



VETERANS EDUCATION SUCCESS®

August 15, 2021

Herman Bounds
Director of Accreditation Group
Office of Postsecondary education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202
Submitted via electronic portal

Re: Accrediting Agencies Currently Undergoing Review for the Purposes of Recognition by the U.S. Secretary of Education, 86 FR 36532

Written Comments: Distance Education Accrediting Commission

Dear Mr. Bounds:

I write on behalf of Veterans Education Success to provide comments on the application of Distance Education Accrediting Commission (DEAC) for renewal of its Secretarial recognition. VES is a nonprofit research, policy, and student-veteran advocacy organization committed to advancing educational opportunities for veterans, military-connected students and their families. We work on a bipartisan basis to advance higher education success for veterans, service members, and military families, and to protect the integrity and promise of the GI Bill® and other federal postsecondary education programs.

The constituency we represent and the federal programs administered by the Departments of Defense (DoD) and Veterans Affairs (VA) are significantly affected by the quality assurance and program integrity safeguards that fall chiefly under the Department of Education's jurisdiction. Of these, none is more consequential than accreditation. Accreditation alone within the accountability triad is intended to squarely focus on substantive educational adequacy of academic programs institutions offer. Regrettably and despite the Department's efforts, however, Secretarially recognized accreditation is no longer a reasonable assurance of quality. Incidents of waste, fraud, and abuse continue to victimize students and taxpayers because of lax oversight of institutions by accreditors, who face no consequences as a result of failure to enforce the written standards they present to the Department and to the National Advisory Committee on Institutional Quality and Integrity (NACIQI).

We write to object to renewal of DEAC's recognition on the following grounds:

Flawed Process

We have previously submitted joint comments with other student- and consumer-protection organizations regarding the Department's failure to provide adequate information about

applicants for Secretarial recognition in a manner that would provide the public with a meaningful opportunity to comment on their performance as reliable authorities on educational quality. Worse, yet, it appears that the Department itself actively avoids collecting or reviewing relevant information beyond the predictably sanitized material submitted by the applicants themselves. This position of studied ignorance was captured pithily by one of your colleagues at the last NACIQI meeting when she declared that “We don’t Google accreditors.” The process thus favors bureaucratic inertia and speedy approval of applications on the basis of unverified representations made by applicants, sometimes in the face of egregious and overwhelming evidence of on-the-ground noncompliance with the statutory language, which in Section 496(a)(4)(A) of the Higher Education Act requires accreditors to *consistently apply and enforce* their standards.

DEAC Is Not a Reliable Authority

DEAC accredits two institutions – Abraham Lincoln University and Taft Law School – that offer legal education programs not accredited by the American Bar Association (ABA).¹ Most states do not permit graduates of non-ABA accredited law schools to sit for the bar examination. Recently, legislation was enacted prohibiting the payment of GI Bill benefits from the VA to law schools that do not allow students to sit for the bar in any state and are not accredited by a specialized accrediting agency for programs of legal education (i.e., the ABA).²

34 CFR Sec. 602.16 (Accreditation and Preaccreditation Standards) states that an accrediting “agency must demonstrate that it has standards for accreditation, and preaccreditation, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of education or training provided by the institutions or programs it accredits.” If DEAC is to be regarded as a reliable authority, its approval of law schools that are unaccredited by the ABA, ineligible for GI Bill benefits, and leave students ineligible for the bar exam in nearly every state should be factored into the Department’s review of its recognition.

Further, DEAC-accredited Ashworth University settled charges in 2015 with the Federal Trade Commission (FTC) for allegedly misleading students about career training and the transferability of credits.³ The FTC complaint alleged that consumers who completed Ashworth’s programs left having spent hundreds or thousands of dollars (1) without the credentials needed to apply for necessary licenses, or (2) with credits that many other institutions would not recognize.⁴

The FTC complaint further noted that Ashworth’s marketing efforts targeted military service members and their families, and that Ashworth advertised that it employed “Military Advisors”

¹ See the list of ABA-approved law schools available at https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/in_alphabetical_order/.

² Section 1016 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, P.L. 116-315, available at <https://www.congress.gov/bill/116th-congress/house-bill/7105>.

³ FTC Press Release, *Ashworth College Settles FTC Charges it Misled Students About Career Training, Credit Transfers*, May 26, 2015, available at https://www.ftc.gov/news-events/press-releases/2015/05/ashworth-college-settles-ftc-charges-it-misled-students-about?utm_source=govdelivery.

⁴ *Id.*

to speak with potential applicants who were eligible for military payment benefits.⁵ The complaint also pointed out that Ashworth trained its Admissions Advisors to be aggressive during calls. “Admissions Advisors who are seen as being insufficiently aggressive at ‘rebutting’ (the term used in PCIDI’s internal training documents for overcoming consumers’ concerns) face disciplinary action that can include loss of commission or even termination.”⁶ In reaching the settlement, Ashworth admitted no wrongdoing. If DEAC is to be regarded as a reliable authority, its approval of institutions despite law enforcement findings of fraudulent recruiting practices should be factored into the Department’s review of its recognition.

Finally, we believe the Department should consider student complaints about DEAC-accredited colleges. The VA’ GI Bill Comparison Tool reports student complaints in the past 24 months at a number of DEAC-accredited institutions, including some institutions with larger GI Bill enrollment, like Grantham University, Columbia Southern University, and Sonoran Desert Institute. According to a Century Foundation article in 2017, the American Business and Technology University had the highest GI Bill student complaint rate in the nation based on the author’s analysis of VA GI Bill Comparison Tool Data.⁷ Similarly, five DEAC schools were among the institutions with the most servicemember complaints according to a Defense Department report on FY 2014 student complaints.⁸ In addition, our organization has received complaints from student veterans about several DEAC-accredited institutions, including Sonoran Desert Institute and Columbia Southern University.⁹

Under 34 CFR Sec. 602.20 (Enforcement of Standards), regulatory and law enforcement actions against an institution should trigger accreditor oversight; whether DEAC knew or should have known about legal or regulatory violations at any accredited institution should be factored into their review. We encourage the Department to confirm that all accreditors are truly enforcing their standards and that those standards are sufficiently rigorous and comport with all statutory criteria and due-diligence requirements. Mere compliance audits are not enough to ensure students are receiving an education worthy of the accreditors’ and the Department’s approval.

DEAC Does Not Have Sufficient Resources to Enforce Its Standards

While both the Department and NACIQI pay much attention to whether the written standards submitted by applicants comport with the statutory criteria of HEA Section 496, they consistently ignore the equally important requirement, repeated throughout HEA Section 496, of actual enforcement of said standards by accrediting bodies. Not only is there evidence that

⁵ *FTC v. Professional Career Development Institute, LLC, a limited liability company, also d/b/a Ashworth College also d/b/a Ashworth College Career Diploma*, Case No. 1:15-mi-99999-UNA, Complaint for Permanent Injunction and other Equitable Relief, N.D. Ga. 2015, available at

<https://www.ftc.gov/system/files/documents/cases/150526ashworthcollegecmpt.pdf>.

⁶ *Id.* at 10.

⁷ Spiros Protopsaltis and Robert Shireman, *College Regulator Proves Asleep at the Wheel*, The Century Foundation, March 13, 2017, available at <https://tcf.org/content/commentary/college-regulator-proves-asleep-wheel/>.

⁸ *Id.*

⁹ See our comment on DEAC’s last application for renewal from the Department in 2017, available at <https://vetsedsuccess.org/public-comment-to-education-department-re-distance-education-accrediting-commission/>.

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DEAC does not, in fact enforce its own standards, the small size of its budget and staff essentially makes it impossible for DEAC to do so. Understaffed and under-resourced accreditors typically rationalize the disparity between their meager means and their enormous task by pointing to the numerous volunteers they use. Left unsaid, of course, is that such volunteers are typically recruited from the ranks of the very entities that accreditors are legally required to oversee.¹⁰ An organization with fewer than ten professional staff cannot serve as a reliable authority on hundreds of programs, ranging from certificate to doctoral, some of which access millions of dollars in Title IV, VA, and DoD funds.

We strongly urge the Department not to renew DEAC's recognition, for failure to comply with statutory requirements.

Sincerely,

A handwritten signature in black ink, appearing to read 'B Nassirian', with a stylized flourish at the end.

Barmak Nassirian
Vice President for Higher Education Policy

¹⁰ Our concerns about such structural conflicts of interest are compounded by the fact that DEAC's 2019 tax return indicates that half of its board members received honoraria from the organization.