



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

In the Matter of

**COMMITTEE ON ACCREDITATION
OF THE AMERICAN BOARD OF
FUNERAL SERVICE EDUCATION,**

Docket No. 07-26-O

**Accrediting Agency
Recognition Proceeding**

Respondent.

DECISION OF THE SECRETARY

This matter comes before me on appeal¹ by the Committee on Accreditation of the American Board of Funeral Service Education (ABFSE) of the May 30, 2007 recommendation of the National Advisory Committee on Institutional Quality and Integrity (Advisory Committee), which recommended that for a period of up to 12 months I defer a decision on the continued recognition of ABFSE as a nationally recognized accrediting agency pursuant to Section 496 of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. § 1099b (2005). Since I am satisfied with the Advisory Committee's plan to complete its review of ABFSE's application for continued recognition as an accrediting agency at an upcoming scheduled meeting, I adopt the recommendation of the Advisory Committee to defer a decision on the continued recognition of ABFSE.² In addition, I grant ABFSE's request that its current scope of recognition be expanded to include distance education courses and programs as set forth herein.

¹ Although the appeal was timely filed, the requisite notice of appeal was not. Since the Office of Postsecondary Education waives this procedural defect and points to no other jurisdictional consequence of the filing error, I consider this case properly before me.

² Although I concur with the Advisory Committee's recommendation regarding the deferral of recognition, I do not favor the Advisory Committee's submission of its recommendation solely by transcript of its proceedings unless the Advisory Committee summarizes its conclusions in a manner that "states the bases for its conclusions, specifies any criteria for recognition the agency fails to meet, and identifies any areas in which the agency fails to perform effectively with respect to the criteria." 34 C.F.R. § 602.32(b)(3)(ii).

By statute, to participate in Federal student financial assistance programs, postsecondary institutions and programs must be accredited by an accrediting agency recognized by the Department. The Department recognizes those accrediting agencies that can reliably determine the quality of education and training provided by the schools and programs they accredit. To be recognized by the Department, an accrediting agency must comply with the Department's procedures for recognition, which include the submission of an application for recognition to the Advisory Committee for an assessment of the agency's standards for accreditation, among other things.

The Advisory Committee makes a recommendation to either approve or deny recognition of the accrediting agency. The Advisory Committee also may recommend that the Secretary "defer a decision on the agency's application for recognition."³ In reviewing the Advisory Committee's recommendation, the fixed focus of my review reflects my statutory role in determining whether the accrediting agency satisfies the legal requirements for an accrediting agency to be recognized under the Higher Education Act. Pursuant to 20 U.S.C. § 1099b, no accrediting agency may be determined to be a reliable authority as to the quality of education offered by institutions of higher education unless it meets the criteria for recognition established under the statute.

In its appeal, ABFSE argues that the Advisory Committee's recommendation should be modified to allow ABFSE to accredit institutions of higher education that offered distance learning programs and courses.⁴ In response to ABFSE's appeal, the Office of Postsecondary Education (OPE) joins ABFSE in urging that I modify or reverse that part of the Advisory Committee's recommendation that appears to defer ABFSE's request for an expansion in the scope of its recognition to include distance learning. Neither party proposed that I disturb the Advisory Committee's recommendation to defer a decision on the continued recognition of ABFSE.

According to OPE, an expansion in the scope of ABFSE's recognition is necessary because ABFSE-accredited schools will lose eligibility to participate in Federal student financial assistance programs "as of January 1, 2008, absent recognition of ABFSE for its accreditation of distance education." OPE's position is based on a Dear Colleague Letter (GEN-06-17, September 2006) and its view of 20 U.S.C. 1099c(h)(2), which, taken together, sets up a cutoff date for schools to obtain the appropriate approvals from the Department and from accrediting agencies to offer distance education programs. As a practical matter, since on May 30, 2007, the Advisory Committee did not issue a final recommendation approving the scope of recognition to be expanded to include distance education courses and programs, institutions relying on ABFSE's accreditation cannot meet the expectations of the Dear Colleague Letter.

Pursuant to 20 U.S.C. 1099b(a)(4), I have the authority to recognize accrediting agencies that apply and enforce standards that ensure that "distance education courses or programs [] are

³ 34 C.F.R. § 602.32(b).

⁴ In its petition for renewal of recognition, ABFSE requested continued recognition and an expansion in the scope of its recognition to include distance education courses and programs.

of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered.” I am convinced that OPE’s review of ABFSE’s standards and practices regarding distance learning programs found no compliance issues under the criteria set forth by section 1099b. Based upon the foregoing and under the unique facts of this case, I agree with OPE that it is appropriate to expand ABFSE’s recognition to include distance education courses and programs.

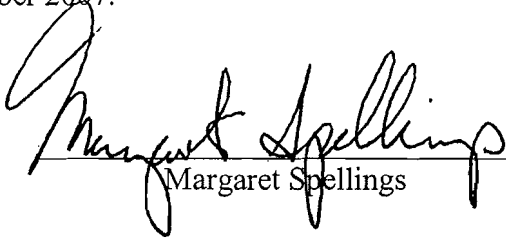
ORDER

IT IS HEREBY ORDERED That a decision on the continued recognition as a nationally recognized accrediting agency of the Committee on Accreditation of the American Board of Funeral Service Education shall be deferred for a period up to 12 months from the date of the May 30, 2007 Advisory Committee recommendation,

IT IS FURTHER ORDERED That the scope of recognition for the Committee on Accreditation of the American Board of Funeral Service Education shall be expanded to include distance education courses and programs,

IT IS FURTHER ORDERED That the Committee on Accreditation of the American Board of Funeral Service Education demonstrate compliance with the criteria cited in the Department staff analyses and transcript in a report that shall be submitted to the Office of Postsecondary Education on or before March 3, 2008.

So ordered this 21st day of November 2007.



Margaret Spellings

Washington, D.C.

SERVICE LIST

Office of Hearings and Appeals
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dr. Michael Smith
Executive Director
Committee on Accreditation
American Board of Funeral Service Education
3432 Ashland Avenue
Suite U
St. Joseph, Missouri 64506

Sarah Wanner, Esq.
Office of the General Counsel
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-2110