the trend.

7               So I just want to point that out, that  
8       to me the measure on financial capacity is  
9       relative to where they are today. And assuming,  
10      which is a good question, assuming that they can  
11      maintain that place do they have the appropriate  
12      financial and administrative resources to conduct  
13      their business.

14             But this idea of the downward trend I  
15      find problematic because yes, they have less  
16      schools, but that in and of itself doesn't  
17      necessarily in my view present a problem. I'm  
18      not sure I have a question there, but I just --  
19      I'm pushing a little bit on that because this  
20      goes -- actually maybe I do have a question. To  
21      me that financial capacity piece is actually  
22      perhaps the strongest standard, criteria of non-

1 compliance for your recommendation of withdrawal.  
2 Am I right about that, that the financial  
3 capacity piece is one of your -- I am admittedly  
4 confused about how many -- you have all these  
5 different non-compliances.

6 But in reading the reports it was like  
7 they all aggregate to one another. If there were  
8 just each one of those standing alone you  
9 wouldn't be recommending removal. It's that  
10 they're all stacked together. Is that fair?

11 (Simultaneous speaking)

12 MS. BLUM: -- each one is the focus --  
13 could be the subject for removal.

14 MS. DAGGETT: I believe each one could  
15 be a subject for removal. To your point of what  
16 I feel like the strongest is actually the  
17 compliance report. I mean, this was an issue  
18 back in 2016. This was brought up -- this was  
19 mentioned as an issue in the staff report. This  
20 was -- NACIQI said this was an issue. The SDO  
21 said this was an issue. Secretary King said it  
22 was an issue in the termination recommendation.

1                   When the decision was moved back to  
2                   the department, remanded by the court order the  
3                   SDO still said it was a decision even after  
4                   looking at the documentation that was not  
5                   included. And the Secretary agreed with that  
6                   back in November of 2018.

7                   ACICS had the opportunity to provide  
8                   the compliance report at the end of 2019. I  
9                   reviewed that and found it to be deficient. They  
10                  had an additional opportunity to provide  
11                  documentation to demonstrate compliance and they  
12                  failed to do so. So therefore I would say that  
13                  that would be the strongest issue that's under  
14                  review. It demonstrates four years of non-  
15                  compliance with an issue that they knew of back  
16                  in 2016.

17                  MS. BLUM: And then I had -- I guess  
18                  I had a couple of more questions, sorry. On --  
19                  well I just want to add something to what Art  
20                  said before about yesterday, and consistency when  
21                  we're looking at the agency yesterday that had  
22                  2.5 staff members and (audio interference) -- I

1       also just want to highlight that they had program  
2       closures, one of which I think might have been,  
3       and I want to be careful on this, but I think the  
4       record shows that one of them was seven.

5               I just want to throw out there also  
6       that they had program closures. Program closures  
7       aren't as bad as school closures, but I do want  
8       to point that -- I just wanted to flag again we  
9       renewed them for five years. I just want to put  
10      a final point on Art's point.

11             And then I do want to -- and that's  
12      not to say, by the way, let me just say that's  
13      not to say that ACICS gets to keep -- it's just  
14      this consistency issue. And because this has  
15      been back and forth in the court, I'm just  
16      concerned that we're going to see this back in  
17      the court and the process -- I'm concerned about  
18      the process. And I'm concerned about the  
19      consistency here. So that's what I'm driving at  
20      here.

21             I just have a final question for the  
22      department. You have 48,000 students and a lot

1 of schools. Again, I think somebody else said  
2 this, not a reason to keep an accrediting agency  
3 operating and that is for sure.

4 At the same time I really feel  
5 strongly that the department has an obligation or  
6 a responsibility with regard to teach out and  
7 teach out plans. And I've not once seen in the  
8 record sort of references to this. And I'm not  
9 necessarily saying it should because it's not  
10 necessarily relevant to the proceeding, but back  
11 in 2016 it wasn't so great in terms of what  
12 happened to the students.

13 And so I just want to ask the  
14 question. If we move ahead with the withdrawal,  
15 if I remember correctly -- and let's assume  
16 there's no appeal which I think is a wrong  
17 assumption, but let's just say, right. The  
18 removal is -- if you could walk us through. Is  
19 it an 18-month process? Somehow that's in my  
20 head. So that's question number one.

21 And then number two, what does the  
22 department view its role as being to make sure

1       that the students and the school of course, but  
2       the students most importantly, what's the role  
3       and the obligation of the department to help with  
4       those students' soft landing?

5               MS. DAGGETT: I can speak from  
6       experience from the last time. I just want to  
7       throw out there I was actually not at -- I don't  
8       know if Art and others who were there remember.  
9       I was actually not at the 2016 meeting when ACICS  
10      was reviewed, even though I'm a longtime member  
11      of the staff because I was on maternity leave at  
12      the time. So I was not involved in that  
13      decision, and so I was given this once Steve  
14      Porcelli -- this agency was added to my portfolio  
15      once Steve Porcelli retired.

16             But after that time I was part of the  
17      effort by the department in order to help the  
18      schools and the students throughout the  
19      transition. Eighteen months is correct, but it's  
20      based off of a final decision.

21             So at this point your recommendation  
22      as well as the staff reports would go to the SDO.



1 The SDO would make a decision. If the decision  
2 was one that ACICS felt that they would like to  
3 appeal then they would have the opportunity to do  
4 that. That appeal would go to the Secretary.

5 I'm sorry, let me back up. The SDO  
6 decision is required within 90 days of the NACIQI  
7 meeting. And then ACICS would have, if they  
8 chose to avail themselves of the process, 30 days  
9 to appeal.

10 At that point it goes to the  
11 Secretary's office and there is no timeline on a  
12 decision from the Secretary. So it would be up  
13 to however long that would be.

14 Once the decision were to be final by  
15 the Secretary then that's when technically the 18  
16 months clock that is in statute would take effect  
17 for an institution to be able to find a new  
18 agency. So 18 months would potentially be at a  
19 time in the future.

20 I can tell you that I was involved in  
21 many discussions to try to work with both federal  
22 student aid, the Office of General Counsel, and

1 our department worked -- we met weekly to discuss  
2 the various issues that came up to assist  
3 institutions and students to make that  
4 transition.

5 So I can tell you that we would step  
6 in again if we were required to do so. If the  
7 decision were to move in that direction.

8 CHAIR KEISER: Thank you. Herman,  
9 you're next, you had your hand up, and then  
10 Steve. Then I think we'll wrap this up for  
11 today.

12 MR. BOUNDS: I will withdraw one of my  
13 questions. Beth answered the question about what  
14 was most concerning which would be the compliance  
15 report that indicate some continued non-  
16 compliance.

17 There's a question about consistency  
18 and comparing what we're looking at with ACICS in  
19 comparison with American Board of Funeral  
20 Services yesterday and their issues on their  
21 financial administrative capacity were quite  
22 different than what we're looking at with ACICS.

1                   Number one, they're -- and I'm pulling  
2                   up my notes here -- they're a smaller  
3                   organization. There was not a consistent bleed  
4                   off of assets when it came to that particular  
5                   agency.

6                   There are also some particular  
7                   differences that I can look at through the  
8                   report. But I just wanted to address that.  
9                   That's really in my opinion probably not a good  
10                  comparison here.

11                  MS. DAGGETT: Can I just add one  
12                  thing? Art, I'm sorry, this is Beth. I would  
13                  like to add one more thing, please, to what  
14                  Herman said.

15                  CHAIR KEISER: Okay.

16                  MS. DAGGETT: I just want to go back  
17                  to your concern about the amount of money and  
18                  also what Jennifer Blum had brought up. And  
19                  Herman talked about the loss of the money.

20                  With ACICS they've had losses over  
21                  each of five years of over \$1 million, and a  
22                  decrease in net assets for just June 30, 2020 of

1       \$2.2 million. So that is a not sustainable loss.  
2       And so I just wanted to point that out, that  
3       that's a difference between a much smaller  
4       programmatic agency versus the agency of ACICS'  
5       size and their revenue.

6                       (Simultaneous speaking)

7               CHAIR KEISER: We never saw the 2000  
8       audit so we don't know.

9               MS. DAGGETT: It's an attachment in  
10      the monitoring report. It is there.

11              CHAIR KEISER: That was not the audit.  
12      That was the --

13              MS. DAGGETT: No, it's the final  
14      version. It was submitted in December.

15              CHAIR KEISER: I'll look into that.  
16      Okay, Steve, you had the last question.

17              MR. BOUNDS: Art, I actually had  
18      another question, but I'll let.

19              CHAIR KEISER: Okay. Sorry, Herman.  
20      Go ahead.

21              MR. BOUNDS: I just wanted to make one  
22      final comment that folks are asking questions

1 about consistency and (audio interference) the  
2 OIG report. I just caution people to make sure  
3 you read the entire report. We're talking about  
4 an issue with outside interference into that  
5 recognition process at that time. I would just  
6 again caution everybody to please read the entire  
7 report.

8 CHAIR KEISER: Okay, Steve. Does Anne  
9 have her hand up because you didn't have it up  
10 before. You do now. So Steve and then Anne.  
11 Steve? You are muted.

12 DR. VANAUSDLE: Testing. I think I'm  
13 there now with you, Art. I wanted to speak to  
14 your comparison of staffing between the  
15 institution yesterday which was American Funeral  
16 Services Board having two and a half.

17 They're a programmatic accreditor.  
18 They accredit about 50 programs. And think about  
19 this as that program is pretty consistent. You  
20 just do it over and over and over. And ACICS,  
21 they are an institutional accreditor. So you  
22 would think it would take many, many more staff

1 to accredit the number of institutions compared  
2 to a few similar programs. That's just an  
3 observation I'll make there.

4 The other thing in terms of financial  
5 adequacy as I recall, and I'll check tonight,  
6 going through the budget with the accreditor that  
7 we're talking about now, I think I saw where they  
8 had a PPP loan under the CARES Act. And those  
9 are intended for people that are struggling  
10 financially to survive and pay their payroll.  
11 And there's some circumstances there where that's  
12 forgiven, but not in every case.

13 It's just another little indicator of  
14 the financial concern and adequacy of the  
15 institution under consideration. Thank you.

16 CHAIR KEISER: Technically that's not  
17 correct because the PPP loan was made to small  
18 businesses, and all you had to do was apply for  
19 it. There was no financial need. The newer one  
20 requires a little more financial reporting, but  
21 the first one did not.

22 DR. VANAUSDLE: Still kind of a

1 demonstration of need I would think.

2 (Simultaneous speaking)

3 CHAIR KEISER: What's that?

4 MS. BLUM: Art, you're right. The  
5 first loan I don't think was really need-based.  
6 It was small business-based, but not necessarily  
7 need-based.

8 CHAIR KEISER: Right. Okay. If we  
9 follow what the point of order was we will call  
10 this in abeyance till tomorrow. It is 3:52. I  
11 would suggest that we reconvene at 4 o'clock.  
12 What's that, 1 o'clock Western time. And to do  
13 the other agency we had, the American Speech-  
14 Language-Hearing Association. Does that sound  
15 correct for all of you?

16 MR. BOUNDS: So reconvene in a few  
17 minutes.

18 CHAIR KEISER: Reconvene in eight  
19 minutes.

20 DR. ALIOTO: Sounds good.

21 CHAIR KEISER: Okay. Thank you.

22 (Whereupon, the above-entitled matter

1       went off the record at 3:57 p.m. and resumed at  
2       4:05 p.m.)

3               CHAIR KEISER: Welcome back, everyone.  
4       Welcome back, Bob. Welcome back -- is Ronnie  
5       back? I know we lost Paul. Herman, do we have a  
6       quorum -- I mean George?

7               DR. SMITH: I'm sorry, I was away from  
8       --

9               CHAIR KEISER: We do, we do. We have  
10      a quorum. We do. Okay, we will move to the last  
11      item on today's agenda, the renewal of  
12      recognition for American Speech-Language-Hearing  
13      Association, Council on Academic Accreditation in  
14      Audiology and Speech-Language Pathology, or ASHA.

15              The primary readers are Rick O'Donnell  
16      and Steven VanAusdle. The department staff is  
17      Charity Helton. I invite the primary readers to  
18      make their presentation.

19              MR. O'DONNELL: Thanks, Art. This is  
20      Rick O'Donnell. The American Speech-Language-  
21      Hearing Association, Council on Academic  
22      Accreditation in Audiology and Speech-Language



1 Pathology is a national accrediting agency of  
2 graduate education programs in audiology or  
3 speech-language pathology.

4 They currently accredit or pre-  
5 accredit 295 programs throughout the United  
6 States, leading to the first professional or  
7 clinical degree at the master's or doctoral  
8 level.

9 They have been recognized by the  
10 department since 1967 and were last reviewed by  
11 NACIQI in 2015. Did you not hear me?

12 CHAIR KEISER: Charity, would you like  
13 to begin your presentation? Thank you, Rick, for  
14 a quick beginning. You're on mute, Charity.

15 (Simultaneous speaking)

16 MS. HELTON: Good afternoon, Mr.  
17 Chairman, and members of the committee. I am  
18 presenting the analysis for the American Speech-  
19 Language Association, also known as ASHA, which  
20 accredits education programs in audiology and  
21 speech-language pathology.

22 The agency's current petition is a

1 renewal petition as it comes at the end of its  
2 five-year recognition period.

3 The department's analysis was based on  
4 documentation and narrative provided in the  
5 agency's renewal petition, as well as agency  
6 activities throughout 2020 including a commission  
7 meeting, site visitor training, and a site visit.

8 The department did not receive any  
9 complaints about this agency and did not receive  
10 any third party comments.

11 The department found the agency in  
12 compliance with all of the criteria for  
13 recognition and recommends that the agency's  
14 recognition be renewed for five years. There are  
15 agency staff here today to answer your questions.

16 CHAIR KEISER: Thank you. Any  
17 questions for the staff at this time?

18 MR. O'DONNELL: I do not have any.  
19 Steve might have one.

20 DR. VANAUSDLE: I would just say this  
21 in my judgment was a very well written report,  
22 very substantively on track. And we might have

1 one issue that we talked to representatives of  
2 the institution about enforcement. That's all  
3 from me.

4 CHAIR KEISER: Okay. The  
5 representatives from ASHA are Dr. Jaynee  
6 Handelsman, Ms. Nancy Alarcon, Ms. Kimberlee  
7 Moore, and Ms. Tess Kirsch, and that's it. So  
8 please, your opportunity to make a presentation  
9 to us is now.

10 MS. HANDELSMAN: Thank you. Can you  
11 hear me?

12 CHAIR KEISER: We can hear you.

13 MS. HANDELSMAN: Okay. Good  
14 afternoon, Chairman and committee members.  
15 (audio interference) on Council on Accreditation  
16 in Audiology and Speech Pathology, also known as  
17 CAA. (audio interference) today to thank you for  
18 the opportunity to answer any questions you may  
19 have as you consider our petition for continuing  
20 accreditation.

21 My name is Jaynee Handelsman. I'm the  
22 current chair of the CAA. I'm an audiologist by

1 training and throughout my career I've worked in  
2 various settings including clinical settings as  
3 well as higher education. I really appreciate  
4 the opportunity to spend time with students and  
5 to mentor young professionals.

6 Now I'd like to have our other agency  
7 representatives present today introduce  
8 themselves.

9 MS. ALARCON: Hello, everyone. Can  
10 you hear me? Great, thank you. I'm Nancy  
11 Alarcon. I am the 2020 chair of the Council on  
12 Academic Accreditation in Audiology and Speech-  
13 Language Pathology.

14 I am a speech-language pathologist by  
15 professional preparation, and I've practiced  
16 across many areas throughout my career, childhood  
17 education, public school, multiple medical  
18 centers, and then for many years as the remaining  
19 part of my career I have served most recently as  
20 director of clinical education in a graduate  
21 degree program that offers degrees in audiology  
22 and speech-language pathology. Thank you for

1       having us here today.

2                   MS. MOORE: Good afternoon, everyone.  
3       My name is Kimberlee Moore. I'm the director of  
4       accreditation with the Council on Academic  
5       Accreditation in Audiology and Speech-Language  
6       Pathology. I oversee the accreditation  
7       activities of the council and serve as the ex  
8       officio member.

9                   MS. KIRSCH: Good afternoon, everyone.  
10      My name is Tess Kirsch and I serve as the  
11      associate director of accreditation for policy  
12      and education at ASHA. I'm happy to be here this  
13      afternoon to discuss our agency.

14                  MS. HANDELSMAN: Thank you. We would  
15      like to extend our gratitude to the department  
16      staff for their thorough appraisal of our  
17      application for recognition. We really  
18      appreciate the time and attention that Charity  
19      Helton devoted to our agency's review.

20                  We do not have any specific comments  
21      to make at this point other than that we found  
22      the self-assessment and the external review

1 processes has been a valuable experience for CAA.  
2 We're very pleased with the positive staff  
3 recommendation for continued accreditation and  
4 believe that council is in compliance with all  
5 the criteria for recognition. We appreciate very  
6 much the opportunity to be here today and we'd be  
7 happy to respond to any questions the committee  
8 may have.

9 DR. PRESSNELL: You're muted, Art.

10 CHAIR KEISER: I'm sorry, after two  
11 days I should be getting good at this. Rick,  
12 Steve, do you have any questions for the  
13 commission? Now you're muted, Rick. Rick,  
14 you're muted. Thank you.

15 DR. VANAUSDLE: I'll go ahead and you  
16 can unmute, Rick. I want to congratulate your  
17 team for preparing a very thoughtful and direct  
18 report for us. It was easy to read, the issues  
19 were laid out to where we could clearly  
20 understand it.

21 I particularly wanted to focus in on  
22 student achievement, your mission and goals, and

1       how you really conveyed to us you have a pretty  
2       comprehensive strategic planning and evaluation  
3       process in place.

4                You have a creative one in that you're  
5       allowing your faculty to set some very humanistic  
6       goals in terms of working with students. That's  
7       good. You also have some quantitative licensing  
8       requirements. I think that Praxis exam is --  
9       maybe that's one of your biggest challenges if  
10      you have one.

11              And I noticed under the old standards  
12      you gave demonstration of a couple of  
13      institutions that were having trouble meeting  
14      that, and you actually extended the opportunity  
15      to serve longer than what probably we should  
16      have. It was a change in our policies. That  
17      really helped you in giving you really three  
18      years to work with your institutions. And I  
19      think we'll just find you'll do an excellent job  
20      of that. So congratulations.

21              MR. O'DONNELL: I just echo Steve's  
22      comments about your response and report was

1 heartening and good to see for an agency, and  
2 congratulations on the great work you've been  
3 doing.

4 DR. PRESSNELL: You're muted again,  
5 Art.

6 CHAIR KEISER: Bob, you have a  
7 question?

8 MR. SHIREMAN: Thank you. I love that  
9 Claude's role as vice chair is to tell you about  
10 your muting.

11 (Laughter)

12 MR. SHIREMAN: You're doing a great  
13 job, thank you very much. Thank you. Yes, thank  
14 you so much for the good work of your agency. If  
15 you listened yesterday you know that I've been  
16 asking about public members, and I wanted to ask  
17 about the public members of your commission.

18 I see that you have 1 out of your 18  
19 members. Normally that would mean there should  
20 be three. I think there must be something about  
21 the way you do your decision-making where one is  
22 okay. So if you can explain how that works that



1 would be helpful.

2 And then the public member who was --  
3 whose CV was provided to us, Rachel Liska, I  
4 think served through December. And she was the  
5 director of accreditation services at the medical  
6 school accreditor which sort of seemed a little  
7 bit questionable to me about whether somebody  
8 representing the public or that they're  
9 representing another accrediting agency. So I  
10 would be interested in who the new public member  
11 is and maybe something about that person's  
12 qualifications. Thanks.

13 MS. MOORE: Thank you for your  
14 questions. This is Kimberlee. So I'll start by  
15 saying that as it relates to the requirement for  
16 our public members because of the eligibility  
17 requirements under 602.14(a) we met those  
18 eligibility requirements and we are -- one public  
19 member is acceptable under that criteria. And I  
20 would actually just defer to the agency staff to  
21 explain the technicalities of that.

22 We do have one public member. Our new

1 public member started her term on January 1 of  
2 this year, Dr. Mary Lee. And Ms. Liska rolled  
3 off at the end of December.

4 Our public members serve a vital role  
5 for us as they do provide us that outsider  
6 perspective. Dr. Mary Lee is a former executive  
7 director of another accrediting agency. She has  
8 countless years and experience in higher  
9 education. We feel that just her contributions  
10 over the past month and a half have been greatly  
11 valued, providing that public perspective.

12 I'm going to defer to my colleague  
13 Tess Kirsch to provide more details on what the  
14 qualifications are for our public member.

15 MS. KIRSCH: Sure. Our definition of  
16 public member follows very closely the Department  
17 of ED's definition. So we are looking for  
18 obviously a very (audio interference) someone  
19 that's outside of our profession, is not  
20 affiliated with any of our accredited programs.  
21 So that's really the basic tenets that we look at  
22 for that.

1           The process that we use, we do have a  
2       separate nominating committee that reviews any  
3       application that's received by individuals that  
4       are interested in serving in that capacity.  
5       They're vetted by that committee and then  
6       selected by that committee based on their  
7       attestations that they meet the requirements for  
8       that definition as well as the review of their CV  
9       to ensure that they're meeting those  
10      qualifications.

11           MR. SHIREMAN: Thank you.

12           CHAIR KEISER: I don't see any other  
13      hands. Anybody else have a question?

14           DR. PRESSNELL: Yes, I've got one.  
15      This is Claude.

16           CHAIR KEISER: Okay, Claude, thank  
17      you.

18           DR. PRESSNELL: Yes, you bet. I'm  
19      just a little bit curious about your member  
20      institutions engagement in telemedicine. We had  
21      obviously with a lot of quarantining that was  
22      taking place across the United States, here in

1 Tennessee we had an issue with our telemedicine  
2 law dealing with speech pathology particularly,  
3 the institutions having the need to train their  
4 students in telemedicine.

5 And so we ended up having to get a  
6 number of executive orders from the governor to  
7 suspend the requirements of licensed  
8 professionals only conducting telemedicine so  
9 that the speech pathology students, graduate  
10 students, could, under supervision, offer that as  
11 well.

12 So, in light of the pandemic and  
13 everything that's happened, has that heightened  
14 your attention to the issue of telemedicine?

15 MS. MOORE: Thank you for the question  
16 and let me just start by saying that last year  
17 with the COVID pandemic was quite a disruptive  
18 year for not only our agency, but our member  
19 programs and clinical placement because we are in  
20 a profession that does that where it was very  
21 disruptive.

22 And I'm actually going to ask my

1 colleagues to help me with providing a response  
2 to this because we work very closely in working  
3 with many of our programs as they struggled to  
4 find clinical placements in telemedicine, tele-  
5 practice, tele-supervision simulation. They were  
6 all issues that we dealt with and put out fires  
7 on a daily basis.

8 So I'm going to ask my colleague Nancy  
9 Alarcon who actually worked very closely last  
10 year as we tried to manage a lot of the hysteria  
11 that came from our programs as they struggled,  
12 and actually were very innovative in thinking  
13 about how they were going to deal with some of  
14 these things.

15 So Nancy, if you wouldn't mind  
16 elaborating a little bit from the academic  
17 perspective?

18 MS. ALARCON: Sure. Thank you,  
19 Kimberlee. I appreciate the question because it  
20 certainly has been a challenging time as you hear  
21 from any accrediting agency that provides  
22 clinical education opportunities.

1                   Some of the things that I think we  
2                   have evidence from our programs and what they've  
3                   given us in our initial COVID impact report was a  
4                   survey that we prompted last summer to begin to  
5                   get a sense of the impact on each of the programs  
6                   is that programs were shifting over to tele-  
7                   practice within state, and then because of the  
8                   changes that you mentioned, referencing changes  
9                   in CMS ruling, even on a temporary basis,  
10                  programs were able to shift to being able to go  
11                  across state lines with again appropriate ruling  
12                  interpretation for coverage.

13                 I have to say as Kimberlee alludes to  
14                 the leveraging of technology this past year has  
15                 truly transformed I think some of the really  
16                 unique innovations in the delivery of audiology  
17                 and speech-language pathology services, and  
18                 interestingly enough it's actually even across  
19                 the life span.

20                 Because as you know from our  
21                 presentation and our report that we provide  
22                 services from birth to the elderly in both

1 professions. Tele-practice has been an integral  
2 part to really advance the accessibility across  
3 the life span for our patients that we serve.

4 DR. PRESSNELL: Thank you.

5 CHAIR KEISER: I see no more  
6 questions. Well, thank you very much. And we  
7 may get back to you. I'd like to call Charity  
8 back to the presentation. Do you have any  
9 comments, Charity?

10 MS. HELTON: One moment. I just would  
11 like to confirm that the regulation that applies  
12 to ASHA for public members is 602.16(a)(2) which  
13 requires representation on all decision-making  
14 bodies by a member of the public. It does not  
15 specify the quantity and so ASHA was found to be  
16 in compliance with that regulation.

17 CHAIR KEISER: Thank you. Any  
18 questions for Charity from the committee, or from  
19 the primary readers?

20 MR. SHIREMAN: Yes. If I can follow  
21 up.

22 CHAIR KEISER: Yes.

1 MR. SHIREMAN: It's Bob. I raised my  
2 hand. No problem. Charity, so is the reason  
3 that they are -- they do not -- one-seventh does  
4 not apply to the agency, is that because it is a  
5 programmatic accreditor instead of an  
6 institutional accreditor and therefore has -- and  
7 I see you're nodding yes, thank you. And that  
8 therefore they have a federal link that is other  
9 than Title IV eligibility, is that correct?

10 MS. HELTON: That is correct. They do  
11 not act as a Title IV gatekeeper.

12 MR. SHIREMAN: And if you can remember  
13 back to 1967 can you tell us what that federal  
14 link is?

15 MS. HELTON: Because the federal link  
16 portion was not a part of the focused review it  
17 is not something that I had the opportunity to  
18 review as part of this.

19 MR. SHIREMAN: Okay, thank you.

20 CHAIR KEISER: Herman, you have  
21 something to say? You had your hand up.

22 MR. BOUNDS: No, I took my hand down.



1 She already answered my question -- answered the  
2 question that I would have asked. Getting tired,  
3 it's late in the day. Sorry.

4 CHAIR KEISER: Are there any other  
5 questions? Seeing none we can move to a motion.  
6 Do we have a motion from either of the primary  
7 readers?

8 MR. O'DONNELL: Mr. Chairman, I would  
9 move that NACIQI accept the staff recommendation  
10 that the American Speech-Language-Hearing  
11 Association, Council on Academic Accreditation in  
12 Audiology and Speech-Language Pathology  
13 recognition be renewed for five years.

14 CHAIR KEISER: Is there a second?

15 DR. VANAUSDLE: Second.

16 CHAIR KEISER: A second from -- I  
17 think that was Claude.

18 DR. VANAUSDLE: It was Steve.

19 CHAIR KEISER: Okay. Discussion.  
20 Bob, is your hand up because of discussion? Or  
21 is that from before?

22 MR. SHIREMAN: From before, sorry.

1 CHAIR KEISER: Okay. Nobody has any  
2 discussion? Sensing (audio interference) no  
3 discussion I move for the motion to be  
4 considered. We'll go by a roll call vote. Anne  
5 Neal?

6 MS. NEAL: Yes.

7 CHAIR KEISER: Claude?

8 DR. PRESSNELL: Yes.

9 CHAIR KEISER: David?

10 DR. EUBANKS: Yes.

11 CHAIR KEISER: Jennifer?

12 MS. BLUM: Yes.

13 CHAIR KEISER: Jill? Jill Derby?  
14 Kathleen?

15 DR. ALIOTO: Yes.

16 CHAIR KEISER: Mary Ellen?

17 DR. PETRISKO: Yes.

18 CHAIR KEISER: Paul is not here.  
19 Rick?

20 MR. O'DONNELL: Yes.

21 CHAIR KEISER: Robert Mayes?

22 MR. MAYES: Yes.

1 CHAIR KEISER: Robert Shireman?

2 MR. SHIREMAN: Yes.

3 CHAIR KEISER: Ronnie Booth, are you  
4 back?

5 DR. BOOTH: Yes.

6 CHAIR KEISER: Steve?

7 DR. VANAUSDLE: Yes.

8 CHAIR KEISER: And Wally?

9 DR. BOSTON: Yes.

10 DR. DERBY: Art, I think you didn't  
11 record my vote, Jill Derby, and it's yes.

12 CHAIR KEISER: Okay. Thank you, Jill.  
13 Yes, I tried to call you. The motion passes.  
14 That seems to end our business for today. We'll  
15 begin tomorrow at 9 o'clock to continue to go  
16 through the discussion on ACICS.

17 Please if you can read the IG report.  
18 You should all have a copy of it. And thank you  
19 for the hard work today. It was -- this was a  
20 more difficult day and I appreciate everybody's  
21 participation.

22 George, do you have anything you want

1 to add, or Herman?

2 DR. SMITH: Yes. Is the bridge --  
3 have we been de-bridged?

4 THE OPERATOR: Just give me a moment.

5 DR. SMITH: Okay.

6 (Whereupon, the above-entitled matter  
7 went off the record at 4:28 p.m.)  
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