

<b>Name:</b> National Association Of Schools Of Dance, Commission on Accreditation	<b>Meeting Date:</b> 07/31/2019	<b>Response Submit Date:</b> 05/31/2019	<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:** National Association Of Schools Of Dance, Commission on Accreditation
2. **Action Item:** Renewal Petition
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:** July 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.

## **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;**

#### Qualifications of NASD Decision Bodies (Board Members, Commissioners, Appeals Panel Members and Agency Staff

With the exception of public members, the agency's bylaws stipulate that individuals serving on the Board of Directors and the Commission on Accreditation be the official representative of an accredited institution or program ("member") and that they come from various types of educational institutions.

The agency provided its staff resumes (exhibit 75) and the staff's job descriptions (Exhibit 74) documenting that they are trained and qualified to perform their duties.

The Agency's "Requirements for Volunteers and Elected and Appointed Officials" (Exhibit 81) establish additional requirements for board members and commissioners. The agency states that its website contains biographical information about each individual, demonstrating that they are qualified to fulfill their assigned roles.

However, the Department is not able to verify the commissioner's qualifications and request that the agency provide resumes for its sitting commission and its public member as weblinks/cites not be included in the official record of documentation reviewed during the recognition process. .

#### Qualifications of Appeals Panel Members

The appeals panel is appointed by the Executive Director and is comprised of three-to-five members. The agency's policy states that appeals panel members must be qualified by education and experience at least equivalent to those eligible to serve on the commission. Appeals panels are established on an ad hoc basis, and the agency does not maintain a pool of appeals panel members, as requests for appeals are infrequent. The agency also provided the relevant portion of its "Rules of Practice and Procedures" addressing the training of appeals panel members.

#### Training for NASD Decision Bodies (Board Members, Commissioners and Appeal Panel Members) and staff

The Association orients or trains members of the Board of Directors, Commission, Committee on Ethics, Committee on Nominations, and National Office staff in manners consistent with the nature and scope of their respective duties and responsibilities (see NASD Handbook 2018-19, Rules of Practice and Procedure, Part I, Article I, Section 6). For individuals involved in accreditation reviews, orientation and training includes a focus on the agency's procedures, policies, and standards, including its responsibilities regarding distance education (see as an example Procedures for the Self-Study Document: Format A, MDP II.C.; NASD Handbook 2018-19, Standards for Accreditation, III.H.). The agency does not review correspondence programs. Orientation and training is conducted through the provision of written materials and face-to-face workshops and interactions. The requirements outlined in this section also apply to the members of any Appeals Committee established for a specific review as provided for in the NASD Handbook 2018-19, Rules of Practice and Procedure, Part II, Article VIII.

#### Qualifications of Site Team Evaluators

The agency's "Requirements for Volunteers and Elected and Appointed Officials" set specific qualifications for the evaluators. Individuals serving on evaluation teams must be an employee from an accredited institution or program. The agency provided sample evaluator curricula vitae demonstrating that individuals serving in this role meet the agency's qualifications requirements.

#### Training for Site Team Evaluators

The agency provided a great deal of documentation of its training of all these individuals, to include documentation that verifies that its on-site evaluators and members of its decision-making bodies are provided with the appropriate training associated with reviewing

programs offered via distance or correspondence education, and instructions about the agency's current standards and review policies regarding distance and correspondence education. his list includes administrators, academics, practitioners, and educators. Invitations (see Sample WVE Invitation) are extended to a selected group of current and active institutional representatives of accredited member institutions (see NASD Handbook 2018-19, Rules of Practice and Procedure, Part I, Article I, Section 6). Those accepting invitations participate in a ½ day long training workshop during which potential evaluators discuss in detail the protocols, standards, and procedures of the agency. Attendees discuss procedures and standards which provides a perspective that focuses on the application of standards pertaining to accreditation issues such as operational compliance, curricular compliance, distance learning programs, substantive change, and the like. Each year during the Annual Meeting of the agency, a Briefing is held for all visiting evaluators. Information regarding changes to standards, procedures, and protocols are highlighted, as are reminders and suggestions for good practice. As with the WVE, standards pertaining to distance learning programs and their application are highlighted, as are standards pertaining to issues such as credit and time requirements, fiscal responsibility and stability, and compliance with standards pertaining to participation in Title IV programs for free-standing institutions.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the NASD provide resumes for its sitting commissioners and its public members serving on its decision-making bodies (Exhibit 19 and 20) which enabled Department staff to verify their qualifications.

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**602.15(a)(3) Academic/Administrator Representatives**

**(3) Academic and administrative personnel on its evaluation, policy, and decision-making bodies, if the agency accredits institutions;**

NASD's policy and practice require academic and administrative representation on the agency's policy- and decision-making bodies, as well as its appeals panel and on-site evaluation teams. (Exhibit 19 and 81)

The document entitled Requirements for Volunteers and Elected and Appointed Officials (Exhibit 81) include the required qualifications/attributes and training/study for appeals panel members, as well as the requirement to include academics, administrations on policy, decision-making, and evaluative bodies, and also to designate them as such in the role they are assigned.

The agency provided a site team resumes (Exhibits 88, 89, 92, 95 and 96) and its evaluator assignment roster (Exhibit 97) as documentation to verify that the agency's site teams members include academic and administrators. However, the agency did not provide an actual site evaluation team report showing the composition of a team which would demonstrate application of this requirement.

While the agency provided biographical information instead of resumes for its commissioners the Department was not able to identify what role each commissioner is playing, or if the commission is of the proper composition.

The agency needs to provide an actual site team evaluation report that designates the roles of an academic and administrator. The agency also needs to provide resumes for its commissioners in order to identify what role each commissioner is playing, and if the commission is of the proper composition.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the NASD provided an actual site team evaluation report. They also included the resumes of the site team evaluators. The resumes verified that the evaluation team included an academic and an administrator (Exhibits 5, 20, 21). The agency also provided resumes for its commissioners in order to identify what role each commissioner is playing, and if the commission is of the proper composition. See 602.15(a)(2) (Exhibit 19 and 20)

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**602.15(a)(5) Public Representatives**

**(5) Representatives of the public on all decision-making bodies; and**

The NASD provided information and documentation to demonstrate that public members of the agency's policy- and decision-

making bodies Exhibits 19, 20, and 89) meet the Secretary's definition of a public representative. Specifically, the agency provided its Criteria for Public Members (Exhibit 99) as well as a completed public member response form ( Exhibit 101) to demonstrate compliance with this section. However, the agency did not provide a resume for its public member.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the NASD provided a resume for its public member (Exhibit 11) to demonstrate that public members of the agency's policy- and decision-making bodies meet the Secretary's definition of a public representative.

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**602.15(a)(6) Conflict of Interest**

**(6) Clear and effective controls against conflicts of interest, or the appearance of conflicts of interest, by the agency's--**

- (i) Board members;**
- (ii) Commissioners;**
- (iii) Evaluation team members;**
- (iv) Consultants;**
- (v) Administrative staff; and**
- (vi) Other agency representatives; and**

The NASD provided its policies and procedures (Exhibits 21, 22 and 23) and completed Evaluation Nomination and Evaluator Invitation forms and supporting documentation (Exhibit 105,107 and 108) partially demonstrating its implementation of its conflict of interest process. The agency also provided an example where a potential evaluator of an on-site evaluation assignment was involved in discussions with the agency due to a conflict of interest.(Exhibit 108) The agency has also declared that with regard to a specific recusals from a vote, there have been none in the recent past and therefore no documentation could be provided. However, the agency did not provide a signed conflict of interest statement from any of the agency's staff, commissioners or site evaluators.

The agency needs to provide signed conflict of interest statements from its staff members, commissioners and site evaluators from a recent site team.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the NASD provided signed conflict of interest forms for members on its visiting evaluators for full-cycles of review for two accredited institutions, Board of Directors, Commission on Accreditation, , Public Members, and administrative staff. NASD's 2018-2019 list of other agency representatives and staff includes a Committee on Ethics and a Nominating Committee. However, these bodies do not have authority or responsibilities related to accreditation and do not require signed conflict of interest forms.

The agency has met this requirement.

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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 NASD standards for student achievement are found within its detailed curricular standards (Exhibits 24, 25, 26, 27, 28, 29 and 30) (NASD Handbook 2018-19, Standards for Accreditation) which define specific competencies for various programs and credential levels, as well as in its requirements for on-going evaluation of student achievement and use of the results of the evaluation in planning for improvement. The agency requires institutions that use its accreditation for Title IV purposes to survey graduates; among the questions on its recommended survey are two related to employment. Institutions are to use this information to provide information about improvement efforts. Other institutions and programs gather such information through surveys of alumni. Department staff notes that any institution accredited by the agency could designate it as its Title IV accrediting agency, and therefore all institutions accredited by the agency must meet those requirements.

The agency places significant emphasis on continuously monitoring and evaluating student achievement and student outcomes in all types of programs and degree levels offered by an institution as well as evaluating processes for collecting information on student achievement and using the information to assess the institution's success in meeting its goals and for improvement. The agency's written policies and procedures reflect a detailed process for the collection and evaluation of student achievement data, with a strong emphasis on actual student work.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self-study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self-study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

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

In response to the draft staff analysis, the NASD referred to the required competencies established for each type of dance program as established in the NASD handbook. The agency described the continuous feedback mechanisms required for dance and noted that the agency requires implementation of in-depth and multi-faceted evaluation mechanisms. (Exhibit 24).

The agency noted that institutional evaluations require evaluators to review student performance and the quality of student work in each area or major.

The agency also provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its student achievement standards, and consistency regarding the evaluation of an institution's compliance with the agency's standard for student achievement. Documentation includes evidence of a full cycle of review (site visit reports, self-studies, decision letters) and supplemental annual reports for free-standing

institutions (Exhibits 5, 20 and 21) and (Exhibit 32). The agency has provided resumes of visiting evaluators to (Exhibits 6-9) show credentials of the site evaluators reviewing and the NASD Handbook outlines the roles and composition of the team (Exhibits 35 and 36).

The resumes of visiting evaluators for the institutions for which a full-cycle of documentation was provided, demonstrating expertise in both administrative and academic areas present on each evaluation team.

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

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

The NASD's standards ( Exhibit 24, 25 and 31) are sufficiently detailed and clear to assess curricula in verifiable ways. The agency's standards clearly describe the content for each area of specialization and level in competency-based language. The agency requires its institutions to design and provide curricula that in all cases are designed to ensure the students' development and competence in their educational objectives. The agency's curricula standards also include criteria related to general education requirements for the institutions' academic, advanced and terminal degree programs, and any programs offered via distance education or correspondence education.

The agency has curricula standards that are applied only to institutions that use its accreditation to establish eligibility to participate in Title IV programs. Department staff notes that any institution accredited by the agency could designate it as its Title IV accrediting agency, and therefore all institutions accredited by the agency must meet these standards.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self- study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self- study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its curricula standard and consistency regarding the evaluation of an institution's compliance with the agency's standard for the quality of curricula. The agency has also provided documentation (self-studies, site visit reports, decision letters) demonstrating a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21).The agency also provided resumes of visiting evaluators to show credentials ( Exhibits 6-9) of the site evaluators reviewing the institutions. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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

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

The NASD's faculty standards (Exhibit 32 and 126) are sufficiently specific in identifying agency expectations for meeting its standards. The agency requires that its institutions have qualified faculty who hold the appropriate credentials and have the necessary experience for the courses and level they are teaching. The agency also evaluates whether the institutions provide their faculty with self development opportunities and participate in the development and review of its programs' curricula. The agency's standards also require annual written reviews of the faculty by their supervisors and that the reviews be made available to the students.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self- study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self- study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

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

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its faculty standards and consistency regarding the evaluation of an institution's compliance with the agency's standard for the quality of the faculty. The agency has also provided documentation (self-studies, site visit reports, decision letters) demonstrating a full cycle of review for free-standing institutions it accredits (Exhibits 5, 20 and 21).The agency also provided resumes of visiting evaluators to show credentials ( Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.



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

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

The NASD's facilities standards (Exhibit 33 and 129) establish specific requirements to ensure that students and staff have safe and adequate space, equipment and supplies to successfully complete the program. The agency requires that its institutions be compliant with Federal and State building and safety requirements. It also separately evaluates the institution's library, learning and technology resources, distance education delivery systems, administrative facilities and student service facilities.

The agency has facilities standards that are applied only to institutions that use its accreditation to establish eligibility to participate in Title IV programs. Department staff notes that any institution accredited by the agency could designate it as its Title IV accrediting agency, and therefore all institutions accredited by the agency must meet these standards.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self-study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self-study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

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

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its standards for Facilities/ Equipment/Supplies and consistency regarding the evaluation of an institution's compliance with the agency's standards for the quality of the Facilities/Equipment/Supplies. The agency has also provided documentation (self-studies, site visit reports, decision letters) demonstrating a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21). The agency also provided resumes of visiting evaluators to show credentials (Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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## **602.16(a)(1)(ix) Student Complaints**

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

The NASD has clearly defined standards (Exhibits 15 and 43) addressing student complaints. The agency requires that its accredited institutions ensure students are afforded the opportunity and guidance on submitting complaints by providing a written complaint procedure and making it publicly available. The agency also requires that its institutions disclose its actions taken on student complaints and that the on-site evaluation teams review the institution's complaint policies, file maintenance and procedures



for handling and resolving student complaints.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self-study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self-study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

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

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its standard for institutional student complaint policy and processes; and consistency regarding the evaluation of an institution's compliance with the agency's standard for institutional student complaint policy and processes. The agency has also provided documentation of the proper documentation of a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21). The agency also provided resumes of visiting evaluators to show credentials (Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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#### **602.16(a)(1)(v) Fiscal/Administrative Capacity**

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

The NASD's has sufficiently defined standards (Exhibits 34, 130 and 131) to assess the soundness of the financial and administrative capacity of its institutions. The agency describes in detail its process for the evaluation of an institution's financial soundness including the agency's standards, self-study section on fiscal and administrative requirements, and guidelines for its on-site evaluation team members.

The agency has fiscal and administrative capacity standards that are applied only to institutions that use its accreditation to establish eligibility to participate in Title IV programs. Department staff notes that any institution accredited by the agency could designate it as its Title IV accrediting agency, and therefore all institutions accredited by the agency must meet these standards.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The

agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self- study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self- study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

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

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and from the same institution. This also demonstrates the agency's consistent application of its standard for Fiscal/Administrative Capacity and consistency regarding the evaluation of an institution's compliance with the agency's Fiscal/Administrative Capacity standard. The agency has also provided documentation (self-studies, site visit reports, decision letters) demonstrating a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21). The agency also provided resumes of visiting evaluators to show credentials ( Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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

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

The NASD's student support service standards (Exhibits 14 and 35 through 40) establish clear expectations as to what its institutions must provide their students. The agency evaluates the ability of the institution to provide students with accurate and complete information regarding campus policies, including admissions, attendance, academic grading, health and safety reports, health services, permanently maintained academic records and guidance. As well, the agency's standards require that students have access to academic advising and career services.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self- study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self- study and the

team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its Student Support Services standards and consistency regarding the evaluation of an institution's compliance with the agency's standard for the quality of Student Support Services. The agency has also provided documentation (self-studies, site visit reports, decision letters) demonstrating a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21). The agency also provided resumes of visiting evaluators to show credentials ( Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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**602.16(a)(1)(vii) Recruiting & Other Practices**

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

The NASD has clearly defined standards (Exhibit 41) addressing recruiting and admissions. The agency evaluates its institutions for the accuracy and comprehensiveness of information they provide to prospective students and the public. Institutions are required to have publications about admission and transfer policies, and requirements for degree programs, and that this information be clearly stated and made readily available. The agency evaluates whether the institutions recruiting practices are ethical and contain accurate descriptions of the institution's fees, mission, instructional outcomes, student performance expectations and completion requirements for each program. The agency also requires institutions to meet specific guidelines for their catalogs, academic calendars, and publications.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self- study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self- study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its standards for Recruiting and Other Practices and consistency regarding the evaluation of an institution's compliance with the agency's standards for the quality of the Recruiting and Other Practices. The agency has also provided documentation (self-studies, site visit reports, decision letters) demonstrating a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21). The agency also provided resumes of visiting evaluators to show credentials (Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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**602.16(a)(1)(viii) Program Length****(a)(1)(viii) Measures of program length and the objectives of the degrees or credentials offered.**

The NASD has clearly defined standards( Exhibit 42) addressing its requirements regarding program length and the objectives of the credential. The agency requires its institutions to ensure that the program length is appropriate to allow students to achieve the necessary competences and educational objectives. Degree programs must be comprised of courses with content that is appropriate to the level and type of degree awarded.

The agency's standards also specify the minimum number of credits required for associate, baccalaureate, and post baccalaureate degrees, and address other issues of program length in clock and credit hours, focusing on required time-on-task expectations. Institutions are required to develop, state and adhere to objectives of degrees and credentials.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self-study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self-study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

**Analyst Remarks to Response:**

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its standard for Program Length and consistency regarding the evaluation of an institution's compliance with the agency's standard for Program Length. The agency has also provided documentation of the proper documentation of a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21). The agency also provided resumes of visiting evaluators to show credentials (Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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#### **602.16(a)(1)(x) Title IV Responsibilities**

**(a)(1)(x) Record of compliance with the institution's program responsibilities under Title IV of the Act, based on the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews, and any other information that the Secretary may provide to the agency; and**

The NASD standards, policies and procedures (Exhibits 43 through 47) regarding Title IV responsibilities verifies that for those institutions for which it is the designated accreditor, it evaluates their compliance with their obligations under Title IV, including results of compliance audits and programs reviews (Exhibit 115). In addition, the agency requires each institution for which the agency serves as gatekeeper, to provide with its annual reports, the default rate for Federal student financial aid and a summary of any U.S. Department of Education financial aid reviews.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self-study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination. If the agency does not wish to include the name of the institution, it could use another identifier, such as the schools OPE ID

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self-study and the team report and supporting documentation are actually for the same institution

Note: FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

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

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its standards regarding compliance with Title IV responsibilities and consistency regarding the evaluation of an institution's compliance with its standards for Title IV responsibilities and requirements. The agency has also provided documentation demonstrating a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21). The agency also provided resumes of visiting evaluators to show credentials (Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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#### **602.17(a) Mission & Objectives**

**(a) Evaluates whether an institution or program--**

**(1) Maintains clearly specified educational objectives that are consistent with its mission and appropriate in light**

**of the degrees or certificates awarded;**

**(2) Is successful in achieving its stated objectives; and**

**(3) Maintains degree and certificate requirements that at least conform to commonly accepted standards;**

The institutions that are accredited by the NASD must have missions that are clearly defined. The agency requires its institutions to articulate and publish statements of purpose for the institution, the dance unit and each curricular program, and to ensure appropriate correlation among these statements and associated practices.

The agency's standards ( Exhibits 48 through 51) are clear in outlining the agency's expectations for congruence between an institution's mission, objectives, educational programming, student achievement and student outcomes.

In addition, the agency prescribes minimum credit and time requirements of 60 semester or 90 quarter credit hours for the association degree; 120 semester or 180 quarter credit hours for the baccalaureate degree; 30 semester or 45 quarter hours for post-baccalaureate degrees, and over 30 semester credit hours for the master's degree. These requirements are in accordance with commonly-accepted practice in the higher education community.

The agency also provided Comprehensive Review Dossier for two institutions which include a self-study, on-site evaluation team report, a Commission decision letter and institutional response (Exhibits 122, 123 and 124).

However, the site visit reports do not indicate the role of each member. The Department is unable to determine the composition of each team, therefore the agency has not demonstrated that it includes an academic and an administrator representative. The agency must provide the name of the evaluator on the site team in the dossier and on the resumes provided in 602.15 in order to meet the requirements for any sections of 602.16.

It is important to note that the agency's practice of redacting the name of the institution described in the petition narrative hinders staff analysis for agency compliance with the requirements of the section and prevents Department staff from conducting certain checks and comparisons during the analysis (such as determining if the self- study and the team report are actually for the same institution or if the institution being evaluated is listed on the agency's accredited schools list). The agency must attempt to provide this needed information for a compliance determination.

FOIA Exemption (b)(6) permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." OGC has determined that the institution of higher education is not an individual, so this FOIA exemption does not apply to the names of institutions.

The agency needs to provide the unredacted self-study, team evaluation report and any supporting documentation that identifies the institution being evaluated, or the institution's OPEID Number, so that Department staff can determine if the self- study and the team report and supporting documentation are actually for the same institution

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

In response to the draft staff analysis, the NASD provided DAPIP ID numbers to identify institutions and demonstrate the documentation is related and regarding the same institution. This also demonstrates the agency's consistent application of its standards regarding compliance with the agency's standard for Mission and Objectives. and consistency regarding the evaluation of an institution's compliance with its standards for Mission and Objectives. The agency has also provided documentation (self-studies, site visit reports, decision letters) of a full cycle of review for free-standing institutions it accredits (Exhibits 5,20 and 21).The agency also provided resumes of visiting evaluators to show credentials ( Exhibits 6-9) of the site evaluators reviewing the institution. These resumes demonstrate both academic and administrative experience on the evaluation team.

Department staff was able to verify comprehensive review materials as consistent for the institution's dossier and that the appropriate academic and administrative visiting evaluator completed a review of the self-study and participated on the on-site visit teams.

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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.**

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.