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December 17, 2018

Ms. Sandra Bruce  
Acting Inspector General  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202

Dear Ms. Bruce:

We write to request an audit of the Secretary of Education's (Secretary) November 21, 2018 decision to grant re-recognition to the Accrediting Council of Independent Colleges and Schools (ACICS). ACICS is the only accrediting agency to have overseen three large college collapses. Corinthian Colleges, Inc. folded in 2015, followed by ITT Education Services, Inc. in 2016, and as of last week, the Education Corporation of America (ECA) abruptly closed its doors. Despite evidence of financial instability and underperformance, ACICS accredited each of these college chains until the day of or day before each shut its doors. In every instance, ACICS failed to fulfill its basic duty to protect students from and inform them of the schools' likely closure.

ECA's abrupt closure comes just two weeks after the Secretary's decision to restore federal recognition to ACICS.<sup>1</sup> Given ECA's record of fiscal problems, it appears the Department neglected to examine the accreditor's statutory and regulatory responsibility to assess its institutions' fiscal and administrative capacities, as well as their records of compliance with Title IV program responsibilities.

Further, the U.S. Department of Education's (Department) Senior Designated Official (SDO), Diane Jones, has repeatedly claimed that ACICS has the support of numerous accreditation agencies as evidence of "wide acceptance" of ACICS's accreditation standards, policies, procedures, and decisions.<sup>2</sup> This "wide acceptance" criteria is one of four "basic eligibility requirements" – meaning that failure to comply should result in ineligibility for federal recognition.<sup>3</sup> Despite the SDO's claim, a congressional inquiry has found no evidence of any accreditation agency supporting ACICS's ability to grant or deny accreditation to institutions of higher education.<sup>4</sup> If the Department used incorrect information to determine ACICS' compliance with federal regulatory criteria for recognition, then the Department's review process and re-recognition of ACICS put students and taxpayers at significant risk – especially now that over 20,000 ECA students are scrambling to determine next steps.<sup>5</sup>

These developments would appear to confirm the Office of Inspector General's (OIG) findings earlier this year of internal control weaknesses in the Department's process for recognizing accreditation agencies.<sup>6</sup> Specifically, the OIG found that the process undertaken by the Office of Postsecondary Education (OPE) – led by Diane Jones, the principal deputy undersecretary delegated to perform the duties of assistant secretary for OPE – provided no reasonable assurance that only recognized agencies meeting federal recognition criteria were approved by the Department.

Therefore, we request an audit of the Secretary's decision announced on November 21, 2018 to grant re-recognition to ACICS. This audit should examine the following:

1. The Department's process in analyzing the agency's compliance with the 21 federal accreditation recognition criteria deemed noncompliant by the previous Administration, including:
  - a. 34 CFR 602.13 "Acceptance of the Agency by Others,"
  - b. 34 CFR 602.16 (a)(1)(v) "Accreditation and Preaccreditation Standards: Fiscal/Administrative Capacity," and
  - c. 34 CFR 602.16(a)(1)(x) "Records of compliance regarding Title IV."
2. The Department's consideration of all evidence in making a final decision.

To facilitate the audit process, we are enclosing two documents regarding the Department's recognition process.

Additionally, we ask for your assistance in answering the following questions:

1. Were there internal control weaknesses in the Department's process to assemble information and evidence regarding ACICS' compliance with various federal statutory and regulatory recognition criteria?
2. Did the Department accurately characterize the documents ACICS submitted to the Department as part of the evaluation process for restoring recognition, including the application for initial recognition in 2017, the Part II documents, and the 2018 Supplement?
3. Did the Department's decision to bypass career staff analysis from the Department's OPE Accreditation Group in the new recognition decision contribute to internal weaknesses in the decision process?
4. Did the Secretary appropriately grant recognition to ACICS when the accreditation agency remains out of compliance with various statutory and regulatory criteria for recognition for nearly two years after the initial decision in December 12, 2016?
5. If ACICS was not in compliance with federal recognition criteria as of December 12, 2016, did the Department follow appropriate procedures and legal guidelines for proceeding with a new recognition decision?


Given the fundamental oversight role of Congress over Federal agencies, it is critical that we determine whether the practices, procedures, and evidence used by the Department to grant re-


Ms. Sandra Bruce  
December 17, 2018  
Page 3

recognition of ACICS were sound. We would appreciate your response no later than January 14, 2019.

Thank you for your prompt attention to this matter.

Sincerely,

  
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**ROBERT C. "BOBBY" SCOTT**  
Ranking Member  
Committee on Education and the Workforce  
U.S. House of Representatives

  
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**PATTY MURRAY**  
Ranking Member  
Committee on Health, Education, Labor and  
Pensions  
U.S. Senate

Enclosures: Letter from Senators Warren, Durbin, Hassan, and Brown, and Reps. Bonamici, Courtney, Krishnamoorthi, Takano, DeSaulnier, and Blunt Rochester to the Honorable Betsy DeVos, Secretary of Education, regarding the re-recognition of ACICS

Responses to Questions for the Record submitted to Senator Murray from the Honorable Betsy DeVos, June 2018

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<sup>1</sup> The Secretary of Education, *Decision of the Secretary: Accrediting Council for Independent Colleges and Schools. Docket No. 16-44-O Accrediting Agency Recognition Proceeding* (November 21, 2018),

[http://www.acics.org/uploadedFiles/Hot\\_Topics/16-44-O%20Final%20Decision%20of%20the%20Secretary.pdf](http://www.acics.org/uploadedFiles/Hot_Topics/16-44-O%20Final%20Decision%20of%20the%20Secretary.pdf)

<sup>2</sup> A. Kreighbaum, *Education Department Misstated Support for ACICS*, Inside Higher Ed. (October 8, 2018),

<https://www.insidehighered.com/quicktakes/2018/10/08/education-department-misstated-support-acics>

<sup>3</sup> Subject Group 31: <https://www.law.cornell.edu/cfr/text/34/part-602/subpart-B>

<sup>4</sup> Senators Warren, Durbin, Blumenthal, Hassan, Brown and Reps. Bonamici, Courtney, Krishnamoorthi, Takano, DeSaulnier, Blunt Rochester, Letter to Secretary DeVos outlining findings of a congressional inquiry, (December 11, 2018),

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

<sup>5</sup> A. Kreighbaum, *Collapse of For-Profit Chain Long in the Making*, Inside Higher Ed. (December 6, 2018),

<https://www.insidehighered.com/news/2018/12/06/closure-education-corporation-america-raises-questions-about-oversight-and-support>

<sup>6</sup> U.S. Department of Education Office of Inspector General, *U.S. Department of Education's Recognition and Oversight of Accrediting Agencies* (June 27, 2018),

<https://www2.ed.gov/about/offices/list/oig/auditreports/fy2018/a09r0003.pdf>

# Enclosure 1

# Congress of the United States

Washington, DC 20510

December 11, 2018

The Honorable Betsy DeVos  
Secretary of Education  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Secretary DeVos:

We write to urge the U.S. Department of Education (“Department”) to rescind the recent decision to restore federal recognition of the Accrediting Council of Independent Colleges and Schools (ACICS).<sup>1</sup> In light of the latest abrupt closure of Education Corporation of America – and the lack of clear oversight and protection from ACICS on behalf of over 20,000 students at 70 campuses nationwide<sup>2</sup> – it is clear you made this decision improperly and despite warnings in a letter sent on October 18, 2018 requesting that the Department immediately address significant deficiencies in the Senior Designated Official’s (SDO) analysis and recommendation before making a final decision. It appears that you ignored these warnings and instead published your final decision on November 21, 2018 without addressing the identified deficiencies.

Furthermore, we have obtained new evidence that reveals substantial erroneous and misleading information in the SDO’s analysis – information that you later affirmed and mirrored in the final recognition decision. This erroneous and misleading information calls into question the legitimacy of the entire recognition decision, including the claim that ACICS is compliant with 19 out of 21 federal criteria for recognition. ACICS was not compliant with federal recognition standards in December 2016 and remains out of compliance two years later. Therefore, we ask that, in addition to rescinding the decision to restore the federal recognition of ACICS, you also order a new recommendation from the SDO that corrects all prior errors and that the Department immediately release all ACICS documents that were considered as part of the November 21, 2018 recognition decision.

## **Background on the Education Department's Claims about ACICS**

Two years ago, the Department denied federal recognition of ACICS because of “pervasive compliance problems,” many of which were related to the controversy about ACICS’s questionable oversight of several predatory for-profit colleges, including Corinthian Colleges, Inc., ITT Education Services, Inc., and FastTrain College.<sup>3</sup> ACICS sued to block this derecognition and, in April of this year, you temporarily restored their recognition as the

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<sup>1</sup> Decision of the Education Secretary, Betsy DeVos, regarding ACICS recognition, November 21, 2018 [https://www.insidehighered.com/sites/default/server\\_files/media/ACICS%20FAD%2011.21.2018.pdf](https://www.insidehighered.com/sites/default/server_files/media/ACICS%20FAD%2011.21.2018.pdf)

<sup>2</sup> Kreignbaum, Andrew. “Collapse of For-Profit Chain Long in the Making.” *Inside Higher Ed*. Published December 6, 2018. <https://www.insidehighered.com/news/2018/12/06/closure-education-corporation-america-raises-questions-about-oversight-and-support>

<sup>3</sup> Letter from former U.S. Department of Education Secretary John King to ACICS <https://www2.ed.gov/documents/acics/final-acics-decision.pdf>

Department considered additional documents submitted by ACICS.<sup>4</sup> On September 28, 2018, Ms. Diane Auer Jones, the Department's SDO, recommended continuing ACICS's recognition. Now, only two weeks after the Secretary's final decision to restore ACICS's recognition, the largest remaining college chain under ACICS, the Education Corporation of America, has abruptly shut its doors. ACICS now has the unique distinction of being the sole accrediting agency that has overseen the three largest college collapses in higher education. In every case, ACICS has disregarded clear warning signs and has failed to act quickly enough to protect students and taxpayers.

Meanwhile, as we stated in our October 18, 2018 letter to you and as described below, the SDO's recommendation was based on inaccurate information. The SDO stated that ACICS met 19 out of 21 federal criteria, including that ACICS is "widely accepted" by the higher education community.<sup>5</sup> Wide acceptance is considered a "basic eligibility requirement" in the regulation, meaning that if ACICS does not meet this wide acceptance criteria, as well as three additional requirements related to its link to federal programs, geographic scope of activities, and accrediting experience, they are automatically ineligible.<sup>6</sup> The evidence cited by the SDO for this criterion was that "ACICS provided letters of support from nine other accrediting agencies," and that "this support of ACICS as a peer ... serves as important evidence of ACICS's wide acceptance."<sup>7</sup>

These claims of endorsement turned out to be false. *Politico* reported on October 4, 2018 that "many of those accreditors cited by the department... never submitted letters of support for ACICS."<sup>8</sup> In an October 3, 2018 meeting with the Department, several of these accreditors reportedly expressed their concern about the misinformation. The Department called the claims "an inadvertent error in the editing process," and posted a "correction" on October 15, 2018.<sup>9</sup> Eight of the nine accreditors have also since confirmed that they have not sent anything on the topic to the Department or to ACICS.

The SDO's "correction" still cited letters of support, but from only one of the originally cited institutional accrediting agencies, the Accrediting Bureau of Health Education Schools (ABHES), as well as from four other programmatic agencies: Accreditation Council for Occupational Therapy Education (ACOTE), Commission on Accreditation in Physical Therapy Education (CAPTE), Accreditation Commission for Education in Nursing (ACEN), and American Registry of Radiologic Technologists (ARRT). Your recent decision to affirm the

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<sup>4</sup> Letter from U.S. Department of Education Secretary Betsy DeVos to ACICS  
<https://www2.ed.gov/documents/press-releases/acics-docketno-16-44-0.pdf>

<sup>5</sup> Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, September 29, 2018  
[https://www.insidehighered.com/sites/default/server\\_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf](https://www.insidehighered.com/sites/default/server_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf)

<sup>6</sup> Subject Group 31: <https://www.law.cornell.edu/cfr/text/34/part-602/subpart-B>

<sup>7</sup> *Id.*

<sup>8</sup> Leonor, Mel. "Education Department overstated endorsements of for-profit college accreditor." *Politico Pro*. Published October 4, 2018 and updated October 5, 2018. <https://www.politico.com/newsletters/morning-education/2018/10/05/education-dept-overstated-endorsements-of-for-profit-college-accreditor-363214>

<sup>9</sup> Correction to Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, Updated October 15, 2018, Page 24. <https://www2.ed.gov/about/offices/list/ope/correctedresponsefinal.pdf>

SDO's recommendation cites these five accreditors as the primary evidence that ACICS meets the wide acceptance criterion.<sup>10</sup>

However, we have new information revealing that—even in the “correction” to the SDO report and the final decision issued by the Department—the SDO and the Department again exaggerated and misstated the level of acceptance and support from these agencies. The problematic statements issued by the Department regarding the “widely accepted” criteria raises new questions about the entire process that the Department undertook to arrive at its decision regarding all the federal criteria that it considered, including whether the Department considered all relevant information and how the Department interpreted the documents submitted by ACICS—documents that Members of Congress and the public still have not seen.

### **Findings of Congressional Inquiry into the Department's False Claims**

In the wake of the reporting about the SDO's use of false information, many of us wrote to all 13 accrediting agencies that have been referenced by the SDO. Eight of the nine accrediting agencies cited in the SDO's initial recommendation disputed that they had provided any letters of support.<sup>11</sup> Each of these eight agencies confirmed that they did not provide any written or verbal statements to the Department or to ACICS regarding the agency's acceptance as an accreditor in the higher education community.

The New England Commission on Higher Education (NECHE), for example, said that “we have not provided ...any oral or written statements ... endorsing ACICS as an accepted accreditor within the higher education community.”<sup>12</sup> They also stated, “[w]e do not have any relationship with ACICS nor with the institutions they accredit, so would not be in a position to endorse them as a ‘widely accepted’ accreditor.”<sup>13</sup> The Western Association of Schools and Colleges Senior College and University Commission (WSCUC) said that they “did not provide any statements to the U.S. Department of Education or ACICS regarding endorsing ACICS,” and that the organization does “not know why the Department referred inaccurately to WSCUC as having endorsed the recognition of ACICS.”<sup>14</sup>

The Congressional inquiry also reveals that on October 5, 2018, after several accrediting agencies met with Department officials and reported that the SDO's assertions of endorsement and support were inaccurate, ACICS contacted at least one of the accrediting agencies via email. Ms. Michelle Edwards, the President and CEO of ACICS, sent an email to the Executive Director of the Distance Education Accrediting Commission. It stated:

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<sup>10</sup> Decision of the Education Secretary, Betsy DeVos, regarding ACICS recognition, November 21, 2018 [https://www.insidehighered.com/sites/default/server\\_files/media/ACICS%20FAD%2011.21.2018.pdf](https://www.insidehighered.com/sites/default/server_files/media/ACICS%20FAD%2011.21.2018.pdf)

<sup>11</sup> Letters from Senators Warren, Blumenthal, Brown and Durbin to nine accreditors, October 2018, <https://www.warren.senate.gov/imo/media/doc/Accreditors%20Combined.pdf>

<sup>12</sup> Exhibit 1: NECHE response to letter from Senators Warren, Durbin, Blumenthal, Brown to Senator Warren, October 31, 2018

<sup>13</sup> Ibid.

<sup>14</sup> Exhibit 2: WSCUC response to letter from Senators Warren, Durbin, Blumenthal, Brown to Senator Warren, October 18, 2018

“The Department erroneously reported ACICS had won the support of nine other accrediting organizations, including your organization. To be clear, in our submission to the Department, ACICS submitted an exhibit that referred to the agency affiliations of letter writers, but did not suggest that the agency itself was endorsing ACICS as part of that letter.”<sup>15</sup>

This information raises new questions regarding ACICS’s petition for recognition, including whether or how the Department made a simple “editorial error,”<sup>16</sup> or whether ACICS may have provided incomplete, unclear, or misleading information that resulted in the Department relying on false or incorrect information in the SDO recommendation and in the final decision. It is impossible to make this determination without reviewing the full submission that ACICS made to the Department for consideration, including any accompanying exhibits. If your November 21, 2018 recognition decision was made on false pretenses, it would be legally and procedurally invalid.

### **The Department Continues to Cite Misleading Information about ACICS**

According to the recent recognition decision, “the record shows that ACICS is ‘accepted’ for the purpose of §602.13 by numerous educators, as well as” five agencies: ACOTE, ARRT, CAPTE, ABHES, and ACEN. In the October 15 “correction” to the initial SDO report, the Department stated that, “Each of these is a widely accepted accreditor in its own right, and its support of ACICS as a peer in this highly scrutinized area serves as important evidence of ACICS’s wide acceptance.”<sup>17</sup>

To substantiate these claims of endorsement, we contacted each of these five agencies that you cited in your final decision. Our inquiry revealed that the Department is once again misleading the public when it claims that ACICS is accepted by these five agencies.

In fact, four out of five of these agencies carefully avoided asserting support, endorsement, or unequivocal acceptance of ACICS as a peer. All of them were also clear that they had not reviewed ACICS’s standards, policies, or procedures, or how ACICS makes their decisions to grant or deny accreditation – acceptance of which is prescribed by the text of §602.13.<sup>18</sup> At best, these organizations simply factually acknowledge that ACICS is currently recognized by the Council for Higher Education Accreditation (CHEA) – the membership trade association of accrediting agencies.

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<sup>15</sup> Exhibit 3: DEAC response to letter from Senators Warren, Durbin, Blumenthal, Brown, October 25, 2018, including copy of an October 5, 2018 email from ACICS to DEAC.

<sup>16</sup> Leonor, Mel. “Education Department overstated endorsements of for-profit college accreditor.” *Politico Pro*. Published October 4, 2018 and updated October 5, 2018. <https://www.politico.com/newsletters/morning-education/2018/10/05/education-dept-overstated-endorsements-of-for-profit-college-accreditor-363214>

<sup>17</sup> Exhibit 15: SDO’s planned correction, as reported in *Politico*, October 5, 2018, Mel Leonor “Education Dept. overstated endorsements of for-profit college accreditor” <https://www.politico.com/newsletters/morning-education/2018/10/05/education-dept-overstated-endorsements-of-for-profit-college-accreditor-363214>

<sup>18</sup> 34 CFR 602.13 - Acceptance of the agency by others. The agency must demonstrate that its standards, policies, procedures, and decisions to grant or deny accreditation are widely accepted in the United States by - (a) Educators and educational institutions; and (b) Licensing bodies, practitioners, and employers in the professional or vocational fields for which the educational institutions or programs within the agency’s jurisdiction prepare their students.



ACOTE, for example, indicated that they “recognized ACICS as an institutional accreditor” because ACICS was recognized by a third organization, CHEA, but drew no conclusions about ACICS’s standards, policies, or procedures, as required by §602.13, and did not indicate that they supported or accepted ACICS as a peer.<sup>19</sup> CAPTE and ARRT made similar statements.<sup>20 21</sup> ARRT’s statement simply indicated that “since ACICS was recognized by CHEA, it was included in the list of accreditors recognized by ARRT.” And although ACEN was the only one of the five who explicitly stated that they accept ACICS, they did not provide any justification other than that ACICS is recognized by CHEA.<sup>22</sup>

ACOTE also revealed that they “mak[e] no separate judgment of ACICS beyond accepting the CHEA recognition.” ACOTE went even further to say, **“We do not interpret the ‘widely accepted’ standard, in 34 CFR 602.13. ACOTE is not in the position to judge if another accrediting agency is ‘widely accepted’ as defined in federal law and regulation.”**<sup>23</sup>

ARRT, likewise, stated that **“ARRT does not make statements regarding how ‘widely accepted’ a particular accreditor is.”** These responses directly contradict the Department’s final decision that states that these accrediting agencies widely accept ACICS as a peer.

Moreover, in response to the Congressional inquiry, ABHES provided a December 2017 letter that it sent to the Department in response to an ACICS request to send a letter of endorsement. This letter noted only that “ABHES acknowledges the important role institutional accreditation, including by ACICS, plays in the continuous review of institutions ... ABHES is aware of new initiatives ACICS has undertaken to strengthen its review process.” This is not even a vague statement of acceptance. ABHES was even more explicit in their response to our inquiry, indicating that, **“[i]t is not ABHES practice to endorse other organizations.”**<sup>24</sup>

In fact, documents provided by ABHES on October 25, 2018 reveal that the accreditor went out of its way to avoid endorsing or indicating its support for ACICS. ABHES sent its letter to the Department only after receiving a verbal request and a template letter from ACICS encouraging the use of prepared talking points.<sup>25</sup> We now know that ABHES made significant modifications to this letter before sending it to the Department.

Notably, ABHES deleted a sentence proposed by ACICS that said, “I can attest that the work of ACICS as an agency is valuable as evidenced by our review of the curriculum, instruction, and preparation of these ACICS programs.”<sup>26</sup> ABHES replaced this sentence with a statement that simply said that “ABHES is aware of new initiatives ACICS has undertaken to strengthen its review process as described in its *Memoranda to the Field*.”<sup>27</sup>

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<sup>19</sup> Exhibits 11.1, 11.2, 11.3, and 11.4: ACOTE response to congressional inquiry, November 14, 2018

<sup>20</sup> Exhibits 12.1 and 12.2: CAPTE response to congressional inquiry, November 19, 2018

<sup>21</sup> Exhibits 13.1 and 13.2: ARRT response to congressional inquiry, November 19, 2018

<sup>22</sup> Exhibits 14.1, 14.2 and 14.3: ACEN response to congressional inquiry, November 15, 2018

<sup>23</sup> *Ibid.*

<sup>24</sup> Exhibits 9.1, 9.2, 9.3: ABHES response to congressional inquiry, October 25, 2018

<sup>25</sup> Exhibit 9.2: ABHES response to congressional inquiry attachment: ACICS template to ABHES

<sup>26</sup> Exhibit 9.3: ABHES response to congressional inquiry attachment: ABHES letter to Department of Education.

<sup>27</sup> *Ibid.*

In ABHES's response to questions about why the Department referenced them as one of the accreditors that endorsed ACICS, the agency responded:

**"We do not know for certain why the U.S. Department of Education referenced ABHES but perhaps the Department may have viewed the ABHES statement regarding continuing programmatic eligibility as an endorsement."<sup>28</sup>**

In sum, neither of these statements nor ABHES's letter come close to showing that ACICS "demonstrate[s] that its standards, policies, procedures, and decisions to grant or deny accreditation are widely accepted..."<sup>29</sup> The statements by the five accreditors say nothing about ACICS's standards, policies, or procedures nor do they make any mention of ACICS's decisions regarding granting or denying accreditation of institutions. The Department's overstatement discredits the entire review and recognition process and casts significant doubt on the conclusion that ACICS has met the other 18 federal criteria.

### Questions

These deeply troubling findings confirm the initial reporting that the SDO – either knowingly or unknowingly – cited or relied on false and misleading information to reach the conclusion that ACICS's federal recognition should be restored. Our Congressional inquiry reveals new information that calls into question how and why the Department erroneously claimed that ACICS had the support of nine other accreditors, and also reveals that even after correcting this "editorial error,"<sup>30</sup> the Department continues to cite false information in its recommendation and decision to restore ACICS's federal recognition. These major and ongoing falsehoods raise serious questions about the legitimacy of the entire reinstatement process and critically taint your decision.

We request that you rescind your decision to re-recognize ACICS, order the SDO to issue a new recommendation, and respond to our October 18, 2018 letter by releasing the requested documents. To assist us in resolving these matters, we also ask that you provide us with the following information by **January 4, 2019**:

1. All ACICS documents submitted to the Department as part of the evaluation process for restoring recognition, including the Part II documents, application for initial recognition in 2017, and 2018 Supplement.
2. An explanation regarding whether the Department found that ACICS was in compliance with federal requirements for accreditation as of December 12, 2016. If not, an explanation of what legal authority provides the Department the ability to disregard ACICS' noncompliance with recognition standards over the past two years.

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<sup>28</sup> Ibid.


<sup>29</sup> 34 CFR 602.13

<sup>30</sup> Ibid.

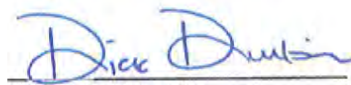
3. A full and complete accounting of the “editorial error”<sup>31</sup> that resulted in the initial Department citation of false information from accrediting agencies regarding their endorsement of ACICS.
4. Copies of any draft recommendations prepared prior to publication of the SDO recommendation with the “editorial error.”
5. Any emails or other communications to or from Department personnel, including any communications between Department personnel and ACICS, regarding endorsement by ACICS's peer accreditors or this error in the initial SDO recommendation.
6. Any communications to or from Department personnel, including any communications between Department personnel and ACICS, regarding endorsement by ACICS' peer accreditors or this corrected recommendation.
7. An updated list of all remaining schools accredited by ACICS, as of December 11, 2018.
8. Descriptions and copies of any communications with career staff regarding the Department's decision to re-recognize ACICS. If career staff were not consulted, why not?
9. Any additional data and evidence ACICS submitted after it's submission of the Part II documents and the 2018 Supplement.
10. An explanation of whether ACICS submitted any evidence or documents, including indicating the number of pages, that are the same as those submitted for the draft staff analysis in the initial recognition application. If yes, did the Department consider the staff analysis of those exhibits? If not, why not?

Thank you for your prompt assistance in this urgent matter.

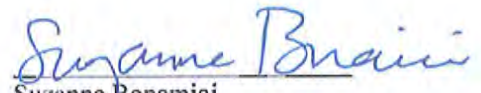
Sincerely,



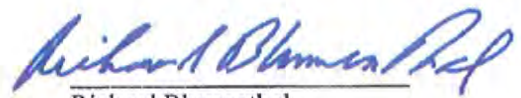
Elizabeth Warren  
United States Senator



Richard J. Durbin  
United States Senator



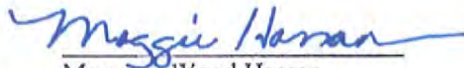
Suzanne Bonamici  
Member of Congress



Richard Blumenthal  
United States Senator

---

<sup>31</sup> Ibid.



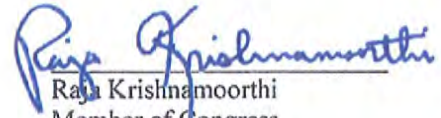
Margaret Wood Hassan  
United States Senator



Sherrod Brown  
United States Senator



Joe Courtney  
Member of Congress



Raja Krishnamoorthi  
Member of Congress



Mark Takano  
Member of Congress



Mark DeSaulnier  
Member of Congress



Lisa Blunt Rochester  
Member of Congress

## Appendix

Exhibit Number	Description
<p><b>N/a</b> <b>Link:</b> <a href="https://www.warren.senate.gov/imo/media/doc/Accreditors%20Combined.pdf">https://www.warren.senate.gov/imo/media/doc/Accreditors%20Combined.pdf</a></p>	<p><b>October 18, 2018 letters sent from Senators Warren, Durbin, Blumenthal, Brown to:</b></p> <ul style="list-style-type: none"> <li>• New England Commission of Higher Education (NECHE)</li> <li>• Western Association of Schools and Colleges Senior College and University Commission (WSCUC)</li> <li>• Distance Education Accrediting Commission (DEAC)</li> <li>• Accrediting Council for Continuing Education &amp; Training (ACCET)</li> <li>• Accrediting Commission for Community and Junior Colleges (ACCJC)</li> <li>• Accrediting Commission of Career Schools and Colleges (ACCSC)</li> <li>• Middle States Commission on Higher Education (MSCHE)</li> <li>• Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)</li> <li>• Accrediting Bureau of Health Education Schools (ABHES)</li> </ul>
Exhibit 1	NECHE response to letter, October 31, 2018
Exhibit 2	WSCUC response to letter, October 19, 2018
Exhibit 3.1	DEAC response to letter, October 25, 2018
Exhibit 3.2	DEAC attachment as part of response to letter, October 25, 2018: Email from ACICS to DEAC, October 5, 2018
Exhibit 4	ACCET response to letter, October 23, 2018
Exhibit 5	ACCJC response to letter, October 18, 2018
Exhibit 6	ACCSC response to letter, November 6, 2018
Exhibit 7	MSCHE response to letter, October 24, 2018
Exhibit 8	SACSCOC response to letter, October 25, 2018
Exhibit 9.1	ABHES response to letter, October 25, 2018
Exhibit 9.2	ABHES attachment as part of response to letter, October 25, 2018: Template sent from ACICS to DEAC
Exhibit 9.3	ABHES attachment as part of response to letter, October 25, 2018: Letter sent from ABHES to the Department of Education, December 2017
Exhibit 10	<p><b>November 13, 2018 letters sent from Senators Warren, Durbin, Blumenthal, Brown to:</b></p> <ul style="list-style-type: none"> <li>• Accreditation Council for Occupational Therapy Education (ACOTE)</li> <li>• Commission on Accreditation in Physical Therapy Education (CAPTE)</li> </ul>

	<ul style="list-style-type: none"> <li>• American Registry of Radiologic Technologists (ARRT)</li> <li>• Accreditation Commission for Education in Nursing (ACEN)</li> </ul>
Exhibit 11.1	ACOTE response to letter, November 14, 2018
Exhibit 11.2	ACOTE attachment as part of response to letter, November 14, 2018: Letter sent from ABHES to the Department of Education, December 20, 2017
Exhibit 11.3	ACOTE attachment as part of response to letter, November 14, 2018: Letter sent from ACICS to ABHES, December 18, 2017
Exhibit 11.4	ACOTE attachment as part of response to letter, November 19, 2018
Exhibit 12.1	CAPTE response to letter, November 19, 2018
Exhibit 12.2	CAPTE attachment as part of response to letter, November 19, 2018: Letter sent from CAPTE to the Department of Education, December 22, 2017; Email sent from ACICS to CAPTE, December 18, 2017; Template sent from ACICS to CAPTE
Exhibit 13.1	ARRT response to letter, November 19, 2018
Exhibit 13.2	ARRT attachment as part of response to letter, November 19, 2018: Letter sent from ARRT to ACICS, January 18, 2018; Email correspondence between ACICS and ARRT, December 18-27, 2017; Letter sent from ARRT to Department of Education, December 20, 2017; Email correspondence between ACICS and ARRT, December 18-27, 2017; Letter sent from ARRT to ACICS, January 2, 2018; Email correspondence between ACICS and ARRT, January 18, 2018
Exhibit 14.1	ACEN response to letter, November 15, 2018
Exhibit 14.2	ACEN attachment as part of response to letter, November 15, 2018: Letter sent from ACEN to Department of Education, December 20, 2017
Exhibit 14.3	ACEN additional response to letter, November 16, 2018
Exhibit 15	Education Department's planned correction of initial SDO report, as reported by Politico on October 5, 2018: <a href="https://www.politico.com/newsletters/morning-education/2018/10/05/education-dept-overstated-endorsements-of-for-profit-college-accreditor-363214">https://www.politico.com/newsletters/morning-education/2018/10/05/education-dept-overstated-endorsements-of-for-profit-college-accreditor-363214</a>



DAVID QUIGLEY Chair (2021)  
Boston College

GEORGE W. TETLER Vice Chair (2019)  
Worcester, MA

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College of Our Lady of the Elms

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Thomas College

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Yale University

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Boston University

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Providence, RI

JOHN M. SWEENEY (2021)  
Providence College

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bbrittingham@neasc.org

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canderson@neasc.org

Vice President of the Commission  
LAURA M. GAMBINO  
lgambino@neasc.org

Vice President of the Commission  
PAULA A. HARBECKE  
pharbecke@neasc.org

October 31, 2018

The Honorable Senator Elizabeth Warren  
617 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Warren:

I write in response to your letter of October 30, 2018 regarding ACICS. I have also spoken with Josh Delaney and Faina Dookh in your office.

My responses to your specific questions are below:

1. We have not provided, between 2016 and 2018, any oral or written statements to the U.S. Department of Education nor to ACICS endorsing ACICS as an accepted accreditor within the higher education community.
2. Between 2016 and 2018, we have not had any other communication with the U.S. Department of Education nor with ACICS soliciting an endorsement of ACICS.
3. C-RAC, the Council of Regional Accreditors, met with Diane Jones in early October, and we pointed out to her that we had not provided any endorsement of ACICS. Ms. Jones said that this was an editing error and would be corrected. The accreditors who spoke were those whose names were correct in the report, as opposed to the listing of NCASC, which I suppose was likely to have referred to NEASC.
4. We do not have any relationship with ACICS nor with the institutions they accredit, so would not be in a position to endorse them as a "widely accepted" accreditor.

As I explained to Mr. Delaney and Ms. Dookh, our Commission is now separately incorporated as the New England Commission of Higher Education (NECHE) and no longer a component part of NEASC.

Please let me know if you have further questions.

Sincerely,

  
Barbara Brittingham

BB/bec



October 19, 2018

Honorable Elizabeth Warren  
Honorable Richard Durbin  
Honorable Sherrod Brown  
Honorable Richard Blumenthal  
United States Senate  
Washington, DC 20510

Dear Senators Warren, Blumenthal, Brown and Durbin,

Thank you for your letter of October 18, 2018 and the opportunity to clarify that WSCUC has made no statements on the recognition of ACICS.

In response to your specific questions,

1. No, WSCUC did not provide any statements to the US Department of Education or ACICS regarding or endorsing ACICS.
2. This agency has no record of communication from the Department or ACICS soliciting such an endorsement.
3. On October 3, 2018 several other presidents of accrediting agencies and I met with the Senior Department Official about a range of higher education and accreditation issues. In the course of that meeting we pointed out the erroneous statement in her recommendation to the Secretary and clarified that the four regional agencies cited had not submitted "letters of support" or any other endorsement for ACICS's recognition.
4. I do not know why the Department referred inaccurately to WSCUC as having endorsed the recognition of ACICS.
5. WSCUC has not taken a position on this subject.

We appreciate that the Department has now corrected the SDO's recommendation to delete the erroneous references on the important issue of wide acceptance of ACICS.

Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Jamieenne S. Studley".

Jamienne S. Studley  
President





1101 17th Street NW, Suite 808  
Washington, DC 20036  
202.234.5100 | deac.org

October 25, 2018

The Honorable United States Senators  
Elizabeth Warren, Richard J. Durbin, Sherrod Brown  
and Richard Blumenthal  
The United States Senate Committee  
on Health Education Labor and Pensions  
428 Senate Dirksen Office Building  
Washington, DC 20510

Dear Senators Warren, Durbin, Brown, and Blumenthal:

I write on behalf of the Distance Education Accrediting Commission (DEAC) in response to your letter of October 18, 2018. That letter requests information and documentation regarding any formal or informal communication between DEAC and the United States Department of Education or the Accrediting Council of Independent Colleges and Schools (ACICS) related to a "letter of support" or "endorsement" that may have been requested by ACICS or provided by DEAC. We provide the following answers to the specific questions posed.

*1. Has your organization, between 2016-2018, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing ACICS as an accepted accreditor within the higher education community? If so, please provide copies of any such letters.*

Answer: DEAC has not, between 2016-2018, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing ACICS as an accepted accreditor within the higher education community.

*2. Has your organization, between 2016-2018, had any other communications with the U.S. Department of Education or directly with ACICS soliciting your endorsement of ACICS?*

Answer: DEAC has not had any communication with the U.S. Department of Education or directly with ACICS soliciting DEAC's endorsement of ACICS.

*3. Has your organization provided verbal or written statements to the U.S. Department of Education disputing that you endorsed ACICS as an accepted accreditor within the higher education community? If so, please provide the statement.*

Answer: DEAC has not provided verbal or written statements to the U.S. Department of Education disputing that DEAC endorsed ACICS as an accepted accreditor within the higher education community.

*4. Why do you believe the U.S. Department of Education referenced your organization as one of the nine accreditors that endorsed ACICS?*

October 25, 2018

Page 2 of 2

Answer: DEAC does not know why the U.S. Department of Education referenced DEAC. However, in the interest of full disclosure, DEAC received an unsolicited email from ACICS on October 5, 2018 which sets out ACICS' views on this issue. A copy of this email is attached.

*5. Do you endorse ACICS as a "widely accepted" accreditor? Why or why not?*

Answer: DEAC has a policy not to endorse other organizations.

We trust that this letter adequately responds to your inquiries.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Leah K. Matthews". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Leah K. Matthews, Ph.D.  
Executive Director

cc. Faina Dookh

**From:** Michelle Edwards <[medwards@acics.org](mailto:medwards@acics.org)>  
**Sent:** Friday, October 5, 2018 1:49 PM  
**To:** Leah K. Matthews  
**Subject:** ACICS Acceptance By Others

Good Afternoon Leah,

As you are aware, the Senior Department Official (SDO) at the Department of Education recently recommended to the Secretary that ACICS should continue to operate as a federally recognized accrediting agency. As part of that decision, the SDO reported that ACICS was in compliance with 19 of the 21 federal recognition criteria currently applicable to accrediting agencies (34 CFR Part 602). Furthermore, the SDO determined that "ACICS was likely in compliance with many of these criteria in 2016 at the time of the Secretary's Decision" in 2016 that revoked ACICS recognition.

Regarding the two areas where the SDO states that ACICS has not demonstrated full compliance - "competency of the representatives" and "conflict of interest" - the SDO recommends that ACICS be granted 12 months to demonstrate compliance. The SDO further stated that ACICS is likely to achieve compliance with these two criteria in the next 12 months. The Secretary must now review the SDO decision and make a final determination on ACICS recognized status.

Among the criteria that the SDO evaluated was whether or not ACICS meets the "wide acceptance" criteria, and in issuing the report, the Department erroneously reported ACICS had won the support of nine other accrediting organizations, including your organization.

*To be clear, in our submission to the Department, ACICS submitted an exhibit that referred to the agency affiliations of letter writers, but did not suggest that the agency itself was endorsing ACICS as part of that letter. The SDO determined that ACICS was in compliance with the wide acceptance criteria based on other information submitted by ACICS.*

Upon receiving the Department's recommendation, ACICS identified the error and promptly notified the SDO. The Department was already aware of the issue and informed us that they were preparing to issue a clarification regarding their error, which they have now done. We understand from the Department that this was an editorial error on their part, and we are grateful that they have moved quickly to correct it.

As always, please let me know if you have any questions on this or other matters.

Sincerely,  
Michelle

**Michelle Edwards**  
President and CEO  
**Accrediting Council for Independent Colleges and Schools**  
750 First Street, NE | Suite 980 | Washington, DC 20002  
[www.acics.org](http://www.acics.org) | 202.336.6780 – p | 202.842.2593 – f

**CONFIDENTIALITY NOTICE:**

This communication is only intended for the persons or entities to which it is addressed or copied and may contain information that is confidential and/or privileged in some way. Distribution or copying of this communication or the information contained herein is not expressly authorized. ACICS reserves the right to disclose this communication as required by law without the consent of the persons or entities to which this communication is addressed.



ACCREDITING COUNCIL FOR CONTINUING EDUCATION & TRAINING  
1722 N. Street, N.W., Washington, D.C. 20036  
Telephone : 202-955-1113 Fax: 202-955-1118  
<http://www.accet.org>

October 23, 2018

Faina Dookh  
Legislative Fellow  
Office of Senator Elizabeth Warren  
317 Hart Senate Office Building  
Washington, D.C. 20510

Dear Faina Dookh:

Thank you for your email dated October 18, 2018 that forwarded the letter authorized by Senators Warren, Blumenthal, Brown and Durbin.

The Commission of the Accrediting Council for Continuing Education and Training (ACCET) has no standing related to the Accrediting Council of Independent Colleges and Schools (ACICS) decisions. Accordingly, the Commission has taken no official action regarding the ACICS issue nor does it intend to do so in the future.

Your inquiry is duly noted and appreciated.

Respectfully,

A handwritten signature in black ink that reads "William V. Larkin". The signature is written in a cursive style.

William V. Larkin, Ed.D.  
Executive Director



ACCREDITING COMMISSION FOR  
COMMUNITY AND JUNIOR COLLEGES  
WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES

Richard Winn, President  
Ian Walton, Chair

October 18, 2018

Faina Dookh  
Legislative Fellow  
Office of Senator Elizabeth Warren  
317 Hart Senate Office Building  
Washington, DC 20510

Dear Faina Dookh and Colleagues:

I am writing in response to your letter of October 18, 2018, regarding assertions of my organization's support for ACICS. I will respond to each of your numbered questions.

1. This organization has not, at any time, provided any written or verbal statements to the U.S. Department of Education, or to ACICS, regarding that agency's acceptance as an accreditor within the higher education community.
2. This organization has not been approached at any time by any person or entity soliciting our endorsement of ACICS.
3. The several presidents of the regional accrediting agencies, including myself, met in person with the SDO on the morning of October 3 of this year. Among a number of other topics, we explicitly confirmed to her that our organizations had not provided any written or verbal endorsements of ACICS. She indicated that the reference to our endorsements was an editorial mistake and that she would make appropriate corrections.
4. I have no information regarding why my organization may have been referenced in the SDO's letter.
5. Endorsement of another accrediting agency is outside the scope of our responsibilities. Our understanding of §602.13 is that an accreditor must enjoy the wide acceptance of its member institutions and the constituencies they serve. We have not understood this to apply to other accrediting agencies.

I trust that this is responsive to your inquiries.

Sincerely,

A handwritten signature in black ink that reads "Richard Winn". The signature is fluid and cursive, written over a light blue horizontal line.

Richard Winn, Ed.D.  
President



Accrediting Commission of Career Schools and Colleges

2101 Wilson Boulevard, Suite 302  
Arlington, Virginia 22201  
703.247.4212  
703.247.4533 fax  
www.accsc.org

November 6, 2018

**ELECTRONIC DELIVERY**

*Faina\_Dookh@warren.senate.gov*

Faina Dookh  
Legislative Fellow  
Office of Senator Elizabeth Warren  
317 Hart Senate Office Building  
Washington, DC 20510

Dear Ms. Dookh:

The Accrediting Commission of Career Schools and Colleges ("ACCSC") has received the October 30, 2018 letter from Sen. Warren, Sen. Blumenthal, Sen. Brown, and Sen. Durbin which requests that ACCSC provide information with regard to communication between ACCSC and the U.S. Department of Education ("Department") or the Accrediting Council of Independent Colleges and Schools ("ACICS") related to the recognition of ACICS by the Department.

As an initial matter, ACCSC cannot say with certainty that the Senior Department Official ("SDO") in fact represented ACCSC as an organization that endorsed ACICS. Specifically, the *SDO Response to ACICS* references the acronym "ACSC" not "ACCSC" in the identified section of the SDO's letter.<sup>1</sup> Having said that, ACCSC's responses to the specific questions included in the October 30, 2018 letter follow below.

Questions from the October 30, 2018 Letter:

1. Has your organization, between 2016-2018, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing ACICS as an accepted accreditor within the higher education community?

No.

2. Has your organization, between 2016-2018, had any other communications with the U.S. Department of Education or directly with ACICS soliciting your endorsement of ACICS?

No.

3. Has your organization provided verbal or written statements to the U.S. Department of Education disputing that you endorsed ACICS as an accepted accreditor within the higher education community?

ACCSC has not provided verbal or written statements to the U.S. Department of Education disputing that it had endorsed ACICS as an accepted accreditor. ACCSC is not listed in the *SDO's Response to ACICS*.

<sup>1</sup> "In its supplemental materials, ACICS also provides letters of support from nine other accrediting agencies, including ACCET, DEAC, SACS, WASC, ACSC, NCASC, ABIES, MSCHE, and ACCJC." See page 24 of 77 of *SDO Response to ACICS*.

4. Why do you believe the U.S. Department of Education referenced your organization as one of the nine accreditors that endorsed ACICS?

ACCSC is not included as an organization that endorsed ACICS in the *SDO's Response to ACICS*. ACCSC does not know why ACCSC would be referenced, I have, however, provided a copy of an e-mail that I received from ACICS regarding this matter.

5. Do you endorse ACICS as a "widely accepted" accreditor? Why or why not?

ACCSC is recognized by the Department to ensure educational quality at postsecondary schools and colleges that offer career, technical, and vocational programs. Endorsing accrediting agencies is not within ACCSC's purview.

Please feel free to contact me directly at 703.247.4520 or [mccomis@accsc.org](mailto:mccomis@accsc.org) with any additional questions you may have.

Respectfully,



Michale S. McComis, Ed.D.  
Executive Director



**Middle States Commission on Higher Education**

3624 Market Street, Philadelphia, PA 19104 Tel: 267-281-5000 www.msche.org

October 24, 2018

The Honorable Elizabeth Warren  
United States Senate  
U.S. Congress  
Washington, D.C. 20510

The Honorable Richard J. Durbin  
United States Senate  
U.S. Congress  
Washington, D.C. 20510

The Honorable Kamala D. Harris  
United States Senate  
U.S. Congress  
Washington, D.C. 20510

The Honorable Sherrod Brown  
United States Senate  
U.S. Congress  
Washington, D.C. 20510

Dear Members of the Senate:

I am writing in response to your letter dated October 18, 2018, requesting information and documentation regarding any formal or informal communication between the Middle States Commission on Higher Education (MSCHE) and the Department relating to the Accrediting Council of Independent Colleges and Schools (ACICS). I am replying to each of the numbered questions you presented below:

1. Between 2016-2018, the MSCHE did not provide verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing ACICS as an accepted accreditor within the higher education community.
2. Between 2016-2018, the MSCHE has had no communication with the U.S. Department of Education or directly with ACICS soliciting endorsement of ACICS.
3. The MSCHE, through verbal communications with the Senior Department Official (SDO) with the U.S. Department of Education, inquired about the reference to MSCHE as one of the accrediting agencies referenced in the report. No written statements were provided to the U.S. Department of Education regarding this matter as the SDO indicated the reference was an editorial error and corrective actions would be taken.
4. The reference to the MSCHE as one of nine accreditors that endorsed ACICS was reported as an editorial error.
5. The MSCHE takes no position on such endorsements as that is beyond the scope of our agency's responsibilities.

Thank you for your interest in this matter. If you have additional questions or concerns, please contact me.

Sincerely,

Elizabeth H. Sibolski, Ph.D.  
President





October 25, 2018

The Honorable Elizabeth Warren  
United States Senator

The Honorable Richard Blumenthal  
United States Senator

The Honorable Sherrod Brown  
United States Senator

The Honorable Richard J. Durbin  
United States Senator

Dear Senators Warren, Blumenthal, Brown, and Durbin:

I am writing in response to your letter of October 18, 2018, regarding assertions of the Southern Association of Colleges and Schools Commission on Colleges' support for ACICS. I will respond to each of your numbered questions.

1. This organization has not, at any time, provided any written or verbal statements to the U.S. Department of Education, or to ACICS, regarding that agency's acceptance as an accreditor within the higher education community.
2. This organization has not been approached at any time by any person or entity soliciting our endorsement of ACICS.
3. The several presidents of the regional accrediting agencies, including myself, met in person with the Senior Designated Official (SDO) on the morning of October 3<sup>rd</sup> of this year. Among a number of other topics, we explicitly confirmed to her that our organizations had not provided any written or verbal endorsements of ACICS. She indicated that the reference to our endorsements was an editorial mistake and that she would make appropriate corrections.
4. I have no information regarding why my organization may have been referenced in the SDO's letter.
5. Endorsement of another accrediting agency is outside the scope of our responsibilities. Our understanding of §602.13 is that an accreditor must enjoy the wide acceptance of its member institutions and the constituencies they serve. We have not understood this to apply to other accrediting agencies.

I trust that this is responsive to your inquiries.

Sincerely,

Belle S. Wheelan, Ph.D.  
President

BSW:rb




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 ACCREDITING BUREAU OF HEALTH EDUCATION SCHOOLS | ABHES
 

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7777 Leesburg Pike, Suite 314 N. · Falls Church, Virginia 22043  
 Tel. 703/917.9503 · Fax 703/917.4109 · E-Mail: info@abhес.org

October 25, 2018

The Honorable United States Senators  
 Elizabeth Warren, Richard Blumenthal, Sherrod Brown  
 and Richard J. Durbin  
 The United States Senate Committee  
 on Health Education Labor and Pensions  
 428 Senate Dirksen Office Building  
 Washington, DC 20510

Dear Senators Warren, Blumenthal, Brown and Durbin:

This letter is in response to your letter of October 15, 2018, to the Accrediting Bureau of Health Education Schools (ABHES). Your letter requests information and documentation regarding any formal or informal communication between ABHES and the United States Department of Education or the Accrediting Council of Independent Colleges and Schools (ACICS) related to a “letter of support” or “endorsement” that may have been requested by ACICS or provided by ABHES. We provide the following answers to the specific questions posed.

1. *Has your organization, between 2016 to 2018, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing ACICS as an accepted accreditor within the higher education community? If so, please provide copies of any such letters.*

ABHES is recognized by the U.S. Department of Education as both an institutional accrediting agency for post-secondary institutions offering predominantly allied health education programs as well as a specialized programmatic accreditor for medical assisting, medical laboratory technology, and surgical technology programs. In December 2017, ABHES provided a letter to the U.S. Department of Education informing the Department that as a programmatic accreditor, ABHES accredits programs offered at institutions that are institutionally accredited by agencies that are recognized by the U.S. Department of Education or the Council on Higher Education Accreditation (CHEA). Institutional accreditation is a threshold requirement for programmatic eligibility. Once a program has been deemed eligible, and before it can receive ABHES accreditation, it must demonstrate that it meets ABHES’ standards and other accreditation requirements. The December 2017 letter was intended to be a statement regarding continued eligibility for ACICS-accredited institutions that held or were seeking ABHES programmatic accreditation. This letter was provided after ABHES received a verbal request from ACICS for a letter of acceptance of ACICS Standards, Policies and Procedures. A copy of the letter ABHES provided to the Department and the proposed template letter provided following its request are attached.

2. *Has your organization, between 2016-2018, had any other communications with the U.S. Department of Education or directly with ACICS soliciting your endorsement of ACICS?*

ABHES has not had any other communication with the U.S. Department of Education or directly with ACICS soliciting ABHES' endorsement of ACICS.

3. *Has your organization provided verbal or written statements to the U.S. Department of Education disputing that you endorsed ACICS as an accepted accreditor within the higher education community? If so, please provide the statement.*

ABHES has not provided verbal or written statements to the U.S. Department of Education disputing that ABHES endorsed ACICS as an accepted accreditor within the higher education community.


4. *Why do you believe the U.S. Department of Education referenced your organization as one of the nine accreditors that endorsed ACICS?*

We do not know for certain why the U.S. Department of Education referenced ABHES but perhaps the Department may have viewed the ABHES statement regarding continuing programmatic eligibility as an endorsement.

5. *Do you endorse ACICS as a "widely accepted" accreditor? Why or why not?*

It is not ABHES' practice to endorse other organizations.

Respectfully Submitted,



India Y. Tips  
Interim Executive Director

Enclosures

C: Faina Dookh, Legislative Fellow, Office of Senator Elizabeth Warren

**SAMPLE – 34 CFR 600.13(a)**  
**Acceptance of ACICS Standards, Policies, Procedures and Decisions By Licensing Bodies**

**[Licensing Body Letterhead]**

Herman Bounds Jr., Ed.S., Director  
Accreditation Group  
U.S. Department of Education  
Office of Postsecondary Education  
Accreditation Group  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Director Bounds:

I am writing to you on behalf of the Accrediting Bureau of Health Education Schools (ABHES) in Falls Church, VA. ABHES is a programmatic and institutional accreditor recognized by the US Department of Education (the Department) focusing on healthcare education and training. Its' approved and recognized scope includes degree and non-degree granting private, postsecondary institutions offering educational programs predominantly in allied health; and the programmatic accreditation of public and private medical assistant, medical laboratory technician, and surgical technology programs.

As a programmatic accreditor and reliable authority as determined by the Department, ABHES has accredited a number of programs at institutions accredited by the Accrediting Council for Independent Colleges and Schools (ACICS). While the campuses maintain institutional accreditation by ACICS; ABHES accreditation allows graduates of a Medical Assistant, Medical Laboratory Technology and/or Surgical Technology program the eligibility to sit for various credentialing exams in such fields.

Programs accredited by ABHES are subject to rigorous approval and continual reviews of the programs subject to our standards, policies, and procedures. [Based on my agency's review of ABHES accredited programs at ACICS accredited institutions, coupled with the licensure pass rates for the graduates from these programs; I can attest that the work of ACICS as an agency is valuable as evidenced by our review of the curriculum, instruction, and preparation of these ACICS programs.]

I can be reached at [phone or email] in connection with this letter of support.

Sincerely.



ACCREDITING BUREAU OF HEALTH EDUCATION SCHOOLS | ABHES

7777 Leesburg Pike, Suite 314 N. - Falls Church, Virginia 22043  
Tel. 703/917.9503 - Fax 703/917.4109 - E-Mail: [info@abhес.org](mailto:info@abhес.org)

Herman Bounds Jr., Ed.S., Director  
Accreditation Group  
U.S. Department of Education  
Office of Postsecondary Education  
Accreditation Group  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Dr. Bounds:

I am writing to you on behalf of the Accrediting Bureau of Health Education Schools (ABHES). As you know, ABHES is recognized by the Department of Education to accredit post-secondary institutions offering predominantly health education programs through the master's degree level. ABHES is also recognized to accredit medial assistant, medical laboratory technician and surgical technology programs.

As a programmatic accreditor, ABHES accredits programs at colleges that are accredited institutionally by accrediting organizations recognized by the U.S. Department of Education and/or the Council on Higher Education Accreditation (CHEA). While institutional accreditation broadly assesses the soundness of a college's education and student services, because of its specific review of curriculum and the achievement of competencies, programmatic accreditation by ABHES permits graduates to be eligible to take credentialing examinations required for professional practice.

ABHES acknowledges the important role institutional accreditation, including by ACICS, plays in the continuous review of institutions that are also programmatically accredited by ABHES' for Medical Assistant, Medical Laboratory Technology and Surgical Technology programs. ABHES is aware of new initiatives ACICS has undertaken to strengthen its review process as described in its *Memoranda to the Field*.

I can be reached at (703) 917-9503 or [FTate@abhес.org](mailto:FTate@abhес.org) if additional information is required.

Sincerely,

Florence Tate  
Executive Director

United States Senate  
WASHINGTON, DC 20510

November 13, 2018

Marsal P. Stoll  
Chief Executive Officer  
Accreditation Commission for Education in Nursing  
3343 Peachtree Road NW, Suite 850  
Atlanta, Georgia 30326

Dear Ms. Stoll:

We write to obtain information from you related to a recent statement issued by the U.S. Department of Education (“Department”) that your organization provided a “letter of support” to the Accrediting Council of Independent Colleges and Schools (ACICS).<sup>1</sup>

We are deeply concerned about the Department’s rationale for its recent recommendation to restore the federal recognition of ACICS. Two years ago, the Department derecognized ACICS because of “pervasive compliance problems”<sup>2</sup> in the midst of controversy about ACICS’s questionable oversight of several deeply flawed for-profit colleges, including Corinthian Colleges and FastTrain College. ACICS sued to block this derecognition and, in April of this year, Secretary Betsy DeVos tentatively restored their recognition.<sup>3</sup> On September 28<sup>th</sup>, the Department’s Senior Designated Official (SDO) recommended continuing ACICS’s recognition, stating that ACICS met 19 out of 21 federal criteria, including the criteria that ACICS is “widely accepted” by the higher education community.<sup>4</sup>

The SDO originally reported that “ACICS provided letters of support from nine other accrediting agencies,” and stated that “this support of ACICS as a peer ...serves as important evidence of ACICS’s wide acceptance.” But *Politico* reported on October 4, 2018 that “many of those accreditors cited by the department...never submitted letters of support for ACICS.”<sup>5</sup> In an October 3<sup>rd</sup> meeting with the Department, several of these accreditors expressed their concern about this misstatement. Eight of the nine accreditors have since confirmed that they have not sent anything to the Department or to ACICS.

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<sup>1</sup> Leonor, Mel. “Education Department overstated endorsements of for-profit college accreditor.” *Politico Pro*. Published October 4, 2018 and updated October 5, 2018. <https://www.politico.com/newsletters/morning-education/2018/10/05/education-dept-overstated-endorsements-of-for-profit-college-accreditor-363214>

<sup>2</sup> Letter from former U.S. Department of Education Secretary John King to ACICS  
<https://www2.ed.gov/documents/acics/final-acics-decision.pdf>

<sup>3</sup> Letter from U.S. Department of Education Secretary Betsy DeVos to ACICS  
<https://www2.ed.gov/documents/press-releases/acics-docketno-16-44-0.pdf>

<sup>4</sup> Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, September 29, 2018  
[https://www.insidehighered.com/sites/default/server\\_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf](https://www.insidehighered.com/sites/default/server_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf)

<sup>5</sup> Leonor, Mel. “Education Department overstated endorsements of for-profit college accreditor.” *Politico*.

The Department called this misstatement “an inadvertent error in the editing process,” and has since posted a correction.<sup>6</sup> The Department’s correction cites letters of support from only one of the originally cited accrediting agencies, the Accrediting Bureau of Health Education Schools (ABHES), as well as from four other accrediting agencies, including yours: Accreditation Council for Occupational Therapy Education (ACOTE), Commission on Accreditation in Physical Therapy Education (CAPTE), Accreditation Commission for Education in Nursing (ACEN), and American Registry of Radiologic Technologists (ARRT). The planned correction states that, “Each of these is a widely accepted accreditor in its own right, and its support of ACICS as a peer in this highly scrutinized area serves as important evidence of ACICS’s wide acceptance.”<sup>7</sup>

Given the Department’s previous failure to accurately characterize the views of other accreditors about ACICS, and the new correction that now cites your agency, we write to seek clarification about the precise nature of how you indicated your support of ACICS to the Department, and whether the Department is accurately characterizing your views.

We request that you provide any information and documentation regarding any formal or informal communication between your organization and the Department or ACICS related to this issue by November 19, 2018. We also request answers in writing to the following questions by November 19, 2018:

1. Has your organization, at any time after January 1, 2016, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing or supporting ACICS as an accepted accreditor within the higher education community?
  - a. If so, please explain what prompted you to provide such a statement.
  - b. Provide copies of any such letters or records related to any verbal or other statements, and indicate the dates they were sent.
2. Has your organization, at any time after January 1, 2016, had any other communications with the U.S. Department of Education or directly with ACICS soliciting your endorsement of ACICS?
  - a. If yes, how did your organization respond?
  - b. Please provide a description of the nature of these communications.
  - c. Please provide copies of any and all documents related to these communications.
3. Do you endorse or support ACICS as a “widely accepted” accreditor? Why or why not?

Thank you for your attention to this matter. Please contact Faina Dookh of Senator Warren’s staff (202-224-5189) should you have any questions.

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<sup>6</sup> Correction to Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, Updated October 15, 2018, Page 24. <https://www2.ed.gov/about/offices/list/ope/correctedresponsefinal.pdf>


<sup>7</sup> Ibid.

Sincerely,

  
Elizabeth Warren  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Sherrod Brown  
United States Senator

  
Richard J. Durbin  
United States Senator



United States Senate  
WASHINGTON, DC 20510

November 13, 2018

Pamela Roberts, PhD  
Chairwoman  
Accreditation Council for Occupation Therapy Education  
4720 Montgomery Lane, Suite 200  
Bethesda, Maryland 20814

Dear Dr. Roberts:

We write to obtain information from you related to a recent statement issued by the U.S. Department of Education (“Department”) that your organization provided a “letter of support” to the Accrediting Council of Independent Colleges and Schools (ACICS).<sup>1</sup>

We are deeply concerned about the Department’s rationale for its recent recommendation to restore the federal recognition of ACICS. Two years ago, the Department derecognized ACICS because of “pervasive compliance problems”<sup>2</sup> in the midst of controversy about ACICS’s questionable oversight of several deeply flawed for-profit colleges, including Corinthian Colleges and FastTrain College. ACICS sued to block this derecognition and, in April of this year, Secretary Betsy DeVos tentatively restored their recognition.<sup>3</sup> On September 28<sup>th</sup>, the Department’s Senior Designated Official (SDO) recommended continuing ACICS’s recognition, stating that ACICS met 19 out of 21 federal criteria, including the criteria that ACICS is “widely accepted” by the higher education community.<sup>4</sup>

The SDO originally reported that “ACICS provided letters of support from nine other accrediting agencies,” and stated that “this support of ACICS as a peer ... serves as important evidence of ACICS’s wide acceptance.” But *Politico* reported on October 4, 2018 that “many of those accreditors cited by the department... never submitted letters of support for ACICS.”<sup>5</sup> In an October 3<sup>rd</sup> meeting with the Department, several of these accreditors expressed their concern about this misstatement. Eight of the nine accreditors have since confirmed that they have not sent anything to the Department or to ACICS.

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<sup>1</sup> Leonor, Mel. “Education Department overstated endorsements of for-profit college accreditor.” *Politico Pro*. Published October 4, 2018 and updated October 5, 2018. <https://www.politico.com/newsletters/morning-education/2018/10/05/education-dept-overstated-endorsements-of-for-profit-college-accreditor-363214>

<sup>2</sup> Letter from former U.S. Department of Education Secretary John King to ACICS <https://www2.ed.gov/documents/acics/final-acics-decision.pdf>

<sup>3</sup> Letter from U.S. Department of Education Secretary Betsy DeVos to ACICS <https://www2.ed.gov/documents/press-releases/acics-docketno-16-44-0.pdf>

<sup>4</sup> Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, September 29, 2018 [https://www.insidehighered.com/sites/default/server\\_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf](https://www.insidehighered.com/sites/default/server_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf)

<sup>5</sup> Leonor, Mel. “Education Department overstated endorsements of for-profit college accreditor.” *Politico*.

The Department called this misstatement “an inadvertent error in the editing process,” and has since posted a correction.<sup>6</sup> The Department’s correction cites letters of support from only one of the originally cited accrediting agencies, the Accrediting Bureau of Health Education Schools (ABHES), as well as from four other accrediting agencies, including yours: Accreditation Council for Occupational Therapy Education (ACOTE), Commission on Accreditation in Physical Therapy Education (CAPTE), Accreditation Commission for Education in Nursing (ACEN), and American Registry of Radiologic Technologists (ARRT). The planned correction states that, “Each of these is a widely accepted accreditor in its own right, and its support of ACICS as a peer in this highly scrutinized area serves as important evidence of ACICS’s wide acceptance.”<sup>7</sup>

Given the Department’s previous failure to accurately characterize the views of other accreditors about ACICS, and the new correction that now cites your agency, we write to seek clarification about the precise nature of how you indicated your support of ACICS to the Department, and whether the Department is accurately characterizing your views.

We request that you provide any information and documentation regarding any formal or informal communication between your organization and the Department or ACICS related to this issue by November 19, 2018. We also request answers in writing to the following questions by November 19, 2018:

1. Has your organization, at any time after January 1, 2016, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing or supporting ACICS as an accepted accreditor within the higher education community?
  - a. If so, please explain what prompted you to provide such a statement.
  - b. Provide copies of any such letters or records related to any verbal or other statements, and indicate the dates they were sent.
2. Has your organization, at any time after January 1, 2016, had any other communications with the U.S. Department of Education or directly with ACICS soliciting your endorsement of ACICS?
  - a. If yes, how did your organization respond?
  - b. Please provide a description of the nature of these communications.
  - c. Please provide copies of any and all documents related to these communications.
3. Do you endorse or support ACICS as a “widely accepted” accreditor? Why or why not?

Thank you for your attention to this matter. Please contact Faina Dookh of Senator Warren’s staff (202-224-5189) should you have any questions.

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<sup>6</sup> Correction to Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, Updated October 15, 2018, Page 24. <https://www2.ed.gov/about/offices/list/ope/correctedresponsefinal.pdf>


<sup>7</sup> Ibid.

Sincerely,

  
Elizabeth Warren  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Sherrod Brown  
United States Senator

  
Richard J. Durbin  
United States Senator

United States Senate  
WASHINGTON, DC 20510

November 13, 2018

Paul A. Larson  
Director  
American Registry of Radiologic Technologists  
1255 Northland Drive  
St. Paul, Minnesota 55120

Dear Mr. Larson:

We write to obtain information from you related to a recent statement issued by the U.S. Department of Education (“Department”) that your organization provided a “letter of support” to the Accrediting Council of Independent Colleges and Schools (ACICS).<sup>1</sup>

We are deeply concerned about the Department’s rationale for its recent recommendation to restore the federal recognition of ACICS. Two years ago, the Department derecognized ACICS because of “pervasive compliance problems”<sup>2</sup> in the midst of controversy about ACICS’s questionable oversight of several deeply flawed for-profit colleges, including Corinthian Colleges and FastTrain College. ACICS sued to block this derecognition and, in April of this year, Secretary Betsy DeVos tentatively restored their recognition.<sup>3</sup> On September 28<sup>th</sup>, the Department’s Senior Designated Official (SDO) recommended continuing ACICS’s recognition, stating that ACICS met 19 out of 21 federal criteria, including the criteria that ACICS is “widely accepted” by the higher education community.<sup>4</sup>

The SDO originally reported that “ACICS provided letters of support from nine other accrediting agencies,” and stated that “this support of ACICS as a peer ... serves as important evidence of ACICS’s wide acceptance.” But *Politico* reported on October 4, 2018 that “many of those accreditors cited by the department... never submitted letters of support for ACICS.”<sup>5</sup> In an October 3<sup>rd</sup> meeting with the Department, several of these accreditors expressed their concern about this misstatement. Eight of the nine accreditors have since confirmed that they have not sent anything to the Department or to ACICS.

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<sup>2</sup> Letter from former U.S. Department of Education Secretary John King to ACICS <https://www2.ed.gov/documents/acics/final-acics-decision.pdf>

<sup>3</sup> Letter from U.S. Department of Education Secretary Betsy DeVos to ACICS <https://www2.ed.gov/documents/press-releases/acics-docketno-16-44-0.pdf>

<sup>4</sup> Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, September 29, 2018 [https://www.insidehighered.com/sites/default/server\\_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf](https://www.insidehighered.com/sites/default/server_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf)

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  - a. If yes, how did your organization respond?
  - b. Please provide a description of the nature of these communications.
  - c. Please provide copies of any and all documents related to these communications.
3. Do you endorse or support ACICS as a “widely accepted” accreditor? Why or why not?

Thank you for your attention to this matter. Please contact Faina Dookh of Senator Warren’s staff (202-224-5189) should you have any questions.

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<sup>6</sup> Correction to Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, Updated October 15, 2018, Page 24. <https://www2.ed.gov/about/offices/list/opec/correctedresponsefinal.pdf>

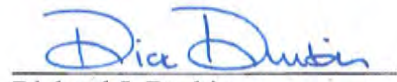
<sup>7</sup> Ibid.

Sincerely,

  
Elizabeth Warren  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Sherrod Brown  
United States Senator

  
Richard J. Durbin  
United States Senator

United States Senate  
WASHINGTON, DC 20510

November 13, 2018

Beth Marcoux  
Chairwoman  
Commission on Accreditation in Physical Therapy Education  
1111 North Fairfax Street  
Alexandria, Virginia 22314

Dear Ms. Marcoux:

We write to obtain information from you related to a recent statement issued by the U.S. Department of Education (“Department”) that your organization provided a “letter of support” to the Accrediting Council of Independent Colleges and Schools (ACICS).<sup>1</sup>

We are deeply concerned about the Department’s rationale for its recent recommendation to restore the federal recognition of ACICS. Two years ago, the Department derecognized ACICS because of “pervasive compliance problems”<sup>2</sup> in the midst of controversy about ACICS’s questionable oversight of several deeply flawed for-profit colleges, including Corinthian Colleges and FastTrain College. ACICS sued to block this derecognition and, in April of this year, Secretary Betsy DeVos tentatively restored their recognition.<sup>3</sup> On September 28<sup>th</sup>, the Department’s Senior Designated Official (SDO) recommended continuing ACICS’s recognition, stating that ACICS met 19 out of 21 federal criteria, including the criteria that ACICS is “widely accepted” by the higher education community.<sup>4</sup>

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<sup>2</sup> Letter from former U.S. Department of Education Secretary John King to ACICS  
<https://www2.ed.gov/documents/acics/final-acics-decision.pdf>

<sup>3</sup> Letter from U.S. Department of Education Secretary Betsy DeVos to ACICS  
<https://www2.ed.gov/documents/press-releases/acics-docketno-16-44-0.pdf>

<sup>4</sup> Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, September 29, 2018  
[https://www.insidehighered.com/sites/default/server\\_files/media/SDO%20Response%20to%20ACICS%209.28.18.p](https://www.insidehighered.com/sites/default/server_files/media/SDO%20Response%20to%20ACICS%209.28.18.pdf)

<sup>5</sup> Leonor, Mel. “Education Department overstated endorsements of for-profit college accreditor.” *Politico*.

The Department called this misstatement “an inadvertent error in the editing process,” and has since posted a correction.<sup>6</sup> The Department’s correction cites letters of support from only one of the originally cited accrediting agencies, the Accrediting Bureau of Health Education Schools (ABHES), as well as from four other accrediting agencies, including yours: Accreditation Council for Occupational Therapy Education (ACOTE), Commission on Accreditation in Physical Therapy Education (CAPTE), Accreditation Commission for Education in Nursing (ACEN), and American Registry of Radiologic Technologists (ARRT). The planned correction states that, “Each of these is a widely accepted accreditor in its own right, and its support of ACICS as a peer in this highly scrutinized area serves as important evidence of ACICS’s wide acceptance.”<sup>7</sup>

Given the Department’s previous failure to accurately characterize the views of other accreditors about ACICS, and the new correction that now cites your agency, we write to seek clarification about the precise nature of how you indicated your support of ACICS to the Department, and whether the Department is accurately characterizing your views.

We request that you provide any information and documentation regarding any formal or informal communication between your organization and the Department or ACICS related to this issue by November 19, 2018. We also request answers in writing to the following questions by November 19, 2018:

1. Has your organization, at any time after January 1, 2016, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing or supporting ACICS as an accepted accreditor within the higher education community?
  - a. If so, please explain what prompted you to provide such a statement.
  - b. Provide copies of any such letters or records related to any verbal or other statements, and indicate the dates they were sent.
2. Has your organization, at any time after January 1, 2016, had any other communications with the U.S. Department of Education or directly with ACICS soliciting your endorsement of ACICS?
  - a. If yes, how did your organization respond?
  - b. Please provide a description of the nature of these communications.
  - c. Please provide copies of any and all documents related to these communications.
3. Do you endorse or support ACICS as a “widely accepted” accreditor? Why or why not?

Thank you for your attention to this matter. Please contact Faina Dookh of Senator Warren’s staff (202-224-5189) should you have any questions.

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<sup>6</sup> Correction to Letter from Diane Auer Jones, Deputy Under Secretary of Education, to ACICS, Updated October 15, 2018, Page 24. <https://www2.ed.gov/about/offices/list/ope/correctedresponsefinal.pdf>


<sup>7</sup> Ibid.

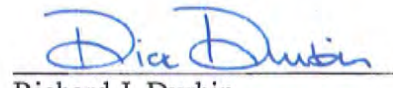


Sincerely,

  
Elizabeth Warren  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Sherrod Brown  
United States Senator

  
Richard J. Durbin  
United States Senator

November 14, 2018

United States Senate  
Washington, DC 20510

Senators Warren, Durbin, Blumenthal and Brown:

The Accreditation Council for Occupational Therapy Education (ACOTE®) did send a letter to Director Herman Bounds, Jr. of USDE on December 20, 2017 explaining the relationship that ACOTE had with the Accrediting Council for Independent Colleges and Schools (ACICS).

ACOTE is recognized by the U.S. Department of Education (USDE) and the Council for Higher Education Accreditation (CHEA) as the accrediting agency for occupational therapy education. ACOTE currently accredits over 500 occupational therapy and occupational therapy assistant educational programs in the United States and its territories, which at the time included programs offered by institutions accredited by ACICS. During that timeframe, ACICS was recognized by CHEA, and met ACOTE Standards.

According to 2011 Standard A.1.1. under Sponsorship and Accreditation, ACOTE requires institutions sponsoring occupational therapy and occupational therapy assistant programs to be institutionally accredited by a regional and/or national accrediting agency recognized by USDE and/or CHEA. Even though ACICS lost their USDE recognition on December 12, 2016, ACOTE continued to recognize ACICS as an institutional accreditor and to accredit programs accredited by ACICS because they were still recognized by CHEA. See ACOTE Policies and Procedures Manual, Section II., at pp. 3 & 43. Since that time, ACOTE has had no other correspondence with ACICS or USDE related to the matter concerning ACICS.

Currently, ACOTE accredits four schools that housed in ACICS institutions. If you have additional questions regarding this matter, I can be reached at [ssalvant@aota.org](mailto:ssalvant@aota.org).

Regards,



Sabrina Salvant, EdD, MPH, OTR/L  
Director of Accreditation  
Accreditation Council for Occupational Therapy



Accreditation Council for Occupational Therapy Education  
American Occupational Therapy Association, Inc.  
4720 Montgomery Lane, Suite 200, Bethesda, MD 20814-3449  
P: (301) 652-2682 • F: (240) 762-5140 • E: [accred@aota.org](mailto:accred@aota.org)

December 20, 2017

Herman Bounds Jr., Ed.S., Director  
Accreditation Group  
U.S. Department of Education  
Office of Postsecondary Education  
Accreditation Group  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Director Bounds:

I am writing to you on behalf of the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association. ACOTE is recognized by the U.S. Department of Education (USDE) and the Council for Higher Education Accreditation (CHEA) as the accrediting agency for occupational therapy education. ACOTE currently accredits over 400 occupational therapy and occupational therapy assistant educational programs in the United States and its territories, including programs offered by institutions accredited by the Accrediting Council for Independent Colleges and Schools (ACICS).

ACICS is recognized by CHEA, and is accepted by ACOTE as an institutional accrediting agency. Specifically, ACOTE requires an institution sponsoring an occupational therapy or occupational therapy assistant program to be institutionally accredited by a regional and/or national accrediting agency recognized by the USDE and/or CHEA to accredit postsecondary educational institutions. *See* ACOTE Manual, Section II., at pp. 2 & 42.

I can be reached at [bostrove@aota.org](mailto:bostrove@aota.org) in connection with this letter.

Sincerely,

A handwritten signature in cursive script that reads "Barbara L. Ostrove".

Barbara Ostrove, MA, OTR/L, FAOTA  
Assistant Director of Accreditation

**Email from ACICS to ACOTE: December 18, 2017**

**From:** Summers, Joshua E. [<mailto:JESummers@duanemorris.com>]  
**Sent:** Monday, December 18, 2017 6:33 PM  
**To:** Neil Harvison  
**Cc:** Barbara Ostrove  
**Subject:** ACICS

Mr. Harvison:

I am writing to you on behalf of the Accrediting Council for Independent Colleges and Schools (ACICS). ACICS is an institutional accrediting agency that is seeking recognition from the U.S. Department of Education (USDOE). In connection with the recognition process, ACICS is required to demonstrate that its institutional accreditation is accepted by others in the United States.

According to the ACOTE programmatic accreditation manual, one of the eligibility requirements for ACOTE accreditation is that the institution be institutionally accredited by an accrediting agency recognized by the USDOE or the Council for Higher Education Accreditation (CHEA). ACICS is recognized by CHEA. Also, there are some ACICS-accredited institutions that are currently programmatically accredited by ACOTE.

We ask that the AOTA confirm in writing that ACICS accreditation is sufficient for purposes of meeting the ACOTE institutional accreditation requirement. Please let me know at your earliest convenience whether you are able to accommodate this request.

Your time and assistance are greatly appreciated.

Sincerely,

**Joshua E. Summers**  
Associate

Duane Morris LLP  
750 B Street, Suite 2900  
San Diego, CA 92101-4681  
P: +1 619 744 2266  
F: +1 619 923 2502

[jsummers@duanemorris.com](mailto:jsummers@duanemorris.com)  
[www.duanemorris.com](http://www.duanemorris.com)

**[ACOTE Letter in response to congressional inquiry]**

November 19, 2018

United States Senate  
Washington, DC 20510

Ms. Dookh:

As we have noted, ACOTE has a 2011 Standard A.1.1. under Sponsorship and Accreditation regarding accreditation of institutions that apply for accreditation of an occupational therapy program. This policy states that ACOTE requires institutions sponsoring occupational therapy and occupational therapy assistant programs to be institutionally accredited by a regional and/or national accrediting agency recognized by USDE and/or CHEA. Consequently, ACOTE accredits four occupational therapy assistant programs that are housed in ACICS institutions. ACOTE makes no separate judgment of ACICS beyond accepting the CHEA recognition. We do not interpret the "widely accepted" standard, in 34 CFR 602.13. ACOTE is not in the position to judge if another accreditation agency is "widely accepted" as defined in federal law and regulation.

We appreciate the Committee's interest in assuring quality accreditation for both institutions and programs. We are happy to work with the Committee to further explore concerns and means to improve our educational systems. If you have additional questions/concerns regarding this matter, I can be reached at [ssalvant@aota.org](mailto:ssalvant@aota.org).

Regards,



Sabrina Salvant, EdD, MPH, OTR/L  
Director of Accreditation

1111 North Fairfax Street  
Alexandria, VA 22314-1488  
703 684 2702  
703 684 7344 fax  
www.apta.org

November 19, 2018

The Honorable Elizabeth Warren  
The Honorable Richard Blumenthal  
The Honorable Sherrod Brown  
The Honorable Dick Durbin  
United States Senate  
Washington, DC 20510

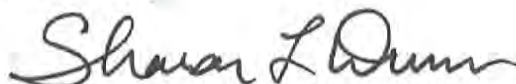
Dear Senators Warren, Blumenthal, Brown, and Durbin:

Thank you for your letter dated November 13, 2018, regarding the Commission on Accreditation in Physical Therapy Education (CAPTE) and the Accrediting Council of Independent Colleges and Schools (ACICS). CAPTE is a department of the American Physical Therapy Association (APTA) and is an accrediting agency that is nationally recognized by the US Department of Education and the Council for Higher Education Accreditation. CAPTE grants specialized accreditation status to qualified entry-level education programs for physical therapists and physical therapist assistants. Currently, more than 32,000 physical therapist students and 12,000 physical therapist assistant students attend CAPTE-accredited programs.

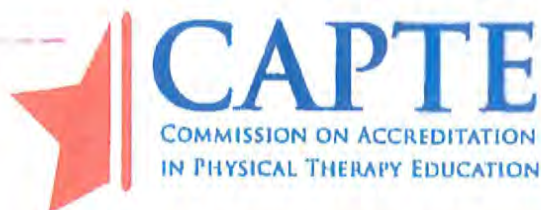
Your letter asked if CAPTE provided statements to the Department of Education regarding ACICS. As you will see from the enclosed letter, CAPTE wrote to Herman Bounds on December 22, 2017, stating: "Please accept this letter as acknowledgement by CAPTE that programs sponsored by ACICS-accredited institutions satisfy the CAPTE's requirements for physical therapist assistant programs." This letter is CAPTE's only communication with the Department of Education on this topic and was crafted in response to an email from Joshua E. Summers, associate with Duane Morris, LLP. A copy of this email is attached.

Thank you for reaching out to CAPTE. CAPTE has been recognized as an independent agency since 1977 and has been the only recognized agency to accredit physical therapy programs since 1983. CAPTE is an active member of the [Association of Specialized and Programmatic Accreditors \(ASPA\)](#) and subscribes to the [ASPA Code of Good Practice](#). Please contact Katy Neas, APTA's executive vice president of public affairs, at [katyneas@apta.org](mailto:katyneas@apta.org) or 703/706-3324 if you require additional information.

Sincerely,



Sharon L. Dunn, PT, PhD  
Board-Certified Clinical Specialist in Orthopaedic Physical Therapy  
President



1111 NORTH FAIRFAX STREET  
ALEXANDRIA, VIRGINIA 22314  
TELEPHONE: (703) 706-3245  
FAX: (703) 684-7343  
[ACCREDITATION@APTA.ORG](mailto:ACCREDITATION@APTA.ORG)  
[WWW.CAPTEONLINE.ORG](http://WWW.CAPTEONLINE.ORG)

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Stephen Wilhite, PhD

## NEXT MEETING DATES:

April 27 – May 2, 2018

October 26-31, 2018

## STAFF

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Senior Director

Candy Bahner, PT, DPT, MS  
Lead PT Programs Specialist

Lisa Finnegan, PTA  
Lead PTA Programs Specialist

Annette DiCicco  
Lead Pre-Accreditation Specialist

December 22, 2017

Herman Bounds Jr., Ed.S., Director  
Accreditation Group  
U.S. Department of Education  
Office of Postsecondary Education  
Accreditation Group  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Re: Accrediting Council for Independent Colleges and Schools (ACICS)

Dear Director Bounds:

I am writing to you on behalf of the Commission on Accreditation in Physical Therapy Education (Commission or CAPTE) of the American Physical Therapy Association. The Commission is recognized by the United States Department of Education (USDE) to accredit entry-level physical therapist and physical therapist assistant education programs. The Commission accredits programs on the basis of the program's compliance with the Standards and Required Elements for Accreditation of Physical Therapist Assistant Education Programs, which provide, "3B The sponsoring institution(s) is (are) accredited by an agency or association recognized by the US Department of Education (USDE) or by the Council for Higher Education Accreditation (CHEA)."

The Accrediting Council for Independent Colleges and Schools (ACICS) is recognized by CHEA. Institutional accreditation by ACICS meets the CAPTE institutional accreditation requirement. Please accept this letter as **acknowledgement by CAPTE that programs sponsored by ACICS-accredited institutions satisfy the CAPTE's requirements for physical therapist assistant programs.**

I can be reached at 703-706-3240 or [sandrawise@apta.org](mailto:sandrawise@apta.org) in connection with this letter.

Sincerely,

Sandra  
Wise

Digitally signed by Sandra Wise  
DN: cn=Sandra Wise, o=ou,  
email=sandrawise@apta.org,  
c=US  
Date: 2017.12.22 11:31:28 -0500

Sandra Wise, Senior Director  
Commission on Accreditation in Physical Therapy Education

cc: Michelle Edwards, President and Chief Executive Officer, ACICS

**Neas, Katy**

---

**From:** Neas, Katy  
**Sent:** Thursday, November 15, 2018 1:21 PM  
**To:** Neas, Katy  
**Subject:** FW: ACICS - request for letter of support  
**Attachments:** CAPTE-2017-12-20-ACICS-Letter-Support-duane-morris-edits-bennett\_capte.doc

**From:** Summers, Joshua E. <[JESummers@duanemorris.com](mailto:JESummers@duanemorris.com)>  
**Sent:** Monday, December 18, 2017 8:42 PM  
**To:** Wise, Sandra  
**Subject:** ACICS

Dear Ms. Wise:

I am writing to you on behalf of the Accrediting Council for Independent Colleges and Schools (ACICS). ACICS is an institutional accrediting body that is seeking recognition from the U.S. Department of Education (USDOE). In connection with the recognition process, ACICS is required to demonstrate that its institutional accreditation is accepted by others in the United States.

According to the CAPTE accreditation manual, one of the eligibility requirements for CAPTE programmatic accreditation is that the institution be institutionally accredited by an accrediting agency recognized by either the USDOE or the Council for Higher Education Accreditation (CHEA). ACICS is recognized by CHEA.

We ask that CAPTE confirm in writing that ACICS accreditation is sufficient for purposes of meeting the CAPTE institutional accreditation requirements. Further, we would appreciate a letter in support of ACICS's application for recognition, similar to the attached draft, confirming that ACICS accreditation is sufficient for purposes of CAPTE programmatic accreditation.

Please let me know at your earliest convenience whether you are able to accommodate this request.

Your time and assistance are greatly appreciated.

Sincerely,

**Joshua E. Summers**  
Associate

Duane Morris LLP  
760 B Street, Suite 2000  
San Diego, CA 92101-4881  
P: +1 619 744 2266  
F: +1 619 923 2502

[jesummers@duanemorris.com](mailto:jesummers@duanemorris.com)  
[www.duanemorris.com](http://www.duanemorris.com)



For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

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[Accredit\2017 ACICS\CAPTE-2017-12-20-ACICS-Letter-Support-Letter-duane-morris-edits-bennett\_capte]

**SAMPLE – 34 CFR 602.13(a)**

**Acceptance of ACICS Standards, Policies, Procedures and Decisions By Licensing Bodies**

**[CAPTE Letterhead]**

Herman Bounds Jr., Ed.S., Director  
Accreditation Group  
U.S. Department of Education  
Office of Postsecondary Education  
Accreditation Group  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Re: Accrediting Council for Independent Colleges and Schools (ACICS)

Dear Director Bounds:

I am writing to you on behalf of the Commission on Accreditation in Physical Therapy Education (Commission or CAPTE) of the American Physical Therapy Association. The Commission is recognized by the United States Department of Education (USDE) to accredit entry-level physical therapist and physical therapist assistant education programs. The Commission accredits programs for physical therapists on the basis of the program's compliance with the Standards and Required Elements for Accreditation of Physical Therapist Education Programs, which provide, "3B The sponsoring institution(s) is (are) accredited by a

**regional** accrediting agency recognized by the US Department of Education (USDE) or by the Council for Higher Education Accreditation (CHEA)." The Commission accredits programs for physical therapist assistants on the basis of the program's compliance with the Standards and Required Elements for Accreditation of Physical Therapist Assistant Education Programs, which provide, "3B The sponsoring institution(s) is (are) accredited by an agency or association recognized by the US Department of Education (USDE) or by the Council for Higher Education Accreditation (CHEA)".

The Accrediting Council for Independent Colleges and Schools (ACICS) is recognized by CHEA. institutional accreditation by ACICS meets the CAPTE institutional accreditation requirement.

Please accept this letter as acknowledgement by CAPTE that programs sponsored by ACICS-accredited institutions satisfy the CAPTE's requirements for both physical therapist and physical therapist assistant programs.

I can be reached at [phone or email] in connection with this letter.

Sincerely.

Sandra Wise, Senior Director  
Commission on Accreditation in Physical Therapy Education

cc: Michelle Edwards, President and Chief Executive Officer, ACICS



THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS®

November 19, 2018

Senator Elizabeth Warren  
United States Senate  
317 Hart Senate Office Building  
Washington D.C. 20510

Senator Richard Blumenthal  
United States Senate  
706 Hart Senate Office Building  
Washington D.C. 20510

Senator Sherrod Brown  
United States Senate  
317 Hart Senate Office Building  
Washington D.C. 20510

Senator Richard Durbin  
United States Senate  
711 Hart Senate Office Building  
Washington D.C. 20510

Dear Senators Warren, Brown, Blumenthal, and Durbin:

This letter is in response to your letter dated November 13, 2018 addressed to Dr. Paul Larson, President of the American Registry of Radiologic Technologists (ARRT). That letter requested information from ARRT regarding any communications from this organization endorsing the Accrediting Council of Independent Colleges and Schools (ACICS). Based upon a search of ARRT files, ARRT's responses to your specific questions are as follows:

1. Has your organization, at any time after January 1, 2016, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing or supporting ACICS as an accepted accreditor within the higher education community? If so, please explain what prompted you to provide such a statement. Provide copies of any such letters or records related to any verbal or other statements, and indicate the dates they were sent.

ARRT Response: A search of ARRT files identified the attached letter of January 18, 2018 from ARRT to ACICS. The letter was generated in response to a request from ACICS. The letter states ARRT's criteria for recognizing educational accreditors (i.e., recognition by the U.S. Department of Education or recognition by the Council for Higher Education Accreditation (CHEA)) and notes that since ACICS was recognized by CHEA, it was included in the list of accreditors recognized by ARRT.

2. Has your organization, at any time after January 1, 2016, had any other communications with the U.S. Department of Education or directly with ACICS soliciting your endorsement of ACICS? If yes, how did your organization respond? Please provide a description of the nature of these communications. Please provide copies of any and all documents related to these communications.



ARRT Response: The email string between Michelle Edwards, President and Chief Executive Officer of ACICS, and Jerilyn Powell, ARRT's Director of Educational Requirements, that led to the letter referenced in ARRT's response to Question #1 is attached.

3. Do you endorse or support ACICS as a "widely accepted" accreditor? Why or why not?

ARRT Response: ARRT certifies and registers individual technologists meeting ARRT standards for education, ethics, and examination. One of the standards for education is successful completion of an educational program accredited by a mechanism acceptable to ARRT. Those accreditation mechanisms recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation are deemed mechanisms acceptable to ARRT. ARRT does not make statements regarding how "widely accepted" a particular accreditor is and limits its communications to factual statements of its policy as illustrated in the letter provided in response to Question #1.

Sincerely,



Jerry B. Reid  
Executive Director  
The American Registry of Radiologic Technologists (ARRT)

cc: Faina Dookh, Legislative Fellow, Office of Senator Elizabeth Warren  
Paul Larson, M.D., President of the American Registry of Radiologic Technologists (ARRT)  
Jim Lynch, Dorsey & Whitney  
Eric Grier, Ph.D., Director of Government Affairs, ARRT

January 18, 2018

Michelle Edwards  
President and Chief Executive Officer  
Accrediting Council for Independent Colleges and Schools  
Suite 980  
750 First Street NE  
Washington, DC 20002

Dear Ms. Edwards:

The *American Registry of Radiologic Technologists® (ARRT®) Rules and Regulations* require that candidates for certification and registration through the primary eligibility pathway must have successfully completed a formal education program accredited by a mechanism acceptable to the ARRT and must complete the ARRT Didactic and Clinical Competency Requirements as part of the educational program. Accrediting agencies for institutions or programs within the United States that provide the professional education must be recognized by the United States Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA) as an accrediting agency; and if such recognition is as a specialized accrediting agency, has a scope that includes radiologic technology or allied health.

The Accrediting Council for Independent Colleges and Schools (ACICS) is currently recognized by CHEA and accepted by ARRT as an accrediting mechanism. ARRT records indicate ACICS was first recognized by ARRT in 2015 and that recognition has been continuous since the initial recognition as a result of ACICS maintaining CHEA recognition. For the current recognition status refer to the ARRT website.

If we can be of further assistance, do not hesitate to contact me at 651-681-3184.

Sincerely,

J.J. Powell, MSAS, R.T.(R)(S)(ARRT), RDMS, RVT  
Director of Educational Requirements

# 2

**Jerilyn Powell**

---

**From:** Michelle Edwards <medwards@acics.org>  
**Sent:** Wednesday, December 27, 2017 11:50 AM  
**To:** Jerilyn Powell  
**Subject:** Fwd: ACICS Recognition by ARRT January 27 2015.pdf  
**Attachments:** ACICS Recognition by ARRT January 27 2015.pdf; ATT00001.htm

Good Afternoon JJ:

I hope you had a wonderful holiday!

Were you able to provide an updated letter confirming our recognition by ARRT?

I look forward to your response.

Michelle

-----  
Michelle Edwards

Begin forwarded message:

**From:** Michelle Edwards <medwards@acics.org>  
**Date:** December 18, 2017 at 3:12:24 PM CST  
**To:** "jerilyn.powell@arrt.org" <jerilyn.powell@arrt.org>  
**Subject:** ACICS Recognition by ARRT January 27 2015.pdf

Hello JJ!

Thank you so much for responding to my voice mail seeking clarification of our status with ARRT. Attached is the most recent letter we have on file. Anything additional you can provide would be helpful.

Thanks,  
Michelle

**Michelle Edwards**  
President and CEO  
**Accrediting Council for Independent Colleges and Schools**  
750 First Street, NE | Suite 980 | Washington, DC 20002  
[www.acics.org](http://www.acics.org) | 202.336.6780 – p | 202.842.2593 –f

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#3

## Jerilyn Powell

---

**From:** Michelle Edwards <medwards@acics.org>  
**Sent:** Wednesday, December 27, 2017 3:43 PM  
**To:** Jerilyn Powell  
**Subject:** Fwd: ACICS Letter of Support  
**Attachments:** image001.jpg; ATT00001.htm; image002.jpg; ATT00002.htm; image003.jpg; ATT00003.htm; image004.jpg; ATT00004.htm; image005.jpg; ATT00005.htm; image006.jpg; ATT00006.htm; image007.jpg; ATT00007.htm; image008.jpg; ATT00008.htm; image009.jpg; ATT00009.htm; ACICS Letter of Support\_12202017.pdf; ATT00010.htm

**Categories:** ED REQ

Thank you again for taking the time to look for any additional communications.

Would ARRT be able to provide something similar as attached; which we received from ACEN?

---

Michelle Edwards

Begin forwarded message:

**From:** Jessica Dermody <[JDermody@acenursing.org](mailto:JDermody@acenursing.org)>  
**Date:** December 20, 2017 at 10:49:57 AM CST  
**To:** "[medwards@acics.org](mailto:medwards@acics.org)" <[medwards@acics.org](mailto:medwards@acics.org)>  
**Cc:** Marsal Stoll <[MStoll@acenursing.org](mailto:MStoll@acenursing.org)>  
**Subject:** ACICS Letter of Support

Good morning Ms. Edwards,

Sending attached letter on behalf of Dr. Stoll. Hard copy of letter will also be mailed to you for your records.

Please let me know if you have any questions or if I may be of further assistance.

Best regards,

**Jessica Dermody**  
Executive Assistant to the CEO





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Nicklaus Children's Hospital  
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Savannah College of Art and Design  
Savannah, Georgia

JOHN H. RUSSELL, PHD  
St. Augustine, Florida

December 20, 2017

Herman Bounds Jr., E.Ds.  
Director, Accreditation Group  
U.S. Department of Education  
Office of Postsecondary Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Director Bounds:

This letter of support is on behalf of the Accrediting Council for Independent Colleges and Schools (ACICS).

ACEN is recognized by the U.S. Department of Education (USDE) and the Council for Higher Education Accreditation (CHEA). As you know, the purpose of ACEN is to provide specialized accreditation for all types of nursing education programs, including clinical doctorate/DNP specialist certificate programs, master's/post-master's certificate programs, baccalaureate programs, associate programs, diploma programs, and practical programs. ACEN accredits nursing education programs in secondary, postsecondary, and hospital-based governing organizations that offer certificates, diplomas, or degrees, including nursing education programs offered by governing organizations accredited by the Accrediting Council for Independent Colleges and Schools (ACICS).

ACICS is CHEA recognized and accepted by ACEN as an institutional accrediting agency. ACEN historical records date the acceptance of ACICS by the ACEN to at least 2008 and this acceptance continues to the present - <http://www.acenursing.net/manuals/Policies.pdf>, page 8. One specific ACEN eligibility requirement is a governing organization sponsoring a nursing education program accredited by ACEN must be institutionally accredited by an ACEN recognized institutional accrediting agency.

# ACEN

U.S. Department of Education

PAGE 2

As a CHEA recognized accreditor, ACICS currently meets the institutional accrediting agency criteria for ACEN specialized accreditation. In turn, ACEN or CCNE specialized accreditation is a requirement for nursing education programs in Alabama, Alaska, Colorado, Delaware, Florida, Georgia, Hawaii, Maine, Minnesota, Mississippi, Nevada, New Hampshire, Rhode Island, Utah, Vermont, Virginia, Wisconsin, Illinois, Washington, and the District of Columbia. While specialized accreditation is not required by other states, many nursing education programs in those states hold specialized accreditation.

I can be reached at 404-975-5000 or [mstoll@acenursing.org](mailto:mstoll@acenursing.org) if you have any questions.

Sincerely,



Marsal P. Stoll, EdD, MSN

Chief Executive Officer

Cc: Michelle Edwards

President, ACICS

4

**Jerilyn Powell**

**From:** Jerilyn Powell  
**Sent:** Wednesday, December 27, 2017 1:51 PM  
**To:** 'Michelle Edwards'  
**Subject:** RE: ACICS Recognition by ARRT January 27 2015.pdf

Michelle,

Sorry I have not responded sooner. I have been through the files of two previous directors and I do not believe a letter providing an update was sent in the fall of 2015. I was able to find a copy of the letter from February 2015.

As you know ARRT still lists ACICS on our website as an approved accreditation mechanism for programs at this time. Do you need something additional from me at this time beyond our website?

Regards,

**J.J. Powell, M.S.A.S., R.T.(R)(S)(ARRT), RDMS, RVT**

DIRECTOR, EDUCATION REQUIREMENTS  
THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS®

DIRECT PHONE 651.681.3184 | FAX 651.681.3299 | MAIN PHONE 651.687.0048  
1255 NORTHLAND DRIVE, ST. PAUL, MN 55120  
WWW.ARRT.ORG



**From:** Michelle Edwards [mailto:medwards@acics.org]  
**Sent:** Wednesday, December 27, 2017 11:50 AM  
**To:** Jerilyn Powell <Jerilyn.Powell@arrt.org>  
**Subject:** Fwd: ACICS Recognition by ARRT January 27 2015.pdf

Good Afternoon JJ:

I hope you had a wonderful holiday!

Were you able to provide an updated letter confirming our recognition by ARRT?

I look forward to your response.

Michelle

-----  
Michelle Edwards

Begin forwarded message:

**From:** Michelle Edwards <[medwards@acics.org](mailto:medwards@acics.org)>  
**Date:** December 18, 2017 at 3:12:24 PM CST  
**To:** "jerilyn.powell@arrt.org" <[jerilyn.powell@arrt.org](mailto:jerilyn.powell@arrt.org)>  
**Subject:** ACICS Recognition by ARRT January 27 2015.pdf

Hello JJ!

Thank you so much for responding to my voice mail seeking clarification of our status with ARRT. Attached is the most recent letter we have on file. Anything additional you can provide would be helpful.

Thanks,  
Michelle

**Michelle Edwards**  
President and CEO  
**Accrediting Council for Independent Colleges and Schools**  
750 First Street, NE | Suite 980 | Washington, DC 20002  
[www.acics.org](http://www.acics.org) | 202.336.6780 - p | 202.842.2593 -f

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5

January 2, 2018

Michelle Edwards  
President and Chief Executive Officer  
Accrediting Council for Independent Colleges and Schools  
Suite 980  
750 First Street NE  
Washington, DC 20002

Dear Ms. Edwards:

The *American Registry of Radiologic Technologists® (ARRT®) Rules and Regulations* require that candidates for certification and registration through the primary eligibility pathway must have successfully completed a professional educational program that has specialized accreditation and/or is housed within an institution that is accredited by an agency recognized by ARRT. Accrediting agencies for institutions or programs within the United States that provide the professional education must be recognized by the United States Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA) as an accrediting agency; and if such recognition is as a specialized accrediting agency, has a scope that includes radiologic technology or allied health.

The Accrediting Council for Independent Colleges and Schools (ACICS) is currently recognized by CHEA and accepted by ARRT as an accrediting mechanism. As of the date of this letter, ARRT records indicate ACICS was first recognized by ARRT in 2015 and that recognition has been continuous since the initial recognition as a result of ACICS maintaining CHEA recognition.

If we can be of further assistance, do not hesitate to contact me at 651-681-3184.

Sincerely,

J.J. Powell, MSAS, R.T.(R)(S)(ARRT), RDMS, RVT  
Director of Educational Requirements

6

**Jerilyn Powell**

---

**From:** Jerilyn Powell  
**Sent:** Thursday, January 18, 2018 1:42 PM  
**To:** Michelle Edwards  
**Subject:** RE: ACICS Letter of Support  
**Attachments:** Accrediting Agency Confirmation Letter - V4\_Final.pdf

Michelle,

I have worked with my executive team and the attached letter is being supplied to provide clarity to ACICS's current recognition with ARRT. A hardcopy of this letter will go in the mail today as well.

Hopefully this letter will provide you with the support needed.

Regards,

**J.J. Powell, M.S.A.S., R.T.(R)(S)(ARRT), RDMS, RVT**

DIRECTOR, EDUCATION REQUIREMENTS  
THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS®

DIRECT PHONE 651.681.3184 | FAX 651.681.3299 | MAIN PHONE 651.687.0048  
1255 NORTHLAND DRIVE, ST. PAUL, MN 55120  
WWW.ARRT.ORG



**From:** Michelle Edwards [mailto:medwards@acics.org]  
**Sent:** Wednesday, December 27, 2017 3:43 PM  
**To:** Jerilyn Powell <Jerilyn.Powell@arrt.org>  
**Subject:** Fwd: ACICS Letter of Support

Thank you again for taking the time to look for any additional communications.

Would ARRT be able to provide something similar as attached; which we received from ACEN?

-----  
Michelle Edwards

Begin forwarded message:

**From:** Jessica Dermody <J.Dermody@acenursing.org>  
**Date:** December 20, 2017 at 10:49:57 AM CST  
**To:** "medwards@acics.org" <medwards@acics.org>  
**Cc:** Marsal Stoll <MStoll@acenursing.org>  
**Subject:** ACICS Letter of Support

Good morning Ms. Edwards,

Sending attached letter on behalf of Dr. Stoll. Hard copy of letter will also be mailed to you for your records.

Please let me know if you have any questions or if I may be of further assistance.

Best regards,

**Jessica Dermody**  
Executive Assistant to the CEO



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St. Augustine, Florida

November 15, 2018

Senator Richard Blumenthal  
706 Hart Senate Office Building  
Washington, DC 20510

Senator Sherrod Brown  
713 Hart Senate Office Building  
Washington, DC 20510

Senator Richard Durbin  
711 Hart Senate Office Building  
Washington, DC 20510

Senator Elizabeth Warren  
317 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Blumenthal, Brown, Durbin and Warren:

This letter is in response to your letter dated November 13, 2018 requesting information about the Accrediting Council for Independent Colleges and Schools (ACICS).

1. Has your organization, at any time after January 1, 2016, provided verbal or written statements to the U.S. Department of Education or directly to ACICS endorsing or supporting ACICS as an accepted accreditor within the higher education community?

Answer: Yes.

- a. If so, please explain what prompted you to provide such a request.

Answer: Requested by ACICS.

- b. Provide copies of any such letters or records related to any verbal or other statements, and indicate the dates they were sent.

Answer: See attached letter dated December 20, 2017.

2. Has your organization, at any time after January 1, 2016, had any other communications with the U.S. Department of Education or directly with ACICS soliciting your endorsement of ACICS?

Answer: No.

- a. If yes, how did your organization respond?

Answer: Not applicable per answer to question #2.



b. Please provide a description of the nature of these communications.

Answer: Not applicable per answer to question #2.

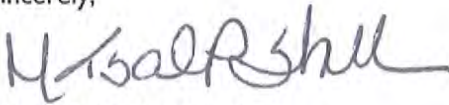
c. Please provide copies of any and all documents related to these communications.

Answer: Not applicable per answer to question #2.

3. Do you endorse or support ACICS as a "widely accepted" accreditor? Why or why not?

Answer: Yes. See attached letter dated December 20, 2017.

Sincerely,



Marsal P. Stoll, EdD, MSN  
Chief Executive Officer

Attachment



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St. Augustine, Florida

December 20, 2017

Herman Bounds Jr., E.Ds.
Director, Accreditation Group
U.S. Department of Education
Office of Postsecondary Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Director Bounds:

This letter of support is on behalf of the Accrediting Council for Independent Colleges and Schools (ACICS).

ACEN is recognized by the U.S. Department of Education (USDE) and the Council for Higher Education Accreditation (CHEA). As you know, the purpose of ACEN is to provide specialized accreditation for all types of nursing education programs, including clinical doctorate/DNP specialist certificate programs, master's/post-master's certificate programs, baccalaureate programs, associate programs, diploma programs, and practical programs. ACEN accredits nursing education programs in secondary, postsecondary, and hospital-based governing organizations that offer certificates, diplomas, or degrees, including nursing education programs offered by governing organizations accredited by the Accrediting Council for Independent Colleges and Schools (ACICS).

ACICS is CHEA recognized and accepted by ACEN as an institutional accrediting agency. ACEN historical records date the acceptance of ACICS by the ACEN to at least 2008 and this acceptance continues to the present - http://www.acenursing.net/manuals/Policies.pdf, page 8. One specific ACEN eligibility requirement is a governing organization sponsoring a nursing education program accredited by ACEN must be institutionally accredited by an ACEN recognized institutional accrediting agency.

# ACEN

U.S. Department of Education  
PAGE 2

As a CHEA recognized accreditor, ACICS currently meets the institutional accrediting agency criteria for ACEN specialized accreditation. In turn, ACEN or CCNE specialized accreditation is a requirement for nursing education programs in Alabama, Alaska, Colorado, Delaware, Florida, Georgia, Hawaii, Maine, Minnesota, Mississippi, Nevada, New Hampshire, Rhode Island, Utah, Vermont, Virginia, Wisconsin, Illinois, Washington, and the District of Columbia. While specialized accreditation is not required by other states, many nursing education programs in those states hold specialized accreditation.

I can be reached at 404-975-5000 or [mstoll@acenursing.org](mailto:mstoll@acenursing.org) if you have any questions.

Sincerely,



Marsal P. Stoll, EdD, MSN  
Chief Executive Officer

Cc: Michelle Edwards  
President, ACICS



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St. Augustine, Florida

November 16, 2018

Faina Dookh  
Legislative Fellow  
Office of Senator Elizabeth Warren  
317 Hart Senate Office Building  
Washington, DC 20510

Dear Ms. Dookh:

This letter is in response to your email dated November 15, 2018 in which you requested additional information.

1. In your response, you state that ACICS requested that you provide a statement. Can you please provide any draft letters or solicitation that ACICS provided to you as part of this request by them?

Answer: The request was through a telephone conversation with Michelle Edwards, ACICS CEO. There are no draft letters.

2. Are there any other reasons, other than that ACICS is recognized by CHEA, that you support ACICS?

Answer: The letter dated December 20, 2017 clearly explains the reason for the letter of support from ACEN.

Sincerely,

Marsal P. Stoll, EdD, MSN  
Chief Executive Officer

**Exhibit 15: SDO's "Planned Correction"**

## CORRECTED TEXT:

ACICS's support is not just from its own accredited institutions. In its 2018 Supplement, ACICS provides additional letters of support from educators who are familiar with the standards and criteria of nine other accrediting bodies as well as those of ACICS to reinforce that ACICS's standards, policies and procedures are in line with those of other recognized accreditors. Exhibit B-O-8 - B-O-11 (Excel chart matching letters of support with accrediting agencies). Some of these letters were written by former ACICS member institutions that were forced to seek new accreditation (a costly proposition) from a new accreditor as a result of the Department's decision derecognizing ACICS, which would normally make an institution even more critical of its former accreditor. Yet, these individuals continue to support ACICS. These institutions represent a wide geographic diversity, thereby meeting the Department's standards for educator and institution support. In fact, this evidence far exceeds the Department's requirements for providing evidence of wide acceptance among educators and institutions in 34 CFR § 602.13(a).

In its supplemental materials, ACICS also provides letters of support from five other accrediting agencies, including ACOTE, CAPTE, ABHES, ACEN, and ARRT. See Exhibits B-O-41 - B-O-45. Each of these is a widely accepted accreditor in its own right, and its support of ACICS as a peer in this highly scrutinized area serves as important evidence of ACICS's wide acceptance.

# Enclosure 2

**QUESTIONS FOR THE RECORD**  
**SUBMITTED BY SENATOR PATTY MURRAY**

**U.S. Senate Appropriations Labor, Health and Human Services, Education, and  
Related Agencies Subcommittee**

*Hearing to Review Fiscal Year 2019 Funding Request and  
Budget Justification for the U.S. Department of Education*

Witness: The Honorable Betsy DeVos, Secretary, U.S. Department of Education

June 5, 2018

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**Question.** You've indicated in response to other questions for the record from Representative Rosa L. DeLauro that the Department "will not consider the application for initial recognition filed by ACICS as part of its review of the 2016 final agency decision, including evidence submitted as part of that application." Can you please clarify:

- a) What is the legal authority that allows the Department of Education to not consider this additional evidence without making the decision subject to being arbitrary and capricious?
- b) If ACICS submits any evidence or documents that are the same as ones submitted for the draft staff analysis, will the Department consider the staff's analysis of those exhibits?
- c) Will the Department of Education be consulting career staff at all around the forthcoming decision with ACICS?

**Answer.**

- a) An agency that is already recognized need not submit an application for initial recognition, so the application for initial recognition submitted by ACICS in 2017 was withdrawn when the agency's recognition status was restored pending the review of the Part II submission.

It would be arbitrary and capricious and inappropriate to consider a staff analysis that is no more than an incomplete draft, that consequently does not incorporate corrections to possible errors of fact from the Agency, and that uses a methodology that applies to petitions for initial recognition and not petitions for continued recognition. Under the "focused review" methodology developed by the prior Obama Administration, petitions for renewal of continued recognition can include attestations rather than narrative and documentation for certain criteria for recognition, unlike petitions for initial recognition. In addition, the Department has always required full compliance of agencies seeking initial recognition, whereas agencies seeking continued recognition may be given up to 12 months to rectify areas of non-compliance. Accreditation are held to different standards and evidentiary requirements. As a result of these factors, it would be inappropriate to use, thus rendering the staff analysis of the petition for initial recognition inappropriate for the purpose of considering ACICS's a petition for continuing

recognition. In addition, because that petition was withdrawn before ACICS had the chance to respond to the draft staff analysis, the draft staff analysis which potentially contains errors of fact and an incomplete understanding of certain recognition criteria that the agency would typically be permitted to correct and clarify in its their response to the draft staff analysis, the Department is unable to include that draft staff analysis in our review. The full and final staff analysis of the petition for initial recognition was never completed.

In addition, because the 2016 decision was made based on a specific set of negative findings, our current review is limited to those findings. Our responsibility is to review the Part II submission and consider it in determining whether or not ACICS had sufficiently addressed the deficiencies noted in the 2016 staff analysis. Because so much time has passed since the 2016 decision, and the Part II data are stale, ACICS was permitted to submit additional evidence to show its more recent performance in areas relevant to the 2016 negative findings. We would be remiss to make a decision exclusively based on the Part II submission in the event that the agency was performing some function or collecting data in 2016 that it included in the Part II submission, but that the agency has since neglected to perform or collect.

As a result, although we will not consider the application for initial recognition in our review of evidence regarding the 2016 findings, it is likely that at least a portion of the additional evidence provided by ACICS in response to the 2016 findings may include evidence that was also provided in the agency's petition for initial recognition in 2017.

- b) As stated above, and as a result of procedural changes put in place by the prior Obama Administration, the draft staff analysis performed for a petition of initial recognition is very different from the analysis performed for a petition of continuing recognition. For example, in considering a petition for continuing recognition, the analyst must be reasonably assured in the event of a negative finding that the agency can come into compliance with the standard in 12 months. On the other hand, in the review of a petition for initial recognition, the agency must be in full compliance at the time of recognition. Therefore, the Department will not consider the draft staff analysis, which was not final and which adhered to the "full compliance" standard required for petitions for initial recognition, of those exhibits in the review of the 2016 decision.
- c) No. The final decision on remand remains with the Secretary, who will consider the response submitted by ACICS on May 30, 2018, and the response of the Senior Department Official to be submitted on July 30, 2018.