



May 1, 2014

Andrea Carter
New York General Consulting
37 West 26th St., 5th Floor
New York, NY 10010

Dear Ms. Carter:

The *CEA Policies and Procedures* require CEA to prepare a brief statement summarizing the reasons for the agency's denial of accreditation to a program or institution. The statement is forwarded to the site for comment. The statement along with the site's comment, if any, is forwarded to the U.S. Department of Education, the appropriate office at the Department of Homeland Security, licensing bodies and the public. If no response is made, CEA must provide evidence to the U.S. Department of Education that the site has been offered the opportunity to comment.

Following is the information that CEA will publish to the relevant parties, along with your response, if any. You may make general comments about the process and findings but should not respond to findings for each individual standard.

New York General Consulting, 37 West 26th St, 5th Floor, New York, NY, 10010, was denied accreditation by the Commission on English Language Program Accreditation at its December 2013 meeting. The site appealed the decision. An independent CEA appeals board upheld the decision of the Commission to deny accreditation. The Commission accepted the report of the appeals board at its April, 2014, meeting.

The following are the standards for which the school was found to be out of compliance and upon which the final denial was based.

Curriculum Standard 2
Faculty Standard 1
Faculty Standard 2
Administrative and Fiscal Capacity Standard 2
Administrative and Fiscal Capacity Standard 4
Administrative and Fiscal Capacity Standard 8
Student Services Standard 2
Recruiting Standard 2
Recruiting Standard 3
Length and Structure of Program of Study Standard 2


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Student Achievement Standard 3
Program Development, Planning, and Review Standard 1
Program Development, Planning, and Review Standard 2

Upon request, CEA makes available to recognized accreditation and state approval agencies, as well as the Secretary of Education, information about the status of any program or institution.

We look forward to receiving your comments within 30 days. If you choose not to respond, this letter will be forwarded to the U.S. Department of Education showing evidence that you were given the opportunity.

Sincerely,

A handwritten signature in cursive script that reads "Teresa D. O'Donnell".

Teresa D. O'Donnell
Executive Director



June 10, 2014

Brian McSweeney
New York General Consulting
37 West 26th St, 5th Floor
New York, NY 10010

Dear Mr. Sweeney:

This is to acknowledge receipt of your May 29 letter to CEA and to provide feedback on its contents.

CEA is required by the federal regulations governing accrediting agencies and the U.S. Department of Education to prepare a brief statement summarizing the reasons for a denial of accreditation by the Commission. The policy also requires that the site denied accreditation be given an opportunity to make responsive comment on CEA's statement. CEA's statement and the site's response must be submitted to the U.S. Department of Education, the appropriate office at the Department of Homeland Security, licensing bodies, and the public. Here is the policy as stated in the *CEA Policies and Procedures*, April 2014, page 61:

C. Commission decisions

3. Following denial, withdrawal, suspension, or termination of accreditation, CEA prepares a brief statement summarizing the reasons for the agency's final determination which is sent to the site for comments. The statement and responsive comment from the site will be forwarded to the Department of Education, the appropriate office at the Department of Homeland Security, licensing bodies and the public, or, if no response is made, evidence that the affected program or institution has been offered the opportunity to comment.

On May 1, 2014, I wrote Andrea Carter a letter stating this policy and giving NYGC an opportunity to respond. A copy of this letter is enclosed. In response to this opportunity, your May 29 letter states that "this document provides NYGC's official comment" in response to the initial and final denial of accreditation. However, we find no official comment on the statement CEA prepared.

Instead, NYGC stated that the submitted document was "registering NYGC's formal complaint against CEA." This is a separate process according to CEA policy (*CEA Policies and Procedures*, Complaints against CEA, p. 72) and cannot be considered as the response to the CEA statement included in my May 1 letter.

In addition, NYGC's final denial occurred following the affirmation of the Commission's denial of accreditation by the appeals board appointed to review NYGC's appeal. The appeals board reviewed the record of the denial (self-study report, review team report, response by the site, denial letter, and appeals document) and confirmed the Commission's denial of accreditation. At its April 2014 meeting, the Commission accepted the report of the appeals board, an independent body whose decision is final.

The following section from the CEA policy on appeals (*CEA Policies and Procedures*, p. 56, section on Appeals) states a site's options following a final appeal decision:

G. Effective date of action

From the date of filing of the notice of appeal until the final decision of the Appeals Board, the status of the program or institution shall be the same as it was before the issuance of the Commission decision that it is appealing. The decision of the Appeals Board shall then determine the status of the program or institution and shall be effective and final on the date the Commission issues the Appeals Board decision. The final decision may not be challenged in any other CEA forum.

Of note is the statement, "The final decision may not be challenged in any other CEA forum." This means that other than the response to the statement on the reasons for the denial prepared by CEA, a school has no recourse within CEA following final denial of accreditation upon appeal.

Thus, as according to this policy, CEA will not take action on the complaint, which comprises the full content of the May 29 letter, nor the request for a new appeals board and/or a follow-up site visit.

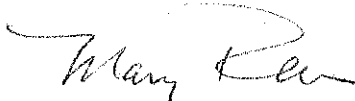

CEA acknowledges the challenges schools face due to the effects of Public Law 111-306 and the consequences of a denial of accreditation. However, we also know the importance of adhering constantly to the requirements of the *CEA Policies and Procedures* and of ensuring the consistent application of the *CEA Standards* in any accreditation review. Connected to these practices, let me make a few comments related to several items in your letter.

- The initial denial of accreditation was based wholly on the Commission's review of the NYGC self-study report, review team report, and response and the standards for which the site was out of compliance.
- The deferral was based on one specific issue for which the Commission needed more information—a deferral is not an opportunity to give a site time to respond to any other failures of compliance with the CEA Standards (*CEA Policies and Procedures*, p.26).
- The appeals board comprised former commissioners, none of whom took part in the decision under appeal, which comports with CEA policy as stated in the *CEA Policies and Procedures*, Appeals, p. 52.
- NYGC was given the usual 10-day opportunity "in which to object to individuals from the list upon the basis of conflict of interest." NYGC did not object to the proposed members.
- CEA received no formal complaint against NYGC prior to the accreditation decision. Prior to Commission meetings, CEA publicly announced the names of sites that will be reviewed in order for third parties to submit written comments. The Commission considers such written comments in making accreditation decisions. (*CEA Policies and Procedures*, Review Process,

- Public Comment, p 23.) Such comments, which are not submitted as "formal" complaints, are not submitted to the site for comment.

NYGC may of course submit its complaints about CEA to the U.S. Department of Education, Accreditation Branch. Should you wish to do so, we will provide you with contact information. We are also providing relevant parties with copies of this letter.

Sincerely,



Teresa D. O'Donnell, Executive Director

Mary Reeves, PhD, Associate Director

Cc: Christa Hansen, Commission Chair
Herman Bounds, Director of Accreditation, Accreditation Branch, USDE
Roman Peacock and Francine Hunter, Student and Exchange Visitor Program (SEVP)