August 22, 2018

Karen P. Moynahan, Executive Director
National Association of Schools of Art and Design
Commission on Accreditation
992 Mantua Pike, Suite 108
Woodbury Heights, New Jersey 08097

Dear Ms. Moynahan:

I am writing to inform you of my decision on the renewal of recognition of the National Association of Schools of Art and Design (NASAD). 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.

Department staff recommended that I renew NASAD’s recognition as a nationally recognized accrediting agency for five years. NACIQI recommended that I continue NASAD’s recognition and require that within 12 months NASAD bring itself into compliance with 34 CFR § 602.16(a)(1)(i) and submit for review within 30 days thereafter a compliance report demonstrating compliance with the cited criterion and its effective application.

I have reviewed the record thoroughly, noting both the Department Staff’s rationale and that of NACIQI. Staff conducted a site visit and reviewed NASAD’s petition, found NASAD in compliance with the recognition criteria, and noted that NASAD has not received a complaint since its last renewal of recognition. Staff concluded that NASAD meets the requirements of the Secretary’s Criteria for Recognition. However, NACIQI concluded that NASAD failed to comply with 34 C.F.R. § 602.16(a)(1)(i), which requires the agency’s “accreditation standards effectively address the quality of the institution or program” in the area of “[s]uccess 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....”

NACIQI found that NASAD failed to meet this requirement because NASAD gave insufficient answers to NACIQI member inquiries about data requested of accreditors under a NACIQI Pilot published in the Federal Register (Pilot). However, the Higher Education Act (HEA) in 20 U.S.C. § 1099b(g) forbids the Department from establishing criteria that “specifies, defines or prescribes the standards that

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The Department of Education’s mission is to promote student achievement and prepare for global competitiveness by fostering educational excellence and ensuring equal access.
accrediting agencies ... shall use to assess an institution’s success with respect to student achievement.” Rather, under the HEA and its implementing regulation, 34 C.F.R. § 602.16(a)(1)(i), an institution sets its own specific standards and measures consistent with its mission and within the larger framework of the accreditation standards, and in consultation with institutions accreditors set common standards that are used to review all of the institutions they accredit.

Here, the record shows that NACIQI mistakenly judged NASAD’s compliance with Section 602.16(a)(1)(i) by holding NASAD to obligations under the Pilot despite the fact that the Pilot description itself respects the HEA’s prohibition on the Department establishing student achievement criteria by expressly stating that information and data gleaned in the course of the Pilot Program are for policy development purposes only and will not be used in NACIQI deliberation about an agency’s recognition.² Despite the clear language of the HEA, Section 602.16(a)(1)(i) and the Pilot Program description, NACIQI found NASAD noncompliant for failing to provide NACIQI with information requested as part of the Pilot, even though all evidence of compliance gleaned through site visits and NASAD’s petition was accepted and showed compliance. The Pilot is not a statutory or regulatory requirement and cannot be treated as such for purposes of reviewing an agency’s recognition.

Because the record shows that NACIQI’s conclusion of noncompliance erroneously applied the Pilot instead of the HEA and Section 602.16(a)(1)(i) while the Staff’s recommendation was based on assessing NASAD’s compliance with applicable law and regulation, I concur with the Department staff’s recommendation and grant renewed recognition to NASAD for a period of five years.

Scope of recognition: accreditation throughout the United States of freestanding institutions and units offering art/design and art/design-related programs (both degree- and non-degree-granting), including those offered via distance education.

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

Sincerely,

Diane Auer Jones
Principal Deputy Under Secretary
Delegated to Perform the Duties of Under Secretary
U.S. Department of Education