



TO: Higher Education Committee
FROM: John L. D'Agati *John L. D'Agati*
SUBJECT: Institutional Accreditation: Bramson ORT College
DATE: December 29, 2016
AUTHORIZATION(S): *Mary Ellen Eisa*

SUMMARY

Issue for Decision

Should the Board of Regents continue to accredit Bramson ORT College?

Reason(s) for Consideration

Required by State regulation.

Proposed Handling

This question will come before the Higher Education Committee at its January 2017 meeting, where it will be voted on and action taken. It will then come before the full Board at its January 2017 meeting for final action.

Procedural History

On December 17, 2013, the Board of Regents took the following action concerning Bramson ORT College's application for renewal of institutional accreditation:

Probationary accreditation for a period of two (2) years, including distance education, with quarterly progress reports submitted to the State Education Department and a return peer review visit after one (1) year demonstrating significant steps to remedy the findings of non-compliance and ensuring that all standards for accreditation are satisfied within the two (2) year probationary period.

On April 21, 2016, the Regents Advisory Council on Institutional Accreditation (RAC) met to consider Bramson's probationary review report. The RAC's recommendation to the Board of Regents was to deny accreditation. On May 19, 2016,

Bramson appealed the RAC's recommendation pursuant to Regents Rules 4-1.5(c)(8). The Deputy Commissioner filed a written response to the appeal on June 16, 2016. The Commissioner affirmed the RAC's recommendation to deny accreditation to Bramson on November 21, 2016. Her recommendation is hereby transmitted to the Board of Regents for consideration and final action. The full record on appeal is available to the Board, electronically and in hard copy, through the Board Secretary.

Procedural note:

Pursuant to Regents Rule §4-1.5(c)(8) and (a)(9)(iv), “[if] the *only remaining deficiency noted by the agency is the institution’s failure to meet any agency standard pertaining to finances*, the Commissioner shall also consider any new financial information submitted by the institution, as part of its appeal if the information was unavailable to the institution until after the decision subject to the appeal was made and the financial information is significant as determined by the Commissioner, and bears materially on the financial deficiencies identified by the agency” (emphasis added). The financial information supplied by Bramson on June 9 was not considered because finances were not the sole remaining deficiency in the College’s failure to meet standards.

Background Information

Bramson ORT College, a unit of World ORT (Organization for Educational Resource and Technological Training), is located at 69-30 Austin Street, Forest Hills (Queens County), with an extension center located at 8109 Bay Parkway in Brooklyn. World ORT is a worldwide charity whose aim is to work for the advancement of Jewish and non-Jewish people through training and education. The College is a Regents-chartered independent institution offering registered degree programs leading to an associate’s degree (an A.A.S or A.O.S) in Business, Health Related Professions (principally Medical Assisting and Pharmacy Technician), Computer and Information Sciences, Electronics Technology, Paralegal, and Graphic, Game and Web Design. The College also offers certificates and diplomas in these areas. The College was granted a provisional charter by the Board of Regents in 1978 under the name Bramson ORT Training Center and an absolute charter in 1982. In 1999, the institutional name was changed to Bramson ORT College, reflecting the evolution of the institution from specific vocational training to include the broader educational purposes of a college.

In 2012, Bramson applied for renewal of its accreditation by the Board of Regents and Commissioner of Education. In April 2013, a peer review team visited the College to assess its compliance with the Regents standards for institutional accreditation. The compliance review report, submitted to the Regents Advisory Council on Institutional Accreditation, included an overall assessment that the College was not in compliance with several critical standards for institutional accreditation and made several recommendations for compliance improvements. In October 2013, after considering the full record of the compliance review pursuant to Regents Rule 4-1.5(a)(8)(iii), the Regents Advisory Council on Institutional Accreditation found that Bramson was out of compliance with the following 8 out of 13 Regents standards for institutional accreditation:

- Assessment of Student Achievement (Regents Rule §4-1.4[b]);
- Programs of Study (Regents Rule §4-1.4[c]);
- Faculty (Regents Rule §4-1.4[d]);
- Resources (Regents Rule §4-1.4[e])
- Administration (Regents Rule §4-1.4[f]);
- Support Services (Regents Rule §4-1.4[g]);
- Student Complaints (Regents Rule §4-1.4[j]); and
- Public Disclosure of Accreditation Status (Regents Rule §4-1.4[m]).

Although the Department recommended denial of accreditation, RAC, after hearing a presentation from the College’s leadership, recommended that the Board of Regents grant Bramson probationary accreditation for a period of two years.

On December 17, 2013, after consideration of the recommendation of the RAC, including the full record of compliance review and additional materials provided by Bramson to the RAC, the Board of Regents endorsed and adopted the RAC’s recommendation and granted probationary accreditation to Bramson for a period of two years in order to afford the college an opportunity to come into compliance with the standards for institutional accreditation. The Regents Rules provide that an institution may be granted probationary accreditation, which means, “accreditation for a set period of time, not to exceed two years, *during which the institution shall come into compliance with standards for accreditation through corrective action*” (Regents Rule §4-1.2[s](emphasis added).

During the two year period of probationary accreditation, Bramson submitted quarterly reports and additional information to the Department. Additionally, peer review teams visited the college on March 10, 2015 and October 21, 2015. Department staff and members of both teams of peer reviewers prepared a draft probationary review report with the teams’ observations and findings.¹ The March 2015 peer review team found that Bramson had come into compliance with the following two standards for institutional accreditation:

- Student Complaints (Regents Rule §4-1.4[j]); and
- Public Disclosure of Accreditation Status (Regents Rule §4-1.4[m])

The March 2015 peer review team found that Bramson remained out of compliance with the following six standards for institutional accreditation:

- Assessment of Student Achievement (Regents Rule §4-1.4[b]);
- Programs of Study (Regents Rule §4-1.4[c]);
- Faculty (Regents Rule §4-1.4[d]);
- Resources (Regents Rule §4-1.4[e])
- Administration (Regents Rule §4-1.4[f]);
- Support Services (Regents Rule §4-1.4[g]);

¹ On December 16, 2015, the Department granted Bramson an administrative extension of its probationary accreditation term until June 30, 2016, or until a determination is made by the Board of Regents concerning Bramson’s compliance, whichever occurs first.

The March 2015 peer review team found that Bramson was also out of compliance with the following additional standard for institutional accreditation:

- Consumer Information (Regents Rule §4-1.4[i]);

The October 2015 peer review team found that the College remained out of compliance with all standards identified by the March 2015 team and also found the College to be out of compliance with the standard regarding Student Complaints (Regents Rule §4-1.4[j]).

On April 21, 2016, after again hearing a presentation from the College's leadership, the RAC voted to recommend to the Board denial of accreditation. The Council stated, "The institution has been found to be out of compliance over several years, by three peer review visit teams, with standards defined under Sections 4-1.4(b), (c), (d), (e), (f), and (g) of the Rules of the Board of Regents." That is, standards for assessment of student achievement, programs of study, faculty, resources, administration and support services. An appeal to the Commissioner pursuant to Regents Rule §4-1.5(c)(8) was filed by Bramson on May 19, 2016. Pursuant to Regents Rule §4-1.5(c)(8), on June 15, 2016, the Deputy submitted a response to the appeal.

Bramson appealed the recommendation of the RAC on the basis that the decision was arbitrary and capricious. The Deputy Commissioner in his response countered that the RAC's recommendation was neither arbitrary nor capricious and was, in all respects, proper as Bramson failed to demonstrate compliance with all standards for institutional accreditation as required by both federal regulation and the Rules of the Board of Regents. The Deputy Commissioner maintained that, in accordance with Regents Rules §4-1.2(s), institutions that have been granted terms of probationary accreditation must come into compliance with any corrective action during the probationary period and that the probationary period may only be extended upon good cause shown, which the Deputy Commissioner stated was not demonstrated.

Pursuant to Regents Rules §4-1.5(c)(8), the Commissioner reviewed the appeal papers, the written response filed, the record before the Regents Advisory Council, the record of its deliberations, and its findings and recommendations. While Regents Rules §4-1.3(d)(2) allows for the extension of a corrective action period, the College has failed to provide evidence and/or a sufficiently detailed plan to assure it could achieve compliance within the maximum 12 months possible under the Rule. The Commissioner's review of the appeal material found that Bramson achieved compliance with the standards concerning Student Complaints (Regents Rule §4-1.4[j]); and Public Disclosure of Accreditation Status (Regents Rule §4-1.4[m]). The College remained out of compliance with the following six standards for institutional accreditation:

- Assessment of Student Achievement (Regents Rule §4-1.4[b]);
- Programs of Study (Regents Rule §4-1.4[c]);
- Faculty (Regents Rule §4-1.4[d]);
- Resources (Regents Rule §4-1.4[e]);
- Administration (Regents Rule §4-1.4[f]); and
- Support Services (Regents Rule §4-1.4[g]).

As a result, the Commissioner found that Bramson was not in compliance with the standards for institutional accreditation, nor had the College shown good cause for the corrective action period to be extended. As such, she affirmed the recommendation of the RAC to deny renewal of Bramson's institutional accreditation. The Commissioner's decision was rendered on November 21, 2016 and transmitted to the College.

The attachment to this item provides some statistical data on the College and sets forth the range of accreditation actions authorized under Subpart 4-1 of the Rules of the Board of Regents and Section 4-1.5 concerning appeal of a Regents determination, and Section 3.12 regarding the institutional accreditation appeals board

Related Regents Items

<http://www.regents.nysed.gov/common/regents/files/1213hea1%5B1%5D.pdf>

Recommendation

VOTED: That the Board of Regents deny the renewal of accreditation of Bramson ORT College.

Board of Regents members with a conflict of interest or the appearance of a conflict of interest on this application are asked to recuse themselves from participating in the deliberation and decision.

Information on Bramson ORT College

Enrollment

Fall cohort	
2010	851
2011	906
2012	651
2013	796
2014	641
2015	481

Source: IPEDS final release data

Federal Composite Scores

Fiscal Year	Composite score	Interpretation of score
2010	3.0	Financially healthy
2011	2.8	Financially healthy
2012	2.8	Financially healthy
2013	2.2	Financially healthy
2014	1.9	Financially healthy
2015	.8	Not financially healthy
Aug 2016*	.6	Not financially healthy

* Communication from Federal Student Aid Office of the US Dept. of Education

In 2014-15, 95% of Bramson students received some kind of financial aid. 68% received Pell grants totaling \$198,031; 15% received loans totaling \$105,552.

Rules of the Board of Regents

Subpart 4-1, Voluntary Institutional Accreditation for Title IV Purposes

§4-1.2 Definitions.

As used in the Subpart:

(a) *Accreditation* means the status of public recognition that the Commissioner of Education and the Board of Regents grant to an educational institution that meets the standards and requirements prescribed in this Subpart.

(b) *Accreditation action* means accreditation, accreditation with conditions, probationary accreditation, approval of substantive changes in the scope of accreditation, and denial, revocation, or termination of accreditation.

(c) *Accreditation with conditions* means accreditation that requires the institution to take steps to remedy issues raised in a review for accreditation, and provide reports and/or submit to site visits concerning such issues, provided that such issues do not materially affect the institution's substantial compliance with the standards and requirements for accreditation.

(d) *Adverse action* or *adverse accreditation action* means suspension, withdrawal, denial, revocation, or termination of accreditation or preaccreditation.

(q) *Probationary accreditation* means accreditation for a period of time, not to exceed two years, during which the institution shall come into compliance with standards for accreditation through corrective action.

From NYSED's Handbook of Institutional Accreditation (p.5)

At a regularly scheduled public meeting, the Board of Regents considers the complete record of the accreditation process (including the institution's self-study, compliance review report, and the record of the RAC) and makes the final determination on accreditation action. Representatives of the applicant institution may be present at this meeting; however, they do not participate in discussion of their application. The Regents may act or may defer action pending further consideration by the Council or the receipt of additional information. If the Regents take adverse action as defined in Regents Rules §4-1.2(d) on an application for institutional accreditation or renewal of accreditation, a statement of the reason(s) for this action will be provided to the applicant institution.

Possible Accreditation Actions

- Accreditation without conditions. The institution is in full compliance with the standards for institutional accreditation. Any follow-up matters are not, in the judgment of the Regents, of a nature or scope that affects the institution's capacity to maintain adherence to the institutional accreditation standards for the period of accreditation. Recommendations or any follow-up reports relate either to minor compliance matters or to the strengthening of practices that meet the standards of compliance. Accreditation without conditions may be for a period of up to ten years; customarily it is not for a period of less than five years. Accreditation without conditions may apply to institutions seeking initial accreditation or renewal of accreditation.
- Accreditation with conditions. The institution is in substantial compliance with the standards for institutional accreditation. Any areas of non-compliance are not of such nature or scope as to call into question the institution's substantive adherence to the institutional accreditation standards during the term of accreditation. The institution has demonstrated the intent and capacity to rectify identified deficiencies and to strengthen practice in marginally acceptable matters within no more than two years. The institution will be required to take steps to remedy issues raised in the review for accreditation and to provide reports and/or submit to site visits concerning such issues. Accreditation with conditions may be for a period of up to ten years, contingent on a finding of compliance within no more than two years on any areas for deficiency cited in the Regents accreditation action. Accreditation with conditions may apply to institutions seeking initial accreditation or renewal of accreditation.
- Probationary accreditation. The institution is in partial compliance with institutional accreditation standards and may reasonably be expected to meet accreditation standards within no more than two years. During this period, the institution provides documentation of compliance with standards, particularly all standards that were not met at the time of the Regents action. A follow-up visit by Department staff and/or peer reviewers may be required following provision of a required report. Probationary accreditation may apply only to institutions seeking renewal of accreditation.
- Denial of accreditation. The institution does not meet standards for institutional accreditation and cannot reasonably be expected to meet those standards within two years. Denial of accreditation may apply to institutions seeking initial accreditation or renewal of accreditation.

Section 4-1.5 Procedures for accreditation.

[...]

(9) Appeal of advisory council recommendation. Appeal of advisory council recommendation.

(i) Either the institution or the deputy commissioner shall have the right to appeal to the commissioner the findings and recommendations of the advisory council. The institution shall have the right to be represented by counsel during the appeal.

(a) Appeal by the institution. The institution may commence an appeal of the findings and recommendations of the advisory council by filing with the commissioner by first class mail, express delivery, or personal service the original appeal papers, with an affidavit proving the service of a copy thereof upon the deputy commissioner by first class mail, express delivery, or personal service. The deputy commissioner shall transmit to the commissioner the record before the advisory council and the record of its deliberations and its findings and recommendations. The deputy commissioner may also file a written response with the commissioner by first class mail, express delivery, or personal service within 30 days of service of such appeal papers upon the deputy commissioner, with an affidavit proving the service of a copy thereof by first class mail, express delivery, or personal service upon the institution.

(iv) The commissioner shall review any appeal papers, written responses filed, the record before the advisory council, the record of its deliberations, and its findings and recommendations. The commissioner shall also consider any new financial information submitted by the institution as part of its appeal if the information was unavailable to the institution until after the decision subject to the appeal was made, the financial information is significant as determined by the commissioner, and bears materially on the financial deficiencies identified by the agency and the only remaining deficiency cited by the agency is the institution's failure to meet any agency standard pertaining to finances. An institution may seek the review of new financial information only once and any determination on the new financial information does not provide a basis for appeal. Upon such record, the commissioner may affirm, reverse, remand or modify the findings and recommendations of the advisory council. Such determination shall constitute a recommendation regarding accreditation action to the Board of Regents.

(10) Regents decision. The Board of Regents shall review any papers, written responses filed, the record before the advisory council, the record of its deliberations, and its findings and recommendations and any other information considered by the commissioner. At a regularly scheduled public meeting, the Board of Regents shall consider the findings and recommendations of the commissioner and make the determination of accreditation action. If the Board of Regents decision includes an adverse accreditation action or probationary accreditation, the Board of Regents shall notify the institution of its right to a hearing before the institutional accreditation appeals board.

(11) Appeal of a determination of adverse accreditation action or probationary accreditation to the institutional accreditation appeals board.

(i) An institution may appeal a Regents determination of adverse accreditation action or granting probationary accreditation to the institutional accreditation appeals board in accordance with the requirements and procedures of this paragraph. The institution shall have the right to a hearing and to be represented by counsel during the appeal.