

# United States Senate

WASHINGTON, DC 20510

October 18, 2018

Dr. Elizabeth Sibolski  
President  
Middle States Commission on Higher Education  
3624 Market Street, 2<sup>nd</sup> Floor West  
Philadelphia, PA 19104

Dear Ms. Sibolski:

We are writing to obtain information from you related to troubling reports that the U.S. Department of Education's ("Department's") justification of its recent decision to restore the federal recognition of the Accrediting Council of Independent Colleges and Schools ("ACICS") was based, in part, on misleading information regarding your organization.

Two years ago, the Department derecognized ACICS because of "pervasive compliance problems"<sup>43</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 derecognition of their accrediting agency and, in April of this year, Secretary Betsy DeVos tentatively restored their recognition.<sup>44</sup> Last week, 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>45 46</sup>

The SDO reported, that "ACICS provided letters of support from nine other accrediting agencies," – including your organization – 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 "most of these other nine accreditors... never submitted letters of support for ACICS."<sup>47</sup> The Department called this "an inadvertent error in the editing process,"<sup>48</sup> but has yet to provide any substantive evidence that ACICS meets this criteria.

It would be highly disturbing – and a disservice to your organization and its reputation– if the Department misrepresented your views on this important issue, and it is important that you be provided an opportunity to set the record straight.

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<sup>43</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>44</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>45</sup> Letter from Diane Auer Jones, Principal 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>46</sup> The standard of being widely accepted by the higher education community is one of 19 standards that the Department said that ACICS has met. The criteria for federal recognition, as noted in 34 CFR 602.13, includes that 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."

<sup>47</sup> Stratford, Michael. "Education Department overstated endorsements of for-profit college accreditor." *Politico Pro*. October 4, 2018. <https://subscriber.politicopro.com/education/article/2018/10/education-department-overstated-endorsements-of-for-profit-college-accreditor-830646>

<sup>48</sup> Inside Higher Ed, "Education Department Misstated Support for ACICS" October 8, 2018, <https://www.insidehighered.com/quicktakes/2018/10/08/education-department-misstated-support-acics>

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 October 25, 2018. We also request answers in writing to the following questions by October 25, 2018:

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.
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?
  - 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 such communications.
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.
4. Why do you believe the U.S. Department of Education referenced your organization as one of the nine accreditors that endorsed ACICS?
5. Do you endorse 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.

Sincerely,



Elizabeth Warren  
United States Senator



Richard Blumenthal  
United States Senator



Sherrod Brown  
United States Senator



Richard J. Durbin  
United States Senator