

February 16, 2018

Lynn B. Mahaffie
Deputy Assistant Secretary for
Planning, Policy, and Innovation
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Re: FR Doc. 2018-01220

Dear Ms. Mahaffie:

On behalf of the approximately 450 higher education institutions represented by the Career Education Colleges and Universities, I write to provide comments regarding the Application for Initial Recognition submitted by the Accrediting Council for Independent Colleges and Schools (ACICS). The solicitation for written comments was published in the Federal Register January 24, 2018 (FR Doc. 2018-01220) and comports with section 496(n)(1)(A) of the Higher Education Act of 1965, as amended.

ACICS, a national institutional accreditor, was founded in 1912 – well over a century ago – and has a rich history contributing to America’s postsecondary education system. ACICS-accredited institutions have contributed hundreds of thousands of well-prepared graduates to today’s diverse workforce. Until recently, ACICS had also been recognized by the Secretary of Education (Secretary) since 1956. This continuous recognition supports the fact that the Department had for over 60 years determined that ACICS was a reliable authority in gauging institutional quality.

In 2016, the Department considered ACICS’s Petition for Continued Recognition. In its final staff report to the senior department official (SDO), career staff from the Department’s accreditation group identified several areas in which the agency was found not to be in full compliance with the Secretary’s recognition criteria. Based on these findings, along with the belief that the agency was not capable of coming into full compliance with the recognition criteria within the 12-month statutory timeframe, staff recommended to deny the agency’s petition and withdraw the agency’s recognition. This recommendation was forwarded to the National Advisory Committee on Institutional Quality and Integrity (NACIQI). At its June 23, 2016 meeting, NACIQI voted to recommend that the SDO deny ACICS’s petition.

After considering recommendations from both career staff at the Department and NACIQI, the SDO denied ACICS’s request for renewal of recognition and withdrew the agency’s recognition. Although ACICS appealed the SDO’s decision, the Secretary upheld the SDO’s decision and terminated the agency as a nationally recognized accrediting agency, effective December 12, 2016.

ACICS’s 2016 petition is extensive and well-documented. It is clear based on the record that at the time, the Department was concerned that there were substantive and wide-spread issues that

resulted in ACICS's noncompliance with the Secretary's recognition criteria. We do not refute these findings, nor dispute that these issues led to ACICS's lack of effective oversight and enforcement of its accredited institutions. As a result, a few ACICS-accredited institutions – out of the hundreds it accredited – engaged in inappropriate behavior that is unbecoming of an institution of higher education and not reflective of nor supported by career education colleges and universities.

In its 2016 staff report to the SDO, career staff described in several sections that although ACICS had already made commendable improvements toward its compliance with the Secretary's recognition criteria, more time was necessary to implement the agency's new and strengthened initiatives, or for these initiatives to produce significant and tangible results necessary to determine full compliance.¹ We do not disagree, nor did ACICS, that additional time was necessary beyond June 2016 for the agency to evidence full compliance with the recognition criteria. However, the Department ultimately chose not to afford the agency a chance to come into compliance within the 12-month timeframe before terminating its recognition, an opportunity provided to the vast majority of accreditors.²

The absence of such an opportunity to evidence compliance within a reasonable timeframe, which the Department has historically provided, adversely and unnecessarily affected approximately 269 institutions and over 500,000 students. Many of these institutions are still struggling to this day to identify alternate accreditors that will provide them the chance to continue to offer quality education to their students.

ACICS's Application for Initial Recognition, which is currently being reviewed by the Department, is the culmination of significant reform efforts undertaken by new leadership at the agency over the last year. These reform efforts were not exclusively made just to meet the Secretary's recognition criteria but in furtherance of improving the institutional oversight process expected from students, families, and taxpayers. Although not an exhaustive list, the agency's reform efforts include: developing and effectively implementing student achievement standards; strengthening monitoring to deter misconduct regarding placement, recruiting, and admissions; taking immediate action against institutions when faced with reliable information from third-parties about potential violations of its standards; and ensuring through systematic and regular reviews that its standards are adequate to evaluate the education provided by member institutions.

It is now the Department's responsibility to review ACICS's application to determine whether the agency currently complies with the Secretary's recognition criteria. In doing so, my request to this Department is not to ignore ACICS's past, for doing so would be a disservice to the positive contributions the agency has made to the American higher education system over the past 100 years. We must also not forget those previously identified deficiencies, but instead,

¹ For example, *see* Staff Report to the Senior Department Official on Recognition Compliance Issues, p. 14 (career staff noting the agency's plans should improve the "ability to uncover difficulties more expeditiously" but that "at this time the plans have not...produced significant and tangible results").

² For example, *see* Senior Department Official Decision Letter to the American Osteopathic Association, October 28, 2016 (noting that although the agency was in violation of 18 separate recognition criteria (ACICS had only 3 additional), it was afforded the 12-month compliance timeline).

recognize how these past challenges have informed and contributed to the significant improvements demonstrated today.

I look forward to Department staff and NACIQI undertaking a fair, transparent, and non-ideological evaluation of ACICS's application and providing an objective recommendation based on all of the information reviewed.

Sincerely,

A handwritten signature in black ink, appearing to read "St Gunderson", with a long horizontal flourish extending to the right.

Steve Gunderson
President & CEO