



ABHES BULLETIN

To: ABHES-Accredited Institutions and Programs
Recognized Accrediting Agencies
State Departments of Education
U.S. Department of Education
Interested Parties

From: India Y. Tips, Executive Director

Date: July 31, 2020

Subject: Final Revisions to the ABHES *Accreditation Manual* - Department of Education Regulations

At its July 2020 meeting, the Commission of the Accrediting Bureau of Health Education Schools (ABHES) acted to adopt the attached final revisions to the 18th Edition of the *Accreditation Manual*, **effective immediately, July 31, 2020**. The revisions incorporate into the *Accreditation Manual* changes in the federal Department of Education requirements 34 CFR § 600, 34 CFR § 602, and 34 CFR § 668, effective July 1, 2020. New language is underlined, and deleted language ~~struck~~.

The current edition of the *Accreditation Manual*, which includes these revisions, can be found at <https://abhes.org/resources/#accredManual>.

Though the changes are effective immediately, the Commission is requesting that you carefully read the revisions and submit any comments and/or recommendations using the following link: [Call for Comment on Final Revisions to the Accreditation Manual – August 2020](#). You will need to refer to the following pages of revisions as you complete the survey.

Upon receipt and review of written comments, the Commission may make further revisions to the *Accreditation Manual*. Comments will be considered at an October 2020 Commission meeting. Please submit comments via the Survey Monkey link above, by **Friday, August 28, 2020**, for Commission consideration.

Thank you for your participation.

CHAPTER I – GENERAL INFORMATION

SECTION A – The Bureau

Subsection 5 – Confidentiality

The information provided by institutions and programs subject to ABHES' accreditation will be maintained in strict confidence and used solely for the purpose of evaluating the institution or program's compliance with ABHES requirements. The individuals involved in the review, will not discuss the accreditation matters related to an institution or program outside normal Commission meetings, unless such discussion is necessary to conduct Commission business effectively. ~~The Commission will, however, notify the Secretary of Education, state licensing agency, and other state regulatory agencies, of an action to deny or to withdraw the accreditation of an institution or program simultaneously with the issuance of its notice of the action taken to the institution, even if the appeal process is not complete.~~

SECTION B – Policies Affecting Institutions and Programs

Subsection 1 – Disclosure to governmental and recognition agencies

The Commission submits to the Secretary of the United States Department of Education information regarding an institution's compliance with federal student aid program requirements if (1) the Secretary requests such information, or (2) the Commission finds (a) that the institution is failing to meet its Title IV program responsibilities; (b) there is systemic or significant noncompliance with the Commission's standards for allocation of credit hours; or (c) that it appears that the institution is involved in fraud and abuse with respect to Title IV programs.

Such notification from ABHES based on (2) (a), (b), or (c) above will be referred to the appropriate Department of Education staff through the Executive Director. Prior to submitting information to the Secretary based on these three items, the institution will be given an opportunity, if appropriate and at the discretion of the Executive Director, to comment on the Commission's findings and to evidence compliance. The Executive Director of ABHES will determine on a case-by-case basis whether the disclosure of information to the Secretary, pursuant to 2 (a), (b) or (c) should be confidential and will maintain confidentiality if requested by the Department.

~~The Commission also provides a~~ At the same time notice is given to the institution or program but not later than thirty days after it reaches a decision, ~~the Commission provides~~ written notice of the following ~~actions-decisions~~ to the Secretary, the ~~appropriate state licensing approving or authorizing agency, the appropriate accrediting agencies,~~ and the public.:

- i. ~~A decision to grant initial and renewal grants of accreditation.~~
- ii. ~~voluntary withdrawals or expirations of accreditation~~ A final decision to issue a show cause directive or program specific warnings, ~~and~~
- iii. ~~A decision to initiate a denial of or withdrawal of accreditation.~~
- iii-iv. ~~A final decision to deny or, withdraw, suspend, revoke, or terminate~~ the accreditation of an institution or program.

Commented [KC1]: Duplicated Language

Addressed in Chapter I, Section B, Subsection 1 (below, page 9-10)

Addressed in Chapter III, Section D, Subsection 2 (pages 40-41)

DOE 602.26(b) Notification of Accrediting Decisions (Adverse Actions)

~~In addition, the Commission notifies the Secretary of an action to deny or to withdraw the accreditation of an institution that participates in the federal student aid programs simultaneously with the issuance of its notice of the action taken to the institution, even if the appeal process is not complete.~~

Commented [KC2]: DOE 602.26 Notification of Accrediting Decisions

Within 60 days of any decision listed above, the Commission makes available to the Secretary, the state approving agency, and the public a brief statement summarizing the reasons for the decision and the official comments, if any, that the affected institution or program may wish to make with regard to the decision or evidence that the institution or program has been offered the opportunity to comment.

An applicant for accreditation explicitly agrees that, if accreditation is granted, all records pertaining to that institution may be made available to the Secretary, the state licensing agency, and other state regulatory agencies.

Within 60 days of a final negative action, the Commission makes available to the Secretary, appropriate state agencies, recognized accrediting agencies, and the public a brief statement summarizing the reasons for the negative action determination and the official comments, if any, that the institution or program made with regard to the Commission's decision or in the absence of official comment from the affected institution or program evidence that the institution or program was offered the opportunity to provide official comment.

If the Secretary provides the Commission with information regarding an institution's non-compliance with Title IV program requirements, the Commission considers that information and an investigation ensues.

CHAPTER III – GENERAL PROCEDURES
(APPLIES TO INSTITUTIONS AND PROGRAMS)

SECTION A – Application, Evaluation, Approval Process, and Recordkeeping

Subsection 7 – Teach-out requirements

(i) Teach-Out Plans

1. The Commission will direct an institution or program that it accredits to submit a teach-out plan for approval upon the occurrence of any of the following events:

a. ABHES is notified by the Secretary that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c) (1) (G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any Title IV, HEA program, in accordance with section 487(c) (1) (F) of the HEA, and that a teach-out plan is required.

b. ABHES is notified by the Secretary that a nonprofit or proprietary institution's independent auditor expresses doubt about the institution's ability to operate as a going concern or indicating an adverse opinion or a finding of material weakness related to financial stability.

Commented [KC3]: DOE 602.24(c)(1)(i)

c. ABHES is notified by the Secretary that the institution is participating in Title IV, HEA programs under a provisional program participation agreement and the Secretary has required a teach-out plan as a condition of participation.

Commented [KC4]: DOE 602.24(c)(1)(iii)

d. ABHES is notified by the Secretary that the institution was placed on the reimbursement payment method described in 34 CFR § 668.162(c) or the heightened cash monitoring payment method described in 34 CFR § 668.162(d)(2) requiring the Secretary's review of the institution's supporting documentation.

Commented [KC5]: DOE 602.24(c)(2)(i)

e. ABHES is notified by the agency that accredits an institution with a program that is programmatically accredited by ABHES that the agency has acted to withdraw, terminate or suspend the accreditation of the institution.

f. ABHES is notified by a state licensing or authorizing agency that the institution's or program's license or legal authorization to provide an educational program has been or will be revoked.

g. ABHES is notified by the institution that it intends to cease operations entirely or close a location that provides one hundred percent of at least one program.

h. ABHES decides to issue a show cause directive or a program specific warning.

Commented [KC6]: DOE 602.24(c)(ii)

~~b.i. ABHES acts~~ ABHES decides to withdraw the accreditation of the institution or program.

~~e.a. ABHES is notified by the agency that accredits an institution with a program that is programmatically accredited by ABHES that the agency has acted to withdraw, terminate or suspend the accreditation of the institution.~~

~~d. The institution notifies ABHES that it intends to cease operations entirely or close a location that provides one hundred percent of at least one program.~~

~~e. A state licensing or authorizing agency notifies ABHES that the institution's or program's license or legal authorization to provide an educational program has been or will be revoked.~~

Commented [KC7]: These were re-ordered and moved around.

2. The Commission may direct an institution or program to provide a teach-out plan in response to:

~~a. a show cause directive;~~

Commented [KC8]: Now subject to a teach-out plan submission by DOE.

~~b. a low annual student retention rate that does not meet ABHES guidelines;~~

Moved to Subsection 7(i)(1)(h) above.

~~e. b. a low annual pass rate on required credentialing and/or licensing examinations that does not meet ABHES guidelines;~~

~~d. c. a low annual graduate placement rate that does not meet ABHES guidelines; or,~~

~~d. Any circumstances in which ABHES concludes that a teach-out plan is appropriate.~~

3. A teach-out plan must be submitted to ABHES for approval with the required *Teach-out Approval Form*.

4. The teach-out plan must be consistent with applicable standards and regulations and provide for the equitable treatment of students. This includes, but is not limited to, evidence that:

a. The teach-out institution is accredited by an institutional accrediting agency recognized by the United States Department of Education.

b. The teach-out institution ~~is stable, carries~~ has the capacity to carry out its mission and meets all obligations to existing students.

Commented [KC9]: DOE 602.24(c)(7)(ii)

c. The teach-out institution has the necessary experience, resources and support services to provide educational program(s) that are of acceptable quality and reasonably similar in content, structure and scheduling to those provided by the institution or program that may cease operations either entirely or at one of its locations. This includes graduates' access to the same credentialing exams, as applicable. An alternate method of delivery may be offered to students but is not sufficient unless an option by the same method of delivery as the original educational program is also provided.

Commented [KC10]: DOE 602.24(c)(7)(i)

d. Students are provided access to the program and services without requiring them to move or travel substantial distances ~~or durations.~~

Commented [KC11]: DOE 602.24(c)(7)(ii)(A)

e. Students are provided information about any additional charges. ~~will be treated equitably with regard to any charges or refunds; and, if tuition has been paid in full, that students receive the instruction promised at no additional charge. If students have not paid in full, they are provided information about any additional charges.~~

Commented [KC12]: DOE 602.24(c)(7)(ii)(B)

~~f. Students will be provided with written notification regarding their rights and opportunities for teach-out, transfer and refunds.~~

~~g. All teach-out plans include a list of currently enrolled students and the names of other institutions that offer similar program(s) and that could potentially enter into a teach-out agreement. Institutional teach-out plans include a list of all academic programs offered by the institution.~~

Commented [KC13]: DOE 602.24(c)(3)

5. The plan may propose that the teach-out of students be accomplished by the institution or program that may cease operations, either entirely or at one of its locations, or by another institution(s), so long as the requirements listed above are met.
6. If ABHES approves a teach-out plan that includes a program accredited by another recognized accrediting agency, ABHES will notify that accrediting agency of its approval.
7. Once a school has requested and received teach-out approval of the program(s), ABHES determines whether an accreditation visit is necessary.

8. If ABHES requires a teach-out plan, the institution or program must publish notice that is readily available to enrolled and prospective students of the reason for the teach-out plan.

Commented [KC14]: 34 CFR 668.43(a)(19) §668.43 Institutional information.

~~8-9~~. The institution or program may request an extension of accreditation up to one (1) year beyond the grant of accreditation, for the sole purpose of teaching out students. Extensions will be reviewed only if:

- a. the institution or program has an approved teach-out plan; and,
- b. the institution has submitted a *Campus Closure Form*.

(ii) Teach-Out Agreements

A teach-out agreement is a legally binding contract between an institution or program that may terminate and another institution that provides for the education of students enrolled by the former. In its discretion, ABHES may direct an institution or program to provide a teach-out agreement as part of its submitted teach-out plan.

An institution that enters into a teach-out agreement with any other institution, either on its own or at the discretion or request of ABHES or any other agency or authority, must submit that teach-out agreement to ABHES for approval using the required *Teach-out Approval Form*. The teach-out agreement must include:

1. A complete list of students currently enrolled in each program at the institution.
2. The program requirements each student has completed.
3. A plan to provide all potentially eligible students with information on obtaining a closed school discharge or information on state refund policies.
4. A record retention plan provided to all enrolled students and delineates the final disposition of teach-out records.
5. Information on the number and types of credits the teach-out institution will accept prior to the student's enrollment.
 - a. ABHES may waive requirements regarding the percentage of credits that must be earned by a student at the institution awarding the educational credential if the student is completing his or her program through a written teach-out agreement or transfer. ABHES requires all transfer credit notifications provided to students to be submitted for review to ensure that information accurately represents students' ability to transfer credits.
6. A clear statement to students of the tuition and fees of the educational program and the number and types of credits that will be accepted by the teach-out institution.

Commented [KC15]: DOE 602.24(c)(9)-(10)

Commented [KC16]: DOE 602.24(c)(6)(i-v)

~~ABHES will approve the teach-out agreement only if the agreement is with an institution that is accredited by an institutional accrediting agency recognized by the United States Department of Education and only if the ABHES will only approve teach-out agreements that provides for the equitable treatment of students by ensuring that each of the required elements of a teach-out plan listed above are met.~~

(iii) Teach-Out Institution Eligibility

~~ABHES will approve the teach-out agreement only if the agreement is with an institution that is accredited by an institutional accrediting agency recognized by the United States Department of Education. ABHES does not permit an institution to serve as a teach-out institution if:~~

- ~~1. The Secretary notifies ABHES of a determination by the institution's independent auditor expressing doubt about the institution's ability to operate as a going concern or indicating an adverse opinion or a finding of material weakness related to financial stability.~~
- ~~2. ABHES has placed the institution on show cause or takes action to withdraw or terminate accreditation.~~
- ~~3. The Secretary notifies ABHES that the institution is participating in Title IV, HEA programs under a provisional participation agreement and the Secretary has required a teach-out plan as a condition of participation.~~
- ~~4. The Secretary notifies ABHES that the institution has been placed on the reimbursement payment method described in 34 CFR § 668.162(c) or the heightened cash monitoring payment method described in 34 CFR § 668.162(d)(2) requiring the Secretary's review of the institution's supporting documentation.~~
- ~~5. The Secretary notifies ABHES that it has taken an emergency action against the institution or an action to limit, suspend, or terminate an institution participating in any Title IV, HEA program.~~
- ~~6. The institution notifies ABHES that it intends to cease operations entirely or close a location that provides one hundred percent of at least one program, including if the location is being moved and is considered by the Secretary to be a closed school.~~
- ~~7. A state licensing agency that has or will revoke the institution's license or legal authorization to provide an educational program.~~
- ~~8. The institution is under investigation, subject to an action, or being prosecuted for an issue related to academic quality, misrepresentation, fraud, or other severe matters by a law enforcement agency.~~

Commented [KC17]: DOE 602.24(c)(8)(i-ii)

SECTION B – Institutional Changes

Institutions and programs should be aware that review by ABHES may take several weeks; thus, timely notification is necessary so that changes are approved prior to implementation.

Subsection 2 – Approval of substantive change

An accredited institution or program must notify ABHES of every substantive change as defined by this section by completing the appropriate substantive change application.

Substantive change as defined by this section will not be included within an existing grant of accreditation to an institution or program until the effective date of approval of the specific change by the ABHES Commission.

The effective date of approval will not be retroactive, but rather will be the date of the letter from ABHES to the institution or program notifying it that Commission has met and has acted to approve the substantive change. The only exception to this policy is that ABHES may designate the date of a change in ownership as the effective date of its approval of the substantive change if the Commission action is made within 30 days of the change in ownership.

The ABHES Substantive Change Committee acts on applications for substantive change that occur within a grant of accreditation. The committee will grant approval when it determines that the institution or program continues to meet all accreditation requirements. Approval will not be granted for any substantive change that adversely affects the capacity of the institution to continue to meet accreditation requirements.

In order for a substantive change to be considered for approval and inclusion in a grant of accreditation, ABHES requires submission of the appropriate application, required documentation, and fee. Visit www.abhes.org to download applicable applications. Each application identifies the application requirements and fee.

Substantive changes that must be approved prior to inclusion in a grant of accreditation are the following:

(* denotes a site visit required,-)

(+ denotes substantive changes that may be approved by ABHES senior staff, as delegated by the Commission)

Commented [KC18]: DOE 602.22(a)(2)(i-ii)

1. Change in the established mission or objectives of an institution or objectives of a program.;
2. *Change in legal status, ownership, or form of control.;
3. ~~+~~ The addition of courses or programs that represent a significant departure from the existing offerings of educational programs, or method of delivery, from those that were offered when ABHES last evaluated the institution (Note: currently accredited institutional members must adhere to the requirements for initial programmatic eligibility when adding a surgical technology program, which includes the submission of the *Application for Programmatic Accreditation*).;
4. *The addition of ~~programs of study at a degree or credential level different from that which is included in the institution's current accreditation~~ graduate programs by an institution that previously offered only undergraduate programs or certificates.;
5. ~~A change from clock to credit hours~~+A change in the way an institution measures student progress, including whether the institution measures progress in clock hours or credit hours, semesters, trimesters, or quarters, or uses time-based or non-time-based methods, as identified in the *ABHES Program Profile Grid*.;
6. +A substantial change in the number of clock hours or credit hours awarded for successful completion of one or more a-programs.;
- ~~6~~.7. An increase in the level of credential awarded.
- ~~7~~.8. ~~+~~ Execution of a contract under which another organization or institution not certified to participate in Title IV, HEA programs offers more than 25 percent and no more than 49 percent of one or more of the accredited institution's educational programs.;
- a. ABHES senior staff either approves or denies the contract (or written arrangement) within 90 days after receiving a complete application. If ABHES senior staff determine this substantive change requires review by the Commission, an approval or denial is provided within 180 days.

Commented [KC19]: DOE 602.22(a)(1)(ii)(D)

Commented [KC20]: DOE 602.22(a)(1)(ii)(E)

Commented [KC21]: DOE 602.22(a)(1)(ii)(F)

9. ~~*The establishment of an separate educational center-additional location geographically apart from the main campus or approved non-main campus that offers at least 50 percent of an educational program.~~

~~8-10. The acquisition of any other institution or any program or location of another institution.~~

~~9-11. The addition of a permanent location at a site at which the institution is conducting a teach-out for students of another institution that has ceased operating before all students have completed their program of study.~~

At its discretion, ABHES may require an evaluation visit for any changes requiring approval.

Subsection 5 – Addition of non-main campus

An institution must submit to ABHES an *Application for Non-Main Campus Inclusion*, which includes a business plan for the addition of a non-main campus. This business plan will demonstrate that the institution has the fiscal and administrative ~~and financial~~ capability to operate the non-main campus. The review process includes verification of 1) academic control, 2) adequate faculty, facilities, resources, and academic and student support systems, 3) financial stability, and 4) institutional engagement in long-range planning prior to this expansion.

Commented [KC22]: DOE 602.22(a)(ii)(I)(1-4)

If the non-main campus will deliver any programs in a blended or full distance format, the institution must also complete the *Application for Distance Education Delivery*.

Upon receipt and review of these documents the Commission will approve, defer or deny inclusion of the campus in an institution's current grant of accreditation. If inclusion is granted, the campus is required to undergo a staff verification visit within six (6) months of the date instruction begins. The results of the verification visit are made available to the Commission at its next meeting.

Following a verification visit, an institution is required to submit a Self-Evaluation Report, date to be determined by ABHES staff based on the expected date of the campus's first graduates. A full campus inclusion visit is conducted within 24 months of the approval of the campus inclusion. All information relative to an application, including the Self-Evaluation Report and the visitation report, will be considered by the Commission at its next scheduled meeting.

A newly accredited institution owned or operated by an individual(s) or organization that did not previously hold accreditation through another institution(s) may not file a non-main campus application until a 12-month period of initial accreditation has transpired.

The Commission reserves the right to require an on-site evaluation to the main campus and the proposed non-main campus prior to approval of the campus. The Commission reserves the right to limit the number of non-main campuses approved based on its review of demonstrated administrative and financial capabilities.

SECTION C – Commission Actions

The Commission takes final action to grant accreditation, deny accreditation, or withdraw accreditation based upon a review of evidence relevant to compliance with the Commission's policies and standards, including but not limited to:

1. Self-Evaluation Report;
2. Team Evaluation Report(s);
3. Institution's Response to Team Evaluation Report(s); ~~and~~
4. Program Outcomes.

Accreditation is granted based on a finding that the institution or program is in compliance. Continuous compliance thereafter is a requirement to maintain accreditation. The Commission may withdraw accreditation at any time if it determines that an institution or program is not complying with its policies or standards or determines that the retention, licensing, or employment rates fall below 70 percent or below the reported rate on an institution's annual report. Alternatively, the Commission may in its discretion provide an opportunity for the institution or program to bring itself into compliance within a time period specified by the Commission. During this time period, the Commission may include intermediate checkpoints and ongoing monitoring to continue evaluating the institution's or program's progress for resolving areas of non-compliance. ~~That~~ The time period will not exceed:

Commented [KC23]: DOE 602.26(b-d)

- a. Twelve months, if the longest program is less than one year in length.
- b. Eighteen months, if the longest program is at least one year, but less than two years in length.
- c. Two years, if the longest program is at least two years in length.

The Commission may, for good cause, extend the period for achieving compliance, defined as significant improvement by the institution in the deficient area(s) (e.g., finances, student outcomes rates) and/or the need for sufficient time to demonstrate full compliance (e.g., graduate licensure due to delay beyond the control of the institution, program, or student).

An institution may request a good cause extension by submitting a completed *Good Cause Extension Request Form* prior to the next scheduled Commission meeting where the institution will be reviewed and before the expiration of the maximum timeframe. The Commission will limit the timeframe to demonstrate compliance to no longer than 12 months from the institution's original maximum timeframe to come into compliance.

Subsection 1 – Grants

A grant of accreditation may be an initial grant to a new applicant or a renewal grant to a currently accredited institution or program. The Commission issues a grant of accreditation when it determines that an applicant institution or program is in compliance. The length of the grant varies, but in no case, may it exceed six (6) years. In the cases of initial grants of accreditation, only programs reported in the Self-Evaluation Report and evaluated on site by an ABHES evaluation team will be included in the grant of accreditation letter.

An institution or program which has officers or management under indictment or which has charges pending against it by a local, state, accrediting or federal government agency for violations of law or any deviation from good ethical practice will not be accredited until cleared of all charges.

Subsection 2 – Grant subject-to

The Commission may grant an initial or renewed grant of accreditation subject to receipt of documentation needed to verify compliance with a standard or policy. If, upon review, the documentation submitted does not provide the needed verification, the matter will be referred to the Commission for its consideration at the next Commission meeting.

Subsection 3 – Deferrals

A deferral extends consideration of an institution's or program's application for an initial or renewal grant of accreditation. Typically, a deferral occurs when the Commission does not have sufficient information upon which to make a final accreditation decision. A deferral is not a negative action and is not appealable.

Subsection 4 – Program specific warning

The Commission may issue a program specific warning if it has substantive questions and concerns regarding the institution's compliance with ABHES standards and procedures relative to specific program(s) offered by the institution.

Being placed on a program specific warning will require the institution to demonstrate why approval of the specific program(s) should not be withdrawn.

The Commission will review and evaluate the institution's response to the notice of program specific warning and make determination that may include: (a) vacating the program specific warning status; (b) continuing and/or expanding the program specific warning status; (c) limiting program enrollment; (d) suspending program approval from one or more programs which prohibits the institution from enrolling or starting new students in the program(s) until the institution meets the terms and conditions established by the Commission; and/or (e) withdrawing the program approval from one or more programs.

An institution may not submit a new program application for substantially the same program, directed by the Commission to be taught out due to its outcomes, for at least twelve (12) months following the decision by the Commission.

An institution or program receiving a program specific warning from the Commission must disclose this decision to all current and prospective students within seven business days of receipt.

Commented [KC24]: DOE 602.26(b)

Subsection 5 – Show causes

The Commission may require an institution or program to show cause why accreditation should not be withdrawn for failure to meet eligibility criteria, comply with procedures or comply with accreditation standards. A show cause directive constitutes notification to an institution or program that absent corrective action and information by and from the institution or program, its accreditation status will be in jeopardy. ~~Such show~~ Show cause orders may be issued by the Executive Committee between Commission meetings and must specify the reasons for the action, the responsive information that is required from an institution or program and the deadlines for response. An institution or program directed to show cause is provided an opportunity to appear at the next meeting of the Commission.

ABHES will not review, consider, or process substantive changes (*as defined in III.B.2. of the Accreditation Manual*) while the institution is under a show cause directive, unless the institution demonstrates that the substantive change is likely to resolve the show cause directive. An institution's or program's request for acceptance of the application must include justification for the change and its effect on the institution's or program's operation.

An institution or program receiving a show cause directive from the Commission must disclose this decision to all current and prospective students within seven business days of receipt.

Commented [KC25]: DOE 602.26(b)

Subsection 6 – Withdrawals

The Commission may withdraw accreditation from an institution or program when, in the Commission's judgment, withdrawal is warranted based on evidence of non-compliance as follows:

- a. An institution or program fails to meet any of the ABHES eligibility criteria for institutional or programmatic accreditation.
- b. An institution or program fails to meet any procedural requirement.
- c. An institution or program fails to comply with any accreditation standard.

The Commission may act to withdraw accreditation without first issuing a show cause directive. A withdrawal action is appealable to the Appeals Panel. An institution or program must disclose a decision by the Commission to withdraw accreditation to all current and prospective students within seven business days of receipt.

If the Commission decides to withdraw the accreditation of an institution or program, accreditation may be extended until the institution or program has had reasonable time to complete the activities in its teach-out plan or to fulfill the obligations of a teach-out agreement to assist students in transferring or completing their programs.

The Commission may limit the withdraw of accreditation to particular programs that are offered by the institution or to particular locations of an institution without taking action against the entire institution and all of its programs provided the non-compliance is limited to a particular program or location.

Commented [KC26]: DOE 602.26(e)

An institution or program that has had its accreditation withdrawn may not re-apply for accreditation until a period of one year has elapsed since the final effective date of accreditation which will occur 10 days after Commission notification to the institution or program. An institution or program will be treated procedurally and substantively as if it is a new applicant for accreditation.

Prior approval is required from the ABHES Executive Committee for the acceptance of any substantive change application from an institution or program under appeal. An institution's or program's request for acceptance of the application must include justification for the change and its effect on the institution's or program's operation.

Subsection 7 – ~~Denials~~Deny

An institution's or program's application for an initial or renewal grant of accreditation will be denied if the Commission has provided the institution or program the opportunity to demonstrate compliance with the eligibility criteria, procedural requirements, or accreditation standards but the institution has failed to do so in that task. A denial action is appealable to the Appeals Panel. An institution or program must disclose a decision by the Commission to deny accreditation to all current and prospective students within seven business days of receipt.

Commented [KC27]: DOE 602.26(e)

An institution or program denied accreditation may not re-apply for accreditation until a period of one year has elapsed since the final effective date of accreditation which will occur 10 days after Commission notification to the institution or program. An institution or program will be treated procedurally and substantively as if it is a new applicant for accreditation.

Subsection 8 – Relinquishments

An institution or program automatically relinquishes its accreditation, without a right of appeal, through any of the following actions:

- a. It loses its state approval to operate.
- b. The Commission receives, and formally accepts, written notification from the authorized representative of the institution, or controlling entity for the program that it voluntarily relinquishes accreditation.
- c. It ceases operation.

ABHES accredited institutions are required to file and complete formal teach-out plans as described in III(a)(7)(i) Teach-Out Plans. If an accredited institution closes without a teach-out plan or agreement, ABHES works with the U.S. Department of Education and the appropriate state agency, to the extent feasible, to assist students in finding reasonable opportunities to complete their education without additional charges.

Commented [KC28]: DOE 602.24(d)

SECTION D – Other Reviews, Notification, Publication, and Reapplication

Subsection 2 – Notification of actions

ABHES provides notice of its accreditation decisions as follows:

(a) ABHES provides written notice of the following types of decisions to the Secretary of the United States Department of Education, the appropriate state licensing or authorizing agency, the appropriate accrediting agencies, and the public no later than 30 days after it makes the decision:

(i) A decision to ~~award grant initial and renewal accreditation to an institution or program.~~

(ii) A ~~final decision to renew an institution's or program's accreditation~~ issue a show cause directive or a program specific warning.

(iii) A decision to initiate a denial or withdrawal of accreditation.

(iv) A ~~decision to deny or withdraw the accreditation of an institution or program that has been appealed pursuant to H.E.3.b~~ final decision to deny or withdraw the accreditation of an institution or program.

(b) ABHES provides written notice of ~~a show cause directive, a program specific warning, or a final decision to deny or withdraw the accreditation of an institution or program (appeal rights exhausted)~~ to the Secretary of the United States Department of Education, the appropriate state licensing or authorizing agency, ~~and the appropriate accrediting agencies,~~ and the public at the same time ABHES notifies the institution or program of the decision, but no later than 30 days after it reaches the decision;

(c) ABHES provides written notice to the public of the decisions described in paragraph (b) of this section ~~within 24 hours~~ one business day of its notice to the institution or program;

(d) For any decision described in paragraph (b) of this section, ABHES makes available to the Secretary, the appropriate state licensing or authorizing agency, and the public, no later than 60 days after the decision, a brief statement summarizing the reasons for the agency's decision and the *official* comments, if any, that the affected institution or program may make with regard to that decision, or evidence that the affected institution has been offered the opportunity to provide official comment.

(e) ABHES notifies the Secretary of the United States Department of Education, the appropriate state licensing or authorizing agency, the appropriate accrediting agencies, and, upon request, the public if an accredited institution or program

(i) ~~Decides to withdraw voluntarily from accreditation, within 30-10 business days of receiving notification from the institution or program that it is withdrawing voluntarily from accreditation.~~

~~or~~

(ii) ~~Allows its accreditation lapse, within 30-10 business days of the date on which accreditation or preaccreditation lapses.~~

Notices to the public under this section are posted at www.abhes.org.

Commented [KC29]: DOE 602.26(b)

Commented [KC30]: DOE 602.26(b-c)

Commented [KC31]: DOE 602.26(d)

Commented [KC32]: DOE 602.26(f)(1)

Commented [KC33]: DOE 602.26(f)(1)

SECTION E – Appearances, Hearings, and Appeals

Subsection 3 – Appeals

g. Decision of the Appeals Panel

1. Affirm-

The Appeals Panel will affirm the decision of the Commission when it finds that the Commission’s action was supported by the record before the Commission at the time of the decision and that its decision was not clearly erroneous. In determining whether the Commission’s action was supported by the record, the Appeals Panel will interpret the requirements stated in the *Accreditation Manual* according to their plain meaning and consistent with the usual and common practices of the ABHES as evidenced by the manual requirements taken as a whole and in light of past practices of ABHES is applying the provisions of the manual. As is described in section “f” above, the institution or program has the burden of demonstrating that the action of the Commission was not supported by the record or was otherwise erroneous.

2. Remand-

The Appeals Panel will remand a decision to the Commission when it finds that the Commission failed to consider a material fact before it in reaching its decision or that the Commission should consider new evidence that may be submitted on appeal in accordance with paragraph “f” above and that had the Commission considered the material fact or the new evidence that it may have decided differently. In determining whether a fact is material and may if considered have caused the Commission to have reached a different result, the Appeal Panel will interpret the requirements stated in the *Accreditation Manual* according to their plain meaning and consistent with the usual and common practices of the ABHES as evidenced by the manual taken as a whole and by past practices. Accreditation standards place the burden of demonstrating compliance on party seeking to obtain or maintain accreditation. Therefore, the burden is on the appealing party to show that a material fact was actually before the Commission and that the Commission more likely than not failed to consider it in reaching an adverse decision. A remand is a direction that the Commission reconsider its action in light of all relevant facts, including the specific material fact that is the basis for the remand. On remand, the appeals panel must identify specific issues that the Commission must address.

3. Amend-

The Appeals Panel will amend a decision of the Commission when ~~it~~ finds that the Commission’s decision was not supported by the facts before it at the time of the decision, that additional facts admissible in accordance with section “f” above make the Commission’s decision erroneous, or that the Commission’s decision was clearly erroneous. In determining whether the Commission committed error in applying the facts to the accreditation requirements, the Appeals Panel will interpret the requirements stated in the manual according to their plain meaning and consistent with the usual and common practices of the ABHES as evidenced by the manual taken as a whole and past practices. A decision to amend an adverse action ~~of the Commission will set forth the specific grounds for the decision~~ explain the basis for ~~the decision that differs from that of the Commission~~ and will direct the Commission to modify its decision in accordance with the specific direction of the Appeals Panel. The Appeals Panel may in its discretion amend a decision to deny accreditation by directing the Commission to grant accreditation while directing the Commission to consider the proper length of the grant consistent ~~with~~ the direction of the panel, the practices of the Commission, or in accordance with other guidance from the Appeals Panel.

4. Reverse-

Commented [KC34]: DOE 602.25(f)(1)(iv)

~~The Appeals Panel will reverse a decision of the Commission when it finds that the Commission's decision was not supported by the facts before it at the time of the decision, that additional facts admissible in accordance with section "f" above make the Commission's decision erroneous, the Commission's decision was clearly erroneous. In determining whether the Commission committed error in applying the facts to the accreditation requirements, the Appeals Panel will interpret the requirements stated in the manual according to their plain meaning and consistent with the usual and common practices of the ABHES as evidenced by the manual taken as a whole and past practices. A decision to reverse an action of the Commission will state the specific basis for the decision to reverse. A decision to reverse a withdrawal of accreditation will direct the Commission to set aside its decision to withdraw and to reinstate the accreditation of the program or institution as it was before the withdrawal decision. A decision to reverse an action to deny accreditation directs the Commission to award a specific grant of accreditation for a term determined by the Appeal Panel.~~

Commented [KC35]: DOE 602.25(f)(1)(iii)

i. Commission Implementation of Appeals Panel Decisions

The Commission will implement decisions of the Appeals Panel to affirm or, amend, ~~or reverse~~ the prior Commission decision within 30 days of receipt of the written decision by the Appeal Panel. The Commission will implement a decision to remand within 90 days of receipt of the written decision by the Appeals Panel.

CHAPTER IV – EVALUATION STANDARDS APPLICABLE TO INSTITUTIONALLY-ACCREDITED MEMBERS

SECTION E – Representations, Advertising, and Recruitment

Subsection 2 – Advertising

IV.E.2.b. An institution accurately presents its accreditation status to the public.

If an institution chooses to refer to its accreditation in advertising, it must use the statements “Accredited by the Accrediting Bureau of Health Education Schools,” “ABHES Accredited” or “Accredited by ABHES.” The statement must clearly distinguish between programmatic and institutional accreditation **and include contact information for ABHES.**

If an institution releases incorrect information regarding its accreditation status, the contents of a site visit report, or accreditation actions with respect to the institution, the institution must expeditiously make a public disclosure of correction through the same means of advertising. Institutions in the application stage, including but not limited to a new campus or program, may not make reference to ABHES accreditation or the expectation of accreditation.

Commented [KC36]: DOE 602.23(d)

CHAPTER V – EVALUATION STANDARDS APPLICABLE TO ALL EDUCATIONAL PROGRAMS

SECTION H – Disclosures

V.H.3. All representations regarding the program are accurate, complete, and not misleading.

All statements made by personnel are based on accurate, verified facts and are provided in a manner and in a context to assure that a reasonable recipient is not misled. Any information with regard to salary, employment opportunities and employment information to students, prospective students and the public is accurate and realistic.

~~Prior to admission, students are clearly advised of any credentialing or licensing requirements available or necessary for employment in the field.~~

~~The following disclosures are required to be provided directly to students prior to admission.~~

- ~~i. Any credentialing or licensing requirements necessary for employment in the field.~~
- ~~ii. Determination if the program fulfills the educational requirements for a specific professional licensure or certification required for employment in the field.~~

~~This must be determined for each state, and the program must publish, in a public manner, whether the program does or does not meet such requirements, or whether the institution has not made such a determination.~~

~~If the determination changes, currently enrolled students must be notified in writing within 14 calendar days if the program does not meet state licensure or certification requirements for the state in which the student is located.~~

Commented [KC37]: Change from the previous standard which stated requirements available or necessary because ABHES is really concerned that students be informed of mandatory requirements toward placement

Commented [KC38]: Added to ensure institutions are providing timely communication to students regarding circumstances that can affect their future employment. 668.43(c) language that applies to all programs regardless of method of delivery

CHAPTER IX – DISTANCE EDUCATION EVALUATION STANDARDS APPLICABLE TO ALL EDUCATIONAL PROGRAMS OFFERING DISTANCE EDUCATION

SECTION F – Approvals and Agreements

IX.F.1. Maintain documentation of ABHES approvals for distance education activities and compliance with all applicable local, state and federal laws and regulations.

Institutions or programs that deliver distance education outside of the state in which the institutions or programs are physically located comply with all rules and regulations of the states in which they operate. For all states in which the institution delivers distance education, the institution must have on file state authorizations, if required, and/or a list of states in which authorization is not required.

~~If an institution offers postsecondary education through distance education in a state that participates in a state authorization reciprocity agreement, and the institution is covered by that agreement, the institution is considered to meet state requirements for it to be legally offering postsecondary distance education courses in that state. The institution is subject to any limitations in that agreement and any additional requirements of that state.~~

Commented [KC39]: Language adapted from new regulations per 600.9(c)(1)(ii) without correspondence education

SECTION H – Disclosures

IX.H.5. Disclose in writing, prior to enrollment, any material circumstance that may adversely impact an applicant's ability to complete a distance education program ~~or gain employment in the field for which the applicant is trained.~~

An institution or program publishes in its catalog the states in which it is authorized to deliver distance education.

~~An institution or program publishes in its catalog a policy that includes:~~

Commented [KC40]: Moved to IX.H.6

DEC believes it may be helpful to break into two standards because part of the standard applies to students while they are in school, and the other part relates to after completion of a program.

- ~~i. The process by which the student's physical location at the time of enrollment is determined.~~
- ~~ii. The process by which students notify the institution of a change to their physical location~~
- ~~iii. The basis for determination of the student's physical location.~~
- ~~iv. A disclosure that student relocation to a state in which the institution does not have approval to operate may adversely impact the student's ability to complete the program.~~

Commented [KC41]: Language adapted from the new regulations for 600.9.(c)(1)(i) and 600.9(c)(2)(ii)

~~Basis for determining student's physical location may include, but is not limited to, government issued identification, signed student attestation, or other documentation of physical location. The policy must be consistently applied to all students participating in distance education.~~

Commented [KC42]: Guidance language to assist the institution with understanding what can be used to document basis for determining student's location

~~If the institution or program offers distance education outside the state in which the institution or program is physically located, it must disclose to the student prior to enrollment and registration, any barriers to program completion, credentialing or employment for students receiving education in these states. The institution must further disclose that if the student relocates to a state in which the institution does not have approval to operate prior to program completion that this may adversely impact the student's ability to complete the program or gain in field employment.~~

Commented [KC43]: Modified and moved above to IX.F.1

IX.H.6. Disclose in writing, prior to enrollment, any materials circumstances that may adversely impact an applicant's ability to gain employment in the field for which the applicant is trained.

If the institution or program offers distance education outside the state in which the institution or program is physically located, it must disclose to the student prior to enrollment, in writing, any barriers to credentialing, licensure, or employment for students receiving education in those states.

Commented [KC44]: Language was moved from IX.H.5 to separate hindrance to completion of program and hindrance to gaining employment upon program completion.

Added licensure to be inclusive of all types of registration for employment across all states.

GLOSSARY

Additional Location – A facility that is geographically apart from the main campus of the institution and at which the institution offers at least 50 percent of a program and may qualify as a branch campus. Facilities classified as non-main campuses and separate educational centers may be considered additional locations.

Commented [KC45]: DOE 602.24(f)(1-3)

Adverse Action – An action to deny or to withdraw the accreditation of an institution or program.

Branch Campus – A location of an institution that is geographically apart and independent of the main campus of the institution. A location is independent if it 1) is permanent in nature; 2) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential; 3) has its own faculty and administrative or supervisory organization; and 4) has its own budgetary and hiring authority.

Commented [KC46]: DOE 602.24(f)(1-3)

Probationary Equivalent - An action to issue a show cause directive or a program specific warning.

Religious Mission – A published institutional mission that is approved by the governing body of an institution of postsecondary education and that includes, refers to, or is predicated upon religious tenets, beliefs, or teachings.

Commented [KC47]: DOE 602.18(b)(3)