

Name: National League for Nursing Commission for Nursing Education Accreditation	Meeting Date: 07/31/2019	Response Submit Date: 05/26/2019	Status: Final Review	Type: Initial 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:** National League for Nursing Commission for Nursing Education Accreditation
2. **Action Item:** Initial Petition
3. **Current Scope of Recognition:** As an initial applicant, the agency does not have a current scope of recognition.
4. **Requested Scope of Recognition:** The preaccreditation and accreditation of nursing education programs, in the United States, which offer a certificate, diploma or degree at the practical/vocational, diploma, associate, baccalaureate, masters, doctoral levels, including those programs offered via distance education. This recognition extends to the Appeals Panel.
5. **Date of Advisory Committee Meeting:** July 31, 2019
6. **Staff Recommendation:** Grant initial recognition for a period of five years for the preaccreditation and accreditation of nursing education programs, in the United States, which offer a certificate, diploma or degree at the practical/vocational, diploma, associate, baccalaureate, masters, doctoral levels, including those programs offered via distance education. This recognition extends to the Appeals Panel.
7. **Issues or Problems:** None

Executive Summary

Part I: General Information About The Agency

The National League for Nursing, Commission for Nursing Education Accreditation (NLN CNEA) was established in September 2013 by vote of the membership of the National League for Nursing (NLN), its parent organization. NLN appointed a steering committee in January 2014 to guide the development of the NLN CNEA. NLN CNEA began drafting its accreditation standards in August 2014. The inaugural NLN CNEA Board of Commissioners were appointed by NLN in February 2015, and held their first meeting in April 2015. In June 2015, the bylaws were accepted by the NLN CNEA Board of Commissioners. The accreditation standards were approved in February 2016. NLN CNEA granted preaccreditation for the first time in June 2016, and granted accreditation to three programs in February 2017.

Recognition of the agency would enable at least one of its programs to use NLN CNEA accreditation to establish eligibility to participate in non-HEA Federal programs, to include those offered by the U.S. Department of Health and Human Services, Health Resources and Services Administration (HHS HRSA).

Recognition History

As an initial applicant, the agency does not have a recognition history.

In conjunction with the agency's petition for initial recognition, Department staff reviewed the agency's supporting documentation and observed six accreditation activities - two board meetings in June 2018 and June 2019, a Program Review Committee (PRC) meeting in August 2018, an Initial Program Application Subcommittee (IPASC) meeting in September 2018, and two site visits in October 2018 and April 2019.

Part II: Summary Of Findings

The agency meets the requirements of the Secretary's Criteria for Recognition.

Part III: Third Party Comments

Staff Analysis of 3rd Party Written Comments

One written third-party comment was received regarding this agency and reflected a negative view. The comment is from a registered nurse with experience in nursing education and accreditation, whose basis for concern was in relation to the relationship between NLN CNEA and its parent organization, NLN.

As NLN CNEA is requesting to be recognized as an accrediting agency under Section 602.14(a)(2), it is not required to meet the "separate and independent" requirements in Section 602.14(b). Therefore, the level of autonomy of financial and administrative functions between NLN CNEA and NLN is less than that of an agency required to meet the "separate and independent" requirements.

The agency provided a response to the third-party comment to state that NLN CNEA has total autonomy over its bylaws, accrediting processes, budgeting, and expenses. The information and documentation provided within the petition and observed by Department staff support those statements.

Agency Response to 3rd Party Comments

DATE: 5/22/19

TO: U.S. Department of Education

FROM: The National League for Nursing

RE: Response to Public Comment (Yaddow, March 2019)

The National League for Nursing provides the following factual response to the Public Comment by Deborah Yaddow, dated March 2019. Ms. Yaddow identified four areas of concern, which are addressed separately below.

An assertion was made that NLN CNEA is petitioning for USDE recognition under the same conditions as existed with ACEN, formerly NLNAC. ACEN is a wholly owned subsidiary of the NLN. In the recent past, ACEN's bylaws were found to be out of compliance with USDE regulations because the bylaws contained references to both corporate (e.g. ability to dissolve as a corporate entity or change in ownership) as well as accreditation terms (e.g. terms dealing specifically with the accreditation process, program reviews, commissioners). To resolve issues, the NLN and ACEN agreed to revise ACEN's bylaws to a format that separated out corporate bylaws from accreditation bylaws, thus meeting the needs of both organizations. Since that time, ACEN has maintained independent and total control over their accreditation bylaws.

The NLN CNEA Board of Commissioners had total autonomy over the creation of the NLN CNEA bylaws and maintains the authority and autonomy to revise the bylaws as needed. The NLN CNEA Board of Commissioners has consistently and independently maintained total control over their bylaws since their creation.

A second assertion was that by seeking recognition as a USDE "category 2 agency" (non-Title IV), the NLN CNEA would not have the same level of regulatory protection and NLN would be able to assert its authority over the NLN CNEA and take its resources. The NLN CNEA was created to meet USDE regulations, including having independent control over its own bylaws, accreditation processes, budgeting, and expenses. The NLN CNEA is seeking USDE recognition as a Category 2 agency as that is where the programmatic accreditation need is greatest in nursing. As of 2016, there were approximately 2100 nursing programs in the U.S. that were not accredited. While program accreditation has historically been voluntary in nursing, many state legislatures are making it mandatory and requiring nursing programs to seek accreditation at the program level, in addition to their required state board of nursing approval to operate. Fewer than 100 nursing programs in the U. S. need their program accreditor to serve as a Title IV gatekeeper; these programs are typically practical/vocational and diploma (RN) programs. The nursing profession already has a nursing program accreditor (ACEN) to serve as a Title IV gate keeper for the nursing programs that have that need. The NLN CNEA seeks recognition as a USDE Category 2 agency to meet the needs of the those many nursing programs that do not require title IV gatekeeping from their program accreditor, as they are organizationally situated within and governed by regionally or nationally accredited institutions.

A third assertion was that the NLN and NLN CNEA do not appear to have sufficient revenues to support the activities of an accrediting agency, and that the NLN has an "unstable and unsustainable financial situation." This assertion was stated to be based on "public information, noted in tax forms and information provided at NLN forums." The NLN is the oldest nursing organization in US history, celebrating its 125th year anniversary in 2018. The NLN presents its overall financial status to its members at the annual members meeting. These presentations, along with publicly available tax filings, support that the NLN is financially stable. The NLN and the NLN CNEA have submitted the requested audited financial statements to the USDE as evidence of their financial status.

The fourth assertion is that a conflict exists because NLN and NLN CNEA must be separate and independent both administratively

and financially, and yet the NLN CNEA is a division of the NLN. The NLN CNEA was established consistent with USDE regulations. The NLN CNEA is a division of the NLN. The NLN CNEA's accreditation operations were created independently from the NLN and are being operated independent from the NLN, and are governed by the NLN CNEA Board of Commissioners. The members of the NLN CNEA's Board of Commissioners are elected through a nominations and election process that is totally separate and independent from the NLN. NLN CNEA has established policies to address functioning and providing accreditation services without bias or conflict of interest.

The requirements of the USDE for recognition of accreditation agencies provided the framework for the development of the NLN CNEA. The NLN appreciates the opportunity to clarify pertinent facts associated with the assertions brought forward.

Please see attached file.