

USDE LETTER TO CCE

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- (9) **Involves all of the agency's relevant constituencies in the review and affords them a meaningful opportunity to provide input into the review.**

(c) If the agency determines, at any point during its systematic program of review, that it needs to make the changes and must complete that action within a reasonable period of time. Before finalizing any changes to the standards, the agency must —

- (10) **Provide notice to all of the agency's relevant constituencies and other parties who have made their interest known to the agency, of the changes the agency proposes to make;**
- (11) **Give the constituencies and other interested parties adequate opportunity to comment on the proposed changes; and**
- (12) **Take into account any comments on the proposed changes submitted timely by the relevant constituencies and by other interested parties.**

CNJC Allegation: Prior to May 2001, CCE did not involve all relevant constituencies in its review of standards and did not afford them a meaningful opportunity to provide input into the review. CCE did not provide notice to all relevant constituencies of the changes it proposed to make. CCE did not give its constituents adequate opportunity to comment on proposed changes. CCE did not take into account any comments on the proposed changes submitted timely by relevant constituencies and by other interested parties.

DECE Allegation: CCE's standards promulgation process has denied constituency input, comment periods, and failed to obtain consensus prior to amending standards.

CCE Response: CCE's "criticality study" is a systematic method of evaluating standards with regard to validity and reliability. The agency's

Effectiveness Committee reviews areas of concern and gathers survey data to assess the effectiveness of the standards. Each year a call for revisions to standards is made via faxes to constituent groups, including CCE-accredited programs, institutions, state licensing boards, chiropractic associations and via the CCE web page. Prior to 2004, individuals were given 30 days to comment on proposed changes. Currently, calls for proposals are made by July 1, proposals are due by September 15, proposals are disseminated by October 15, and the period for comment ends November 15, allowing 30 days for comment. The period for comment is announced by fax to constituents and all proposals are posted for comment on the CCE web page. At the end of the comment period, the comments are tabulated and submitted for consideration by the CCE Board of Directors. CCE reports that it considers all comments but cannot please all commenters, and must also take into consideration USDE and CHEA compliance issues before revising standards.

Staff Finding: The agency is in compliance with this criterion. Although there is some merit to the complainants' arguments that notice procedures were inadequate prior to 2001, CCE has provided satisfactory evidence that these procedures have been improved since then and now fully comply with the Secretary's criterion. Staff also notes with regard to the DECE allegation that this criterion does not require an accrediting agency to reach consensus among its constituents prior to amending standards.

§602.22 Substantive change.

- (m) **If the agency accredits institutions, it must maintain adequate substantive change policies that ensure that any substantive change to the educational mission, program, or programs of an institution after the agency has accredited or preaccredited the institution does not adversely affect the capacity of the institution to continue to meet the agency's standards. The agency meets this requirement if —**

- (1) **The agency requires the institution to obtain the agency's approval of the substantive change before the agency includes the change in the scope of accreditation or preaccreditation it previously granted to the institution; and**
- (2) **The agency's definition of substantive change includes at least the following types of change:**
- (i) **Any change in the established mission or objectives of the institution.**

CNJC Allegation: CCE improperly conditioned LUCC's reaccreditation on a change in the mission or objective of LUCC to include the training of "primary health care clinicians." CNJC alleges that imposing this mission change on an institution was outside of the authority of CCE to demand, as the requirement was never approved through "review of standards" procedures. The requirement adversely affected the capacity of LUCC to continue to meet CCE standards.

CCE Response: CCE has maintained a substantive change policy for many years that complies with USDE substantive change requirements. The language referring to "primary care physician" has been in CCE standards since 1976. All revisions to the standards in 2001 were subjected to previously stated procedures that include a "call" for proposals and opportunities for review by chiropractic constituents.

Staff Finding: The agency is in compliance with this criterion. The allegation does not relate to agency approval of a substantive change at an institution but, rather, relates to an accrediting agency requirement being imposed on an institution. Since the agency appears to have adhered to its own notice and comment policies in the development of this standard pursuant to §602.21, the allegation has no merit.

§602.23 Operating procedures all agencies must have.

- (a) **The agency must maintain and make available to the public, upon request, written materials describing —**
- (5) **The names, academic and professional qualifications, and relevant employment and organizational affiliations of —**
- (ii) **The members of the agency's policy and decision making bodies; and**
- (iii) **The agency's principal administrative staff.**
- (d) **In providing public notice that an institution or program subject to its jurisdiction is being considered for accreditation or preaccreditation, the agency must provide an opportunity for third-party comment concerning the institution's or program's qualifications for accreditation or preaccreditation. At the agency's discretion, third-party comment may be received either in writing or at public hearing, or both.**
- (e) **The accrediting agency must —**
- (3) **Review in a timely, fair, and equitable manner, and apply unbiased judgment to, any complaints against**

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