

ADDENDUM – LOSS OF RECOGNIZED ACCREDITING AGENCY ADDITIONAL TERMS AND CONDITIONS
[Provisional Approval]

Effective Date of Approval: The date on which this Addendum is signed on behalf of the United States Secretary of Education

Whereas, on December 12, 2016 the United States Secretary of Education (the “Secretary”) withdrew the federal recognition of the accrediting agency that accredits the postsecondary educational institution identified above (the “Institution”);

Whereas, when the Secretary withdraws the recognition of its accrediting agency, a postsecondary educational institution may be allowed to continue its participation on a provisional basis in those student financial assistance programs authorized by Title IV of the Higher Education Act of 1965, as amended (Title IV, HEA Programs) for a period not to exceed 18 months;

Whereas, the Institution has signed a provisional Program Participation Agreement (“PPPA”) to allow it to continue to participate on a provisional basis, which PPPA is effective as of the date the PPPA is signed on behalf of the Secretary; and

Whereas, the Institution and the Secretary agree to the following additional terms and conditions under which the Institution may participate in Title IV, HEA Programs on a provisional basis, and the terms and conditions of this Addendum are hereby incorporated into the PPPA as if fully set forth therein, and in the event of a conflict between the terms of the PPPA and this Addendum, this Addendum shall govern:

1. Continued Accreditation. Notwithstanding the loss of recognition of its accrediting agency, the Secretary deems the Institution to hold recognized accreditation while the PPPA is in effect, which shall be no longer than 18 months. In recognition of the attendant risks the Department undertakes in entering into the PPPA with the Institution, the Institution agrees to the terms and the additional conditions set forth below. The Institution also acknowledges that during the term of the PPPA, the Department may impose additional conditions or take other remedial actions, if it has a basis for doing so. In addition, this PPPA shall not be construed by the Institution as approving any change of status or other changes currently under review and not yet explicitly approved by the Department. The requirement for any previously imposed letter of credit or method of payment shall remain in effect during the period of provisional participation.

2. Month to Month Participation. Notwithstanding the approval expiration date identified in the PPPA, if at the time the Institution signs the PPPA it participates in Title IV, HEA programs on a month to month basis, or a temporary month to month basis, the Institution agrees that its term of provisional participation under the PPPA and this Addendum shall also be on a month to month basis or temporary month to month basis (as applicable), and the provisions of 34 C.F.R. § 668.13(d) shall not apply.

3. Closing Institutions. If, prior to the execution of the PPPA, or at any time during the term of the PPPA, the Institution has advised (or advises) the Department that following the loss of its federally-recognized accrediting agency, it will close rather than seek a new accrediting agency ("Closing Institution"), its term of provisional participation will be limited to an orderly close-out, and the Closing Institution must immediately cease enrolling students. During the term of its close out, the Closing Institution will be subject to all of the conditions set forth below, with the following exceptions: the Closing Institution will not be allowed to add any new programs or new locations, and the Closing Institution will not be required to submit an application to an alternative accrediting agency. With regard to the conditions described below that are triggered by the failure to have an In Process Application with a new accrediting agency (as defined in 4.(c) below) within 90 calendar days, the Closing Institution shall comply with those conditions within 30 calendar days of the date that the Closing Institution's governing or managing body makes the decision to close, or within 30 calendar days from the first date that the Institution begins to take steps to close, including by notifying contractual parties (e.g., health insurance carrier, collective bargaining representatives), whichever is earlier ("Closing Decision"). With regard to the conditions described below that are triggered by the failure to have an In Process Application with a new accrediting agency within 180 calendar days, the Closing Institution shall comply with those conditions within 30 calendar days of its Closing Decision. In any event, a Closing Institution shall comply with all conditions within 210 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency.

4. New Accrediting Agency. Except for an Institution that has decided to close, the Institution should begin discussions with prospective new federally-recognized accrediting agencies as soon as practicable after the Secretary's final decision withdrawing recognition of the Institution's accrediting agency. The Institution shall notify the Department as follows:

- (a) the Institution shall notify the Department of the name of the potential new federally-recognized accrediting agency within 7 calendar days of submitting of a statement of interest or intent, or pre-workshop application to the accrediting agency;
- (b) the Institution shall notify the Department within 7 calendar days after submitting its completed application to a federally-recognized accrediting agency;
- (c) the Institution shall notify the Department within 7 calendar days after receiving confirmation from the accrediting agency of the accrediting agency's acceptance or acknowledgment of the application for processing ("In Process Application"); and
- (d) the Institution shall notify the Department within 7 calendar days after receiving notification from the accrediting agency of its decision on the Institution's application.

5. Special Requirements for Major Changes During Term of Provisional Certification. During the term of the PPPA, the Institution must apply for and receive approval by the Secretary for expansion or for any Major Change (as hereinafter identified), before it may award, disburse or distribute Title IV, HEA funds based on the Major Change. Major Changes generally include, but are not limited to: (a) establishment of an additional location; (b) increase in the level of academic offering beyond those listed in the Institution's Eligibility and Certification Approval Report (ECAR); or (c) addition of any educational program (including degree, non-degree, or short-term training programs). Major Change also includes

those changes described as “substantive changes” under 34 C.F.R. § 602.22(a). If the Institution applies for the Secretary's approval of a Major Change, the Institution must demonstrate that it has the financial and administrative resources necessary to assure the Institution's continued compliance with the standards of financial responsibility (34 C.F.R. § 668.15) and administrative capability (34 C.F.R. § 668.16). Because the Institution is without a federally-recognized accrediting agency, the Institution acknowledges that the Secretary will only approve a Major Change in limited circumstances, to include, in the Secretary's discretion, situations where as of the date of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency, the Institution had received that accrediting agency's approval of the Major Change, or where the Secretary believes that the change meets the conditions for approval that are specified in the standards of the former accrediting agency, as well as the requirements of the HEA.

6. Teach Out Plans. The Institution will submit a teach-out plan to the Department within 30 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency. Extensions may be granted by the Secretary, in the Secretary's sole discretion, for good cause shown. At a minimum, the teach-out plan should include:

- (a) a listing, by campus, of all students, which includes the student's name and contact information, program of study, and expected graduation date; and
- (b) a listing, by campus, of comparable programs (including online programs, if applicable) offered at other, unaffiliated institutions in case teach-out agreements or transfer agreements are needed for students to complete their programs elsewhere.

7. Licensing/Certification Confirmation and Notifications. If, as a result of its accrediting agency's loss of federal recognition, the Institution's students (either past, current, or future) become ineligible to sit for any licensing or certification exam that is reasonably related to the students' educational program, and/or that any students reasonably could have expected the Institution to prepare them for, then:

- (a) The Institution must immediately notify the Department within 7 calendar days of the Secretary's execution of the PPPA;
- (b) The Institution must permit any currently enrolled students to take a leave of absence;
- (c) The Institution will not be eligible to receive any funds under Title IV, HEA programs, for any students who enroll in any programs so affected after the date of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency for any programs so affected;
- (d) The Institution must make an affirmative disclosure of potential ineligibility: to any currently enrolled students that might be affected by loss of eligibility to take licensing or certification exam(s); to all students who have completed the programs so affected in the two year period prior to the Institution's loss of its Department-recognized accrediting agency; to any other former students who completed the program and for whom the Institution has information that they have not sat for the licensing or certification exam, or have not passed that exam; and to any new students who apply to or are enrolling, including those who have previously attended and are considering or are returning to the Institution;
- (e) For currently enrolled students, the Institution must disclose the options available to such students, including a leave of absence, or transfer to another institution; and

(f) The disclosures required by (d) and (e) above must be made within 7 calendar days of the Secretary's execution of the PPPA.

8. State Authorization Confirmation and Notifications. If, as a result of its accrediting agency's loss of federal recognition, the Institution loses its authorization/license from its governing State entity to operate and issue postsecondary certificates and/or degrees, the Institution will not be eligible to receive any funds under Title IV, HEA programs for any programs affected unless the State grants the Institution authorization to continue operating. If the Institution learns or has reason to believe that its State has withdrawn authorization to operate:

(a) The Institution shall immediately, but in no event later than 7 calendar days, notify the

Department about its loss of authorization to operate from the State; and

(b) Following notification to the Department of the Institution's loss of State authorization to operate, as set forth in subsection (a) above, the Institution shall immediately, but in no event later than 7 calendar days thereafter, notify all currently enrolled and prospective students of its loss of eligibility, and their inability to receive funds under Title IV, HEA programs.

9. Reports of Student Complaint Proceedings and Investigations. Within 30 days following the Secretary's final decision withdrawing the recognition of the Institution's accrediting agency ("Initial Report"), and updated every 90 days thereafter for the entire term of the Institution's provisional participation under the PPPA, the Institution shall provide the Department with the following reports:

(a) a report of all lawsuits or arbitration proceedings against the Institution or related entities relating to student complaints (as described below), including information when those proceedings are resolved. These reports are limited to arbitration or litigation proceedings relating to Title IV eligibility or administration, the quality of education received at the Institution, or to the accreditation standards of its formerly-recognized accrediting agency. The reports should be submitted to the Department in spreadsheet form, and must have all personally identifiable information (for students and employees) redacted; and

(b) a report of all known investigations (including but not limited to local, state, federal and foreign governments, and any accrediting agency), including the scope of any document request and the purpose of the investigation, and the Initial Report must also identify all investigations that were closed within the most recent 5 year period, including the purpose of the investigation, and the disposition of the investigation, including a description of any settlements and/or fines levied.

10. Compliance Audit Expanded Reporting. To ensure the Institution's compliance with the standards of an accrediting agency during the term of the provisional PPA, the Institution shall be required to engage its third-party auditor to evaluate key data and compliance indicators, to include fiscal information and measures of student achievement, and any enhanced evaluation deemed appropriate by the auditor. This requirement for this evaluation shall be included in the Institution's engagement letter with its auditor, and the evaluation shall be submitted to the Department with its annual compliance audit. At a minimum, the evaluation shall include:

- (a) Data related to outcome measures, including cohort default rates, loan repayment statistics, and any job placement data the Institution collects;
- (b) Financial responsibility metrics;
- (c) Retention rates (defined in terms of the total student enrollment, minus those students who withdraw, divided by the total student enrollment and expressed as a percent. The retention rate is calculated at both the program and campus levels), transfer rates, and completion rates (defined as receiving the terminal recognition offered by the program, such as a degree or certification for a non-degree program); and
- (d) Confirmation that the Institution has posted a notice to its public-facing website about its loss of accreditation. At a minimum, this notice shall include the following information:
 - (i) that the Institution's accrediting agency is no longer recognized by the Department;
 - (ii) that the Institution has 18 months following the loss of its Department-recognized accrediting agency, to find a new accrediting agency to maintain eligibility to receive funds under Title IV, HEA programs, and that if the Institution does not obtain accreditation within that 18 month period, the Institution would no longer be eligible to receive funds under Title IV, HEA programs;
 - (iii) the date of the expiration of the 18 month period referred to in (ii);
 - (iv) that any student at the Institution who has a complaint relating to Title IV eligibility or administration, the quality of education received at the Institution, or otherwise relating to the accreditation standards of its former accrediting agency can submit that complaint to the Institution and/or to any of the following: the Department's Student Complaint website, the State authorizing authority, the State Office of Attorney General, the State Office of Consumer Affairs; and
 - (v) the mail or e-mail addresses for the parties identified in (iv).
- (e) Confirmation that no Title IV, HEA program funds were paid to any ineligible programs.

11. No In Process Application within 90 Calendar Days. In addition to all of the foregoing conditions, if the Institution does not have an In Process Application within 90 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency, then the Institution shall comply with the following "Teach Out Agreement" and "Direct Disclosures" conditions within 30 calendar days thereafter (i.e., 120 calendar days after the Department's withdrawal of recognition).

12. Teach Out Agreement. If the Institution does not have an In Process Application within 90 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency, the Institution shall submit a teach-out agreement with one or more institutions that are currently accredited by a recognized accrediting agency. At a minimum, this agreement shall:

- (a) be with an unaffiliated institution(s) that is accredited by a federally-recognized accrediting agency;
- (b) be consistent with the requirements for teach-out agreements set forth in 34 C.F.R. § 602.24;
- (c) be in compliance with the standards of the Institution's formerly federally-recognized accrediting agency; and
- (d) provide for the equitable treatment of students by ensuring that:

- (i) the teach-out institution has the necessary experience, resources, and support services to provide an educational program that is of acceptable quality and reasonably similar in content, structure, and scheduling to that provided by the Institution that is ceasing operations either entirely or at one of its locations, and remain stable, carry out its mission, and meet all obligations to the Institution's existing students; and
- (ii) the teach-out institution demonstrates that it can provide students access to the program and services without requiring them to move or travel substantial distances and that it will provide students with information about additional charges, if any.

Upon prior approval by the Department, which shall be in the Department's sole discretion to give, the Institution may submit an alternative means to ensure a path to completion for its students.

13. Direct Disclosures to Students. If the Institution does not have an In Process Application with a prospective federally-recognized accrediting agency within 90 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency, the Institution shall send to every currently enrolled and prospective student a notice regarding the Institution's loss of federally-recognized accreditation, either by electronic mail, U.S. mail first class, or other comparable method of delivery. At a minimum, this notice must include a statement that (a) the Institution's accrediting agency is no longer recognized by the Department; (b) that the Institution has 18 months following the accrediting agency's loss of recognition to find a new federally-recognized accrediting agency to maintain eligibility to receive funds under Title IV, HEA programs, and that after that 18 month period, the Institution will no longer be eligible to receive funds under Title IV, HEA programs; (c) identifies the date by which the Institution must obtain a new federally-recognized accrediting agency; and (d) that the Institution had not submitted an In Process Application to a new federally-recognized accrediting agency within 90 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency. This notice must be sent within 120 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency.

14. No In Process Application within 180 calendar days. In addition to all of the foregoing conditions, if the Institution does not have an In Process Application with a prospective federally-recognized accrediting agency within 180 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency, then the Institution shall comply with the following "Additional Direct Disclosures to Students," "Record Retention and Reporting," "Monthly Student Lists," "No Title IV Funds for New Enrollees," and "Surety Requirement" conditions within 30 calendar days thereafter (i.e., 210 calendar days after the Department's withdrawal of recognition).

15. Additional Direct Disclosures to Students. The Institution shall send to every currently enrolled and prospective student a notice regarding the likely loss of eligibility for Title IV, HEA programs, by electronic mail, U.S. mail first class, or other comparable method of delivery. At a minimum, this notice must include: (a) a statement that if the Institution is not able to become accredited by another federally-recognized accrediting agency by the end of the applicable 18 month period (and to identify the exact date), students will no longer be eligible for federal financial aid and that it is not likely that

the Institution will be able to find another accrediting agency; (b) any other consequences, such as loss of ability to sit for certification exams or the school's potential closure; (c) details that reasonably describe the process for participating in a teach-out program. This notice must be sent within 210 calendar days of the Secretary's final decision withdrawing recognition of the Institution's accrediting agency.

16. Record Retention and Reporting. To ensure the Institution can meet its obligations to retain records, the Institution shall, within 30 calendar days thereafter (i.e., within 210 calendar days of the Secretary's final decision withdrawing recognition of the accrediting agency), submit to the Department a records retention plan detailing the Institution's structure for retaining, at a minimum, the following documents: (a) all documents required to be preserved by any applicable regulations, including, without limitation, 34 C.F.R. §§ 668.16(d), 668.23(e), 668.24, and 668.26(b)(3); (b) all documents relating or pertaining to the Institution's administration of Title IV, HEA program funds; (c) all documents constituting student admissions, financial aid, and educational files including student transcripts; (d) all documents relating to the Institution's marketing and recruiting practices and representations, including documents constituting or relating to representations concerning post-graduation outcomes of the Institution's students and the factual and methodological basis for those representations; and (e) all documents constituting submissions the Institution has made to its accrediting agency and any state authorizing agencies. As part of its plan, the Institution must designate a specific individual who may act as a point of contact for records retention matters in the event of a closure of the Institution. In addition, within 270 calendar days of the date of the Secretary's final decision withdrawing recognition of the accrediting agency, the Institution must notify the Department it has a signed agreement with a State or other entity providing for record retention in the event of a closure of the Institution. Such notification must identify the process by which students and graduates can access their educational and financial records following any closure of the Institution, including contact information for an individual or entity who can meet such requests and a description of the financial resources available to ensure that students can complete their programs or receive refunds in the event that the Institution does suspend or cease operations.

17. Monthly Student Lists. The Institution shall submit to the Department a monthly report, to be due on the 1st day of every month, beginning on the 1st day of the next month following the date that is 180 calendar days after the Secretary's final decision withdrawing recognition of the Institution's accrediting agency. The monthly report must list the full names and social security numbers of all currently enrolled students at every location (listed by location), the then-current program and location/campus in which the student is engaged and their anticipated graduation date, student contact information to include address, email, and telephone number; the aggregate total, by campus, of the status of unearned tuition, status of refunds due, and current student account balances; and any changes to the status of any student since the prior report (e.g., any withdrawals, graduations, transfers, or campus location closures). The student lists must be encrypted and password-protected, and the Department's individual School Participation Divisions ("SPD") will notify the Institution of the SPD e-mail address for submission of the encrypted lists and the password.

18. No Title IV Funds for New Enrollees. The Institution shall not be eligible to receive any funds through Title IV, HEA Programs, for any students who enroll on any date that is 180 calendar days after the Secretary's final decision withdrawing recognition of the Institution's accrediting agency.

19. Surety Requirements. The Institution shall post a letter of credit, or guarantee by other means acceptable to the Department, in an amount to be set by the Department. The letter of credit, or acceptable alternative, shall be posted within 45 calendar days of the Department's notification that requires the letter of credit.

20. No Accrediting Agency Site Visit Within 300 Calendar Days. If the Institution has an In Process Application with an accrediting agency, but a site visit has not occurred within 300 calendar days after the Secretary's final decision withdrawing the Institution's accrediting agency's recognition, all of the foregoing conditions will apply, even though the Institution had an In Process Application within the 90 day or 180 day periods set forth above. In the event that the site visit has not occurred within such 300 day period, all deadlines set forth in these provisions are immediately triggered, and must be complied with by the date that is one year following the Secretary's final decision withdrawing recognition of the Institution's accrediting agency.

On behalf of the institution, I accept the additional terms and conditions set forth in this Addendum during the term of institution's provisional participation resulting from the loss of recognition of its accrediting agency.

Signature of Authorized Representative: _____ Date: _____

Print Name and Title: _____

For the Secretary: _____ Date: _____

United States Department of Education