



1141(a); 34 C.F.R. § 600.6. Title 34 C.F.R. § 600.2 defines “accredited” as “[t]he status of public recognition that a nationally recognized accrediting agency grants to an institution or educational program that meets the agency's established requirements.” That same regulation defines “nationally recognized accrediting agency” as “[a]n agency or association that the Secretary recognizes as a reliable authority to determine the quality of education or training offered by an institution or a program offered by an institution.” That regulation further notes that the Secretary recognizes these agencies and associations under the provisions of 34 C.F.R. Part 602 and publishes a list of the recognized agencies in the Federal Register.

In the present case, SFAP alleges that the agency that Ackerman relies upon for its accreditation, the American Psychological Association, is not recognized by the Secretary as an accrediting agency for Title IV purposes. The evidence offered by SFAP, including the Declaration of Naomi Randolph, Chief of the Accrediting Agency Evaluation Branch, U.S. Department of Education, and supplemental attachments to that Declaration, supports SFAP's assertion that the Department recognizes the APA as an accrediting agency authorized to accredit specific *educational programs*, but not as an agency authorized to accredit *institutions* for Title IV purposes.

In response, Ackerman notes its accomplishments in the field of continuing education programs for psychologists and the value of the educational services that it provides. Ackerman also points out that in 1986, the Department determined it to be an eligible institution of higher education and an eligible post-secondary vocational institution. On those applications to the Department, Ackerman had indicated that it was “accredited” by the APA, a conclusion that Ackerman based upon the APA's prior “approval” of the school as a provider of continuing education programs for psychologists. After the Department granted Ackerman's application, the two parties entered into a Program Participation Agreement. In 1995, Ackerman's continuing education program was granted a “Five Year Full Approval With Inquiry” by the APA Committee for the Approval of Continuing Education Sponsors. In its 1996 application to the Department to establish its continued eligibility to participate in the Title IV programs, Ackerman again indicated that it was “accredited” by the APA.

On February 27, 1997, the APA sent a letter to the Department notifying it that the APA Committee on Accreditation's accrediting activities are limited to programs and do not include institutions. The APA letter specifically informed the Department that Ackerman as an institution was **not** accredited by the APA. In an additional letter dated February 12, 1998, the APA again informed the Department that Ackerman was not “accredited” by the APA. The letter clarified the distinction between “accredited” and “approved,” and explained that while Ackerman was “an approved continuing education sponsor,” no doctoral, internship, or postdoctoral programs in professional psychology at Ackerman are “accredited” by the APA.

Ackerman argues that since it only offered Title IV aid to students enrolled in its program that had been “approved” by the APA, this program was eligible for Title IV aid, and that the distinction between an “approved” program and an “accredited” institution is merely a semantic one that elevates form over substance. Although Ackerman argues that the APA is a “recognized” and “eminently reliable” authority, the regulations cited above clearly state that to be eligible, an institution must be “accredited” by a nationally recognized accrediting agency approved by the Secretary of Education. The letters from the APA to the Department make it clear that Ackerman was not “accredited” by the APA. Moreover, the evidence submitted by SFAP demonstrates that the Department does not recognize the APA as an agency authorized to accredit institutions for purposes of participating in the Title IV programs. Thus, the APA is not “a nationally recognized accrediting agency approved by the Secretary of Education.”

Since Ackerman was not accredited by a nationally recognized accrediting agency approved by the Secretary of Education, Ackerman's students were not eligible for the Title IV aid disbursed by the school during the time period in issue. Accordingly, Ackerman must return to the Department the \$6,568 requested in the final program review determination. Additionally, since Ackerman is not accredited by a nationally recognized accrediting agency approved by the Secretary of Education, the eligibility of Ackerman to participate in the Title IV programs should be terminated.

#### ORDER

On the basis of the foregoing, it is hereby ORDERED that the Ackerman Institute for Family Therapy shall repay \$6,568 to the United States Department of Education in the manner authorized by law. It is FURTHER ORDERED that

the eligibility of the Ackerman Institute for Family Therapy to participate in the student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, be terminated.

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Judge Richard F. O'Hair

Dated: December 1, 1998

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SERVICE

A copy of the attached document was sent to the following:

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