

July 21, 2020

ELECTRONIC DELIVERY

██████████
██████████
Center for Excellence in Higher Education, Inc.
4021 South 700 East, Suite 400
Salt Lake City, Utah 84107

*System-Wide Review
Continued Probation Order*

Dear ██████████

At the May 2020 meeting, the Accrediting Commission of Career Schools and Colleges (“ACCSC” or “the Commission”) considered the following:

- The previous decision to place the system of schools in the Center for Excellence in Higher Education (“CEHE”) on Probation, along with other matters (see Appendix I included as part of this letter for a list of institutions, actions, and materials considered).
- Teach-out Plans for:
 - California College San Diego (“CCSD”) – San Diego, California (#M001073/SL460488-National City, California)
 - California College San Diego (“CCSD-San Marcos”)– San Marcos, California (#B072374)
 - CollegeAmerica (“CA-Denver”) – Denver, Colorado (#M001507)
 - CollegeAmerica (“CA-Fort Collins”) – Fort Collins, Colorado (#B070544)
 - CollegeAmerica (“CA-Colorado Springs”) – Colorado Springs, Colorado (#B070623)
 - CollegeAmerica (“CA-Flagstaff”) – Flagstaff, Arizona (#M070742)
 - CollegeAmerica (“CA-Phoenix”) – Phoenix, Arizona (#B070743)
 - Stevens-Henager College (“SHC-Idaho Falls”) – Idaho Falls, Idaho (#B072351)
 - Stevens-Henager College (“SHC-Orem”) – Orem, Utah (#B070582)
 - Stevens-Henager College (“SHC-Murray”) – Murray, Utah (#B070583)
 - Stevens-Henager College (“SHC-Logan”) – Logan, Utah (#B070584)
 - Stevens-Henager College (“SHC-Boise”) – Boise, Idaho (#B070764)
 - Stevens-Henager College (“SHC-St. George”) – St. George, Utah (#B072360)
- CEHE’s response to ACCSC’s letter of September 3, 2019 requesting additional information regarding the July 1, 2019 notice which states that Colorado Division of Private Occupational Schools (“DPOS”) issued a notice of non-compliance regarding the content of CEHE’s ACCSC-mandated probation notice to CollegeAmerica – Denver, Colorado (#M001507); CollegeAmerica (“CA-Fort Collins”) – Fort Collins, Colorado (#B070544), and CollegeAmerica – Colorado Springs, Colorado (#B070623);
- CEHE’s response to ACCSC’s letter of March 17, 2020 requesting additional information with regard to a notice that CEHE had received a Notice and Cease and Desist Order, dated January 28, 2020 from the Colorado Division of Private Occupational Schools (“DPOS”);¹ and

¹ In a June 1, 2020 letter, CEHE notified ACCSC that the DPOS accepted CEHE’s response and did not issue a notice of noncompliance and included a copy of DPOS’s May 28, 2020 decision indicating that “... the Cease and Desist Order is moot, the Subpoena Duces Tecum was satisfied, and the response to the Notice of Noncompliance sufficient to persuade the Board that it need not issue a Notice of Charges nor pursue further action regarding the allegations set forth therein.” Therefore, ACCSC considers this matter closed.

- A Media Report received January 13, 2020 regarding Independence University located in Salt Lake City, Utah.

Subsequent to the Commission’s May 2020 meeting, in a phone call with ACCSC staff on May 6, 2020 CEHE disclosed the potential closure of certain CEHE-affiliated campuses prior to the anticipated dates of graduation of all students. Based on that call, in a letter dated May 8, 2020 ACCSC requested corresponding updated information with regard to CEHE’s teach-out plan. In response, CEHE submitted revised ACCSC Institutional Teach-Out Plan Approval Forms dated May 28, 2020 on behalf of the following eight (8) schools:

- CollegeAmerica (“CA-Denver”) – Denver, Colorado (#M001507)
- CollegeAmerica (“CA-Fort Collins”) – Fort Collins, Colorado (#B070544)
- CollegeAmerica (“CA-Colorado Springs”) – Colorado Springs, Colorado (#B070623)
- CollegeAmerica (“CA-Flagstaff”) – Flagstaff, Arizona (#M070742)
- Stevens-Henager College (“SHC-Idaho Falls”) – Idaho Falls, Idaho (#B072351)
- Stevens-Henager College (“SHC-Orem”) – Orem, Utah (#B070582)
- Stevens-Henager College (“SHC-Logan”) – Logan, Utah (#B070584)
- Stevens-Henager College (“SHC-St. George”) – St. George, Utah (#B072360)

In addition, at its June 2020 meeting, the Commission considered the following submissions:

- Revised and updated Institutional Teach-out Plans for the above eight (8) schools, and
- A Request for a Waiver of an Accreditation Standard or Policy to permit CCSD to submit an Application for a Branch Re-Alignment while on Probation and to absorb CA-Phoenix as a branch campus for the purpose of completing the teach out of students.

COMMISSION ACTIONS

Based on its review of the information annotated above, the Commission has taken the following actions:

1. The Commission voted to continue the system of CEHE-affiliated schools on Probation² (see the “Commission Findings-Compliance Issues for Independence University and SHC-West Haven” section below).³
2. The Commission voted to approve the teach-out plans for all thirteen schools in teach-out effective June 30, 2020, including the revised and updated teach-out plans for the above eight (8) schools which indicate that CEHE now plans to close on September 13, 2020 before the date all students are scheduled to complete their programs. The institutions covered by the Commission’s action to approve the

² Please also refer to the section of this letter titled “Maximum Timeframe to Achieve Compliance.”

³ Please note that the compliance findings in this letter are focused on the only two schools planning to remain open and enrolling students, SHC-West Haven and IU. However, this does not mean that the Commission found that the other 13 schools have demonstrated compliance in all areas cited in previous actions. The entire system of schools remains on Probation. The Commission’s decision to not require specific response requirements for the thirteen schools in teach-out is for the sole purpose of focusing on and facilitating the successful teach out of current students. If any school seeks to remain open past the teach-out period, CEHE must inform the Commission as a means to allow the Commission to establish an appropriate application review protocol and process.

Institutional Teach-out Plans are listed below. **This approval is subject to the provisions set forth in this letter** (see the “Teach-Out Plans” section below):

- California College San Diego (“CCSD”) – San Diego, California (#M001073/SL460488-National City, California)
 - California College San Diego (“CCSD-San Marcos”) – San Marcos, California (#B072374)
 - CollegeAmerica (“CA-Denver”) – Denver, Colorado (#M001507)
 - CollegeAmerica (“CA-Fort Collins”) – Fort Collins, Colorado (#B070544)
 - CollegeAmerica (“CA-Colorado Springs”) – Colorado Springs, Colorado (#B070623)
 - CollegeAmerica (“CA-Flagstaff”) – Flagstaff, Arizona (#M070742)
 - CollegeAmerica (“CA-Phoenix”) – Phoenix, Arizona (#B070743)
 - Stevens-Henager College (“SHC-Idaho Falls”) – Idaho Falls, Idaho (#B072351)
 - Stevens-Henager College (“SHC-Orem”) – Orem, Utah (#B070582)
 - Stevens-Henager College (“SHC-Murray”) – Murray, Utah (#B070583)
 - Stevens-Henager College (“SHC-Logan”) – Logan, Utah (#B070584)
 - Stevens-Henager College (“SHC-Boise”) – Boise, Idaho (#B070764)
 - Stevens-Henager College (“SHC-St. George”) – St. George, Utah (#B072360)
3. The Commission voted to prohibit CEHE from enrolling new students or re-enrolling former students into the 13 schools in teach-out without obtaining the Commission’s permission (see also footnote 3 above).
 4. The Commission voted to approve the waiver request to allow CCSD to apply for a branch re-alignment in order to add CA-Phoenix as a branch campus for the purpose of completing the teach-out plan.
 5. The Commission reconsidered its previous decision to direct IU to cease enrolling new students in the Business-DE (AAS) program and the Master of Business Administration (MBA) program and determined that the programs will continue to be subject to the “cease enrollment” directive.
 6. Due to the history of below-benchmark outcomes in the following six programs, the Commission directed IU to cap enrollment at the level of the enrollment in the program as of June 30, 2019, as reported in the 2019 Annual Report:
 - Accounting – DE (BS): 256
 - Business Administration (BS): 1456
 - Health Services Management (BS): 3466
 - Information Systems – DE (MS): 43
 - Medical Assisting – DE (AOS) [*formerly Medical Specialties*]: 2,524
 - Web Design and Development (BS): 194

SUMMARY OF THE COMMISSION’S REVIEW

Based on the May 2020 and June 2020 reviews, the Commission found that the focus and operational status of the school system has altered drastically since the Commission’s review in September 2019. At that time, CEHE represented the transition for 13 campuses as a training out of all residential programs and a shift to online education. According to CEHE’s letter of September 11, 2019,

CEHE has made a strategic decision to cease recruiting and enrolling new students into most of CEHE's fully-onground campus-based degree programs. Effective September 10, 2019, all of CEHE's onground campuses (Stevens-Henager College, CollegeAmerica, and California College San Diego), except for the Stevens-Henager College main campus in West Haven, UT, will suspend enrolling new students into campus-based onground programs

The September 2019 letter states CEHE's assertion that the schools would not be closing; rather they would be open to provide training until the last student graduated, as follows:

I want to be clear that CEHE is not closing any campuses. All of our onground campuses will continue to provide the education, services, and support to currently enrolled students and every current student will be able to complete their degree programs, without interruption, all the way through to graduation... The only effect of this strategic decision on current students is that if a current student subsequently withdraws ^[sic] or is terminated, the campus may not be able to accommodate that student if they want to "re-enroll" sometime in the future. However, in most cases, if one of our current onground students withdraws in the future and then wants to re-enroll – we will likely be able to accommodate them through Independence University.

Regardless of CEHE's assertion that the schools are not closing, the Commission directed CEHE to file Teach-Out Approval Forms for the 13 campuses for which CEHE had ceased enrolling. The Commission received those forms on December 12, 2019. The following statement appeared in each Institutional Teach-Out Approval Form:

The college's owner, Center for Excellence in Higher Education ("CEHE") wants to make it clear to the Commission that, at this point in time, CEHE has not made a decision to close any of its campuses. The only action taken by the campus has been to cease the acceptance of new enrollments into any of its programs right now. Therefore, at this time, there is technically no "final" date for the cessation of training because the college is not and has not decided to close.

In a turnabout from these assertions, CEHE now plans the closure of eight schools before students are scheduled to complete their programs. Hence, the Commission's focus has shifted from ensuring a smooth transition between residential and distance education modes of delivery, to ensuring CEHE is meeting its obligations to students while implementing teach-out plans. Therefore, it is imperative for CEHE to show its commitment and capability to implementing detailed, carefully considered, and reliable plans and actions for the discharge of obligations to students in the 13 campuses that are now in various stages of teach-out or closure.

In addition, the Commission considered its previous prohibition on new enrollments that was set forth in the October 28, 2019 Probation letter as follows:

In review of CEHE's subsequent announcement that the schools have ceased enrollment in residential programs as of September 11, 2019, the Commission found that the schools' action obviates the need for the cease enrollment or cap enrollment directives. CEHE must request from the Commission permission to enroll any new students in any residential program, which will require reconsideration of the performance of that program in terms of student graduation and graduate employment rates.

Given the Commission's focus on ensuring that the schools fulfill their obligations to the students currently enrolled in the 13 campuses that are in various stages of teach-out or closure, **the Commission voted to**

expand the prohibition on new enrollments regardless of delivery method. Therefore, CEHE is prohibited from enrolling new students or re-enrolling former students into the 13 schools in teach-out without obtaining the Commission’s permission.

Although this Probation Order covers all CEHE schools, this letter will focus on the remaining compliance issues for the two schools⁴ that CEHE intends to remain operational.⁵ There remain significant questions with regard to student achievement outcomes, accurate reporting of student achievement data, advertising, assessment of prospective students for distance education programs, independent study, and the status of ongoing litigation, state, and federal actions. Of particular concern is that IU continues to report below-benchmark rates of student achievement. Of the 13 active (non-discontinued) programs that have been operational long enough to be reportable, the school has reported above-benchmark rates of student achievement for only four. The rates reported for the other nine will require significant improvements in order to achieve acceptable rates. The lack of significant improvement over the last three years calls into question the depth of assessment the school has conducted, and therefore does not provide assurance that the current plans will have the needed impact on rates of student achievement. The Commission is concerned about the magnitude of improvement required to demonstrate compliance with accrediting standards, in context of the schools’ maximum timeframe to remain on Probation. Decisive action is required on the part of the school to demonstrate its students are achieving the outcomes of the programs at an acceptable rate. The gravity of the situation is heightened by CEHE’s reporting of student achievement outcomes that is not in full accordance with Commission requirements. The Commission will consider any further student achievement data presented in any fashion not conforming to the instruction to be invalid and a failure to report accurate data to the Commission. If the school does not bring itself into compliance within the period specified (see *Maximum Timeframe to Achieve Compliance* section of this letter), the Commission will be obligated to take adverse action.

TEACH-OUT PLANS

As stated above, upon review of the revised and updated teach-out plans, which indicate that CEHE now plans to close the above eight (8) schools on September 13, 2020, before the date all students are scheduled to complete their programs, the Commission voted to approve the revised Institutional Teach-Out Plan Approval Forms as well as the original Institutional Teach-Out Plan Approval Forms for the other five schools, effective June 30, 2020, subject to the provisions set forth below. The list of schools covered by the Commission’s approval is provided on pages 2-3 above.

The teach-out approvals are divided between the campuses that will remain open through the duration of the teach out and those that intend to close prior to the scheduled completion date of all students. Below is a description of the Commission’s review in each instance.

Schools Scheduled to Cease Operation Prior to Completion of All Students

At the June 2020 meeting, the Commission voted to approve the updated ACCSC Institutional Teach-Out Plan Approval Forms for the following campuses, which CEHE now intends to close prior to completing the delivery of the educational program for all students:

- CollegeAmerica (“CA-Denver”) – Denver, Colorado (#M001507);

⁴ These two campuses are now being merged into a single campus due to a U.S. Department of Education directive. The schools have submitted the necessary applications which are in the process of review by ACCSC.

⁵ See also footnote #3 above.

- CollegeAmerica (“CA-Fort Collins”) – Fort Collins, Colorado (#B070544);
- CollegeAmerica (“CA-Colorado Springs”) – Colorado Springs, Colorado (#B070623);
- CollegeAmerica (“CA-Flagstaff”) – Flagstaff, Arizona (#M070742);
- Stevens-Henager College (“SHC-Idaho Falls”) – Idaho Falls, Idaho (#B072351);
- Stevens-Henager College (“SHC-Orem”) – Orem, Utah (#B070582);
- Stevens-Henager College (“SHC-Logan”) – Logan, Utah (#B070584); and
- Stevens-Henager College (“SHC-St. George”) – St. George, Utah (#B072360).

The approval forms set forth the following options available to students to complete their programs:

Option 1: TRANSFER to Independence University (CEHE’s online college) to complete your degree program.

We will transfer all of your completed credits to IU and you can complete your degree online at IU without interruption. IU will give you a 30% Tuition Grant (a 30% reduction in your tuition) for any remaining tuition cost to complete your degree program. You will become an IU student and be eligible for all the IU resources including, Student Services, Tutoring, and Career Services job search assistance.

Option 2: TRANSFER to the Stevens-Henager College campus in Murray, UT or Ogden [West Haven], UT (this is only available to students at the Logan, UT or Orem, UT campuses).

We will transfer all of your completed credits and you can complete your degree program at the Ogden, UT or Murray, UT Stevens-Henager College campus without interruption. The college will give you a 30% Tuition Grant (a 30% reduction in your tuition) for any remaining tuition cost to complete your degree program. You will be eligible for all the campus resources including, Student Services, Tutoring, and Career Services job search assistance.

Option 3: DO NOT TRANSFER and receive a full refund of all student loan debt and cash payments made to the college.

If you do not want to transfer, CEHE will refund/return all Title IV Student Loan Funds (directly to your lender) that you have received since you began your current enrollment at the college. CEHE will also refund/return to you any cash payments that you have made to the college since you began your current enrollment at the college. CEHE will also write-off or eliminate any loan balance you may have through the college’s EduPlan loan program. In other words, you will have \$0.00 account balance with the college.

The Commission noted that the schools are offering a full refund option to students who are unable or unwilling to pursue Options 1 and 2. Given that Option 1 is a fully on-line program that may not be suitable for all students, and Option 2 may involve schools at quite some distance from the closing school, the presence of a third option is necessary to ensure that the school will be able to meet its obligations to students of all circumstances. Option 3 allows students to keep their credits earned and transfer those credits to another school while also being refunded all money and loans back to the source, as opposed to going through the loan discharge process whereby the students would not be able to retain their credits. With this third option, the Commission voted to approve the teach-out plans.

In reviewing the record, the Commission noted that CEHE intends to close CA-Flagstaff (#M070742) on September 13, 2020; however, its branch campus CA-Phoenix (#B070743) plans to remain operational throughout the term of the teach-out, which is projected to extend at least until November 21, 2021. When

CA-Flagstaff ceases training on September 13, 2020, operation as a school will cease and eligibility for ACCSC accreditation will lapse. It appears that the accreditation of the main school will cease prior to the completion of the teach-out of the branch campus. *Section VIII (B)(3), Substantive Standards, Standards of Accreditation*, states that the “[a]ccredited status of the branch campus is dependent upon the continued accreditation of the main school.” Therefore, the accreditation of CA-Phoenix would cease when the main school’s accreditation ceases at the close of the teach-out. To address the issue of maintaining eligibility throughout the period of the teach-out, CEHE intends to realign CA-Phoenix with CCSD and accordingly submitted waiver requests that would permit the consideration of Application for a Branch Realignment-Parts I and II while the aforementioned schools are on Probation. At its June 2020 meeting, the Commission voted to approve the schools’ requests and therefore the schools are proceeding with the application process.

Schools Scheduled to Remain Open Until Teach-Out is Complete

At the May 2020 meeting, the Commission voted to approve the Institutional Teach-Out Plans for:

- California College San Diego – San Diego, California (#M001073)
 - SL460488 – National City, California;
- California College San Diego – San Marcos, California (#B072374);
- Stevens-Henager College – Murray, Utah (#B070583); and
- Stevens-Henager College – Boise, Idaho (#B070764).

In doing so, the Commission took note of the accrediting standards which require that in order for a school to maintain its eligibility for accreditation, it must operate as a school providing education and training to students in accordance with its primary objectives and maintain its ability to meet its obligations to students on a continuous basis (*Section I (G)(2)(b), Rules of Process and Procedures, Standards of Accreditation*). Therefore, when each school completes training of all currently enrolled remaining students, that school’s eligibility for ACCSC accreditation will cease. As a result, the Commission approved the Institutional Teach-Out Plans through the expected last date of training for each of the five schools listed above, at which point accreditation for these campuses will cease. In order to allow the closing schools to focus on teaching out current students, there are no response requirements in this letter specifically for those campuses. However, the Commission’s approval of the teach-out plans (and concordantly extending each closing school’s term of accreditation and maximum time frame to achieve compliance as necessary), is for the sole purposes of focusing on and facilitating the successful teach-out of current students (see also footnote #3 above).

Teach-out Resources

With regard to adequate resourcing of educational delivery at the schools, the Commission has been pursuing the question – first raised in February 2018⁶ – of whether CCSD-San Diego provides sufficient equipment for the Computer Technology and Networking; Computer Programming; and Computer Science programs. Despite the school’s assertions that equipment for these programs is sufficiently up-to-date, the Commission found that the school has not yet supported those claims with documentation. In the October 28, 2019 Probation letter, the Commission expanded the question to include each of the schools; however, due to the notification that CEHE is prematurely closing eight institutions, the Commission decided to narrow the focus of its questions regarding equipment to the five schools that CEHE intends to remain operational throughout the term of the teach-out.

⁶ See the February 16, 2018 *Team Summary Report* from the Renewal of Accreditation on-site evaluation.

In response, CEHE describes measures taken to ensure equipment is sufficiently comprehensive. The first element consists of an internal assessment that the schools conducted in November 2019. The response includes 55 signed checklists of varying lengths, from seven items for some programs, to over 80 items for the Medical Assisting (AOS) programs. Based on a review of the items included in the checklists, it is not clear that there is a standard checklist for each program or whether the items on the checklist are required. Although CEHE appears to have used this information to conclude that each school is adequately equipped, the Commission is not convinced that simply indicating the presence of the equipment on the checklists demonstrates that the campuses are in fact sufficiently resourced.

The second element of the plan to ensure equipment is sufficient comprehensive is review by the Program Advisory Committee (“PAC”). It appears that PAC members were sent a document that included the results of the internal assessment of the campus’ equipment and instructional materials described above and were asked to “...review the school’s plan regarding equipment” and provide feedback. In general, the PAC members appear to have found that CEHE’s plan for equipping the various programs is sufficient to meet the needs of students. The Commission is aware that PAC members did not conduct an on-site inspection of equipment and discuss the sufficiency of the equipment as a group and understands that an on-site inspection may not be feasible or desirable at this time.

The third element of CEHE’s efforts to ensure equipment is sufficiently comprehensive is the formulation of a Transition Task Force that is comprised of corporate directors and vice presidents to “assist the ground campuses with the transition.” As stated in the response,

A member of the Transition Task Force visits each campus once per quarter to conduct a Quarterly Resource Visit. During the visit, the task force member conducts a visual inspection of equipment to ensure that needed equipment is being maintained, that copiers, lab equipment, office equipment, and student laptops are in good working order, and that there is no broken equipment. This review is conducted every three months, each time by a different CEHE senior staff member.

The response also includes under Exhibit 8.b., a blank copy of the “Quarterly Resource Visit Outline” which CEHE indicated is meant to document the quarterly visits. The Commission is interested in reviewing the completed quarterly resource visit outlines and any actions taken by the school based on the results of those visits.

Teach-out Plan Approval Contingencies

As stated above, overall the teach-out plans for all thirteen (13) schools are approved, provided that CEHE ensures the following:⁷

1. The first provision is that in approving the teach-out plans the Commission expects that the schools below will remain open until the final student graduates. The Commission noted that plans for the four schools below contain misaligned information regarding the date the last student is expected to graduate.

School	Date Last Student is Scheduled to Graduate
CCSD (#M001073)	According to the Teach-Out Form: 6/19/2022 According to the Student List: 9/11/2022
CCSD Satellite Location (#SL460488)	According to the Teach-Out Form: 8/14/2022

⁷ In order for the teach out plan approval to remain intact, the Commission expects CEHE to adhere to these contingencies. Failure to do so will result in the Commission revising the approval of the teach out plans.

	According to the Student List: 9/11/2022
CCSD – San Marcos, California (#B072374)	9/11/2022
SHC-Murray (#B070583)	According to the Teach-Out Form: 7/17/2022 According to the Student List: 6/19/2022
SHC-Boise (#B070764)	According to the Teach-Out Form: 7/17/2022 According to the Student List: 9/11/2022

2. The plans are approved provided that CEHE has any necessary approvals from the state agencies, other accreditors, and the U.S. Department of Education, where applicable.
3. CEHE is prohibited from enrolling new students or re-enrolling former students into the 13 schools in teach-out without obtaining the Commission’s permission (see also footnote #3 above).
4. The plans are approved provided that the plans maintain compliance with International Student Visa Requirements.
5. For the schools remaining open until the completion of the teach-out, CEHE must submit biannual reports on the progress of the teach-outs **due on October 1 and April 1** until the completion of the teach-outs. The Commission noted that as part of CEHE’s transition and teach-out plan the schools implemented a transition plan that includes incentives for both faculty and staff to stay with the school until all students are graduated or until their position is no longer needed. The schools also implemented a Transition Task Force that meets weekly to and will review and analyze the ongoing staffing needs of each campus. Considering the length of time that some of the campuses will be in teach-out the Commission is interested in biannual reports in order to monitor not only the progress of students’ education, also the retention of faculty and staff needed to complete the teach-out. The biannual reports must also include completed Quarterly Resource Visit Outlines showing that a member of the Transition Task Force has visited each school and conducted an inspection of equipment and a description of any actions taken by the school based on the results of those visits.
6. For the eight schools closing in September 2020, CEHE must submit a report on the final disposition of students and official closure notice with effective date **due on September 12, 2020**.

COMMISSION FINDINGS

COMPLIANCE ISSUES FOR INDEPENDENCE UNIVERSITY AND SHC-WEST HAVEN

1. CEHE must demonstrate successful student achievement, including acceptable rates of student graduation and graduate employment in the career field for which the schools provide education at SHC-West Haven and IU (*Section VII (B)(1)(b), Substantive Standards, Standards of Accreditation*). In the October 28, 2019 Probation letter, the Commission “noted the magnitude of the programs that are failing to demonstrate successful student achievement at some of the schools in CEHE’s system, most notably IU, California College-San Diego, and CollegeAmerica in Phoenix.” In addition, based on a review of three year’s student achievement data the Commission also expressed particular interest in the progress of seven institutions toward demonstrating successful student achievement. These schools reported below-benchmark rates of student achievement for half (or more) of the programs offered. Of those seven, two are now in teach-out mode and three are under consideration for premature closure. The remaining two campuses are the schools that CEHE intends to maintain in operational status: SHC-West Haven and IU.

At the May 2020 meeting, the Commission reviewed the Graduation and Employment Charts supplied with the response, prepared using a March 2020 Report Date and found that SHC-West Haven now four active programs that have been operational long enough to have reportable outcomes, and the school has reported below-benchmark rates of graduation for two programs. The history of student achievement outcomes reporting for the four active/reportable programs are outlined in the chart below.

Stevens-Henager College – West Haven (M070581)								
Program Title (Credential)	Graduation Rate				Employment Rate			
	2017	2018	2019	March 2020	2017	2018	2019	March 2020
Business Administration (BS)	48%	23%	42%	33%	77%	83%	90%	100%
Medical Assisting (AOS) [†]	22%	29%	43%	32%	72%	71%	75%	74%
Nursing Education (AD)	77%	53%	67%	76%	84%	84%	88%	95%
Surgical Technologist (AOS)	57%	48%	52%	47%	92%	91%	91%	92%

[†] Formerly Medical Specialties Red highlight denotes below benchmark rates.

As noted by CEHE, the rates for all four programs were above benchmark with the 2019 Annual Report; however, two programs show a marked decline for the March 2020 Report Date. The Commission directed SHC-West Haven to provide an updated assessment; however, the response contains an identical description to the one included in the response reviewed at the August 2019 meeting.

With regard to actions taken by SHC-West Haven to address the factors, the response reiterates the previously-described changes to academic management, the implementation of accountability metrics (described in Procedural Directive 363); monthly student surveys; weekly academic progress meetings; creation of a student success center; monitoring of success in the first three weeks; .and increased advising with Medical Assisting (AOS) students about their program selection. The Commission noted that the school consistently reports above-benchmark rates in the Nursing Education (AD) and Surgical Technologist (AOS) programs, and is interested in an analysis of the differences between the programs that might also contribute to the differences in student achievement rates.

With regard to the effectiveness of the school’s actions, the response states:

In 2018, year-end retention of students is at 75% compared to 88% in 2019. This figure calculates drops and re-entered students and is a declining number starting at 100% on January 1. The improvement is 13%.... The 2021 cohort data suggests that the action plans implemented in the last several years are effective and will allow the College to meet or exceed the graduation rate benchmarks.

Although the Commission noted that the rates reported using a March 2020 Report Date fall below ACCSC benchmarks, the evidence appears to show the strategies are starting to take effect. Therefore, the Commission is willing to afford the school an additional opportunity to demonstrate successful student achievement. In addition, the Commission is interested in reviewing data that is reported in accordance with the guidance regarding students transferring between programs as outlined in Finding #2 of this letter.

The Commission reviewed the Graduation and Employment Charts supplied with the response, prepared using a March 2020 Report Date and found that IU has fourteen active/reportable programs, and the school has reported below-benchmark rates of student achievement for nine programs. The

history of student achievement outcomes reporting for the fourteen active/reportable programs are outlined in the chart below.

Independence University (B072309)								
Program Title (Credential)	Graduation Rate				Employment Rate			
	2017	2018	2019	March 2020	2017	2018	2019	March 2020
Accounting-DE (BS)	N/A	17%	20%	22%	N/A	73%	79%	60%
Business Administration-DE (BS)	N/A	18%	17%	18%	N/A	53%	49%	51%
Business-DE (AAS)	16%	19%	21%	20%	53%	41%	59%	51%
Business-DE (Diploma)	N/A	100%	65%	78%	N/A	100%	100%	80%
Graphic Arts-DE (BS)	N/A	19%	21%	19%	N/A	63%	55%	41%
Health Services Management-DE (BS)	65%	74%	12%	14%	83%	68%	54%	29%
Information Systems-DE (MS)	53%	37%	58%	64%	75%	30%	73%	33%
Business Administration-DE (MBA)	N/A	70%	63%	70%	N/A	44%	60%	33%
Medical Assisting-DE (AOS) [†]	21%	13%	19%	22%	48%	27%	50%	37%
Nurse Education-DE (MS)	100%	100%	100%	80%	100%	100%	50%	100%
Nursing-DE (BS)	67%	55%	75%	67%	100%	83%	100%	100%
Nursing Administration-DE (MS)	100%	50%	100%	N/A	100%	100%	100%	N/A
Respiratory Care-DE (BS)	82%	72%	78%	73%	86%	80%	93%	91%
Web Design & Development-DE (BS)	N/A	N/A	12%	9%	N/A	N/A	57%	67%

[†] Formerly Medical Specialties DE=Distance Education Red highlight denotes below benchmark rates.

The Commission noted that student graduation rates have gradually improved for the Accounting-DE (BS) and Medical Assisting-DE (AOS) programs, but have remained relatively unchanged for the Business Administration-DE (BS), Business-DE (AAS), and Graphic Arts-DE program. CEHE’s response provides a “Summary of the Interim G&E Charts for graduation rates” which shows that on the 13 Graduation and Employment Charts provided with the response, IU reported a total of 4,873 starts, 166 transfers within the campus, 50 unavailable for graduation, and 997 graduates. The institutional graduation rate is 21%. The Commission found that this result highlights the magnitude of improvement that must be achieved in order for IU to demonstrate successful student achievement. The Commission also noted that with the 2019 Annual Report, IU reported 7,912 students as of July 1, 2018 8,607 students as of June 30, 2019, and 8,943 students entered IU between those dates, for a total of 16,855. Of that total, 8,248 students departed the institution between July 1, 2018 and June 30, 2019. Of the students who departed, 1,489 or 18% graduated. The Commission is concerned about the 6,759 students that left IU without achieving the educational objectives of the programs. The data is not reflective of a healthy institution consistently meeting its mission at an acceptable level; however, the Commission noted that IU has consistently reported above-benchmark rates for the Business-DE (Diploma), Nurse Education-DE (MS) Nursing Administration-DE (MS), and Respiratory Care -DE (BS) programs. The Commission is interested in why the policies and procedures that result in student success in these four programs are failing to produce success in the other programs.

With regard to actions taken by SHC-West Haven to address the factors, CEHE reiterated the five factors affecting the rate of graduation in multiple programs as outlined in the previous action plan and provided updates on the effectiveness of actions taken to address each factor, as follows:

Factor #1: Course Scheduling

The response defines the issue and the strategy developed to address the issue as follows:

One of the challenges Independence University faces in retaining students to graduation is that in order to retain full-time standings, students needed to be scheduled for two courses in the same four-week module on a regular basis. When students were scheduled for two subjects in the same module, the student usually chose to focus on only one of the two courses and subsequently failed the other. To address this issue, the university developed a scheduling model (5 credit courses) that allows students to take only one course at a time.

According to the November 2019 updates “[t]he five-credit hour course initiative continues to demonstrate improved retention versus the prior 3-4 credit per course model.” The response indicates that, in terms of retention in courses, “[t]he overall improvement year-to-date of all Business and related General Education courses is 10.39 percentage points or 15.47%.” The response concludes that “[t]he most recent results of the 5-credit model have shown the desired effect for graduation rates. The 2022 cohort, which is the first group of students enrolled in the 5-credit model for the Business AAS is predicted to have a 49% graduation rate. This is a significant jump from the 2021 forecast of 21%.”

Factor #2: Time Management

The response defines the issue and the strategy developed to address the issue as follows:

The University conducted research to determine the relationship between grades in the first module to outcomes. The commitment of time and the ability to manage time is identified, in part, by success in the classroom. Research showed that only ten percent of students who earned a C grade or lower in their first time were successfully retained by the end of the first academic year. To improve the success of this segment of the student population the institution organized Study Café.

The November 2019 update states that that the “Study Café success may have been a false positive tied to another initiative” and that “Study Café has been abandoned as an initiative.” However, IU adopted best practices from the Study Café model into a new initiative: Lab Instructors in the Classroom. This term refers to “a second instructor added to a course to focus on student success, individual attention and expanded live session contact and instruction for students in their first academic year.” According to the response, IU tested this approach in module six of two programs and found it resulted in an improvement in completion rates. These results led IU to a test of the second instructor model in the first year curriculum. The effectiveness of this stage of implementation is to be measured in December (presumably 2019), with plans to institutionalize the model and procedures in 2020.

Factor #3: Technology Issues

The response defines the issue and the strategies developed to address the issue as follows:

Some students struggle with computer hardware and software issues. The University has put in a number of aids for students including: providing a tablet, a laptop computer, all software for their programs, and IT support to aid students when problems arise. Four strategies to reduce drops related to technology challenges were adopted or expanded in the Fall of 2018. These include: (1) improve the facilitation of equipment distribution, (2) preload software students need for success, (3) improve the turnaround time when replacing or repairing damaged equipment, and (4) improve the level of service by IT support systems.

The November 2019 update indicates that IU continues to focus on ensuring that students have tablets in the first week of class, and that students receive laptops in the first week of the fourth module. These devices are preloaded with the requisite software. Graphic Arts students “now receive their MAC computers in week two or three of their third module so that they can receive a mini-course in how to use the MAC and Adobe software prior to their first graphic arts course.” In addition, IU is focusing on providing timely service on computers sent in for repairs, with a target of two business days. In cases where repairs will take longer, IU instituted a “loaner” program so students will not experience a protracted disruption to the educational process. Finally, IU has added two student interns to the help desk area, to provide additional resources during high volume call times. Although there are no statistics provided to link the improved technology resourcing with student retention, CEHE concludes that “[i]mprovements in the technology area should result in incremental success in retention of students.”

Factor #4: Student Engagement

The response describes the eight strategies IU has developed for improving student engagement and retention, as follows:

Strategy 1 – Enhanced engagement and communication through faculty program advisors

The November 2019 update indicates that student surveys show a positive response to the faculty program advisors, although the response does not include the date of those surveys. In addition, the response states “[a] new test program is being evaluated, the FPA At-Risk Student Strike Force.” It is not clear what this program entails or how it differs from the faculty program advisor program.

Strategy 2 – Keeping students informed through such resources as SHARC and the IU Student Review

The November 2019 update indicates that the “IU Student Review has been institutionalized and is issued weekly. Since our last report the open rate has increased to an average of 35%, with a high of 41%.” There is no explanation of the “SHARC” resource and whether it is pertinent to the implementation of the strategy at this point.

Strategy 3 – Open Houses across the country for active students and graduates

According to the November 2019 update, the last open house occurred in August 2019 with approximately 200 participants. According to the response, IU intends to restructure both graduation ceremonies and open houses in 2020; however, the response does not describe the contemplated changes. The response indicates that IU plans to conduct a combination of open houses and graduation ceremonies in Columbus, Ohio, Salt Lake City, Utah, and Ft Worth, Texas using the same model that was developed in Atlanta, Georgia in 2019.

Strategy 4 – Invest in, and implement NuroRetention software to provide a better means to track student activity and coordinate communication between departments when working with at-risk students.

The November 2019 update indicates that the NuroRetention software has been challenging to implement and revisions have been made to the software to make it more compatible to the IU system. IU is planning a “second kick off in January when the final major upgrade is completed as well as moving to the added Insight Platform.”

Strategy 5 – Increase the size and scope of the student services team. The student services team was increase from 28 to 45 employees. Added personnel in this area should improve service and communication, and therefore retention of students.

The November 2019 update indicates that there are now 55 Student Services Advisors and the plan is to continuing to hire an additional advisor for every 25-student increase in student population. IU has also implemented routine outbound calls to check in with students, in addition to responding to inbound calls from students. According to the update, the Freshman Orientation and Freshman Club Webinar Series continue to show favorable results. Student Services Advisors are continually reaching out to the student population to involve them in the series and are exploring new ways to increase the number of those who attend.

Strategy 6 – Improvements and activities in the area of tutoring for students.

According to the response, IU has two distinct groups in the area of tutoring. The Writing Center provides both synchronous and asynchronous assistance in writing and the Student Success Center provides live tutoring in 27 areas. The November 2019 update indicates that those who make use of the Writing Center are more likely to stay in school and the retention rates of those who use the tutoring services shows significant improvement.

Strategy 7 – Develop and expand extracurricular activities.

Per the response, IU started a Student Advisory Committee (“SAC”) as a support organization to encourage students to participate in activities beyond the classroom. SAC has participated in multiple research and advisory projects that started in 2015. The November 2019 update indicates that students who participate in the student advisory committee activities have a higher retention rate. In addition, the response mentions program-specific extracurricular activities, such as the Business Club. Overall, the results show that participants in those activities are more likely to stay in school.

Strategy 8 – Badge initiative Roll-out

According to the response, IU found that students earning certifications in their programs have a higher tendency to complete their programs than those who do not. IU found that many certification programs are not readily available online and so has started “an initiative to show recognition of students who have successfully met the criteria for various badges... [t]he Badge program will include participation badges as well as skills badges that can enhance employability of the University graduates.”

It appears, from the response, that some badges are awarded to the recipients of term awards in recognition of academic performance, such as President’s list, Dean’s list, and Honor roll. There have been under 5,000 students earning these badges, with some students earning more than one. In addition, there have been 690 badges awarded for skills developed in courses. These included badges in Graphic Arts, Business Management, and e-portfolios. IU is in the process of developing a tracking system to record the retention of students earning the different badges.

Factor #5: Life Issues

Specifically, as described in the response,

The University previously conducted research with students who had voluntarily dropped from their programs. In rank order, the four main reasons for dropping included personal medical, money or job, family issues, and work issues. In multiple surveys these four reasons accounted for between 48 and 61 percent of the reported reasons for students dropping. In the fall of 2018 we identified four strategies to reduce the number of drops caused by these life issues

Strategy 1 – Have students demonstrate commitment to their education in week 1 of their enrollment, by not only needing to participate in class, but submit their first assignment.

The November 2019 update indicates that this approach has resulted in better completion rates in modules 1-10. The highest drop rates are in modules 2-5; therefore, IU concluded that an increase in the completion rate in the second course is indicative that IU has done a better job of identifying and cancelling students who will not proceed and be successful in their programs.

Strategy 2 – Investigate the possibility of providing a Leave of Absence (LOA) policy for students. Over half of our students who drop report that they would like to return to school within six months, but only a fraction of those wanting to come back make it through the reentry process.

The November 2019 update indicates that although the LOA plan was developed, it has been tabled by CEHE Executive Management due to regulatory concerns. In its place, CEHE intends to adopt “...a three year test program to determine if additional breaks from school will help reduce burn out and drops where students only want/need a temporary break. The new program, beginning in 2020 includes two one-week breaks each year and a two-week break during the Christmas/New Year holiday season. The current program is only a two-week break during the Christmas/New Year holiday season.”

Strategy 3 – Expand the reentry team to improve the ability of students wishing to return to school after dropping.

The November 2019 update indicates that the 2020 institutional assessment and improvement plan includes plans to expand the reentry team with a goal of increasing “reentries from an average of 110 students per module to 180-200 students per module. Based on student surveys of students who drop nearly two-thirds of students who drop want to return to the university.”

The response also includes seven pages of program-specific initiatives to improve student retention, most a selection of the initiatives described above. The Commission recognized the breadth of initiatives that IU has implemented in an effort to improve student graduation rates. With regard to the effectiveness of these initiatives, the response includes a table of “forecasted” graduation rates for the 2020, 2021, 2022, 2023, and 2024 cohort years. IU forecasted that graduation rates will be above-benchmark for the Business (AAS) and Medical Assisting (AOS) by 2022 and for the Accounting (BS) and Business Administration (BS) by the 2024 cohort year. The Commission noted that the response does not include a forecast for the Health Services Management (BS), Graphic Arts (BS) or Web Design and Development (BS) programs. The Commission expects to see progress toward the reporting of above-benchmark student graduation rates to provide assurance that CEHE is capable of developing and implementing successful strategies.

With regard to employment rates at IU, the response states that “[a]lthough the interim G&E charts show that nine (90 [sic] programs are below bench, we are forecasting that only three (3) programs will be below bench at the time of reporting in October 2020.” The response describes the updates to IU’s plans that were implemented in 2017 and 2018. At that time, IU identified four factors affecting the rates of graduate employment, and two additional factors were identified in 2020. Those factors and IU’s corresponding initiatives are outlined below.

Factor 1 - Career Services department being under-staffed

The response indicates that current staffing includes 47 Career Services Advisors and IU is actively recruiting for an additional eight. The response includes a chart showing that as the number of Career Services Advisors rises, the number of placements in all cohorts rises.

Factor 2 - Not engaging with students early enough in their programs

To address this factor, IU has established early and increased interaction between the student and the Career Services Advisor. With the implementation of the Student Success Team in January 2018, all students are assigned a specific member from each of the University's support departments including a Career Services Advisor (CSA). IU views this as an opportunity for students to develop soft skills and increase career readiness while attending school. In addition, IU indicated that this approach will aid in retention by keeping students actively engaged in the end goal, which is to get a better career after graduation. According to the response, IU has already achieved a 20% year over year increase in total placements, and predicts that over time "this will grow exponentially."

Factor 3 - Not developing sufficient employment opportunities

In January 2018, IU contracted with "E-hired," a service that provides a job search tool for students and a way to monitor students' job search activity for IU. As described in the response, E-hired is

...a comprehensive job search tool designed to find job leads based on SOC codes, student's program, and location. A personalized E-Hired student profile is created for every student and graduate contacted by a Career Services Advisor. For active students it is set up during their initial meeting during their 4th module. Each student profile contains the students' resume, portfolio, degree information, certifications obtained and contact information and is open for employer viewing. Jobs leads are then automatically sent via email to the student seven days per week.

According to IU's analysis of the effectiveness of this approach, currently there are 4,578 students utilizing E-Hired. Since December 1, 2017:

- *9,354,083 in-field, matching students programs/credentials employment opportunities have been identified and delivered to our student body;*
- *1,218,810 jobs have been viewed;*
- *29,157 jobs have been applied for.*

IU has also been working on a network of employer partnerships. According to the response, the school has "connected with" 1,668 employers across the country since January 1, 2020.

Factor 4 - Students not understanding the need to build professional work experience and skills while attending school

The school has "implemented an active student development plan to be followed through a set of prescribed contacts." Career Services begins working with active students during their fourth module. Students are contacted at least once per term until the student reaches pre-graduation status at which time the school begins regular weekly contact. In addition, the school changed how students schedule and conduct mock interviews as part of their CSS299 Professional Development course. According to the response, these changes will result in dramatic overall increase in the employment rate from 43% for the 2020 cohort to 83% for the 2021 cohort.

Factor 5 - Inability to contact students and graduate unresponsiveness

The school implemented a new scheduling system, Acuity, in May 2018. According to the response, "[t]his system allows students to proactively schedule appointments at a convenient time for them and select the development area they need assistance with." The system also sends a satisfaction survey to the student immediately following the appointment. The response also refers to the implementation of the Student Success Teams and prescribed contact plan that are building a culture of regular voice-to-voice contact to overcome the issue of unresponsiveness. In the school's most recent biannual student

satisfaction survey, “the greatest improvement in comparison to the 2014 survey results, which are reflective of the opinions affecting the 2019 cohort, was the awareness of the Career Services Department with an increase of 30 percentage points from 67% to 97%.”

Factor 6 - Graduate expectations and levels of preparedness

The school has implemented an early assessment program, either upon initial reconnection with a graduate, or during an active student’s second term, whereby the Career Services Advisor identifies development opportunities and facilitates the creation of a development timeline with the student. According to the response, “[n]ot only does this allow us to identify deficiencies in job experiences, it also provides the opportunity to discuss outcome expectations and recommend internships or skills development to the students while they are in school, if applicable.” The school indicates that 96 students and graduates have been matched to internships, and 200 additional opportunities have been identified. It is not clear that the increased number of internships has resulted in additional graduates being employed in field.

The Commission again recognizes the efforts IU has made to analyze factors impacting employment rates and develop a broad range of strategies to address those factors. Although there are some indications that the strategies will be successful mechanisms for improvement, the Commission acknowledges that more time is needed to show whether the improvement will be sufficient to raise rates of student achievement to an acceptable level.

As indicated in the October 28, 2019 Probation letter, the Commission reconsidered its previous decision to direct IU to cease enrolling new students in Business – DE (AAS) and Master of Business Administration (MBA) programs. On charts prepared using a March 2020 Report Date, the school reported below benchmark rates of student achievement for both programs. The Commission found that the graduation and employment rates for the Business – DE (AAS) remained steady; however, there was a noticeable decline in the employment rate for the Master of Business Administration (MBA) program. Therefore, both programs will continue to be subject to the “cease enrollment” directive.

Due to the history of below-benchmark outcomes in the following six programs, the Commission directs IU to cap enrollment at the level of the enrollment in the program as of June 30, 2019, as reported in the 2019 Annual Report:

- Accounting – DE (BS): 256
- Business Administration (BS): 1456
- Health Services Management (BS): 3466
- Information Systems – DE (MS): 43
- Medical Assisting – DE (AOS) [*formerly Medical Specialties*]: 2524
- Web Design and Development (BS): 194

Based on the foregoing, the Commission directs CEHE to submit the following on behalf of SHC-West Haven and IU:

- a. A Graduation and Employment Chart using a **December 2020 Report Date**⁸ for each program and supporting summary information for each Graduation and Employment Chart submitted, organized according to the corresponding **cohort start date** reported on the chart (line #1), as follows:

⁸ The Commission will also review the Graduation and Employment Charts submitted with the schools’ 2020 Annual Reports.

- i. For each student reported provide the following information:

Student ID#	Program	Start Date	Graduation Date	Withdrawal/ Termination Date

- ii. For each student classified as “Unavailable for Graduation” (line #6), provide the following information:

Student ID#	Program	Start Date	Reason Unavailable	Description of the Documentation on File

- iii. For each graduate reported, provide the following information:

Graduate ID#	Program	Start Date	Employer, Address, & Phone #	Employer Point of Contact	Date of Initial Employment	Descriptive Job Title	Other Status (Unemployed, Further Ed., Unknown, Etc.)

- iv. For each graduate classified as “Graduates-Further Education” (line #11) or “Graduates-Unavailable for Employment” (line #12), provide the following information:

Graduate ID#	Program	Start Date	Classification on the G&E Chart	Reason	Description of the Documentation on File

- b. For each program for which the reported rates of student graduation and graduate employment do not meet the ACCSC benchmark, the school must provide
- i. An updated assessment of the factors impacting the rates of student graduation (e.g., admissions requirements and student support) and graduate employment (e.g., economic conditions),
 - ii. A description of the strategies implemented by the school and how the strategies are designed to target the factors identified in the assessment described above, and
 - iii. A description of whether the strategies the school is using have been effective.
- c. An ACCSC Retention Chart for each program offered.
- d. A list of recent graduates from each program for the last six months with employment information, in the following format:

Graduate ID#	Program	Start Date	Employer Contact, Address, & Phone #	Date of Initial Employment	Descriptive Job Title	Other Status (Unemployed, Further Ed., Unknown, Etc.)

2. CEHE must demonstrate that the schools report student achievement data in accordance with the instructions on the Graduation and Employment Chart (*Section VII (B)(1), Substantive Standards, Standards of Accreditation*). With the May 2, 2019 letter, the Commission first raised the question with regard to the use of the “transfers in and out” categories for students that appeared to have withdrawn and re-enrolled. Specifically, according to data reported in the 2018 Annual Report, some students reported as “transfers” between two programs at the same institution entered the second program more than a year after leaving the first program. The Commission observed that the movement of students to a cohort one to three years in the future is more typical of students that drop (or are terminated) and

subsequently re-enroll in a different program. Therefore, with the October 28, 2019 Probation letter, the Commission directed CEHE to use the following guidance when completing Graduation and Employment Charts in future: **Only if a student withdraws from a program and is able to complete the program into which the student re-enrolled within 150% of the normal duration of the original program, may that student be reported as a transfer.**

In response, CEHE states two points of confusion with the Commission’s directive. The first issue has to do with the Commission’s directive to implement the definition of transfers with all Graduation and Employment Charts prepared in future:

The first point of confusion is that it appears that the Commission is providing CEHE with new or revised guidance (relative to the Commission’s interpretation of its Standards) while simultaneously asking CEHE to demonstrate past compliance with this revised guidance. Specifically, the Commission is directing CEHE to use the guidance in its Letter: “...when completing Graduation and Employment Charts in the future.” (Emphasis added). But the Commission is simultaneously requesting that CEHE provide evidence of compliance with this new guidance for past reporting of student outcomes (i.e., cohorts of graduates that have already finished school, including student cohorts that were previously reported upon in CEHE’s 2019 ACCSC Annual Report.

The Commission’s stance is that the directive to prepare Graduation and Employment Charts in accordance with the instructions does not require “past compliance,” rather it requires the current application of the instruction at the time the Graduation and Employment Charts are prepared. The decision to report a student as “withdrawn” or “transferred” is current as of the completion of the chart and the signature attesting to the accuracy of the data therein.

CEHE’s response indicates that the schools are interpreting the Commission’s guidance as being applied “inconsistently.”

The second point of confusion relates to how this revised guidance appears to be applied inconsistently. Based upon CEHE’s understanding of the Commission’s revised guidance, it seems that the guidance is different for students who had withdrawn and then subsequently come back to school and re-enroll into a different program versus students who are active and then decide to transfer into a new program and cease the original program in which they were enrolled.

The response contains two examples of students “moving” from an associate’s degree program to a baccalaureate degree program. The first student “transfers” and the second student “drops out” and “re-enrolls” the very next day. The school’s point appears to be that both students experience the same enrollment pattern, and one can be counted as a transfer, while the other is not.

The Commission found that CEHE’s interpretation that “the guidance is different” depending on whether students had officially “withdrawn” or whether students were still “active,” is inaccurate. The Commission’s questions regarding the classification of students moving from one program to another centers on the temporal gaps of enrollment, e.g., up to years between the time enrollment ceased and the time enrollment began again, rather than the student’s official status at the time of departure. The issue seems to be how to establish a reasonable timeframe in which a student would be considered to have “transferred,” which implies a certain continuity of instruction – as opposed to a withdrawal and re-enroll. To provide CEHE guidance within the framework of the established instructions for preparing

- b. For each student, provide transcripts documenting the dates of the transfer; and
 - c. Any additional information that the school believes will be useful to the Commission in making a determination regarding the school's compliance with ACCSC's requirements.
3. CEHE must demonstrate that the SHC-West Haven and IU have established admissions processes for programs and courses delivered via distance education that include:
- An assessment prior to enrollment of the student's technical skills, competencies;
 - Access to technology necessary to succeed in a distance education environment;
 - An assessment of the student's capability to benefit the distance education program or course; and
 - An assessment as to whether the student's learning style is conducive to online learning.

In addition, CEHE must demonstrate the validity and reliability of the assessment tools used to assess a student's readiness for distance education online learning minimally using engagement surveys, academic progress, and student achievement data (*Section IX (F)(2 & 3), Substantive Standards, Standards of Accreditation*).

In August 2019, CEHE presented the results of an internal review that resulted in CEHE's decision to implement the SmarterMeasure Learning Readiness Indicator from SmarterServices, Inc. In the October 28, 2019 Probation letter, the Commission stated its intention to monitor the implementation of the SmarterMeasure Learning Readiness Indicator in the initial stages, and then monitor the efficacy of the new approach with studies of academic progress, retention data, and finally student graduation rates for the first cohorts of students admitted under the new process and procedures. Therefore, as a first stage in the monitoring process, the Commission directed CEHE to provide a copy of the admissions requirements and documentation for the most recent 50 applicants into the distance education programs or courses.

In response, CEHE provided a copy of the admissions requirements for enrollment into programs or course of study delivered via distance education platform as follows:

1. *High School Diploma or Equivalency (GED®, TASC, or HiSET)*. A high school diploma or high school equivalency must be provided on or before 11:59 p.m. (Mountain Time) on the Thursday* prior to a start date (*if the Thursday prior to a start is a holiday, the deadline is Wednesday before the start).
2. *SmarterMeasure Online Readiness Assessment*. An online assessment must be completed by each new applicant with a passing score of 70% or higher for the technical competency portion of the assessment. All portions of the assessment must be completed no later than 11:59 p.m. (Mountain Time) on the Thursday* prior to a start date. Applicants who fail to meet the minimum score may take the SmarterMeasure assessment twenty-four hours or later after the first attempt. If the applicant fails to achieve the minimum score (70%) after two attempts, the applicant must wait 30 days before he/she can retake the assessment. If the applicant fails to meet the minimum score for a third time they must wait 120 days (from first attempt) to make another attempt.
3. *Early Enrollment Course ("EAC")*. Applicants must submit the seven required components and score 100% on the University and Policy Quiz. The EAC must be taken and passed on or before the start day at 11:59 p.m. (Mountain Time).

CEHE provided a list of 40 students (of the 50 that applied) that were accepted into the schools. The response includes the admissions documentation in the form of the SmarterMeasure Test, evidence of high school graduation or recognized equivalent, and enrollment agreements for only 25 of the 40 accepted students. Of the 15 students for which there was no documentation, ten were “non starters” and five cancelled after class started. The Commission is interested in all students that were admitted into the school, regardless of the ultimate status of the students. Therefore, if the enrollment agreement was fully executed (e.g., signed by the accepting school official), CEHE must provide admissions documentation to show that those students were admitted in accordance with the stated admissions requirements. In addition, the Commission noted that the schools did not supply evidence that the Early Enrollment Course was taken on or before the start day at 11:59 p.m. (Mountain Time). And with regard to the High School Diploma or Equivalency, documentation for 19 of the students did not include the date of receipt by the school, and therefore the school did not demonstrate that documentation was “provided on or before 11:59 p.m. (Mountain Time) on the Thursday prior to a start date.”

In reviewing the results of the SmartMeasure Online Readiness Assessment, the Commission noted that the assessment consists of four separate sections: Technical Competency, Technical Knowledge, Life Factors, and Learning Style. The first three sections are scored, and the learning style section ranks the students’ style into one of the following categories: Aural, Logical, Physical, Social, Solitary, Verbal, and Visual. It appears, from the description of admissions criteria, that the prospective student is only required to pass the Technical Competency portion of the assessment in order to be admitted. It is not clear how the schools are adequately assessing the access to technology, student’s capability to benefit from enrolling in a distance education course or program; or whether the student’s learning style is conducive to online learning when only using a single portion of the test. The Commission noted that 15 students (of the 25 assessments provided in the response) indicated that they do not own computers. The Commission is interested in how this factor is taken into account when determining whether the student has access to the adequate technology. In addition, the Commission noted that although CEHE has not established a passing score for the Technical Knowledge portion of the assessment, the national average is given as 56, and three of the students scored well below that average at 49, 42, and 36 (out of 100). The Commission questioned whether these scores might be indicative that these prospective students might not be capable of benefitting from online learning.

Overall, the Commission is not convinced that CEHE’s actual implementation of the SmarterMeasure instrument provides an adequate assessment of the student’s technical skills, competencies, and access to technology or of the student’s capability to benefit the distance education program or course; or whether the student’s learning style is conducive to online learning. And yet, given the previous discussion of student achievement outcomes at SHC-West and IU in particular, it is imperative that CEHE implement the strongest possible measures to ensure that students are capable of benefiting from the hybrid or fully online training.

Based on the foregoing, the Commission directs SHC-West and IU to submit the following:

- a. A description of how CEHE’s admissions process includes an assessment of the student’s:
 - Technical skills and competencies,
 - Access to technology;
 - Capability to benefit from the distance education program or course; and
 - Learning style and its alignment to online learning;

- b. An explanation of how the results of the assessment, in each area, factors into the admissions decision;
 - c. A description of any other actions that are taken as a result of the assessment; such as enhanced services, or alternative learning methods;
 - d. A list of the 15 accepted students who were categorized as “non starts” or “cancels” and evidence for each of all admissions documentation (including the “EAC”), distance education readiness assessments, and enrollment agreements;
 - e. The list of 25 students who were accepted and began attending class, with the current status of each student (active/dropped/terminated), and current grades to demonstrate satisfactory academic progress; and
 - f. Any additional information that the school believes will be useful to the Commission in making a determination regarding the school’s compliance with ACCSC’s requirements.
4. CEHE must demonstrate that the schools advertise in a truthful and accurate manner and that the schools take care to avoid creating any false, misleading, misrepresenting, or exaggerated impressions on prospective students (*Section IV (B), Substantive Standards, Standards of Accreditation*). As part of the October 28, 2019 Probation letter, the Commission stated:

Given the history of the Commission’s issues and actions regarding CEHE’s advertising, the Commission determined that additional monitoring is warranted to ensure that CEHE has established mechanisms which provide assurance that future advertising will comply with accrediting standards.

Of particular note, CEHE described, in response to the September 8, 2018 System-Wide Probation Order, that “[o]n a cycle of every three years, CEHE engages one of its outside legal advisors to hire an independent third party firm to conduct a system-wide secret shopping review of CEHE’s recruitment process and engagement with prospective students.” In the October 28, 2019 Probation letter, the Commission expressed interest in how this periodic review might be effective as a self-regulating mechanism and directed CEHE to submit the results of the 2019 independent system-wide review of CEHE’s recruitment process and engagement with prospective students. CEHE’s response includes a description of the scope of the review conducted in the third quarter of 2019:

For the 2019 Q3 independent mystery shopping of CEHE’s schools, one of CEHE’s legal advisors (Armstrong Teasdale, LLP) contracted with the vendor, Norton Norris, to conduct two (2) engagements at one location from each of CEHE’s onground campus brands (CollegeAmerica, California College San Diego, and Stevens-Henager) and twenty (20) engagements with CEHE’s online college, Independence University. All of the engagements, except for the Stevens-Henager brand, occurred during the time period of July 1, 2019 to September 30, 2019. Unfortunately, due to vendor problems in securing appropriate staff and scheduling errors, the engagements for CEHE’s Stevens-Henager brand were not fully completed. CEHE is working with its legal advisor to re-schedule the completion of engagements for the Stevens-Henager brand.

CEHE also described the process that each “secret shopper” followed:

1. *Inquire with the college by submitting a “request for information”. This was typically done by submitting a request through a “lead form”. The lead forms that were submitted came from one of the following: college’s website, google search click to a landing page form,*

yahoo search click to a landing page form, or 3rd party vendor landing page form submission. In one case (CollegeAmerica Denver), the engagement was simply a “walk-in” to the campus with no previous contact.

- 2. Receive contact from the college’s Contact Center (“CC”) personnel and then schedule an interview appointment with one of the college’s Admissions Consultants (“AC”).*
- 3. Visit the college and go through an admissions interview with an AC and a financial planner interview with one of the college’s Financial Planners (“FP”).*
- 4. After conclusion of the visit, monitor college’s follow-up process and then inform the AC that they were not interested in enrolling.*

The above process was slightly different for the engagements with Independence University. In those cases, after the initial contact call, the mystery shopper would request to speak with an IU AC. The interview with the AC and the interview with the FP would occur via the phone/internet.

In each engagement, the mystery shopper (“Prospect”) would present a scenario that varied by program of interest, previous education and training, age, family size and components, and high school graduation. Each Prospect had a series of similar questions and evaluation items that they were required to analyze and evaluate as part of the mystery shopping. The required evaluation items were organized into six (6) primary categories: Salary Information, Placement Information, Tuition Information, Financial Aid Information, Accreditation Information, and Transfer Credit Information.

The Commission noted that CEHE did not provide the actual report issued by the vendor, Norton Norris. However, CEHE described the results in detail, listing each instance of non-compliance and corrective actions taken in each circumstance. The Commission noted that there were “unacceptable” ratings for 10 of 20 contacts at IU. However, each contact was comprised of 6 ratings for a total of 120 data points, of which 12 were rated “unacceptable.” CEHE explained each circumstance and the actions taken to address the issues. The Commission noted that the corrective actions described by CEHE were primarily focused on admissions personnel, which were subsequently terminated as part of the teach-out of most of the campuses. The Commission is also interested in oversight of the information supplied by career services personnel, and the actions taken by CEHE to ensure the integrity of those statements.

In an overall assessment of the secret shopper process, CEHE stated:

CEHE believes that the results of the system-wide secret shopping were generally good. However, as discussed in the previous section, there were some concerns and corrective action needed. CEHE believes that its policies and procedures are sound and that the bi-weekly training meetings for all ACs provides a regular, reliable, and effective mechanism for ongoing training and improvement. Further, CEHE believes that the QA team and ongoing monitoring/scoring of ACs’ interaction with prospective students is an effective tool for continuous improvement and allows CEHE to take corrective action quickly and to also monitor/verify that corrective action has been accepted and implemented by an AC.

With respect to management, CEHE believes that the multiple levels of management and redundant mechanisms for review, monitoring, and verification ensure that advertising and representations will comply with accrediting standards.

The Commission noted that CEHE intends to increase the frequency of the secret shopping as an additional mechanism to monitor compliance in advertising and recruitment. The Commission is interested in the completion of a second set of reviews to be focused on the schools continuing in operation – SHC-West Haven and IU. In addition, CEHE is considering engaging with an external law firm to conduct a bi-annual review of all advertising and recruitment scripts, policies, and procedures by an external law firm that is qualified and experienced in accreditation and regulatory compliance. The Commission is interested in the results of these expanded efforts to gain insight into the functioning of the schools' recruitment and advertising processes, and how CEHE is able to use the feedback to formulate effective corrective measures.

To demonstrate that CEHE's oversight mechanisms result in advertising that complies with accrediting standards, CEHE provided copies of current advertising and promotional materials. Based on a review of these materials, the Commission found the following:

- An advertisement for IU titled "Financial Aid Made Simple" lists "6 Smart Reasons to Choose Independence University." The first reason is "[i]n an approval survey, IU scored 95% in student satisfaction, and 96% said they would recommend IU to a friend." The footnote to that statement is as follows: "[s]urvey conducted by IU Student Services, October 2018." While the Commission appreciates that the information is sourced and verifiable, with the various transitions that have occurred over the last two years, the Commission is interested in a demonstration that these approval ratings are reflective of current conditions.
- An advertisement for IU targeted to veterans (page 56 of Exhibit 6.d), contains the claim that appears frequently in all CEHE advertising: "[g]et a new tablet and a new laptop." The footnote to that statement is as follows: "does not apply to master's degree programs." The response contained many advertisements for IU that claim to provide students with a new tablet and new laptop without the disclaimer regarding master's degree students. Therefore, it is not clear that any IU advertising that refers to the receipt of a tablet or laptop without the corresponding disclaimer is accurately representing the school's services.
- An advertisement for IU titled "We're Standing By to Help You" contains the following statement: "unlike some traditional colleges and universities, we help you every step of the way." The Commission found that this statement serves to discredit "traditional colleges and universities" by implying that they do not help students and thus disparaging the character, nature, quality, value, or scope of another school's program of instruction or services (*Section IV (A)(16), Substantive Standards, Standards of Accreditation*).
- The script for a 30 second radio spot for SHC-West Haven's Medical Assisting (AOS) program states "[w]e're different from other medical assisting programs" and "[w]e'll train you for important certifications." The Commission is interested in an explanation as to what is meant by "different from other medical assisting programs." In addition, given the revisions made to the certification statement in the enrollment agreement (see below), whether the statement "[w]e'll train you for important certifications" can be considered accurate.

In addition to CEHE's response to the October 28, 2019 Probation letter, the Commission considered a Media Report received January 13, 2020 regarding IU. The report includes a letter from an individual who received unsolicited advertising from IU and the four pages of advertising received. The individual raises the question as to whether the student survey referenced in the advertising is representative of current conditions, and whether IU is required to notify students of the school's Probation Status with ACCSC. The Commission had already determined to follow up on the student survey results to ensure

they are accurately representing the school. As the materials presented in CEHE’s response and with the Media Report do not indicate that the school is on Probation with ACCSC, the Commission is interested in how the schools are fulfilling the notification that a school subject to a Probation Order must inform current and prospective students that the school has been placed on Probation and where additional information regarding that action can be obtained from the Commission’s website (*Section VII (L)(8), Rules of Process and Procedure, Standards of Accreditation*).

Based on the foregoing, the Commission directs CEHE to submit the following.

- a. An explanation as to how CEHE-affiliated schools are informing current and prospective students that the school has been placed on Probation and indicating where additional information regarding that action can be obtained from the Commission’s website;
 - b. An explanation or revision for each of the specific advertising issues listed above;
 - c. A schedule for all planned independent “secret shopper” reviews to be conducted in 2020 and 2021;
 - d. The vendor’s report of an independent review of recruitment process and engagement with prospective students at SHC-West Haven and a second review at IU;
 - e. CEHE’s assessment of the results of the independent reviews, including:
 - i. An assessment as to whether the results indicate that there is adequate management in place to provide assurance that advertising and representations will comply with accrediting standards and
 - ii. A description of any improvements that CEHE intends to make in response to the results of the reviews;
 - f. An update regarding the status of the project to engage with an external law firm to conduct a bi-annual review of all advertising and recruitment scripts, policies, and procedures by an external law firm that is qualified and experienced in accreditation and regulatory compliance (if a review of this nature has been conducted, submit a copy of the external law firm’s report and any actions CEHE has taken as a result of this review); and
 - g. Copies of all advertising and promotional materials in current use by each CEHE-affiliated school, including – but not limited to – Internet advertising, the URL for the school’s websites, radio or television (scripts are acceptable), flyers, direct mail, surveys, newsprint, and Yellow Pages.
5. CEHE must demonstrate that the tuition costs and charges, tuition discounts, and all costs incidental to training are disclosed to the prospective student before enrollment (*Section I (D)(1), Substantive Standards, Standards of Accreditation*). In order to demonstrate the use of an enrollment agreement that complies with accrediting standards in all cases, CEHE provided completed enrollment agreements⁹ for ten students that enrolled in IU after the implementation of the revised enrollment agreement. The attestation signed by the school’s ██████████ ██████████, indicates that the new enrollment agreement was implemented on June 25, 2019. The Commission noted that the agreements,

⁹ The Commission noted that CEHE did not redact social security numbers from the enrollment agreements. The Commission reminds CEHE to ensure that it does not include personally identifiable information (e.g., social security numbers, dates of birth, addresses, etc.) on any applications, reports, forms or in any response to the Commission. If the school is using student social security numbers as a student identifier, then the Commission strongly discourages the school from doing so and urges the school instead to create and use its own unique student identifier system. The school should evaluate the need for a student’s social security number on any form and delete the request for this information if it is not necessary.

titled “2020 Enrollment Agreement” have a new section on page 2 of the agreement. Section 4: Educational Background provides an area for the student to list previous education. The prospective student is directed to:

List only credits which are applicable to the program in which you are enrolling. Be sure to list all university, professional, or corporate courses taken and exams passed for which you have earned credits toward this program, such as CLEP, DANTES, GRE subject exams, or AP. Do not attach transcripts.

The following statement appears at the top of the section: “[p]rior credits and education will be verified at a later date.” Thus, it was not clear Commission when in the admissions process the students’ previous education is considered for transfer of credit. In addition, there is no information about how successful credit transfer may potentially affect (reduce) the costs associated with training at IU. Therefore, IU has not demonstrated that the student is informed about all tuition costs and charges, tuition discounts, and all costs incidental to training prior to enrollment.

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

- a. An explanation of the timing of the transfer of credit process, including how and when the student is notified of credits accepted in transfer;
 - b. A description of how IU informs students of the effect of successful credit transfer on tuition costs prior to enrollment; and
 - c. Any additional information that the school believes will be useful to the Commission in making a determination regarding the school’s compliance with ACCSC’s requirements.
6. CEHE must demonstrate that the schools have and enforce consistent policies and procedures with regard to independent study at all affiliated institutions (*Section I (A)(1)(d), Substantive Standards, Standards of Accreditation*). Questions regarding the independent study policy were first raised in the October 17, 2018 TSR issued to CCSD-San Marcos and has yet to be resolved with the May 2, 2019 Continued Probation Order. In response, CEHE provided the Directed Study Procedure Directive dated June 18, 2019. With the October 28, 2019 Probation letter, the Commission afforded CEHE an additional opportunity to provide documentation showing that “Directed Study” is delivered in accordance with the stated policy throughout the system of all affiliated schools.

In response, CEHE provided a copy of Procedure Directive 54R revision dated June 18, 2019 that includes the schools’ policy relating to directed (independent) study. The response also includes ten executed Directed Study Contracts from the San Marcos campus and ten from all other campuses. The Commission noted the following:

- According to the Directed Study policy, “[s]tudents in their first term with the institution are not eligible for a Directed Study.” Despite this statement, it appears that three students ██████████ ██████████ -- from the San Marcos campus appeared to be completing the first module of the program through directed study.
- According to the Directed Study policy, “[s]tudents may only take Directed Study for 10% of the total program.” ██████████ completed three courses concurrently through Directed Study. The Commission expressed concern that by doing so, ██████████ may have exceeded the 10% threshold,
- According to the Directed Study policy “A specific written syllabus [...] is followed and monitored by the instructor.” From a review of the executed contracts, it appears that the attached syllabus

pertain exclusively to the courses as delivered in a classroom setting and the contracts did not outline how the courses or attached syllabi were adjusted to fit the directed study format. Specifically, in numerous cases, when the contract prompted “[i]n class activities are adjusted to accommodate student learning, but still required for student demonstration of competency,” the subsequent “Name of Activity” and “New format to accommodate single student learning” fields were completed with “N/A.”

- According to the Directed Study policy, “The coursework [...] should cause the student to have 20 hours of contact with the curriculum for every credit hour awarded via Directed Study.” The response did not include documents that show how the 20 contact hours will be achieved.
- In reviewing scheduled meetings with professors, the Commission noted that [REDACTED] was scheduled to meet with [REDACTED] for both NET324 Computer Networking and MCS415 Server Administration on Wednesdays from January 6, 2020 to February 2, 2020 at 6:00 – 8:30pm. In addition, [REDACTED] was also scheduled to meet with [REDACTED] at the same time and dates for MCS415 Server Administration. The Commission questioned the quality of instruction during these meetings, as the instructor appears to be teaching two different courses concurrently to two students, one of whom is not enrolled in the second course.

Overall, the Commission determined that CEHE has not demonstrated the consistent application of its formal Directed Study Procedure Directive. As such, the Commission is interested in providing IU and SHC-West Haven (the remaining operational locations) one more opportunity to produce documentation to demonstrate the consistent application of the Directed Study Procedure Directive, such that the Commission can have faith that students participating in Directed Study formats are being served.

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

- a. For reference, a copy of the June 18, 2019 Procedure Directive regarding Directed Study along with any revisions to the policy in light of the school teach-out plans, if applicable;
 - b. An explanation of why students in the first term/module were allowed to engage in independent study;
 - c. An explanation regarding how [REDACTED] can meet with an instructor for two courses simultaneously, while [REDACTED] meets with the same instructor at the same time for only one of the two courses;
 - d. An explanation of how the school documents that students engage with the curriculum 20 contact hours for every credit hours awarded;
 - e. A list of ten students most recently engaged in directed study at SHC-West Haven and IU and copies of the signed Directed Study Contracts that explicitly outline how the course assignments as outlined in the syllabi were adjusted to fit the Directed Study format;
 - f. For the ten students noted above, provide documentation that the assignments were completed as required by the Directed Study contract (e.g. the completed assignments); and
 - g. Any additional information that the school believes will be useful to the Commission in making a determination regarding the school’s compliance with ACCSC’s requirements.
7. CEHE must demonstrate that the schools are in compliance with all applicable federal, state, and local government requirements (*Section I (B)(1)(e)(iii), Rules of Process and Procedure, Standards of*

Accreditation). In addition, accrediting standards state that the Commission will take into account actions or investigations by state and federal agencies (*Section VII (D)(5)(a-b), Rules of Process and Procedure, Standards of Accreditation*). At this juncture, there are unresolved actions that raise questions with regard to the schools' compliance with federal and state government requirements. The Commission reviewed those actions and determined the following:

- With regard to the False Claims Act complaint filed against CEHE by the U.S. Department of Justice (“DOJ”), CEHE previously provided an update regarding the status of the complaint filed stating that CEHE filed a motion with the court for sanctions and that oral arguments on this motion were scheduled for July 2, 2019. In response to the October 28, 2019 Probation letter, CEHE stated that “the action is still in the discovery phase” and that “[b]oth parties have until July 31, 2020 to complete their discovery and dispositions.” CEHE also stated that the discovery phase was scheduled to close at the end of February 2020; however, the DOJ has delayed in producing the discovery documentation requested by CEHE. Furthermore, CEHE stated, “[f]ollowing the completion of discovery, CEHE will proceed to file multiple Motions of Summary Judgment with the Court. CEHE is confident that all or most of its Summary Judgment Motions will be granted and that this case may potentially be dismissed in late 2020.” The Commission is therefore interested in the final status of the discovery phase and dispositions and determined that an update regarding the status with the DOJ is warranted.
- In regards to the complaint filed by the Colorado Attorney General (“COAG”), CEHE previously indicated that the judge had not issued a verdict or decision and stated that there is “no indication of when the judge will issue his decision.” In response to the October 28, 2019 Probation letter, CEHE indicated that on January 10, 2020 the judge assigned to the COAG related trial was reassigned to Colorado criminal case from the Colorado civil case. In addition, CEHE expected that the reassignment would assist with encouraging the judge to issue a final decision regarding the complaint filed with the COAG; however, CEHE indicated that the judge has not yet made a decision. Furthermore, CEHE indicated that a confidential request was filed with the Colorado Commission on Judicial Discipline (“CCJD”) requesting that the judge’s delay in issuing a decision be evaluated. In response to that request, the CCJD submitted the confidential request to the judge in which the judge responded. From the response, the CCJD determined that the judge is making a “good faith effort” to bring the case to a conclusion; however, given the magnitude of the case, the judge requires additional time and assistance from an additional senior judge to manage the case. The Commission noted that CEHE did not provide additional details regarding future timelines for the COAG investigation and therefore the Commission is interested in the status of the COAG complaint.
- On May 20, 2019, CEHE notified ACCSC that CEHE received a Civil Investigative Demand (“CID”) from the Consumer Finance Protection Bureau (“CFPB”), a U.S. government agency that provides consumer protection in the financial sector. The October 28, 2019 Probation letter requested that CEHE provide an update regarding the final determination of the CID. In response, CEHE stated,

On or about January 2020, CEHE filed its response to the CFPB’s motion to enforce its civil investigative demand. The judge in this matter has scheduled oral arguments on the CFPB’s motion and CEHE’s response for March 25, 2020. Due to a pending case before the United States Supreme Court on the constitutionality of the CFPB, CEHE expects the judge to delay the CFPB’s CID until after the Supreme Court issues its decision in the summer of 2020.

Given the potential delays of the CFPB's CID and that a final determination of the CID has not been made, the Commission is interested in an update regarding the status.

- There is an outstanding action that involves the three schools that operate in the state of Colorado: CollegeAmerica-Denver, Colorado (School #M001507); CollegeAmerica-Fort Collins, Colorado (School #B070544); and CollegeAmerica-Colorado Springs, Colorado (School #B070623). The July 1, 2019 notice from Colorado Division of Private Occupational Schools ("DPOS") indicates a Notice of Noncompliance regarding the content of CEHE's ACCSC-mandated probation notice. In response, CEHE showed documentation that the school worked with DPOS on a draft stipulation agreement to withdraw the Notice of Noncompliance. The Commission noted; however, that as of CEHE's response to the Commission, DPOS' board has not approved the draft stipulation agreement and has not taken action to withdraw the Notice of Noncompliance. The Commission requested an update regarding the status with DPOS. In response to the December 5, 2019 Commission letter, CEHE stated that while DPOS does not "withdraw" a Notice of Noncompliance, the resolution of the Notice of Noncompliance is the "execution of a Stipulation and Final Agency Order." The Commission noted from CEHE's response that the Stipulation and Final Agency Order was executed by CEHE and DPOS on December 3, 2019." Furthermore, CEHE stated that CollegeAmerica complied with the two final resolution items, as follows:
 1. Issue a "revised" notice to all active students informing the students that the CollegeAmerica campuses in Colorado were on probation with ACCSC.
 2. Utilize a revised "FAQ" website page that provides more information about CollegeAmerica's probation with ACCSC (<http://www.capbfaq.com>).

While the Commission acknowledged that CEHE executed the final resolution of the aforementioned stipulations, the Commission is interested in receiving documentation regarding the final status of the Notice of Noncompliance from DPOS through documentation demonstrating that the Notice of Noncompliance is resolved with DPOS.¹⁰

Based on the review of the foregoing actions, the Commission determined that additional information is required and further monitoring is warranted, as directed below.

- a. An update and final determination, if available, regarding the complaint filed by the U.S. Department of Justice;
- b. An update and final determination, if available, regarding the complaint filed by the COAG;
- c. An update and final determination, if available, regarding the CID filed by CFPB; and
- d. Copies of correspondences from the DOJ, COAG, and CFPB regarding the pending litigation items and statuses.

¹⁰ DPOS had also issued Notice and Cease and Desist Order dated January 28, 2020 regarding the schools' compliance with § 23-64-113(1) C.R.S. Subsequent to the May 2020 Commission meeting on June 1, 2020, CEHE provided written notification of the results of the May 26, 2020 review of this matter by the DPOS Board. According to the DPOS letter of May 28, 2020, "...the Board declined to issue a Notice of Noncompliance" and determined that "...CollegeAmerica's responses to the Three Actions were acceptable such that the Board did not maintain an ongoing reasonable belief that there may be violation of Sections 23-64-112(1)(K) and -113(1)(a-c), C.R.S." Therefore, the matter is now considered to be closed.

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*, the reasons for the Probation Order is made public and provided to the U.S. Department of Education, appropriate State agencies, and appropriate accrediting agencies.

Notification to Students

In accordance with *Section VII (L)(7), Rules of Process and Procedure, Standards of Accreditation*, a school subject to a Probation Order must within seven days of receipt inform current and prospective students in writing that the school has been placed on Probation and where information regarding that action can be obtained from the Commission's website.

MAXIMUM TIMEFRAME TO ACHIEVE COMPLIANCE

According to the October 28, 2019 Probation letter, based on *Section VII (M), Rules of Process and Procedures, Standards of Accreditation* and the schools' longest program of more than two years, the maximum timeframe allowed for the CEHE-affiliated schools, to achieve and demonstrate compliance with the *Standards of Accreditation* is two years. The timeframe to achieve compliance began as of September 6, 2018 and ends on **September 7, 2020**. At the May 2020 meeting, the Commission determined that good cause exists to extend the timeframe to achieve compliance to **May 31, 2021**. In making this decision, the Commission took note of the extenuating circumstances, including the ongoing teach-out of five campuses, and early closure of eight campuses, which leaves only two operational campuses. The Commission found that these circumstances warrant affording CEHE additional time to manage the multiple transitions and implement strong measures at the two remaining schools. In particular, the Commission recognized the length of time needed to demonstrate the school's ability to improve student achievement outcomes.

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 each 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 each school must supply the Commission with complete documentation of compliance with accrediting standards.

CEHE 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.¹¹ If the 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.

CEHE must upload the school’s electronic response directly to ACCSC’s College 360 Database for each campus. 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 College 360 DMS Submissions can be found [here](#). A detailed overview on how to upload a school submission can be found [here](#).

Keep in mind, the 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 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 December 30, 2020**. If a response, the required fee,¹² and the certificate of attesting to the accuracy of the information is not received in the Commission’s office **on or before December 30, 2020**, 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 assistance or additional information, feel free to contact me directly at [REDACTED]

Sincerely,

[REDACTED]

Michale S. McComis, Ed.D.
Executive Director

Encl.: Appendix I – Accreditation Actions Considered

¹¹ 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.

¹² ACCSC assesses a \$1,000 processing fee to a school placed on Probation.

APPENDIX I
ACCREDITATION ACTIONS CONSIDERED

School	Accreditation Actions Considered	Materials Considered
California College San Diego (#M001073) San Diego, California	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation /Change of Location • 2018 Annual Report Rates 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school's response • May 2, 2019 System-wide Probation Order and the school's response • September 6, 2018 System-wide Probation Order and the school's response • November 20, 2018 ACCSC letter and the school's response
College America (#M070742) Flagstaff, Arizona	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation • 2018 Annual Report Rates 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school's response • May 2, 2019 System-wide Probation Order and the school's response • September 6, 2018 System-wide Probation Order and the school's response • November 20, 2018 ACCSC letter and the school's response
CollegeAmerica (#B070743) Phoenix, Arizona	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation • 2018 Annual Report Rates 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school's response • May 2, 2019 System-wide Probation Order and the school's response • September 6, 2018 System-wide Probation Order and the school's response • November 20, 2018 ACCSC letter and the school's response
Independence University (#B072309) Salt Lake City, Utah	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation • 2018 Annual Report Rates 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school's response • May 2, 2019 System-wide Probation Order and the school's response • September 6, 2018 System-wide Probation Order and the school's response • November 20, 2018 ACCSC letter and the school's response

School	Accreditation Actions Considered	Materials Considered
Stevens-Henager College (#B070581) West Haven, Utah	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation/ Degree Program • 2018 Annual Report Rates 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response • November 20, 2018 ACCSC letter and the school’s response
Stevens-Henager College (#B070582) Orem, Utah	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response
Stevens-Henager College (#B070583) Murray, Utah	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation/ Degree Program • 2018 Annual Report Rates 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response • November 20, 2018 ACCSC letter and the school’s response
Stevens-Henager College (#B070584) Logan, Utah	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response
Stevens-Henager College (#B072351) Idaho Falls, Idaho	<ul style="list-style-type: none"> • Probation/Renewal of Accreditation 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response

School	Accreditation Actions Considered	Materials Considered
Stevens-Henager College (School #B070764) Boise, Idaho	<ul style="list-style-type: none"> • Probation/ Renewal of Accreditation • 2018 Annual Report Rates 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response • November 20, 2018 ACCSC letter and the school’s response
Stevens-Henager College (School #B072360) St. George, Utah	<ul style="list-style-type: none"> • Probation • Renewal of Accreditation • 2018 Annual Report Rates 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response • October 17, 2018 Team Summary Report and the school’s response • November 20, 2018 ACCSC letter and the school’s response
California College San Diego (School #B072374) San Marcos, California	<ul style="list-style-type: none"> • Probation • Renewal of Accreditation 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response • October 17, 2018 Team Summary Report and the school’s response
CollegeAmerica (#B070544) Fort Collins, Colorado	<ul style="list-style-type: none"> • Probation • Renewal of Accreditation and Initial Distance Education • Warning 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response • October 17, 2018 Team Summary Report and the school’s response • March 26, 2018 Continued Warning Order and the school’s response

School	Accreditation Actions Considered	Materials Considered
CollegeAmerica (#M001507) Denver, Colorado	<ul style="list-style-type: none"> • Probation • Renewal of Accreditation and Initial Distance Education 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response • October 17, 2018 Team Summary Report and the school’s response
CollegeAmerica (#B070623) Colorado Springs, Colorado	<ul style="list-style-type: none"> • Probation • Warning/Renewal of Accreditation 	<ul style="list-style-type: none"> • October 28, 2019 System-wide Probation Order and the school’s response • May 2, 2019 System-wide Probation Order and the school’s response • September 6, 2018 System-wide Probation Order and the school’s response • March 26, 2018 Continued Warning Order and the school’s response