

## U.S. Department of Education Staff Report

to the

Senior Department Official on Recognition Compliance Issues

### Recommendation Page

1. **Agency:** National Association Of Schools Of Dance, Commission on Accreditation ( 1983 / 2014)  
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Petition for Continued Recognition
3. **Current Scope of Recognition:** The accreditation throughout the United States of freestanding institutions that offer dance and dance-related programs (both degree and non-degree-granting), including those offered via distance education.
4. **Requested Scope of Recognition:** Same as above.
5. **Date of Advisory Committee Meeting:** 07/31/2019
6. **Staff Recommendation:** Continue the agency's recognition as a nationally recognized accrediting agency at this time, and require the agency to come into compliance within 12 months with the criteria listed below , and submit a compliance report due 30 days thereafter that demonstrates the agency's compliance.
7. **Issues or Problems:** It does not appear that the agency meets the following sections of the Secretary's Criteria for Recognition. These issues are summarized below and discussed in detail under the Summary of Findings section.

-- The agency does not meet the requirements of this section of the criteria The NASD must amend its continuous deferral policy to clarify that an adverse action would be initiated after an institution is found not in compliance with an agency standard and has exceeded the continuous deferral policy of two years [§602.20(a)]

### Executive Summary

#### PART I: GENERAL INFORMATION ABOUT THE AGENCY

The National Association of Schools of Dance, Commission on Accreditation (NASD or the agency) is both a programmatic and institutional accreditor, however the agency is only recognized for the accreditation of freestanding institutions. The principal purpose of this agency is the accreditation of freestanding institutions that offer degree-granting and non-degree-granting dance programs and the accreditation of dance programs within institutions accredited by a national recognized regional accrediting agency. The agency's freestanding institutions may use its accreditation by the agency to establish eligibility to participate in Title IV, HEA financial aid programs. The agency accredits 10 freestanding institutions, with three that use the agency's accreditation to participate in the Title IV funding programs.

#### Recognition History

NASD has been granted periodic renewal of recognition since its initial recognition in 1983. The last full review of the agency was conducted in June 2014. Both Department staff and the National Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee) recommended to the senior Department official to continue the agency's recognition and require it to come into compliance within 12 months, and submit a compliance report that demonstrates the agency's compliance with the issues cited in the staff report. The senior Department official, Acting Assistant Secretary Lynn Mahaffie, concurred with the recommendations and this compliance report is in response to that requirement.

NASD last appeared before the NACIQI in the spring of 2015 when the NACIQI recommend to renew the agency's recognition for a period of four years. The agency petition to the Secretary for continued recognition is the subject of this report. The Department did not receive any written third-party comments regarding this agency.

NASD has had no complaints filed with the Department during the period since its last recognition.

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#### PART II: SUMMARY OF FINDINGS

##### 602.20 Enforcement of standards

ears in length.

The NASD has several interrelated policies that are important to fully understand the actions it takes when it finds an institution out of compliance with any of its standards (Exhibits 55 and 59). Exhibits (152, 153, 155, 156, 157 and 164) all relate to the agency's Deferral Policy and its Guidelines.

The agency's bylaws (Exhibit 60) list "special statuses" of membership, which include: administrative warning status; accreditation warning status; probationary status; suspension of accreditation status; automatic review; revocation of membership; and requests for reconsideration and appeals. Probationary status is imposed for several reasons, including "failing to maintain the required standards. In the description of probationary status, the bylaws state that the probationary period is from five months to more than five years.

The section of the agency's "Procedures for Institutions" dealing with commission actions provides for the commission to defer action on a renewal of accreditation. As explained in the agency's materials "Rather than deny accreditation or place the institution on probation, the Commission defers any action until certain conditions are met that clarify the situation and/or bring the institution into compliance." A normal deferral period is from six to eighteen months. The procedures mention the possibility of several consecutive deferrals of action on an application.

The agency's "Rules of Practice and Procedure" (Exhibit 55) indicate that after the second consecutive deferral for failure to meet a specific standard, the commission may take several actions including, but not limited to (1) requiring a response at the next commission meeting showing cause why the institution should not be placed on probation or should not have its membership revoked, (2) placing the institution on probation, or (3) revoking membership. However it is unclear as to whether the agency's policy on deferrals actually allows a known and acknowledge noncompliant issue to exist, with no action, no public notification, and exceed the enforcement timelines allowed by this criterion. The language contained in Exhibit 155 (What Does a Deferral Mean) clearly states deferrals may be used because the institution already does not meet the standards as outlined in the NASD Handbook. The agency's policy also provides for the option to place an institution on probation after the second consecutive deferral is also concern. It is also unclear as to when the agency starts the clock initiating the enforcement timelines required by this criterion relative to its deferral policies.

The guidelines for interpreting the continuous deferral policy (Exhibit 59, Appendix F). state that "normally" the total time for demonstrating compliance shall not exceed the timeframes in this section of the Secretary's criteria.

The agency requires institutions to be in compliance with agency standards at all times during an accreditation period, however, it is unclear why the agency does not immediately initiate adverse action against an institution when it acknowledges an issue of non-compliance with an agency standard. In addition, the agency's policy for continuous deferrals (as a Commission action) exceeds the regulatory requirement of this criterion.

It is not clear why the agency would defer action in circumstances when it has found an institution out of compliance with one or more of its standards. In accordance with the Secretary's Criteria for Recognition, an agency is required to take immediate adverse action, or give the institution a specific timeframe for coming into compliance.

The agency must amend its policy to state that the enforcement timelines required by the criterion will not be exceeded. The agency current policy states that normally the timelines will not be exceeded. The agency's policy must also ensure that when it is determined that an institution is noncompliant the required timelines are initiated. The agency cannot defer action when it has determined that an institution is noncompliant with its standards. This must be reflected in the agency's policy and procedures

#### **Analyst Remarks to Response:**

In response to the staff draft analysis, the NASD defined its deferral policy as "an action taken by the Commission which indicates that at least one issue of apparent non-compliance exists" and starts the time period for the agency initiate an adverse action or grant an opportunity (in this case, a deferral) for the institution to come into compliance. However, if an institution has still not demonstrated full compliance with the agency's standard(s) after two consecutive deferrals of two years, the criterion requires the agency to initiate an adverse action or grant a good cause extension. Currently, the agency's Continuous Deferral policy ( Appendix III.F.) allows the Commission to make the decision of "probation" which exceeds the two year maximum timeline and is

not an adverse action as described in 602.3. The agency must amend its continuous deferral policy to clarify that an adverse action would be initiated after an institution is found not in compliance with an agency standard and has exceeded the continuous deferral policy of two years

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### **PART III: THIRD PARTY COMMENTS**

The Department did not receive any written third - party comments regarding this agency.