

January 26, 2022

ELECTRONIC DELIVERY

██████████
██████████
Construction Training Center
7355 Garners Ferry Road
Columbia, South Carolina 29209

School #M072307
Appeals Panel Decision

Dear ██████████

Construction Training Center (“CTC” or “the school”) brought this appeal from the June 21, 2021 decision of the Accrediting Commission of Career Schools and Colleges (“ACCSC” or “the Commission”) to withdraw Construction Training Center’s accreditation and remove the school from the list of ACCSC-accredited institutions. For the reasons set forth herein, the Appeals Panel voted to affirm the Commission’s decision to withdraw the accreditation of CTC. Accordingly, pursuant to ACCSC’s *Rules of Process and Procedure*, the Commission’s decision to withdraw the accreditation of the school is hereby final effective as of the date of this letter.

Appeal Process History:

The school timely submitted a Letter of Intent to Appeal a Commission Decision and its Grounds for Appeal. Pursuant to ACCSC’s *Rules of Process and Procedure*, a hearing was held before an independent Appeals Panel on August 24, 2021. In September 2021, prior to the Appeals Panel making a final decision with regard to CTC’s appeal, a member of the panel passed away. Given this unfortunate circumstance, in a letter dated October 19, 2021, ACCSC offered CTC the option for a second appeal hearing with a replacement panel member. CTC accepted this offer and a second appeal hearing was held on December 20, 2021. This letter sets forth the decision of the Appeals Panel from that second hearing.

The Commission’s Decision to Withdraw Accreditation

The history of this matter is set forth in ACCSC’s June 21, 2021 Withdrawal of Accreditation letter (pg. 2) and the history of each of the grounds for the Commission’s adverse accreditation decision is outlined throughout the letter in each numbered section. Accordingly, the June 21, 2021 Withdrawal of Accreditation letter is incorporated herein by reference. In that letter, the Commission set forth its withdrawal of accreditation action from its May 2021 meeting having found that CTC failed to demonstrate compliance in the following areas:

1. CTC failed to demonstrate that that the school has adequate management and administrative capacity in place that includes owners, board members, members of school management, and administrative employees who are qualified for their particular roles and who possess the appropriate education, training, and experience commensurate with the level of their responsibilities (*Section I (A)(1)(a), Substantive Standards of Accreditation*);
2. CTC failed to demonstrate that the school has and applies a fair and equitable refund policy in compliance with state or third-party requirements, or in the absence of such requirements, in accordance with generally accepted practices (*Section I (D)(5), Substantive Standards, Standards of Accreditation*);
3. CTC failed to demonstrate successful student achievement by maintaining acceptable rates of student graduation and employment in the career field for which the school provided education (*Section VII (B)(1)(b), Substantive Standards, and Appendix VI, Standards of Accreditation*);

4. CTC failed to demonstrate that the school supports student achievement rates through verifiable records and documentation of initial employment of its graduates (*Section VII (B)(1)(b), Substantive Standards, and Appendix VII, Standards of Accreditation*); and
5. CTC failed to demonstrate that the school maintains a permanent official transcript that includes, at minimum, the student's name and unique identifier; the name and address of the school; the program of study; the name and date/term of courses taken; the clock or credit hours and grades earned for each course; any credits accepted for transfer; the cumulative grade point average; the date of program entry; and the date of graduation, termination or withdrawal (*Section VI (B)(2), Substantive Standards, Standards of Accreditation*) (June 21, 2021 Withdrawal of Accreditation Letter, p.1).

The June 21, 2021 Withdrawal of Accreditation letter serves to establish the Commission's grounds for withdrawal of the school's accreditation based on its findings in the areas listed above (pgs., 2-22).

CTC's Grounds for Appeal

In its Grounds for Appeal, the school provided information related to each of the five grounds upon which ACCSC took the adverse accreditation decision. The Appeal Panel reviewed these grounds and noted that only evidence previously submitted to the Commission may be included in a submission to the Appeals Panel. The Grounds for Appeal may not include information or documentation that was not in the record at the time that the Commission took the adverse action. Therefore, the Appeals Panel only considered evidence previously submitted to the Commission in the record at the time that the Commission took the adverse action (*Section VIII (C)(2)(b), Rules of Process and Procedure, Standards of Accreditation*). To follow are the Appeals Panel findings relative to each of the five grounds.

Management and Administrative Capacity:

With regard to the Commission's determination that CTC failed to demonstrate that the school has adequate management and administrative capacity in place with a demonstrated ability to lead and manage a post-secondary educational institution in compliance with accrediting standards (*Section I (A)(1)(a), Substantive Standards of Accreditation*) (June 21, 2021 Withdrawal of Accreditation Letter, pgs. 2-5), in its Grounds for Appeal CTC contended that the school does comply in this area (p. 26). The school pointed to narrative and documents submitted in its September 17, 2020 and March 11, 2021 responses to support this contention. CTC also claimed to have demonstrated a "pattern of improvement" having gone from "24 areas of non-compliance to five within a two-year-period" (CTC Grounds for Appeal, p. 30). In its oral statement in front of the Appeals Panel, the school indicated that ██████████ had delegated day-to-day school management to ██████████ and had retained the service of new outside consultants to assist with school operations (Appeal Hearing Transcript, pgs., 12-14).

The Appeals Panel reviewed the school's claims and noted that the Commission provided the school's management and administrative team multiple opportunities to demonstrate compliance with accrediting standards. The Commission made clear to the school that:

Upon its next review, the Commission will take into consideration the totality of the school's response to this Probation letter and the extent to which that response demonstrates the school's ability and willingness to engage in meaningful assessment and substantive corrective action. CTC must be able and willing not only to demonstrate current compliance with standards, but also demonstrate an understanding of the requirements of accreditation as an ongoing process. The school must show a level of competence and ability so as to give ACCSC the confidence that CTC will remain in compliance with standards should the school receive a new grant of accreditation (December 10, 2020 Probation Order, p. 4).

The school's March 11, 2021 Probation Order Response to this area of concern contends that:

Construction Training Center's management now believes it now has a good foundation to build upon and perfect over time through the many corrective measures issued by ACCSC. Management now understands the type of records that must be kept for adequate reporting due to constant review of ACCSC standards. In addition the school now recognizes the need for effective student services as a growing institution. The cycle of findings can be best explained by not having clarity of exactly how to fix the reoccurring problems along with who could lead us in the right direction (p. 3).

Moreover, the Appeals Panel noted that the school's March 11, 2021 Probation Order Response indicates that the "school is discussing":

- "Hiring or contracting administrative support" and that "CTC expects to have this proposed position filled by May 2021";
- "Hiring or contracting a part-time placement officer" and that "CTC expects to have this proposed position filled by June 2021";
- "Contracting a part-time School Compliance Officer" and that "CTC expects to have this proposed position filled by July 2021" (pgs., 4-5).

Faced with the expiration of the established maximum timeframe to achieve compliance of June 2021 coupled with the fact that: a) there remained on-going areas of non-compliance with accrediting standards and b) CTC's claim that after two years of on-going compliance review the school was finally at the point where it believed it had a "good foundation to build upon" (March 11, 2021 Probation Order Response, p. 3), the Appeals Panel found that the Commission was well within its discretion in making a determination that CTC failed to demonstrate compliance in the area of management and administrative capacity. The Appeals Panel understands that the school had made improvements over a two-year period (CTC Grounds for Appeal, p. 30 and Appeal Hearing Transcript, pgs. 14-15); however, the panel also found that the sheer number of compliance issues cited over a significant period of time with items of noncompliance yet to be resolved by CTC to be sufficient foundation for the Commission's findings. Moreover, although the March 11, 2021 Probation Order Response indicates discussion and plans for improving administrative capacity through hiring or contracting resources, and while the school indicated in its Grounds for Appeal and oral presentation that duties have now been delegated differently and new resources have been retained, to the extent that those changes were initiated, such implementation appears to have occurred after the Commission took its withdrawal of accreditation action at its May 2021 meeting.

The Appeals Panel found that the Commission is not obligated to continue a compliance review over an extended period of time and certainly not beyond the established maximum timeframe to achieve compliance. In the Appeals Panel's estimation, the Commission had given CTC ample opportunities to demonstrate improvement and more importantly compliance with a significant number of deficiencies and having failed to do so the Commission within its discretion determined that the school failed to show it has the management and administrative capacity necessary to operate a school in continuous compliance with ACCSC's standards.

Fair and Equitable Refund Policy:

With regard to the Commission's determination that CTC did not demonstrate that the school has and applies a fair and equitable refund policy in compliance with state or third-party requirements, or in the absence of such requirements, in accordance with generally accepted practices (*Section I (D)(5), Substantive Standards, Standards of Accreditation*) (June 21, 2021 Withdrawal of Accreditation Letter, pgs. 5-10), in its Grounds for Appeal the school stated that:

CTC applies only one fair and equitable refund policy that applies to both cash and non-cash paying students that is in compliance with the United States Department of Education [and that] CTC agrees that the School Catalog, P&P Manual, and Enrollment Agreement Languages may appear to have different policies on how it handles a refund (p. 32).

The Grounds for Appeal also state that “[the] Commission determined that CTC’s answer does not contain sufficient evidence because CTC did not have a student to drop during the timeframe of March 1, 2020-August 30, 2020” and that “[t]he institution has no students who withdrew or were dismissed during the period of March 1, 2020, and February 28, 2021” (p. 32).

The Appeals Panel found that this issue appears to primarily rest on the school’s failure to demonstrate clearly that it does in fact have a fair and equitable refund policy. Although CTC claimed in the Grounds for Appeal to have a single fair and equitable policy, the record appears to show a series of conflicting or confusing written policies amongst the school’s documents and an inability over time to demonstrate the application of such a policy. Although CTC claimed that the Commission made its finding in part based on the lack of withdrawn or terminated students during a specific timeframe, the Appeals Panel found that the June 21, 2021 Withdrawal of Accreditation does not include such a citation, simply that the school failed to provide evidence that it has and applies a single policy. The Appeals Panel reviewed the record in this matter and found that the Commission had clearly described its concerns in this area and had given CTC multiple opportunities and options to demonstrate compliance. Given the record in this matter and the expiration of the established maximum timeframe to achieve compliance, the Appeals Panel found that the Commission was under no obligation to provide an additional opportunity for CTC to demonstrate with clear language and consistently stated policies that the school has and applies a fair and equitable refund policy.

Successful Student Achievement:

With regard to the Commission’s determination that CTC failed to demonstrate successful student achievement by maintaining acceptable rates of student graduation and employment in the career field for which the school provided education (*Section VII (B)(1)(b), Substantive Standards, and Appendix VI, Standards of Accreditation*) (June 21, 2021 Withdrawal of Accreditation Letter, pgs. 10-14), in its Grounds for Appeal CTC indicated that the school has made efforts to improve student outcomes and that “CTC will continue to see growth toward meeting Benchmark and subsequently meet Benchmark based on a pattern of improvement as referenced by the ACCSC Commission” (p. 33). However, CTC conceded that the school “has not met benchmark in all areas” (*Id.*). The Grounds for Appeal do not speak to the discrepancies within the student achievement backup documentation or whether the information submitted is accurate or reliable.

The Appeals Panel reviewed the record in this matter and found that the Commission had given the school multiple opportunities to demonstrate successful student achievement but that the school had been unable to show either that it could meet the Commission’s benchmarks or that the information submitted to support the reported rates was reliable. Given the established maximum timeframe to achieve compliance, the Commission was under no obligation to extend its review and ask for yet another report on student achievement when the school had not previously demonstrated its ability to provide such information in a reliable manner.

Verifiable Records:

With regard to the Commission’s determination that CTC failed to demonstrate that the school supports student achievement rates through verifiable records and documentation of the initial employment of its graduates (*Section VII (B)(1)(b), Substantive Standards, and Appendix VII, Standards of Accreditation*)

(June 21, 2021 Withdrawal of Accreditation Letter, pgs. 15-18), in its Grounds for Appeal CTC stated that it understands the importance of maintaining such records (p. 33). The school indicated that it had originally informed ACCSC of its intent to hire a part-time career placement officer, but instead added these duties to an existing administrative staff member (*Id.*). CTC further stated that the school had “completed this task prior to the decision of the [C]ommission to withdrawal [*sic*] Accreditation and prior to the proposed fulfillment date of July 2021” (CTC Grounds for Appeal, p. 34). The Appeals Panel noted that the record does not indicate that the implementation occurred before the Commission took its withdrawal of accreditation action. Moreover, the Commission’s June 21, 2021 Withdrawal of Accreditation lettersets forth several important areas where in the Commission’s view the school again failed to support its reported rate of student employment in its response to the December 10, 2020 Probation Order (pgs. 17-18).

The Appeals Panel found that the school’s Grounds for Appeal do not make clear how the school had in fact demonstrated to the Commission that the addition of duties assigned within the school’s existing personnel would mitigate and correct the ongoing issues regarding the reliability of the information and data submitted by CTC. The school’s Grounds for Appeal do not address the specific areas cited by the Commission in the June 21, 2021 letter regarding its finding of noncompliance in this area or show fault with the Commission’s findings. The Appeals Panel considered this to be particularly salient in the context of the Commission’s overall findings that the school lacks adequate management and administrative capacity for the purposes of operating an accredited institution. Given the established maximum timeframe to demonstrate compliance, the Appeals Panel found that the Commission was under no obligation to extend the review of this matter insofar as the CTC had failed to make such a showing over an extended period, including in its response to the December 10, 2020 Probation Order.

Permanent Official Transcript:

With regard to the Commission’s finding that CTC did not demonstrate that the school maintains a permanent official transcript that includes minimally the required items (*Section VI (B)(2), Substantive Standards, Standards of Accreditation*) (June 21, 2021 Withdrawal of Accreditation Letter, pgs. 18-21), in its Grounds for Appeal CTC indicated that the school previously submitted a blank transcript for the Commission’s review and listed the information provided (p. 34). The Appeals Panel reviewed the Commission’s rationale as set forth in the June 21, 2021 Withdrawal of Accreditation letter and the school’s Grounds for Appeal and found that while the bulk of the required information is included on the transcript, the school did not address each of the discrepant areas found by the Commission. Although the school indicated in its Grounds for Appeal that the GPA is “cumulative without the Specified [*sic*] title of cumulative,” (p. 34), the Appeals Panel found that the school did not make this clear in its response to the December 10, 2020 Probation Order. Given the established maximum timeframe to achieve compliance, the Commission was under no obligation to extend its review and ask for yet another transcript to show that all of the required information is clearly made available in that document.

COVID-19 Pandemic Impact Oral Presentation:

During the appeal hearing, the school’s CEO/President [REDACTED] made the following statements:

During much of our probation period, the world has been engulfed in the COVID-19 pandemic. However, the commission makes no reference to the difficulties of correcting these deficiencies and managing the school during government closures, mask mandates, and the general hysteria surrounding the pandemic, and trying to comply with the accreditation standards during this time. It simply ignores the fact that the pandemic, as it proceeds with placing us on probation in May 2020 through November 2020, periods when we did not have a vaccine and our business model was greatly disrupted. I am not making excuses or blaming anyone else, but it seems arbitrary and

unfair not to recognize the severe impact the pandemic had on all of our lives (Appeal Hearing Transcript, p. 11).

I will admit that I have not been the best leader of the school with respect to important issues like accreditation. I am simply a craftsman who is passionate about teaching these skills to a new generation, so that they can get jobs and make a decent living in the construction service industry. My focus is on teaching, recruiting, and marketing, while delegating, which I should have done a long time ago, responsibilities for the day-to-day management, including accreditation, to [REDACTED] (Appeal Hearing Transcript, p. 12).

[REDACTED] added the following:

...the COVID-19 pandemic directly changed our world. It had a profound impact on the school as well. This led to remote work, remote classes, the disruption of our work flow, and our inability to focus on the compliance issues raised by the 2019 warning letter. Simply put, we got further and further behind as we grappled with decreasing enrollment, management of people, and financial issues (Appeal Hearing Transcript, p. 14).

Our mistake was in not directly expressing those difficulties in our response to the warning letters. But in 22 pages of the letter withdrawing accreditation, the Commission, in its recitation of our history on probation, barely acknowledged the progress we had made, and made no reference to the pandemic itself. It arbitrarily recognized our immediate shortcomings without any reference to context; that is, our ability to operate our school in an uncertain and rapidly changing global health crisis (Appeal Hearing Transcript, p. 15).

Lastly, in its oral presentation before the Appeals Panel, the school argued that the Commission failed to take into account the “totality of what was happening in the world during this time which may have adversely impacted the school’s ability to accomplish the November 2020 Probation” (Appeal Hearing Transcript, pgs. 16-17).

The Appeals Panel took these comments into account when reviewing and considering this decision. Ultimately, the Appeals Panel concluded that although the COVID-19 pandemic has had a global impact, that impact may not be identical or universal from one set of contexts to another. Moreover, the Commission’s compliance concerns with CTC pre-date the COVID-19 pandemic. That the Commission does not mention the COVID-19 pandemic in the June 21, 2021 Withdrawal of Accreditation Letter is attributable to the fact the CTC did not inform the Commission of any of the factors described in its oral presentation before the Appeals Panel.

Throughout the Warning and Probation Orders issued to CTC, in addition to specific information requests regarding each individual compliance concern, in almost every instance the Commission consistently asked CTC to submit “any additional information” that the school believed would be useful to the Commission in making a determination regarding the school’s compliance.¹ However, the school provided no such information or made any such pandemic-related claims in its responses to the Commission. To the contrary, CTC had indicated to the Commission that the school did not have a single student withdraw or terminate for the period March 1, 2020 through February 28, 2021 (CTC Grounds for Appeal, p. 32).

While the Appeals Panels understands the school’s position that the Commission’s decision was “subjective in nature” (Appeals Hearing Transcript, p. 15) and failed to take into account the “totality” of the school’s situation, the Appeals Panel found that the school’s admitted omission of potentially mitigating pandemic-

¹ See the March 27, 2019 and November 18, 2019 Warnings and the June 10, 2020 and December 10, 2020 Probation Orders.

related information prevented it from being included in the Commission’s decision-making paradigm. The Appeals Panel determined that it is not incumbent upon the Commission to assume the scope of the impact of the pandemic on a school’s operations or ability to demonstrate continuous compliance with accrediting standards – that burden rests solely with the school (*Introduction; Section I (G)(1-2), Rules of Process and Procedure, Standards of Accreditation*).

Appeals Panel Decision

Section VIII (B) of the Commission’s Rules of Process and Procedure, Standards of Accreditation, provides that on appeal, the school has the burden of proving that the Commission’s decision to withdraw accreditation “was arbitrary, capricious, or otherwise in substantial disregard of the criteria or procedures of the Commission, or not supported by substantial evidence in the record on which the Commission took action.” ACCSC’s *Rules of Process and Procedure* provide that the Appeals Panel has the authority to affirm, remand, or amend the Commission’s decision to withdraw CTC’s accreditation.

After carefully reviewing the record in this matter including the presentations made at the appeal hearing, the Appeals Panel concluded that CTC has not carried its burden of proof on appeal and consequently the panel unanimously affirms the decision of the Commission to withdraw the accreditation of CTC. Accordingly, the Commission’s decision to withdraw the accreditation of the CTC is hereby final effective as of the date of this letter.

In accordance with *Section VII (P)(7), Rules of Process and Procedures, Standards of Accreditation*, the school may re-apply no sooner than nine months from the date on which the withdrawal of accreditation becomes effective. Accordingly, CTC may not re-apply for accreditation sooner than October 26, 2022.

The school may submit comments **on or before February 7, 2022** in accordance with the enclosed Public Comment Disclosure Form to accompany the Commission’s disclosure of this final adverse accreditation action in accordance with *Section X (C)(4) & (D)(4), Rules of Process and Procedure, Standards of Accreditation*.

For additional information pertaining to this matter, please contact me directly at [REDACTED].

Sincerely,

[REDACTED]
Michale S. McComis, Ed.D.
Executive Director

Encl.: ACCSC Public Comment Disclosure Form

PUBLIC COMMENT DISCLOSURE FORM

To Be Submitted No Later Than February 7, 2022

Michale S. McComis, Ed.D.
Executive Director
ACCSC
2101 Wilson Boulevard, Suite #302
Arlington, Virginia 22201

**Re: Construction Training Center – School #M072307
7355 Garners Ferry Road
Columbia, South Carolina 29209**

I understand and agree that the Commission, pursuant to *Section X (C)(4) & (D)(4), Rules of Process and Procedure, Standards of Accreditation*, will make public the reasons for the adverse accreditation decision together with any comments submitted by the school.

I understand and acknowledge that a school may voluntarily submit public comments to accompany this public disclosure and that the school is not obligated to do so.

I understand and agree that any public comments must be in summary format, professional in tone, and free of profanity and calumnious statements. I acknowledge that any comments which do not meet these requirements will not be disseminated or posted along with the summary of the reasons for the adverse accreditation decision.

I understand and agree that the attached comments constitute Construction Training Center’s public comments on the adverse accreditation action that will be disseminated with the public notice of the Commission’s adverse accreditation decision including, but not limited to, dissemination to appropriate federal, state and other accrediting agencies and posting to the ACCSC website (*Section X (C)(4) & (D)(4), Rules of Process and Procedure, Standards of Accreditation*).

I understand and agree that the Commission will release the adverse accreditation decision to the public pursuant to the Commission’s *Rules of Process and Procedure, Standards of Accreditation* and that a school’s written comments will not be added to this disclosure if this form and comments are not submitted in the required format **on or before February 7, 2022.**

I understand and agree that the Commission has no responsibility for how the school’s comments may be used once they are put in the public domain.

I attest that the attached comments are truthful and accurate to the best of my knowledge.

Signature

Date

Name/Title