



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

May 9, 2018

Heather L. Maurer
Executive Director
Accreditation Commission for Midwifery Education
8403 Colesville Road, Suite 1550
Silver Spring, MD 20910

Dear Ms. Maurer:

I am writing to inform you of my decision on the renewal of recognition of the Accreditation Commission for Midwifery Education (ACME). U.S. Department of Education (Department) staff and the National Advisory Committee on Institutional Quality and Integrity (NACIQI) have each made recommendations to me. These recommendations were made under Sections 114 and 496 of the Higher Education Act of 1965, as amended, and pursuant to relevant statutory and regulatory provisions.

Both the Department staff and the NACIQI recommended that I continue ACME's recognition as a nationally recognized accrediting agency at this time, require the agency to come into compliance within 12 months, and to submit a compliance report 30 days after that 12 month period that demonstrates the agency's compliance with the issues identified in the staff analysis. Staff found, and the NACIQI agreed, that ACME failed to meet the requirements related to enforcement of the agency's standards in 34 C.F.R. § 602.20(b). Specifically, staff found that ACME has "no standard or documentation in the policy manual that discusses the reasonable examples of 'good cause' or the specific monitoring actions the agency will implement to ensure a program is making progress towards compliance." Final Staff Report, Staff Analysis. Staff concluded "the agency must provide documentation and implementation of a standard defining the terms of good cause and systematic procedures for monitoring a program's progress towards compliance." *Id.*

I have reviewed the record thoroughly, noting both the Department staff's rationale for their compliance findings and the deliberations by the NACIQI members at the meeting that led to the committee's recommendation. However, my review leads me to conclude that ACME is in full compliance with the requirements of the Department's regulations.

ACME's Policies and Procedures Manual ("Manual") addresses enforcement actions with a relatively high degree of specificity:

In all cases in which the [Board of Review (BOR)] requires the program to provide additional evidence of its compliance with the criteria, the BOR sets a

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reasonable timetable for the program to come into compliance and to submit the required reports providing evidence of compliance. In general, the original timetable may be extended only one time and may be extended for no more than six months. Program directors or administrators of the institution who request an extension are required to provide a sufficient and reasonable rationale that demonstrates that circumstances have caused the need for the extension. In order to grant the extension, the BOR must determine that no harm will come to currently enrolled students if the extension is granted. A program will be placed on Probation when an extension is granted for reasonable cause. If the program is granted an extension but remains out of compliance at the end of the extension period, ACME will withdraw its pre/accreditation.

ACME Policies and Procedures Manual for the Preaccreditation and Accreditation of Midwifery Education Programs, December 2011 (Revised May 2016), page 54.

This relevant paragraph articulates the steps ACME takes regarding a program that is still not in compliance after the initial period outlined in 34 C.F.R. § 602.20(a). The Manual's requirements for a program director or institution administrators to obtain additional time from the accreditor do provide a clear standard. The Manual states that the timetable may only be extended once and for a specified period of time, that institutions are "required to provide a sufficient and reasonable rationale that demonstrates that circumstances have caused the need for the extension," and that "[i]n order to grant the extension, the BOR must determine that no harm will come to currently enrolled students if the extension is granted." *Id.* This certainly does appear to be "documentation" of a standard for good cause. Given the many circumstances that would qualify an institution for a good cause extension, it would be impossible to provide a comprehensive list, and yet providing an incomplete list could introduce future risk that ACME would be found out of compliance if it approved a good cause extension that was not described by the examples on the list.

Second, staff found that ACME did not provide "systematic procedures for *monitoring* a program's progress towards compliance." *Id.* (emphasis added). Nothing in 34 C.F.R. § 602.20 requires the agency to lay out specific procedures for monitoring a program's progress towards compliance. Specifically, the section cited by staff, § 602.20(b), merely speaks to the standard for extending the period for good cause. While the "good cause" period in § 602.20(b) can be read as an extension of the period found in 34 C.F.R. § 602.20(a), a period where the regulations state the agency shall "require" the institution to come into compliance," paragraph (a) does not mandate that the agency articulate or codify the steps it takes during that period.

Nonetheless, ACME's Manual states that "[i]n all cases in which the [Board of Review (BOR)] requires the program to provide additional evidence of its compliance with the criteria, the BOR sets a reasonable timetable for the program to come into compliance *and to submit the required reports providing evidence of compliance.*" Manual at 54. (emphasis added). The Manual is clear that "in all cases" where more evidence is needed to show compliance there are to be "required reports" and this would presumably include reports during the "good cause" period of 34 C.F.R. § 602.20(b). Requiring written reports during this period is reflective of the fact ACME

contemplates active monitoring reports during any probationary period, including during the good cause period in 34 C.F.R. § 602.20(b).

I acknowledge the concerns of Department staff, but as a result of my conclusions I am renewing ACME's recognition without requiring further compliance actions at this time. Accordingly, I grant renewed recognition to ACME for a period of five years.

Scope of recognition: accreditation and pre-accreditation of basic certificates, basic graduate nurse-midwifery, direct entry midwifery, and pre-certification nurse-midwifery education programs, including those programs that offer distance education.

Although ACME met the minimum standards required by 34 C.F.R. § 602.20 for enforcement actions I would encourage it (but cannot require it) to heed staff recommendations that it outline more specific steps for how it will monitor programs during a "good cause" period. ACME should also consider making clear that its "reasonable cause" standard means the same thing as the Department's "good cause" standard of 34 C.F.R. § 602.20(b).

Please convey my best wishes to the members of ACME. We do appreciate the work that ACME does to improve the quality and success of U.S. postsecondary education.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Auer Jones".

Diane Auer Jones
Senior Advisor
Office of Postsecondary Education