

Congress of the United States
Washington, DC 20510

May 9, 2019

Committee on Recognition
Council for Higher Education Accreditation
One Dupont Circle N.W., Suite 510
Washington, D.C. 20036

Dear Council for Higher Education Accreditation Committee on Recognition:

We write to submit comment regarding the Council for Higher Education Accreditation (CHEA) Committee on Recognition's ("the Committee") review of the Accrediting Council of Independent Colleges and Schools (ACICS), and to urge the Committee to deny recognition to ACICS when CHEA reviews ACICS's status as a recognized accreditor during its upcoming June 2019 meeting.

On October 10, 2018, Members of Congress wrote to Dr. Eaton, President of CHEA, seeking clarity regarding the status of ACICS's CHEA recognition, any deferrals CHEA had provided to ACICS, and whether CHEA endorsed continued federal recognition of ACICS.¹ Dr. Eaton's October 17, 2018 response indicated that ACICS submitted an application for recognition during 2015 and 2016—an application that the Committee and Board of Directors have since deferred four additional times.² Dr. Eaton's response also cited a November 17, 2017 letter from CHEA to ACICS, which further detailed, "the [B]oard expects ACICS to submit an application for recognition under the new CHEA standards, once implemented [on January 1, 2019]."³ Dr. Eaton confirmed this information in the October 17 letter, reiterating that ACICS would have to undergo a new, full recognition review after CHEA's revised *Recognition Policy and Procedures* went into effect on January 1, 2019.⁴

Now that the new *Recognition Policy and Procedures* are in effect and CHEA is prepared to evaluate ACICS's application for recognition, we urge the Committee to carefully consider the implications of continuing ACICS's recognition for students at institutions accredited by ACICS. This is particularly important in light of the U.S. Department of Education's ("the Department") decision to restore ACICS's federal recognition, due in part to the continued recognition granted by CHEA, which the Department relied on as evidence of ACICS meeting an important federal accreditation standard.

¹ Letter from Senator Elizabeth Warren to CHEA, October 10, 2018, <https://www.warren.senate.gov/download/20181010-letter-to-council-for-higher-education-accreditation-cha-re-approval-of-for-profit-college-accreditor-acics>

² Letter from CHEA to Senators Warren, Blumenthal, Durbin, and Brown. October 17, 2018, <https://www.warren.senate.gov/download/01/17/2019/response-senate-letter-10-17-18>

³ Letter from CHEA to ACICS, November 13, 2017

⁴ *Ibid.*

We also urge the Committee to consider ACICS's past non-compliance with CHEA's standards, as well as evidence that ACICS continues to fail to meet basic standards designed to protect students from predatory and low-quality institutions. ACICS has a long and troubled history of overseeing and accrediting institutions that have made substantial misrepresentations to students, utilized aggressive recruitment practices, engaged in deceptive advertising, and broken the law.⁵

According to CHEA's newly implemented *Recognition Policy and Procedures*, approved by the CHEA Board of Directors on September 24, 2018, one of the three recognition standards that CHEA requires an accreditor to meet, as detailed in standard 9.A. on page 4, is to "[promote] academic quality and advances student achievement."⁶ ACICS institutions have produced the worst combined student achievement outcomes – including graduation, default, and student loan repayment rates – of any major accreditation agency.⁷ ACICS also accredited Corinthian Colleges and ITT Technical Institute until the days both institutions collapsed.

These are not simply failures of the past. In December 2018—just several months ago—Education Corporation of America (ECA), the largest remaining college chain accredited by ACICS, abruptly announced its plans to close its doors to students. ACICS failed to protect ECA students by securing formal teach-out agreements from all of ECA campuses before its collapse. But the broader failure appears to be that ACICS continued to fully accredit ECA—when at least one other federally-recognized agency refused to accredit this substantially underperforming institution⁸—until literally the day before ECA announced its closure, failing to adequately respond to ECA's clear financial instability and poor student outcomes for years. It is clear that ACICS did not meet CHEA's standard 11.A.3 on page 5 of CHEA's revised *Recognition Policy and Procedures*, which says that accreditors must "provide a procedure for the accrediting organization to take timely action to prevent substantially underperforming institutions or programs from achieving or maintaining accredited status."⁹

ACICS now has the unique distinction of being the **sole** accrediting agency that has overseen the three largest collapses of institutions of higher education in American history. In every case, ACICS failed to respond in a "substantive and timely" manner to "legitimate public concerns and complaints" about the institutions, as required by CHEA's revised *Recognition Policy and Procedures* standard 11.A.2.¹⁰ Repeatedly, ACICS disregarded clear warning signs, failed to act quickly enough to protect students and taxpayers, and continued a troubling pattern of failure that has played itself out over and over again as students and taxpayers suffer the consequences. When no one else will accredit a substantially underperforming, low-quality institution, ACICS

⁵ Office of United States Senator Elizabeth Warren. "Rubber Stamps: ACICS and the Troubled Oversight of College Accreditors." June 6, 2016. https://www.warren.senate.gov/files/documents/2016-6-10_ACICS_Report.pdf

⁶ CHEA, "Revised CHEA Recognition Policy and Procedures," December 11, 2018. <https://www.chea.org/revised-chea-recognition-policy-and-procedures-0>

⁷ Miller, Ben. "Up to the Job: National Accreditation and College Outcomes" *Center for American Progress*. 2015. <https://www.americanprogress.org/issues/higher-education/report/2015/09/08/119248/up-to-the-job/>

⁸ Accrediting Council for Continuing Education and Training (ACCET). Letter from ACCET to ECA, August 31, 2019, <https://s3.amazonaws.com/docs.accet.org/downloads/adverse/1539.pdf>

⁹ CHEA, "Revised CHEA Recognition Policy and Procedures," December 11, 2018. <https://docs.google.com/viewerng/viewer?url=https://www.chea.org/sites/default/files/pdf/Recognition-Policy-FINAL-Dec-2018.pdf>

¹⁰ *Ibid.*

is always there—ready to rubber stamp access to federal taxpayer dollars and put more students in harm’s way to keep failed schools in business.

Moreover, a recent analysis by Veterans Education Success that analyzed data from December 2016 through April 2018 found that students at ACICS-accredited schools are actually performing *worse* now than before the Department initially de-recognized ACICS.¹¹ This is critical evidence, given that CHEA’s new policies and procedures state, “[a]dvancement of academic quality is at the core of accreditation.”¹² It is unquestionable that whatever purported changes ACICS claims to be making are insufficient for students.

We understand that CHEA has deferred a decision on ACICS’s recognition at least four times since CHEA last fully recognized it in 2012 for a period of three years.¹³ CHEA’s own records show that the CHEA Board of Directors had concerns about ACICS’s ability to meet CHEA’s standards. On January 30, 2017, for example, the CHEA Board of Directors referred a recognition decision down to the Committee for further review to determine “whether ACICS has the resources and capacity to sustain itself over a significant period of time.”¹⁴

In Dr. Eaton’s response to the October 2018 letter, she stated, “CHEA standards focus primarily on how well accrediting organizations are instrumental in strengthening academic quality and fidelity to mission in colleges and universities.”¹⁵ The evidence to date unequivocally demonstrates that ACICS does not strengthen the quality of the colleges and universities that it accredits; it does not “demonstrate public accountability for [the] performance” of its institutions, including as described in standard 11.A.4; and, it does not “[promote] academic quality and [advance] student achievement.”¹⁶ Simply put: ACICS does not live up to CHEA’s own policies and procedures, including CHEA’s new *Recognition Policy and Procedures*.

Recent history demonstrates that CHEA recognition represents an important signal to other agencies and to the Department that ACICS is accepted by the higher education community—a requirement for federal recognition.¹⁷ For example, a recent Congressional inquiry into the Department’s recent recognition of ACICS reveals that several accrediting agencies, when asked

¹¹ Veterans Education Success, “Student Outcomes at Colleges Approved by the Accreditor ACICS,” October 2018, <https://static1.squarespace.com/static/556718b2e4b02e470eb1b186/t/5bbf8e8ce79c7079cedfe589/1539280525168/ACICS+Issue+Brief.FINAL.pdf>

¹² CHEA, “Revised CHEA Recognition Policy and Procedures,” December 11, 2018.

<https://docs.google.com/viewerng/viewer?url=https://www.chea.org/sites/default/files/pdf/Recognition-Polic-FINAL-Dec-2018.pdf>

¹³ Center for American Progress. Comment: Proposed Revisions of the 2010 Recognition Policy and Procedures. September 4, 2018. <https://cdn.americanprogress.org/content/uploads/2018/09/13084459/Center-for-American-Progress-Comment-CHEA-Comment.pdf>

¹⁴ *Ibid.*

¹⁵ Letter from CHEA to Senators Warren, Blumenthal, Durbin, and Brown. October 17, 2018,

<https://www.warren.senate.gov/download/01/17/2019/response-senate-letter-10-17-18>

¹⁶ CHEA, “Revised CHEA Recognition Policy and Procedures,” December 11, 2018.

<https://docs.google.com/viewerng/viewer?url=https://www.chea.org/sites/default/files/pdf/Recognition-Polic-FINAL-Dec-2018.pdf>


¹⁷ 34 CFR § 602.13

if they accepted or endorsed ACICS or ACICS's standards, simply referenced CHEA's continued recognition of ACICS.¹⁸

The Department also referenced CHEA's continued recognition of ACICS in its decision to grant federal recognition to ACICS: "That CHEA continues to recognize ACICS pending review and has not taken negative action against ACICS ... is notable and an important indicator that ACICS continues to be widely accepted as an accreditor."¹⁹ The fact that the Department has relied on CHEA recognition in its determinations of ACICS's federal recognition underscores the gravity of the Committee's decision.

We urge the Committee to consider seriously its responsibilities and consequences in making this important decision and to deny recognition to ACICS in order to protect students and taxpayers. Thank you for your prompt attention and consideration to this serious matter.

Sincerely,

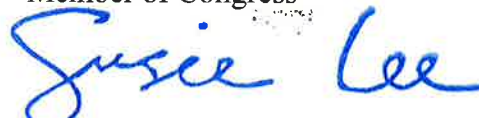

Elizabeth Warren
United States Senator


Suzanne Bonamici
Member of Congress


Richard Blumenthal
United States Senator


Mark Takano
Member of Congress


Jeffrey A. Merkley
United States Senator


Susie Lee
Member of Congress


Richard J. Durbin
United States Senator


Joaquin Castro
Member of Congress

¹⁸ Letter from Senators Warren, Representative Bonamici, and others to the Department of Education regarding ACICS, December 11, 2018.

<https://www.warren.senate.gov/imo/media/doc/2018.12.11%20Letter%20to%20Department%20of%20Education%20re%20ACICS%20recognition.pdf>

<https://www.warren.senate.gov/download/appendix-to-letter-to-department-of-education-re-acics-recognition>

¹⁹ Senior Designated Official (SDO), Diane Auer Jones, Deputy Under Secretary of Education, Response to ACICS, Updated October 15, 2018. <https://www2.ed.gov/about/offices/list/ope/correctedresponsefinal.pdf>



Sherrod Brown
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