

December 22, 2011

Eduardo M. Ochoa, Ph.D.
Assistant Secretary – Office of Postsecondary Education
1990 K Street, N.W.
Washington, DC 20006

Re: CFR 602.35, Responding to the Advisory Committee's recommendation

Dear Dr. Ochoa:

The Council on Chiropractic Education (CCE) met with NACIQI on December 14, 2011 in Alexandria, VA. We are providing comments to you at this time in accordance with the provision in the regulations governing the recognition of accrediting agencies that allows an agency to submit comments to the deciding official on the NACIQI's recommendation.

We support and agree with the USDE staff report and would like to see the original recommendation adopted. After a very lengthy 3rd party testimony phase, the Committee added the following sentence, "demonstrate compliance with section 602.13 dealing with the wide acceptance of its standards, policies, procedures and decisions, and how its standards advance the quality of chiropractic education." We suggest that this additional language be removed based on the following information which evidences that much of the 3rd party testimony received by the committee during the meeting is not supported by the record.

First, we feel that the Committee was unfairly influenced by misleading 3rd party testimony during the meeting and did not put all testimony into proper perspective. Specifically, strong endorsements were provided from the Association of Chiropractic Colleges (speaking on behalf of each and every program/institution accredited by CCE), the Federation of Chiropractic Licensing Boards (speaking on behalf of all 54 state and territorial licensing boards), the American Chiropractic Association (the largest professional association, with membership 3-4 times as great as the International Chiropractic Association,) and the newest and most recently accredited program (D'Youville College). In contrast, seven (7) International Chiropractic Association (ICA) officers (to include their past president) and committee chairs, presented testimony under the guise of various organizations and provided no evidence to support outlandish claims of false documents or unethical behaviors, etc. The officers, later identified by the ICA itself in a post appearance brief, are provided below for your information.

- James S. Turner, Esq., ICA General Legal Counsel
- Dr. Donald Hirsh, ICA Board Member
- Dr. Michael McLean, ICA Board Member
- Dr. Stephen P. Welsh, ICA Secretary-Treasurer
- Dr. Corey Rodnick, ICA Central Regional Director

- Mr. Ronald Hendrickson, ICA Deputy Executive Director
- Dr. Robert Braile, ICA Past President and Board Chair

Secondly, the ICA chief counsel provided false information to NACIQI about his organization's membership, stating that the ICA represents approximately 8,500 doctors, when the actual number of voting members is less than 4,000 according to tax documents (IRS 990). Following the meeting, Mr. Turner submitted a brief to his membership which included a revised version of his December 14, 2011 statement to NACIQI that completely omitted the false claim of the number of ICA members provided in his oral statement. In contrast, only the executive vice president of the ACA (William O'Connell) provided testimony on behalf of his organization, which has about 15,000 members - roughly 3-4 times as great as the ICA. He was unequivocal in his support of the CCE, concluding, "CCE's standards prepare our students for their future responsibilities". We believe the Committee was unduly influenced by a very vocal minority voice in the profession, with one third of the 3rd party presenters actually being from the same small organization, and that this overshadowed the powerful evidence provided by the Federation of Licensing Boards, the American Chiropractic Association, and the Association of Chiropractic Colleges demonstrating widespread acceptance of the CCE and its accreditation standards.

Third, commenters expressed their anxiety regarding our conflicts of interest and governance structure, citing claims of a "self-perpetuating organization" and that CCE has the same members of its Council today that were in place in 2002. These allegations are simply not true and are evidenced in our documentation provided to the staff. Despite oral testimony by ICA representatives asserting that the CCE is comprised of the same persons involved in the 2002 adverse accreditation decision on Life University, the fact is that none of the current CCE officers or councilors served on the CCE Commission on Accreditation that made that decision. Furthermore, it was implied by 3rd party presenters that CCE had acted in isolation against Life University, when in fact the Southern Association of Colleges and Schools (SACS) regional accreditor had placed Life on public warning prior to CCE's action, citing its failure to comply with numerous educational, administrative, organizational and financial criteria.

Finally, our agency provided evidence that it has worked tirelessly with our constituents, specifically during the most recent five-year process of revising our Standards, which included representation on our 16-20 person task force from a wide variety of educators, practitioners, administrators and even a representative from the ICA itself; its most recent past president. We held over two dozen meetings across the US to engage our constituents. We incorporated many of the suggestions for change elicited during our two periods of public commentary on the draft standards. Additionally, we are troubled that persons outside the accreditation arena will misinterpret the Committee language regarding "decisions" and they will insist that any accreditation decision that is made by the CCE must be made public and must receive widespread approval. Many accreditation decisions are confidential and not subject to public review, except for public sanctions. Many of the CCE accreditation standards are based on federal regulations and should not be subjected to a public approval process, regardless of how unpopular the decision might be. It should be noted that not a single accreditation decision since 2002 has been appealed by any of our accredited programs. As we attested during the meeting, our annual anonymous survey of accredited programs has not yielded any evidence of substantial dissatisfaction with the CCE, and the testimony provided by the Association of Chiropractic Colleges substantiated the widespread acceptance of the agency by the accredited programs.

Dr. Eduardo M. Ochoa
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We are not satisfied with the substandard performance of the CCE that led the staff to list numerous areas of non-compliance. While we could debate some of these, we feel that there is no reason that we will not be able to demonstrate complete compliance in a very short time. Numerous policy revisions will be enacted at our January 2012 Council meeting, addressing many of the weaknesses identified by USDE staff. However, we believe the language added by the Committee is not only unfair, but will be exploited by the same vocal opposition group to further create a division in the profession. We respectfully ask that this language be removed and that the original USDE staff recommendation be adopted. We thank you in advance for your consideration in this matter and if you have any further questions or require clarification in this regard, please do not hesitate to contact me or Dr. Craig Little, Council Development Committee Chair, through the CCE Administrative Office.



David J. Wickes, M.A., D.C., Chair
Council on Chiropractic Education

cc: Kay Gilcher, Director, Accreditation Division, Office of Postsecondary Education
Rachael A. Shultz, Accrediting Agency Evaluation
Craig S. Little, D.C., Vice Chair, Council on Chiropractic Education
S. Ray Bennett, Director of Accreditation Services, Council on Chiropractic Education