



UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, DC 20202

September 22, 2016

Roger J. Williams, Interim President
750 First Street, NE, Suite 980
Washington, DC 20002-4241
rjwilliams@acics.org

Dear Mr. Williams,

I am writing to inform you of my decision regarding the recognition of the Accrediting Council for Independent Colleges and Schools (ACICS, or the agency). Department of Education staff and the National Advisory Council on Institutional Quality and Integrity (NACIQI) have each made recommendations to me. These recommendations were made under Sections 114 and 496 of the Higher Education Act of 1965 (HEA), as amended, and pursuant to relevant statutory and regulatory provisions.

Both the Department staff and NACIQI recommended that I deny ACICS's petition for recognition and terminate ACICS's recognition as a nationally recognized accrediting agency.

As required, I considered the full record related to this matter—including ACICS's petition for renewal, the final staff report from Department of Education staff, the transcript of the agency's appearance before NACIQI on June 23, 2016, NACIQI's recommendation, and the comments submitted under 34 C.F.R. §602.35 by both ACICS and Department staff after the NACIQI meeting.

Having reviewed the record before me, I concur with the recommendations of Department staff and NACIQI. Accordingly, I am terminating the Department's recognition of ACICS as a nationally recognized accrediting agency.

ACICS was found to be in violation of numerous regulatory criteria. Department staff reviewed a large amount of information from a variety of sources, and in the final staff report identified 21 areas where ACICS was out of compliance with the applicable regulations. I agree that ACICS is out of compliance in these areas—specifically:

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34 C.F.R. §602.13	34 C.F.R. §602.17(a)
34 C.F.R. §602.15(a)(1)	34 C.F.R. §602.17(c)
34 C.F.R. §602.15(a)(2)	34 C.F.R. §602.18(d)
34 C.F.R. §602.15(a)(3)	34 C.F.R. §602.19(b)
34 C.F.R. §602.15(a)(5)	34 C.F.R. §602.20(a)
34 C.F.R. §602.15(a)(6)	34 C.F.R. §602.20(b)
34 C.F.R. §602.16(a)(1)(i)	34 C.F.R. §602.21(a)-(b)
34 C.F.R. §602.16(a)(1)(v)	34 C.F.R. §602.22(a)(3)
34 C.F.R. §602.16(a)(1)(vii)	34 C.F.R. §602.24(c)(1)
34 C.F.R. §602.16(a)(1)(ix)	34 C.F.R. §602.27(a)(6)-(7), (b)
34 C.F.R. §602.16(a)(1)(x)	

Under the law, an accrediting agency that is out of compliance cannot have its recognition renewed. Agencies may, however, be given up to 12 months to come into compliance. The Department of Education staff report concluded that ACICS could not remedy many of the serious deficiencies identified and therefore come into full compliance within 12 months. During the NACIQI meeting, citing their judgment based on many years of experience, Department staff and multiple NACIQI committee members echoed the report's conclusions, despite recognizing that ACICS could likely remedy some of the deficiencies in 12 months.

At the NACIQI meeting and in its comments submitted after the NACIQI meeting, ACICS argued that it will be able to comply with each of the regulatory criteria within 12 months. ACICS points to a number of recent actions the agency has taken to address areas of non-compliance. I acknowledge that the agency has made recent efforts to address some of the deficiencies identified—including by revising various policies and restructuring internal governance bodies. Further, I recognize that it is possible for ACICS to fix some of the 21 compliance problems within 12 months. But overall, I agree with Department staff and NACIQI that ACICS could not come into full compliance within 12 months.

These violations reveal fundamental problems with the agency's functions as an accreditor. For example—and this list is not exhaustive—the staff report outlines major problems with: the rigor of the agency's accreditation and preaccreditation standards and its application of those standards (34 C.F.R. §§ 602.16(a) and 602.17); its monitoring of the institutions that it accredits (34 C.F.R. §602.19(b)); and the enforcement of its own accrediting standards (34 C.F.R. §602.20).

ACICS's track record does not inspire confidence that it can address all of the problems effectively. Many of the problems identified in the staff report are serious and long-standing. The agency still has not fully addressed issues originally identified in 2013, such as its verification of placement information from institutions. And most of the remedial efforts currently underway began in earnest just several months ago, despite having reason to take action long before that.

Finally, as made clear in 34 C.F.R. §§ 602.32(b) and 602.36(e), demonstrating compliance in this case requires more than just new policies that address the issues identified by Department staff; it requires evidence of effective application and implementation of those new policies, practices, and governance structures, which the agency simply cannot provide for all of these criteria within 12 months.

In sum, the evidence establishes that the recommendation of Department staff and NACIQI is reasonable and well-justified. I concur with that recommendation.

Pending any appeal to the Secretary under 34 C.F.R. §602.37, my decision to withdraw and terminate the Department's recognition from ACICS is the final decision of the Department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emma Vadehra', written over a horizontal line.

Emma Vadehra
Chief of Staff