

April 23, 2018

ELECTRONIC DELIVERY & FEDERAL EXPRESS

██████████
Director
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Ponce, Puerto Rico 00730

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School #M072509
Appeals Panel Decision

Dear ██████████

On February 22, 2018, the Appeals Panel of the Accrediting Commission of Career Schools and Colleges (“ACCSC” or “the Commission”) heard the appeal of Beatech Express Academy (“BEA” or “the school”) which brought this appeal from the December 14, 2017 decision of ACCSC to deny BEA’s Application for Initial Accreditation. The school submitted a Letter of Intent to Appeal a Commission Decision dated December 28, 2017 and timely filed its Grounds for Appeal on January 15, 2018. Pursuant to ACCSC’s *Rules of Process and Procedure*, a hearing was held by teleconference before an independent Appeals Panel. For the reasons articulated below, the Appeals Panel unanimously affirmed the decision of the Commission to deny BEA’s Application for Initial Accreditation.

BEA’s Application for Initial Accreditation

BEA submitted its first Application for Initial Accreditation on December 12, 2014 which, after being deferred, eventually led to an Orientation on-site evaluation of the school conducted on April 5, 2016. The result of the Orientation On-site Evaluation was a report dated June 24, 2016 which states that the school did “not appear prepared to advance to the next phase of the initial accreditation process.” The report identified a substantial number of areas which required correction, adjustment, or documentation in order to proceed with the accreditation process. Accordingly, ACCSC directed BEA to revise its Application for Initial Accreditation and its Self-Evaluation Report to address the many concerns laid out in the on-site team’s report. BEA submitted the revised materials to the Commission on July 22, 2016.

On February 28 – March 1, 2017, the Commission conducted an on-site evaluation of the school. The resulting Team Summary Report dated May 26, 2017 identified several areas in which BEA had not established compliance with ACCSC’s *Standards of Accreditation*. The school submitted its response to the Team Summary Report on July 11, 2017. The Commission reviewed the Team Summary Report as well as the school’s response at its meeting in August 2017. By letter dated August 11, 2017, the Commission informed BEA that significant questions remained about the school’s compliance with ACCSC’s *Standards of Accreditation*. For example, the Commission advised BEA that the school must demonstrate that (i) the school’s primary educational objective is to prepare students for entrance or advancement in one or more occupations requiring technical or career oriented competencies and skills; (ii) any secondary educational objectives do not have greater priority within the school’s mission and operations than its career-oriented educational objective; and (iii) each program which has career-oriented educational objectives has been submitted for approval to ACCSC. The Commission’s August 11, 2017 letter also specifies that BEA must demonstrate that the school has been training students continuously for the preceding two years at the time of the application and can commit to operating continuously thereafter. In order to give BEA time to respond to the Commission’s concerns, action on the Application for Initial Accreditation was deferred and BEA was directed to provide its response no later than September 11, 2017.

BEA lodged its response to the deferral letter on September 11, 2017. The Commission e-mailed the school a request for specific information on October 23, 2017 to which the school replied on October 24, 2017.

The Commission's Decision to Deny BEA's Application

By letter dated December 14, 2017, the Commission informed BEA that it had voted to deny the school's Application for Initial Accreditation. The Commission took this action after considering the entire record in the matter including the school's Application for Initial Accreditation, Self-Evaluation Report, Team Summary Report, and BEA's response thereto, as well as the school's replies to the Commission's deferral letter.

The Commission's decision was predicated on its conclusion that BEA had failed to demonstrate continuous compliance with the *Standards of Accreditation* in several critical respects. Specifically, the Commission concluded that BEA had not shown that its primary educational objective is to prepare students for entrance or advancement in one or more occupations requiring technical or career-oriented competencies and skills as required by *Section I(B)(1)(d)(i)*, *Section I(B)(2)(a)(i)*, *Rules of Process and Procedure, Standards of Accreditation*. The Commission also determined that BEA was not in compliance with *Section I(B)(1)(d)(ii)*, *Rules of Process and Procedure, Standards of Accreditation* because it did not prove that secondary educational objectives do not have greater priority within the school's mission and operations than its career-oriented educational objective. The Commission's findings were driven by the fact that during the period December 21, 2015 through August 30, 2017, the school enrolled 86 students in "short courses" of 40 hours or less as compared to 7 students in its Security Guard program. Furthermore, as of August 30, 2017, BEA had 7 students enrolled in its short courses and none in the Security Guard program. These facts led ACCSC to conclude that the school "appears to be primarily directed toward short courses outside of ACCSC's scope with no students enrolled in its vocational career-oriented program prior to Hurricane Maria."

There was a second compelling reason for the Commission's decision: BEA failed to demonstrate that the school has been training students continuously (except for regularly scheduled breaks and vacation periods) for the preceding two years at the time of the application and that the school could commit to operating continuously thereafter. Compliance with this standard is mandated by *Section I(B)(2)(a)(iii)*, *Rules of Process and Procedure, Standards of Accreditation*. Also, in contravention of *Section I(E)(2)(b)*, *Rules of Process and Procedure, Standards of Accreditation*, BEA did not show that it provides education and training to students in accordance with its primary objectives on a continuous basis. This finding was predicated on the fact that the Security Guard program was not offered for a period of eight months from June 2015 to March 2016.

The school argued that this lapse was caused by the failure of WIOA funds to come through as anticipated. The Commission, however, "found that reliance on a single funding source to maintain operations is insufficient to demonstrate that the school has the resources to operate on a continuous basis. In fact, the school's history demonstrates that in the absence of governmental funding the school cannot operate offering its one vocational career-oriented program." Subsequent information proffered by the school served only to reinforce the Commission's conclusion, i.e., that BEA did not offer the Security Guard program for a period of 20 months from June 2015 to March 2017. One final point: BEA contended in its reply to the August 17, 2017 deferral letter that there were 10 students in the process of enrollment for the Security Guard program but the school did not furnish evidence of that fact.

BEA's Grounds for Appeal

The school's Grounds for Appeal advanced several contentions in response to the Commission's decision to deny the Application for Initial Accreditation.

First, BEA asked what criteria ACCSC used to conclude that the school had failed to demonstrate the primary educational objective of the school and that its career-oriented educational objectives do not have priority within the school's mission and operations. The school stated that 86 of its students were completing courses of 40 hours or less and included in that number were "students that belonged to a proposal approved by WIOA, nominated Financial Concepts." Furthermore, according to BEA, these short courses don't require authorization of the Educational Council of Puerto Rico as the Team Summary Report had indicated. The school's Grounds for Appeal assert that ACCSC "by no means can compare the eighty-six (86) students in the short courses, denominated as professional development courses or others with a study program such as Security Guard."

Second, BEA argued that it "does not conduct its primary objectives to promote or enroll short courses, but this [*sic*] are economic and marketing mechanisms to make the institution known in a general sense." In addition, the school asserted that it "developed these courses of professional development with the principal objective to serve as support and instruction to student's prospects that desires to deepen its knowledge in the security guard field or any security guard that wishes to be updated on this field."

According to BEA, these assertions demonstrate that it has as its principal objective the education of students in the security field and not in short courses that aren't directed to the security field.

Third, BEA stated that from March 2017 to July 2017, the school enrolled and graduated its last Security Guard students which were funded by WIOA (now American Job Center). Subsequently, BEA had 10 student prospects that were supposed to start in the Security Guard Program in October 2017 but were prevented from doing so by Hurricane Maria. The Grounds for Appeal asserted that these students would now start the program on February 26, 2018. BEA also submitted a certification that Master Protective Service Corp would fund the study costs of these ten students through a scholarship of \$3,400 for each student.

Appeal Panel Decision

Section VIII (B) of the Commission's Rules of Process and Procedure, Standards of Accreditation, provides that on appeal, the school has the burden of proving that the Commission's decision to deny BEA's Application for Initial Accreditation "was arbitrary, capricious, or otherwise in substantial disregard of the criteria or procedures of the Commission, or not supported by substantial evidence in the record on which the Commission took action." The Commission's rules (*Section VIII(B)(4)*) also stipulate that with the exception of certain financial information, "[t]he Appeals Panel will only consider that information that was before the Commission at the time that the adverse action was taken..." ACCSC's *Rules of Process and Procedure* provide that the Appeals Panel has the authority to affirm, reverse, remand, or amend the Commission's decision to deny BEA's application.

For the reasons delineated below, the Appeal Panel found that BEA failed to carry its evidentiary burden of demonstrating that the Commission's decision to deny the school's Initial Accreditation Application was not supported by the evidence in the record, was arbitrary and capricious, or was otherwise not in accord with ACCSC's accreditation standards, policies, or rules of process and procedure.

As described above, the Commission had two fundamental reasons for denying BEA's Application for Initial Accreditation. First, the Commission found that BEA had failed to demonstrate continuous compliance with the *Standards of Accreditation* because the school had not shown that its primary educational objective is to prepare students for entrance or advancement in one or more occupations requiring technical or career-oriented competencies and skills as required by *Section I (B)(1)(d)(i)*, *Section I(B)(2)(a)(i)*, *Rules of Process and Procedure, Standards of Accreditation*. In addition, BEA was not in compliance with *Section I (B)(1)(d)(ii)*, *Rules of Process and Procedure, Standards of Accreditation* because the school did not demonstrate that secondary educational objectives do not have greater priority within the school's mission and operations than its career-oriented educational objective. Second, ACCSC determined that BEA did not meet its evidentiary burden of showing that it has been training students continuously (except for regularly scheduled breaks and vacation periods) for the preceding two years at the time of the application and that the school can commit to operating continuously thereafter as required by *Section I(B)(2)(a)(iii)*, *Rules of Process and Procedure, Standards of Accreditation*. BEA also did not establish that it offers education and training to students in accordance with its primary objectives on a continuous basis as directed by *Section I(E)(2)(b)*, *Rules of Process and Procedure, Standards of Accreditation*.

The Appeal Panel reviewed the school's Grounds of Appeal with care and listened intently to [REDACTED] testimony at the Appeal Hearing. In the Appeal Panel's view, both the Grounds for Appeal and the presentation at the Appeal Hearing simply made the same arguments that were before the Commission when it made its decision to deny BEA's Application for Initial Accreditation. What is missing from BEA's appeal is a demonstration that the Commission's decision, taking into account the arguments and materials before it at the time, was not supported by the evidence in the record, was arbitrary and capricious, or was otherwise not in accord with ACCSC's accreditation standards, policies, or rules of process and procedure.

In its Grounds for Appeal, BEA asserted that ACCSC "by no means can compare the eighty-six (86) students in short courses, denominated as professional development courses or others with a study program such as Security Guard." The grounds also contend that the school "does not conduct its primary objectives to promote or enroll short courses, but this [sic] are economic and marketing mechanisms to make the institution known in a general sense." At the time of the denial in the Commission's view, these same types of assertions did not establish compliance with the *Standards of Accreditation* because the facts concerning courses offered, actual student enrollment, and when programs were offered, belied the persuasiveness of those contentions. The Appeal Panel found that BEA's grounds for appeal do not demonstrate why the Commission's construction of the facts was erroneous, not supported by the record, or in contravention of the Commission's policies.

BEA also argued that the absence of funding from WIOA caused the gap in enrollment in the Security Guard program but that an employer had committed to fund ten students in a program beginning on February 26, 2017. Assuming that the program started on that date (which was after the appeal hearing) and that the employer made good on its commitment, it does not address the Commission's fundamental concerns about the school's failure to continuously train students, the undependability of relying on a single funding source, and whether funding would be available for additional programs after the program scheduled to start on February 26, 2018. Nothing in the Grounds for Appeal or at the Appeal Hearing addressed these concerns in a manner which convinced the Appeal Panel that the Commission had erred.

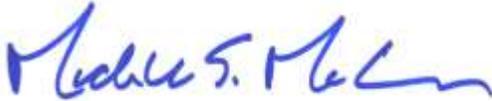
Conclusion

For the foregoing reasons, it is the unanimous opinion of the Appeal Panel that the record in this matter supports the Commission’s decision to deny BEA’s Application for Initial Accreditation, is not arbitrary and capricious, and is consistent with applicable ACCSC policies and procedures. Accordingly, the Commission’s December 14, 2017 decision is affirmed.

In accordance with the provisions set forth in *Section X, Rules of Process and Procedure of Process and Procedure, Standards of Accreditation*, the Commission will make public the reasons for the withdrawal of accreditation and notify the appropriate state and federal agencies. The school may submit comments on or before May 3, 2018 in accordance with the enclosed Public Comment Disclosure Form. Comments submitted by the school will accompany any public disclosure of a final Commission action pursuant to *Section X (C)(4) & (D)(4), Rules of Process and Procedure, Standards of Accreditation*.

For additional information regarding this matter, please contact me directly at [REDACTED] or [REDACTED]

Sincerely,



Michale S. McComis, Ed.D.
Executive Director