

taken place, the School has produced letters from its attorneys stating that the matter is not yet resolved. There has been no substantive change.

The School notes that it achieves a positive financial result and has done so consistently for the last nine years. This allows the School to provide the level of education expected by its constituents.

- At the February 2018 meeting, the Commission considered the April 25, 2018 Commission letter along with the school’s response and voted to again defer final action to the August 2018 meeting. The April 25, 2018 Commission letter states:

While the Commission acknowledged the ongoing litigation and the judicial process required, the Commission remains concerned with the length of time for the consideration of the litigation and lack of urgency to resolve the issue. In addition, given the ownership dispute, the Commission questioned the ultimate responsible party should a material event or circumstance occur that could affect the school’s operations, polices, staff, curricula, reputation, approval status or authority to operate as a legal entity, or financial status. The Commission cannot let the matter of the contested ownership continue as it is a fundamental element of the school’s eligibility for accreditation. The Commission reminds BTBS that the burden rests with the school to establish that it is meeting the standards and that the Commission will take any action that it believes is reasonable and appropriate including, but not limited to, placing a school on warning, probation, or withdrawing a school’s accreditation

August 2018 Commission’s Review:

1. BTBS must provide a notification report on the results of any lawsuit or investigation brought against the school, its officers, or employees (*Section V (E)(2)(k), Rules of Process and Procedure, Standards of Accreditation*). The April 25, 2018 Commission letter directed BTBS to provide an updated on the status of the litigation; a complete timeline of the history of the litigation along with any future events scheduled; an estimated resolution date for the litigation; and a completed ACCSC Institutional Teach-Out Plan Approval Form along with all attachments.

In response to the April 25, 2018 Commission letter, the Commission found the school submitted an ACCSC Institutional Teach-Out Plan Approval Form with an attestation signed by the CEO and statements “No attachments are included” and “It’s Instructor licenses, property lease, insurance and Title IV approvals more than cover any possible teach out period.” While the information may in fact “cover any possible teach out period,” the Commission was interested in obtaining the information as the current ownership dispute remains unresolved.

Additionally, BTBS stated “the legal issue concerning ownership remain unresolved.” The school stated that “[t]he matter is currently awaiting a ruling in the Court of Brooklyn, New York” and that “[b]oth parties are expected to appeal if the decision is not favorable to their side, which will prolong the search for a resolution.” Further, BTBS provided a timeline that listed the following:

<i>[REDACTED]</i>	<i>2006</i>
<i>Berk Estate begins litigation concerning School ownership</i>	<i>2006</i>
<i>Various Procedures and Motions Do Not Result in a Resolution to the Dispute</i>	<i>2006 – 2017</i>
<i>Trial Takes Place in Brooklyn Court</i>	<i>Nov. 2017 – March 2018</i>
<i>Decision Expected in Completed Trial</i>	<i>May 2018</i>
<i>Both Parties in the Dispute Expected to File an Appeal If they are unsuccessful</i>	<i>June 2018</i>
<i>Appeal Procedure</i>	<i>July, 2018 – Jan. 2019</i>

In reviewing the response and timeline, the Commission found the involved parties appear to be no closer to a resolution on the school ownership litigation. As ownership is a fundamental element of the school's eligibility for accreditation, the Commission cannot allow the litigation to continue indefinitely and finds the lack of clarity about the ownership untenable. Additionally, the Commission has not had an opportunity to make a determination on the school's ownership and whether any additional information or submissions are necessary. The Commission believes it has been abundantly patient in allowing the parties to find a solution over the previous 13 years but determined that the school is out of compliance with accrediting standards and thus is allotting the school a period of one (1) year to remedy the noncompliance.

Based on the foregoing, the Commission directs BTBS to submit the following:

- a. An update on the status of the litigation to include the decision expected in May 2018 and an updated on the appeal by either party along with copies of any documentation referencing the current status of the litigation;
 - b. An updated complete timeline, with specific dates, to include a review of the history of the litigation along with any future events scheduled;
 - c. An updated estimated resolution date for the litigation;
 - d. A **complete** ACCSC Institutional Teach-Out Plan Approval Form and all attachments to demonstrate that, in the event of closure, the school has a plan for the delivery of training and services to students in a manner that is not materially disruptive and that ensures obligations to students will be timely met;
 - e. Any additional information that the school believes will assist the Commission in determining a reasonable and appropriate action with regard to this matter.
2. BTBS must demonstrate that the school does not permit personnel whose primary responsibilities include recruiting and admission activities to become involved in admission decisions, including signing and accepting the enrollment agreement (*Section IV (A)(13), Substantive Standards, Standards of Accreditation*). In response to the September 8, 2017 Commission letter, BTBS did not provide a list of students but provided copies of the executed enrollment agreements for 16 students in the September 5, 2017 start of the plumbing program. In reviewing the documentation, the Commission found six (6) of the 16 executed enrollment agreements were signed after the September 5, 2017 start date. As such, it is unclear that prior to enrollment BTBS determined that an applicant meets the school's admissions requirements. In addition, the school's enrollment agreement does not include a policy for enrolling in a program after the term's start date. As the plumbing program is a clock-hour only program, the Commission was also concerned that students will not have completed the required number of hours prior to graduation. Therefore, the Commission directed the school to submit the process to determine an applicant meets the school's admissions requirements prior to enrollment; the process for students who enroll after the term start date; and documentation from the school's most recent start.

In response, BTBS stated:

A licensed agent of the School meets with each applicant. The meeting consists of an interview about career goals, a discussion about the school and its programs and a tour. If the student wishes to enroll, the discussion moves to the formal admissions process. In summary, this involves a review of key documents including prior education, an application, School policies, a catalogue and an Enrollment Agreement. With these documents in place, the agent makes a

decision on accepting the applicant. If accepted, an Enrollment Agreement (EA) is completed. The Director reviews the material and, if appropriate, signs the EA. The student receives a copy.

Based on the school's policy description, it appears the licensed agent, whose primary responsibilities include recruiting and admission activities, is making an admissions decision.

Based on the foregoing, the Commission directs BTBS to submit the following:

- a. The school's updated process and procedure for determining an applicant meets the school's admissions requirements prior to enrollment;
- b. The school's process and procedure for students who enroll in a term after the term start date;
- c. The school's process and procedure for ensuring all students who enroll in a term after the term start date complete the required number clock hours prior to graduation;
- d. A list of student from the school's most recent start in the following format:

Student Name	Program	Start Date	Date Enrollment Agreement Signed by the Student	Date Enrollment Agreement Signed by the School

- e. Executed enrollment agreements for each of the students listed in (d.) above; and
- f. Any additional information that the school believes will assist the Commission in determining the school's compliance with admissions standards.

PROBATION REQUIREMENTS:

In cases where the Commission has reason to believe that a school is not in compliance with accreditation standards and other requirements, the Commission may, at its discretion, place a school on Probation. A school subject to a Probation Order must demonstrate corrective action and compliance with accrediting standards. **Failure of the school to demonstrate compliance with accrediting standards or other accrediting requirements by the due date set forth herein may result in a revocation of accreditation action.**

The Commission will not consider substantive changes, a change of location/relocation, or additions (i.e., separate facilities, new programs) to a school or its separate facilities while the school is on Probation. However, a school that is subject to Probation may seek the Commission's approval for the transfer of accreditation that would result from a change of ownership as described in *Section IV, Rules of Process and Procedure, Standards of Accreditation*.

In accordance with *Section X, Rules of Process and Procedure, Standards of Accreditation*, a summary of the Probation Order is made public and provided to the U.S. Department of Education, appropriate State agencies, and appropriate accrediting agencies. Moreover, in accordance with *Section X (C)(6), Rules of Process and Procedure, Standards of Accreditation*, the Commission has notified the U.S. Department of Education of this action pertaining to the findings related to the school's federal financial aid responsibilities.

In accordance with *Section VII (L)(8), Rules of Process and Procedure, Standards of Accreditation*, a school subject to a Probation Order must inform current and prospective students that the school has been placed on Probation and that additional information regarding that action can be obtained from the Commission's website.

TEACH-OUT PLAN REQUIREMENT

Given the serious nature of the issues outlined herein, the Commission directs the school to provide an [ACCSC Institutional Teach-Out Plan Approval Form](#) which must be submitted as part of the response for the items listed above.

MAXIMUM TIMEFRAME TO ACHIEVE COMPLIANCE:

Based on *Section VII (M), Rules of Process and Procedures, Standards of Accreditation* and the school's longest program of eight (8) months, the maximum timeframe allowed for BTBS to achieve and demonstrate compliance with the *Standards of Accreditation* is twelve months. Thus, the timeframe to achieve compliance begins as of the date of this letter and ends on **September 6, 2019**. Please also be advised that the Commission is under no obligation to wait for the maximum timeframe to expire and may take an adverse action prior to the expiration of the maximum allowable timeframe.

RESPONSE REQUIREMENTS:

By applying for accreditation, a school accepts the obligation to demonstrate continuous compliance with the *Standards of Accreditation*. While the Commission employs its own methods to determine a school's compliance with accrediting standards, the burden rests with the school to establish that it is meeting the standards. The Commission's deliberations and decisions are made on the basis of the written record and thus a school must supply the Commission with complete documentation of the school's compliance with accrediting standards.

BTBS must provide a response to the items expressed above that provides the information requested along with any additional information that the school believes supports a demonstration of compliance with accrediting standards.² If the school's response contains documentation that includes personal or confidential student or staff information that is not required for the Commission's review (e.g., social security numbers, dates of birth, etc.), please remove or redact that information.

BTBS must upload the school's electronic response directly to ACCSC's College 360 Database. The ACCSC College 360 database can be accessed by [clicking here](#). Please note that the password utilized by the institution to access the Annual Report Portal is the same to access the School Submission section of the College 360 database. The Instructions for Electronic Submission can be found [here](#). A detailed overview on how to upload a school submission can be found [here](#).

Keep in mind, the school's response must be prepared in accordance with ACCSC's Instructions for Electronic Submission (e.g., prepared as one Portable Document Format ("PDF") file that has been prepared using Adobe Acrobat software (version 8.0 or higher) and which has a .pdf extension as part of the file name). The school will receive an e-mail confirmation that the file has been received within 24 hours of the submission.

As stated in the [July 1, 2016 Accreditation Alert](#), the Commission assesses a \$1,000 processing fee is assessed when a school is placed on Probation. The school's response must also include a signed certification attesting to the accuracy of the information and be received in the Commission's office **on or before June 7, 2019**. If a response, the required fee, and the certificate of attesting to the accuracy of the

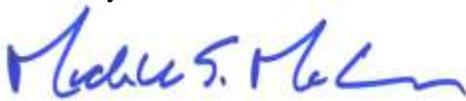
² ACCSC has issued two modules of the **Blueprints for Success Series** – [Organizing an Effective Electronic Submission](#) and [Preparing a Comprehensive Response for Commission Consideration](#) – which provide a framework for submitting a well-documented, organized, electronic response for Commission consideration. ACCSC encourages the school to review these modules when formulating its response to this letter. More information is available in the [Resources section](#) at www.accsc.org.

information is not received in the Commission's office **on or before June 7, 2019**, the Commission will consider further appropriate action.

For assistance with the password or for any other questions regarding the electronic submission requirements, please contact [REDACTED]. Please note that any password requests to access College 360 must be made by the school director, or designated member of the school's management team, via e-mail.

For further assistance or additional information, please contact me directly at [REDACTED] or [REDACTED].

Sincerely,



Michale S. McComis, Ed.D.
Executive Director