

U.S. Dept. of Education Denies SCASA Accreditation Renewal

SCASA ACCREDITATION EXPIRES JUNE 4, 1993

Editorial Staff

Editor's Note: Secretary Alexander addressed a letter dated September 4, 1992 to Dr. Leroy G. Moore, executive director of SCASA, and Dr. W. Ralph Boone, president of SCASA. The Secretary of Education said simply: "Enclosed please find a copy of my decision on the Petition for Renewal of Recognition submitted by the Commission on Accreditation, Straight Chiropractic Academic Standards Association."

Please see page 5 for Lamar Alexander's complete written decision not to renew SCASA accreditation.

United States Department of Education

September 4, 1992

Dr. Leroy G. Moore
Executive Director

Straight Chiropractic Academic Standards Association Post Office Box 17357 Spartanburg, South Carolina 29301

Dr. W. Ralph Boone
President

Straight Chiropractic Academic Standards Association 8420 Beverly Rd. Pico Rivera, California 90660

Dear Dr. Moore and Dr. Boone:

Enclosed please find a copy of my decision on the Petition for Renewal of Recognition submitted by the Commission on Accreditation, Straight Chiropractic Academic Standards Association.

Sincerely,

Lamar Alexander

Enclosure

United States Department of Education
The Secretary

September 4, 1992

Decision of the Secretary of Education on the Petition for Renewal of Recognition Submitted by the Commission on Accreditation, Straight Chiropractic Academic Standards Association

The Commission on Accreditation, Straight Chiropractic Academic Standards Association ("SCASA") has petitioned for renewal of recognition by the Department of Education as an accrediting agency for the accreditation and preaccreditation of post-secondary schools and programs of straight chiropractic education.

Background

SCASA was initially recognized by the secretary of education on August 30, 1988. The secretary's letter granting recognition noted several areas in which SCASA needed to strengthen its compliances with the recognition regulations. Accordingly, SCASA was granted initial recognition for a limited two-year period.

SCASA petitioned for renewal of recognition in May of 1990. The petition came before the National Advisory Committee on Accreditation and Institutional eligibility in November of 1990. The Advisory Committee voted 10 to one to recommend that I not renew SCASA's recognition because SCASA had failed to satisfy the criteria concerning national recognition (34 C.F.R. 602.14) and regard for decisions of states and of other accrediting agencies (34 C.F.R. 602.19).

On April 11, 1991, I notified SCASA of the Advisory Committee's recommendation and offered SCASA an opportunity to show cause why its recognition should not be withdrawn. On March 4, 1992, the show cause proceeding was held by Deputy Assistant Secretary for Higher Education Programs John B. Childers. SCASA representatives made a further statement and answered questions put to them by Deputy Assistant Secretary Childers. Deputy Assistant Secretary Childers has recommended that SCASA's recognition be withdrawn.

Material Facts

SCASA presently accredits or has granted candidate status to three institutions: Southern California College of Chiropractic ("SCCC"), Pennsylvania College of Straight Chiropractic ("PCSC"), and Sherman College of Straight Chiropractic ("Sherman"). A review of SCASA's accreditation activities with respect to these schools, focusing particularly on SCASA's activities during the time since it was granted a limited period of initial recognition, shows serious problems in each instance with respect to SCASA's accreditation procedures and practices. These are matters unrelated to the substance of chiropractic education or technique.

1. SCCC. SCASA granted candidate status to SCCC at a time when the Council on Chiropractic Education ("CCE"), another accrediting agency recognized by the secretary in the area of chiropractic education, was on the verge of denying SCCC's application for accreditation. On June 25, 1988, CCE's Commission on Accreditation had determined that SCCC failed to meet 19 accreditation standards, dealing with obligations, responsibilities, supervision, self-evaluation committee, financial management, admissions, promotion, curriculum, quality of instruction, conditions of service, clinical experience, research, physical facilities, postgraduate and related professional education, and ethical practices. On November 17, 1988, CCE's Appeal Panel recommended that this decision be sustained. SCCC was aware of this recommendation, but SCASA evidently failed to inform itself of this fact before making its decision to grant candidate status to SCCC. Moreover, SCASA has not shown that it thoroughly considered the many serious grounds given by CCE for its adverse decision or that it had a reasoned basis for reaching its

(different) conclusion with respect to each of those grounds that was also relevant to SCASA's standards. (On December 28, 1988, CCE formally denied SCCC's petition for accreditation.)

Also, at the time SCASA granted candidate status to SCC, the school was in bankruptcy reorganization proceedings.

2. PCSC. Prior to gaining candidate status from SCASA, PCSC had participated in Department of Education Federal Student Aid programs as an unaccredited school under an exception applicable to schools that can show that their credits are accepted at other schools. In 1986, however, the Department's Office of Inspector General ("OIG") discovered that PCSC had provided inaccurate information to the department in gaining that eligibility; OIG informed PCSC of that finding in a draft audit report. This finding ultimately led to the voiding of PCSC's eligibility and the establishment of a significant liability to the department. In 1987, while the department was moving toward voiding PCSC's eligibility, PCSC gained candidate status from SCASA (which was not yet recognized by the secretary), which was a step toward regaining the schools eligibility. When SCASA's petition for recognition was granted by the secretary in 1988, PCSC re-established eligibility for the student aid programs. However, PCSC still has not repaid its substantial debt to the department arising from that submission of inaccurate information.

In July 1991, SCASA granted initial accreditation to PCSC for five years, the maximum period permitted under SCASA rules. However, SCASA's minutes show that PCSC did not fully meet three of SCASA's nine requirements for accreditation including the standard on financial resources. A later review by SCASA's Executive Committee found it was "satisfied that accreditation was appropriately granted" but also recommended that, in the future, any school that did not fully meet the financial resources requirements not be granted accreditation for more than one year.

3. Sherman. Sherman has been accredited by SCASA since 1985. In late 1989, Sherman was denied reaffirmation of its accredited status and placed on public warning status by the Commission on Colleges, Southern Association of Colleges and Schools ("SACS"), a regional accrediting agency recognized by the secretary. This was based on Sherman's failure to comply with a SACS accreditation criterion relating to financial resources. SCASA has not produced any evidence that it took any formal action to follow up on SACS action with a review of its own. Indeed, SCASA's Executive Committee concluded two years later, in November of 1991, that it had no concern about the fact that Sherman had been granted a five-year approval by SCASA in August of 1989, with no further action since then.

In December of 1991, SACS again denied reaffirmation of Sherman's accreditation and placed Sherman on public probation status for failure to comply with the financial resources criterion. SCASA's only response appears to have been sending a letter to the school in January of 1992 asking for information about SACS's action. As of the show cause hearing in March of 1992, SCASA had not yet conducted a site visit of Sherman or otherwise re-examined Sherman's accreditation status, notwithstanding SACS's actions.

Decision

Under the Higher Education Act of 1965, as amended, the secretary of education publishes a list of nationally recognized accrediting agencies which he determines to be reliable authority as to the quality of training offered by schools within their scope of operation. 20 U.S.C. 1085(b), 1088, and 1141(a). The procedures and criteria for making that determination are set forth in 34 C.F.R. Part 602. For the reasons now described, I find that SCASA fails to meet the requirements of 602.14 or 602.19 of the regulations.¹ I also find that, taken as a whole, SCASA has failed to demonstrate that it is a reliable authority as to the quality of education or training at schools within its scope of

operation. See 34 C.F.R. 602.10(a).

Section 602.14 requires the agency to show that its policies, evaluation methods, and decisions are accepted throughout the United States by, as appropriate, educators and educational institutions; licensing bodies, practitioners, and employers; and recognized agencies. I have previously made clear that lack of acceptance by recognized accrediting agencies, although relevant, should not stand as an unsurmountable bar to the recognition of a newly formed accrediting agency, lest the department foster an anti-competitive system. Nor should disagreement among experts in an educational field preclude a finding that the various parts of 602.14 have been met. But the agency must show acceptance of its work by a substantial body of educators, practitioners, licensors, and other accrediting agencies, taken as a whole.

I conclude that SCASA has failed to demonstrate compliance with 602.14. Several facts are of key significance to me with respect to the question of SCASA's acceptance. First, SCASA has only three schools affiliated with it, even though it has been in existence for a considerable period. Second, of three schools affiliated with SCASA, one was denied accreditation by another recognized agency, one has been placed on probation by another recognized agency, and the third gained candidate status from SCASA after the department found that the school had improperly gained federal student aid eligibility as an unaccredited school. Importantly, the grounds cited by other agencies for their adverse judgments concerning SCASA's schools -- financial concerns and other fundamental issues -- are largely unrelated to any philosophical dispute in the chiropractic community with respect to either education or practice. Third, there is opposition to SCASA's reliability and accrediting practices from state licensing bodies and educators, at least balancing if not exceeding expressions of support for SCASA. Based on these key facts and the facts cited above, I find that, on balance, SCASA has not demonstrated compliance with 602.14.

Section 602.19 requires an agency to show its regard for the decisions of states and other accrediting agencies. I find that SCASA has failed to show its satisfaction of 602.19 taken as a whole. I find that SCASA violated 602.19(b) by granting candidate status to SCC at a time when SCCC was on the verge of being denied accreditation by CCE (as SCASA should have known) without demonstrating that it fully considered CCE's concerns and had a reasoned basis for disagreeing with those concerns. I also find that SCASA violated 602.19(c) by not acting promptly and forcefully when SACS took adverse action with respect to Sherman. As described above, this is true with respect to SACS's adverse actions in both 1989 and 1991. As also noted above, the concerns cited by CCE and SACS in the SCCC and Sherman situations were unrelated to philosophical issues over chiropractic education. Based on these circumstances, I find that SCASA has not shown compliance with 602.19.

Finally, I find that SCASA has not established that, as an overall matter, it is a reliable authority as to the quality of training at schools within the scope of its accreditation activities. As noted above, a review of each of the SCASA-affiliated schools shows problems with respect to SCASA's accrediting process and actions, particularly during the period of time since SCASA was granted a limited initial period of recognition. SCCC was granted candidate status in late 1988 when it was on the verge of being denied accreditation on numerous grounds by CCE, but SCASA did not clearly address each of those grounds as also relevant to SCASA's decision, and was unaware of CCE's Appeal Panel recommendation; SCC was also in bankruptcy reorganization at the time. Sherman was placed on public warning by SACS in late 1989, but SCASA noted no concerns and took no action; Sherman was then placed on public probation by SACS in December of 1991 and SCASA did not act promptly and vigorously. Finally, PCSC which had been determined to have supplied inaccurate information to the department in establishing eligibility, was approved by SCASA for the maximum five-year period in 1991, even though PCSC had failed fully to satisfy

three of the nine SCASA criteria, including the standard on financial resources; also, SCASA's Executive Committee did not explain why a five-year approval was appropriate for PCSC if it admittedly would not be appropriate for other schools not fully meeting that criterion. In my view, these concerns outweigh the evidence in SCASA's favor, including the low default rates at the three schools.

Accordingly, I find that SCASA has failed to satisfy the criteria for recognition and that its petition for renewal of recognition should be denied. Immediate termination of SCASA's recognition, however, could seriously disrupt the studies of students presently enrolled at two of the three SCASA-affiliated schools.² I conclude that in order to provide some measure of protection for those students, the department's recognition of SCASA should continue for a period of nine months from the date of this decision, limited to the three currently-affiliated schools. This will permit otherwise eligible students to receive federal financial assistance for the 1992-1993 academic year.³ Any further extension, however, would not be warranted.

This decision concerning SCASA in no way suggests any change in the department's interpretation of its regulations as permitting "competition" by multiple accrediting agencies within the same educational field. The department has no interest in protecting accrediting agencies from competition or in entering into disputes among professionals over chiropractic training and education. Rather, the department's concerns about SCASA focus on SCASA's practices as measured by the department's recognition criteria. Schools in this field may apply to other agencies, including regional accrediting agencies, and in fact, Sherman is currently regionally accredited. In the future, other agencies may enter this field or SCASA may reapply for recognition if it strengthens its practice and can show that it has consistently implemented those improvements over a sufficient period.

Accordingly, effective immediately, SCASA accreditation or candidate status is recognized by the United States Department of Education solely with respect to the current accreditation status of the three schools discussed in this opinion -- Southern California College of Chiropractic, Pennsylvania College of Straight Chiropractic, and Sherman College of Straight Chiropractic. That limited recognition will entirely expire as of June 4, 1993.

References

1. The regulations provide that although these sections have subparagraphs, "each section, taken as a whole, constitutes a criterion." 34 C.F.R. 602.10(c).
2. As noted above, Sherman is also currently accredited by SACS.
3. The Higher Education Amendments of 1992, enacted on July 23, 1992 and effective in pertinent part on October 1, 1992, remove eligibility for schools that are not fully accredited. The effect of that change on any SCASA-affiliated schools is not altered by this decision.

Lamar Alexander

OCTOBER 1992