

<b>Name:</b> Commission on English Language Program Accreditation	<b>Meeting Date:</b> 02/22/2017	<b>Response Submit Date:</b> 12/27/2016	<b>Status:</b> Final Review	<b>Type:</b> Renewal Petition
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## U.S. Department of Education

Staff Report

to the

Senior Department Official

on

Recognition Compliance Issues

### Recommendation Page

1. **Agency:** Commission on English Language Program Accreditation
2. **Action Item:** Renewal Petition
3. **Current Scope of Recognition:** The accreditation of postsecondary, non-degree-granting English language programs and institutions in the United States.
4. **Requested Scope of Recognition:** Same as above.
5. **Date of Advisory Committee Meeting:** February 22, 2017
6. **Staff Recommendation:** Continue the agency's current recognition and require the agency to come into compliance within 12 months, and submit a compliance report 30 days after the 12 month period that demonstrates the agency's compliance with the issue identified below.
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. The agency must establish and implement a policy for proper use of extensions for good cause that meets the requirements of this criterion. [§602.20(b)]

### Executive Summary

#### **Part I: General Information About The Agency**

The Commission on English Language Program Accreditation (CEA) is a national programmatic and institutional accreditor that has been accrediting postsecondary non-degree-granting English language programs and institutions in the United States since 1999.

CEA focuses on institutions and programs that serve international students who need to improve their English language skills before beginning their studies and/or professional activities in the United States. The primary program, offered by colleges, universities and independent English language schools, is commonly called an Intensive English Program (IEP).

CEA accredits 127 programs and 170 institutions, for a total of 297 sites in the 40 states and the District of Columbia. It is the freestanding English language institutions' participation in the Department of Homeland Security, Bureau of Immigration and Citizenship Enforcement Certification Program, that CEA cites as its federal link for purposes of the Secretary's recognition process. It does not accredit institutions for the purpose of their seeking to participate in the Department of Education's Higher Education Act (HEA), Title IV programs and, therefore, does not have to meet the Secretary's separate and independent criteria.

#### **Recognition History**

The agency was first reviewed for recognition in June 2003, at which time the Secretary granted initial recognition to the agency for a period of two years. The Secretary also required CEA to provide an interim report addressing several compliance issues. At its December 2004 meeting, the National Advisory Committee on Institutional Quality and Integrity (NACIQI) recommended to the secretary that he accept the interim report on all issues except one and grant CEA a six-month extension for good cause and require it to demonstrate full compliance with Criterion §602.16(a)(1)(iii), regarding the establishment of its requirements for faculty qualifications in its next petition for continued recognition. At the NACIQI's Spring 2005 meeting, the agency's petition for continued recognition was reviewed and the NACIQI recommended and the Secretary granted the agency continued recognition for a period of five years.

The last full review of the agency was conducted at the December 2011 National Advisory Committee on Institutional Quality and Integrity (NACIQI or the Committee) meeting. Department staff and the Committee both recommended, and the Secretary concurred, that the agency's recognition be continued that it submit a compliance report addressing the issues identified in the staff analysis in 2013. That information was accepted. The Fall 2016 petition is the agency's submission re-recognition. The agency has had one complaint brought to the Accreditation Group during this period of recognition. Department staff observed an agency site visit in October 2016 and a commission meeting in December 2016.

## **Part II: Summary Of Findings**

### **602.15(a)(2) Competency of Representatives**

**(2) Competent and knowledgeable individuals, qualified by education and experience in their own right and trained by the agency on their responsibilities, as appropriate for their roles, regarding the agency's standards, policies, and procedures, to conduct its on-site evaluations, apply or establish its policies, and make its accrediting and preaccrediting decisions, including, if applicable to the agency's scope, their responsibilities regarding distance education and correspondence education;**

The agency outlines its membership requirements regarding Commission members in the agency's Policies and Procedures (exhibit 34).

Commissioners: The commission is comprised of 13 members. The selection process of the Commissioners is documented in exhibits 35-37. The agency has also included documentation of the Commissioners resumes to demonstrate that they are qualified to serve in their assigned roles. The agency states that they adhere to the Department's federal definition for public members (exhibit 77). The commission membership is a combination of academics, administrators, and public members and serves as the policy and decision making authority for the agency. The agency has also provided example agendas (exhibit 52) and training information (exhibits 51 and 55) that documents training for commissioners related to background information about the agency.

The agency outlines its standards regarding site team members in the agency's Guidelines for Accreditation Visiting Teams.

Site Team Members: The site teams include three members: a CEA representative who ensures that the standards are applied appropriately and two peer-reviewers. The agency has provided example training information (exhibits 58-59) that documents training for site visitors related to background information about the agency. Ongoing training of reviewers occurs through other communication means as demonstrated in exhibit 60.

The agency outlines its standards regarding composition of membership, as well as having public membership on its Appeals panels.

Appeals panel members: The agency explains in its narrative that the appeals panels follow the policies and procedures outlined in exhibit 56. The agency has included documentation consisting of appeals panel membership letter for orientation (exhibit 57). However, it is not clear from the letter (exhibit 57) the role of each member serving on the appeals panel and the agency has not included documentation (such as resumes) that demonstrates appeal panel members are qualified to serve in their identified role. Since CEA accredits both institutions and programs the appeals panel would have to be comprised of educators and practitioners and a public member if the appeal involved a program. If the appeal involved an institution the appeals panel would be comprised of academics and administrators and a public member. The site team composition would also have to change too, depending on the situation. It is not clear from the documentation provided who is serving in which roles.

The agency outlines its standards regarding composition of its CEA Specialists (C-Specs) and the Reviewer Selection Committee.

C-Specs and Reviewer Selection Committee: The agency explains that the role of these individuals is to assist the agency in a consulting role based on their prior experience with CEA. The agency has documented that these individuals participate in training related to background information about the agency (exhibits 58-59). However, it remains unclear how recurrent training for CEA specialists and the members of the Reviewer Selection Committee occurs.

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

In response to the draft analysis, the agency clarified the role of each member serving on the appeals panel and provided documentation (exhibits 6-13) that demonstrates that appeal panel members are qualified to serve in their identified role. The agency has previously included all of the required parties on the appeals panel but not specifically called out each role of each member. The agency has now documented it in their Policies and Procedures (effective January 2017) that will clearly articulate who is serving in what capacity when the appeals panels are convened.

In addition, the agency has provide details that document the role of each site visitor during the site team visit to ensure appropriate composition of the site team (Exhibits 3-13). Similarly to the appeals panel, the agency has previously included all of the required parties but not specifically called out each role of each member. The agency has now documented it in their Policies and Procedures (effective January 2017) that clearly articulate who is serving in what capacity. Finally, the agency has explained their processes and

provided documentation demonstrating that they train their specialists and members of their Reviewer Selection Committee. (Exhibits 20-28)

The addition of this information resolves the concerns mentioned in the draft petition.

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**602.15(a)(4) Educator/Practitioner Representatives**

**(4) Educators and practitioners on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession;**

The agency accredits both institutions and programs, therefore they are required to respond to this section.

**Analyst Remarks to Response:**

In response to the draft analysis, the agency clarified the role of the educator and practitioners serving in all areas the organization. The agency has previously included all of the required parties but not specifically called out each role of each member. The agency has now documented it in their Policies and Procedures (effective January 2017) that will clearly articulate who is serving in what capacity as appropriate.

The addition of this information resolves the concerns mentioned in the draft petition.

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**602.16(a)(1)(i) Student Achievement**

**(a) The agency must demonstrate that it has standards for accreditation, and preaccreditation, if offered, that are sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education or training provided by the institutions or programs it accredits. The agency meets this requirement if -**

**(1) The agency's accreditation standards effectively address the quality of the institution or program in the following areas:**

**(i) Success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of course completion, State licensing examination, and job placement rates.**

The agency places significant emphasis on continuously monitoring and evaluating student achievement and student outcomes as outlined in the Accreditation Standards (exhibits 107 and 108). CEA allows the program to establish its own student learning outcomes and the agency requires that all of the student learning outcomes align with the mission of the program and that the measures represent significant progress or achievement. CEA also requires that these outcomes be written, observable, measurable, and show language proficiency expressed in terms of academic readiness or practical applications. The Accreditation Handbook provides detailed rationale that increases focus on student outcomes and provides examples illustrating what CEA would accept as direct and indirect evidence of student learning outcomes. The agency's review of accreditation standards for continued appropriateness occurs in a subset every 3 years, with an entire review on a regular 10 year interval.

The agency included as documentation three self-studies and site visit report extracts that demonstrates how it evaluates schools under this standard. However, since the identifying information has been removed from the self-studies and site visit reports Department staff is unable to determine the relationship between the self-studies and the site visit reports. Department staff is also unable to identify the specific English language institution or program being evaluated.

**Analyst Remarks to Response:**

In response to the draft analysis, CEA has provided additional documentation demonstrating that the relationship between the self-studies and the site visit reports that explains how CEA evaluates student achievement. Specifically, the agency has included multiple Review Team Reports (RTR's) (exhibits 40-42) that demonstrate the agency's review of student achievement in accord with their standards.

The additional information provided resolves the previously mentioned concerns in the draft petition.

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### **602.16(a)(1)(ii) Curricula**

#### **(a)(1)(ii) Curricula.**

The agency provided its curriculum standards (exhibit 136). It is important to note that CEA does not accredit degree or degree programs; therefore, the same standards apply to all programs. The standards ensure a review of the curriculum that is consistent with the program's mission, has appropriate rigor including objectives and other learning outcomes, and that the instructional methods and materials are adequate. The training for the reviewers relative to curriculum was included in a prior section (34 CFR 602.15).

The agency included as documentation three self-studies and site visit report extracts that demonstrates how it evaluates schools under this standard. However, since the identifying information has been removed from the self-studies and site visit reports Department staff is unable to determine the relationship between the self-studies and the site visit reports. Department staff is also unable to identify the specific English language institution or program being evaluated.

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

In response to the draft analysis, CEA has provided additional documentation demonstrating that the relationship between the self-studies and the site visit reports that explains the CEA process of curriculum assessment. Specifically, the agency has included multiple Review Team Reports (RTR's) (exhibits 40, 43-45, 53) that demonstrates the agency's review of curricula in accord with their standards.

The additional information provided resolves the previously mentioned concerns in the draft petition.

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### **602.16(a)(1)(iii) Faculty**

#### **(a)(1)(iii) Faculty.**

The agency has provided its faculty standards (exhibit 46). CEA reviews faculty members for appropriate academic credentials and demonstration of adequate knowledge. The agency also requires that faculty have appropriate postsecondary teaching experience and that they demonstrate an ongoing commitment to professional development. The training for the reviewers relative to faculty was included in a prior section (34 CFR 602.15).

The agency included as documentation three self-studies and site visit report extracts that demonstrates how it evaluates schools under this standard. However, since the identifying information has been removed from the self-studies and site visit reports Department staff is unable to determine the relationship between the self-studies and the site visit reports. Department staff is also unable to identify the specific English language institution or program being evaluated.

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

In response to the draft analysis, CEA has provided additional documentation demonstrating the relationship between the self-studies and the site visit reports that explains how CEA evaluates faculty. Specifically, the agency has included multiple Review Team Reports (RTR's) (exhibits 47-52) that demonstrates the agency's review of faculty in accord with their standards.

The additional information provided resolves the previously mentioned concerns in the draft petition.

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### **602.16(a)(1)(iv) Facilities/Equipment/Supplies**

#### **(a)(1)(iv) Facilities, equipment, and supplies.**

The agency has provided its facilities standards (exhibit 167), Standard 1. CEA reviews institutions and programs facilities to determine if facilities provide adequate support to meet educational and service goals, as well as adequacy in conditions, and accessibility. Additionally, CEA has standards requiring that institutions and programs follow local, state and federal laws, including local safety and fire codes. The training for the reviewers relative to facilities was included in a prior section (34 CFR 602.15).

The agency included as documentation three self-studies and site visit report extracts that demonstrates how it evaluates schools under this standard. However, since the identifying information has been removed from the self-studies and site visit reports

Department staff is unable to determine the relationship between the self-studies and the site visit reports. Department staff is also unable to identify the specific English language institution or program being evaluated.

**Analyst Remarks to Response:**

In response to the draft analysis, CEA has provided additional documentation demonstrating the relationship between the self-studies and the site visit reports that explains how CEA evaluates facilities, equipment, and supplies. Specifically, the agency has included multiple Review Team Reports (RTR's) (exhibits 55-57) that demonstrates the agency's review of facilities, equipment, and supplies in accord with their standards.

The additional information provided resolves the previously mentioned concerns in the draft petition.

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**602.16(a)(1)(v) Student Complaints**

**(a)(1)(v) Fiscal and administrative capacity as appropriate to the specified scale of operations.**

The agency provided its fiscal and administrative capacity standards (exhibits 180 and 181). The agency has sufficiently defined standards relative to its accredited programs/institutions fiscal and administrative capacity to assess the institution's or program's financial viability and the administrative capacity/capabilities of an institution or program.

The agency included as documentation three self-studies and site visit report extracts that demonstrates how it evaluates schools under this standard. However, since the identifying information has been removed from the self-studies and site visit reports Department staff is unable to determine the relationship between the self-studies and the site visit reports. Department staff is also unable to identify the specific English language institution or program being evaluated.

**Analyst Remarks to Response:**

In response to the draft analysis, CEA has provided additional documentation demonstrating the relationship between the self-studies and the site visit reports that explains how CEA evaluates fiscal and administrative capacity. Specifically, the agency has included multiple Review Team Reports (RTR's) (exhibits 59-64) that demonstrate the agency's review of fiscal and administrative capacity in accord with their standards.

The additional information provided resolves the previously mentioned concerns in the draft petition.

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**602.16(a)(1)(vi) Fiscal/Administrative Capacity**

**(a)(1)(vi) Student support services.**

The agency has provided its student service standards (exhibit 194), Standards 1-8. CEA's student support service standards establish clear expectations as to what its accredited programs/institutions must provide their students. The agency evaluates the ability to provide students with accurate and complete information regarding campus policies, admissions, attendance, academic, personal, and immigration counseling. In addition, CEA requires that the staff be appropriately qualified for their role in providing these services to its students. The training for the reviewers relative to student services was included in a prior section (34 CFR 602.15).

The agency included as documentation three self-studies and site visit report extracts that demonstrates how it evaluates schools under this standard. However, since the identifying information has been removed from the self-studies and site visit reports Department staff is unable to determine the relationship between the self-studies and the site visit reports. Department staff is also unable to identify the specific English language institution or program being evaluated.

**Analyst Remarks to Response:**

In response to the draft analysis, CEA has provided additional documentation demonstrating the relationship between the self-studies and the site visit reports that explains how CEA evaluates student support services. Specifically, the agency has included multiple Review Team Reports (RTR's) (exhibits 66-68) that demonstrate the agency's review of student support services in accord with their standards.

The additional information provided resolves the previously mentioned concerns in the draft petition.

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### **602.16(a)(1)(vii) Student Support Services**

#### **(a)(1)(vii) Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising.**

The agency has provided its recruitment standards (exhibits 207 and 208). CEA reviews programs and institutions to ensure ethical practices are followed relative to recruiting, as well as processes to ensure and promote the well-being of students. Additionally, CEA has standards that require institutions and programs to ensure information contained in recruiting publications, academic calendars, catalogs, and other publications is accurate. CEA standards also require strict oversight of third party involvement in recruitment practices.

The agency included as documentation three self-studies and site visit report extracts that demonstrates how it evaluates schools under this standard. However, since the identifying information has been removed from the self-studies and site visit reports Department staff is unable to determine the relationship between the self-studies and the site visit reports. Department staff is also unable to identify the specific English language institution or program being evaluated.

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

In response to the draft analysis, CEA has provided additional documentation demonstrating the relationship between the self-studies and the site visit reports that explains how CEA evaluates recruitment and other practices. Specifically, the agency has included multiple Review Team Reports (RTR's) (exhibits 55, 70-71) that demonstrate the agency's review of recruitment and other practices in accord with their standards.

The additional information provided resolves the previously mentioned concerns in the draft petition.

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### **602.16(a)(1)(ix) Program Length**

#### **(a)(1)(ix) Record of student complaints received by, or available to, the agency.**

The agency has provided its student complaint standards for student complaints (exhibit 221). CEA standards require that the program or institution have a written process for filing a complaint which is made available to students and that institutions and programs maintain records of complaints and their resolutions. In addition, CEA allows for complaints to be submitted to the agency as well.

The agency included as documentation three self-studies and site visit report extracts that demonstrates how it evaluates schools under this standard. However, since the identifying information has been removed from the self-studies and site visit reports Department staff is unable to determine the relationship between the self-studies and the site visit reports. Department staff is also unable to identify the specific English language institution or program being evaluated.

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

In response to the draft analysis, CEA has provided additional documentation demonstrating the relationship between the self-studies and the site visit reports that explains how CEA evaluates student complaints. Specifically, the agency has included multiple Review Team Reports (RTR's) (exhibits 75-77) that demonstrate the agency's review of student achievement in accord with their standards.

The agency has further clarified that they do not currently accredit distance education programs and has included documentation (exhibit 78) regarding SEVP's prohibition of online courses. The agency further explains in their narrative about the "computer assisted language learning" (CALL) component, but assures that this portion would be under the 50% threshold required by the Department. It is further noted that the agency mentions considerations for a possible expansion of scope in the future for distance education.

The additional information provided resolves the previously mentioned concerns in the draft petition.

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### **602.20(a) Enforcement Timelines**

#### **(a) If the agency's review of an institution or program under any standard indicates that the institution or program is not in compliance with that standard, the agency must--**

**(1) Immediately initiate adverse action against the institution or program; or**

**(2) Require the institution or program to take appropriate action to bring itself into compliance with the agency's standards within a time period that must not exceed--**

**(i) Twelve months, if the program, or the longest program offered by the institution, is less than one year in length;**

**(ii) Eighteen months, if the program, or the longest program offered by the institution, is at least one year, but less than two years, in length; or**

**(iii) Two years, if the program, or the longest program offered by the institution, is at least two years in length.**

CEA follows their procedures (exhibit 299) that outlines their standards for accreditation determinations. The agency actively tracks the number of deficiencies and considers all deficiencies for determining which type of action or reporting requirements are placed on the institutions/programs.

CEA places an institution/program on compliance reporting/ warning that is not able to come into compliance within 1 year. If CEA determines that an institution/program should be placed on reporting, that institution /program is given 10 months to demonstrate compliance and CEA then has 2 months for the commission to determine if further action should be taken. The CEA either deems the institution or program compliant or the institution/program remains on warning with reporting requirements for a period not to exceed 1 year. While it appears in practice that the agency adheres to the enforcement timelines required by this criterion, this is not clearly explained in CEA's policy. If an institution or program has not resolved its issues, CEA will either take an immediate adverse action or granted the institution/program an extension for good cause. However, the agency has not clearly defined this action as an extension for good cause and the criterion for one. It is not clear from the agency's standards what specifics warrant an extension for good cause and how the agency is consistent in its application of this option. (Exhibit 299, section 7.2) This will be further discussed in section 602.20(b).

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

The agency has further explained in its narrative the policies and procedures allocated to an institution or program to come into compliance. As explained in the narrative, the agency does not allow anything beyond two years for demonstrating compliance. (Previous draft has confirmed that the length of the programs is at least 2 years, so two years would be an appropriate time frame in accordance with this criterion). The agency has documented the denial of accreditation example in Exhibit 80.

To further clarify and prevent confusion regarding the extension for good cause policy, the agency has explained their use of an extension for good cause and that the extension for good cause timeframes are not included / combined or associated with the enforcement timelines required by this section. Further updates (effective January 2017) to the agency's policies and procedures clarify this language so that is no longer to be confused with the use of the Department's extension of good cause.

The agency has addressed the concerns previously mentioned in the draft petition.

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#### **602.20(b) Enforcement Action**

**(b) If the institution or program does not bring itself into compliance within the specified period, the agency must take immediate adverse action unless the agency, for good cause, extends the period for achieving compliance.**

The agency states in its narrative that it requires institution/programs that have reporting requirements to come into compliance within one year. The period of time for demonstrating compliance is 10 months, with 2 months provided to allow the agency to evaluate the institution's or program's progress toward demonstrating compliance. The agency either deems the institution or program compliant or the institution/program remains on warning with reporting requirements for a period not to exceed 1 year.

The agency states in its narrative that the length of the longest program among CEA institutions is at least two years. This is true for programs as well. Given that, 34 CFR 602.20 affords the institution or program two years' time to demonstrate compliance. The year for demonstration of compliance followed by an additional year of reporting would be within the two year time frame afforded by this criterion and would not exceed the two year requirement. After the two year period of noncompliance, the agency must either take an adverse action or grant an extension for good cause to the institution or program.

The agency has adopted standards that issue the following actions: warning, probation, and show cause, and the adverse action of withdrawal. (Exhibit 313) In the examples provided by the agency, the institutions/programs that had previously been placed on compliance warning/reporting for a 2 year period were issued warning letters (Exhibits 314-319). It appears in this instance, that the addition period of warning was used to afford the institution/program additional time to resolve minor remaining issues. However, this additional time to demonstrate compliance beyond the 2 year period would be considered an extension for good cause. It is important for CEA to understand; this practice must be clearly stated and documented as an extension for good cause. If the institution or program is not given an extension for good cause the CEA must take an immediate adverse action which in accordance with CEA terms would be a withdrawal of the institutions or programs accreditation and not placing the institution or program on "warning" as warning is not defined by the Department as an adverse action. However once CEA informs the institution it has been afforded an extension it can, at that time establish reporting requirements for the institution/program during the extension for good cause period.

**Analyst Remarks to Response:**

In response to the draft analysis, the agency has agreed that they are not in compliance with this section of the Criteria. The agency has not utilized the 'extension for good cause' for those institutions or programs that remain non-compliant outside of the 2 years and were afforded extra time to demonstrate compliance. At 2 years, the agency is required to take immediate action. In the few cases where this has not happened, the agency has been operating in a way that would be consistent with the good cause extension, but has not had policies or procedures to document this process. The agency has committed to a work group and plans to revisit this topic at its April 2017 Commission meeting.

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**Part III: Third Party Comments**

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