



May 28, 2015

Ms. Staci Cockrell, President
American Broadcasting School
4511 Southeast 29th Street
Oklahoma City, OK 73115

Certified Mail
Return Receipt Requested
7014 1200 0001 7275 5194

RE: **Final Program Review Determination**
OPE ID: 03030800
PRCN: 201320628155

Dear Ms. Cockrell:

The U.S. Department of Education's (Department's) Dallas School Participation Division issued a program review report on April 3, 2013 covering American Broadcasting School's (ABS's) administration of programs authorized by Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HEA programs), for the 2011-2012 and 2012-2013 award years. ABS's final response was received on May 1, 2013.

A copy of the program review report (and related attachments) and the institution's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by ABS upon request. The Department has made final determinations based on information obtained during the program review and from documentation already submitted by ABS. This Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to close the review.

This FPRD contains one or more findings regarding ABS's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), and the Department's regulations in 34 C.F.R. §§ 668.41 and 668.46. Since a Clery Act finding does not result in a financial liability, such a finding may not be appealed.

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION

Dallas School Participation Division
1999 Bryan Street, Suite 1410, Dallas, TX 75201-6817
StudentAid.gov

ABS's responses have resolved all other findings. In addition ABS has provided assurances that the appropriate corrective actions have been taken to resolve and prevent future occurrences of all findings. Although the review is now considered closed by the School Participation Division, ABS must still submit the requested documentation as instructed in the FPRD.

Protection of Personally Identifiable Information (PII):

PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth). The loss of PII can result in substantial harm, embarrassment, and inconvenience to individuals and may lead to identity theft or other fraudulent use of the information. To protect PII, the finding in the attached report does not contain any student PII. Instead, the finding references students only by a student number created by Federal Student Aid. The student numbers were assigned in Appendix A, Student Sample.

Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(e)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Regina Krob at 214-661-9453.

Sincerely,



Cynthia Thornton, Director
Dallas School Participation Division

Enclosure:

Final Program Review Determination letter (with attachments)

cc: Ms. Angela Balcer, Financial Aid Administrator
Oklahoma Board of Private Vocational Schools
Texas Workforce Commission-Division of Proprietary School & Veterans Education
Accrediting Council for Continuing Education & Training
Department of Defense
Department of Veterans Affairs
Consumer Financial Protection Board

Prepared for
American Broadcasting School

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Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Division - Dallas

Final Program Review Determination May 28, 2015

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A. Institutional Information

American Broadcasting School
4511 Southeast 29th Street
Oklahoma City, OK 73115

Type: Proprietary

Highest Level of Offering: Certificate

Accrediting Agency: Accrediting Council for Continuing Education & Training

Current Student Enrollment: 120 (2012-2013)

% of Students Receiving Title IV: 87.5% (2012-2013)

Title IV Participation: G5

	2011-2012
Federal Pell Grant Program (Pell)	\$624,767
William D. Ford Federal Direct Loan Program (Direct Loan)	\$691,221

Default Rate FFEL/DL:	2008	16.9%
	2009	31.2%
	2010	24.6%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at American Broadcasting School (ABS) from January 14, 2013 to January 18, 2013. The review was conducted by Ms. Regina Krob and Mr. Michael Williams.

The focus of the review was to determine ABS's compliance with the statutes and federal regulations as they pertain to the institution's administration of Title IV programs. The review consisted of, but was not limited to, an examination of ABS's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2011-2012 and 2012-2013 (year to date) award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. A program review report was issued on April 3, 2013.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning ABS's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve ABS of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

C. Findings and Final Determinations

Resolved Findings

PMAR has taken the corrective actions necessary to resolve findings 1, 2, and 4 of the program review report. Therefore, these findings may be considered closed. Findings requiring further action by PMAR are discussed below.

Findings with Final Determinations:

The program review report finding requiring further action is summarized below. At the conclusion of the finding is a summary of ABS's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on April 3, 2013, is attached as Appendix B: Program Review Report.

Finding 3. Campus Crime Awareness Requirements Not Met

Citation Summary: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must publish and distribute a materially-complete Annual Security Report (ASR) that describes its policies,

procedures, and programs related to campus crime and security. Institutions must also publish statistics of certain incidents of crime that are reported to its police or security department and/or to any official that meets the definition of a campus security authority. The required policy disclosures include, but are not limited to policies for preparing the annual disclosure of crime statistics. 34 C.F.R. § 668.46(b)(2)(ii)

Noncompliance Summary: ABS did not have all required statements in its annual security report:

- The institution provided the required crime statistics in the student handbook and provided a specific category for hate crimes; however, ABS did not list hate crimes by category of bias.
- The following statement was missing from the information provided: A statement advising the campus community where registered sex offender information may be obtained.
- Testing of the Emergency Response and Evacuation procedures is not documented. The document must contain the date, time, and whether it was announced or unannounced.

Required Action Summary: ABS was required to review the regulation listed above to determine which policy statements and procedures needed to be revised or updated. It was also required to review its annual security report to ensure that it contained all required crime statistics and statements as specified in 34 C.F.R. §668.46.

To assist institutions, the Department provides guidance on complying with campus security in The Handbook for Campus Safety and Security Reporting, which can be obtained at the following website: <http://www2.ed.gov/admins/lead/safety/campus.html>.

ABS was required to submit the revised annual security report to this office.

ABS's Response: In its official response, ABS concurred with the finding and stated that it developed and implemented new policies and procedures to address the identified deficiencies. The institution also submitted a copy of its revised 2012 ASR and its new crime statistics and campus safety policies and procedures as part of the response.

Final Determination: ABS was cited for its failure to include all required campus safety policies in the 2012 ASR. The specific errors and omissions were identified in the original finding and include a failure to include hate crime statistics in the ASR. In addition, the institution did not include required information about the state sex offender registry or procedures for testing its emergency response and evacuation program. As a result of these violations, ABS was required to revise its 2012 ASR to include the omitted disclosures and to establish internal policies and processes to prevent recurrence and actively distribute the revised report to all required recipients. In its official response, ABS concurred with the finding, stated that adequate remedial action was taken, and submitted documents in support of its claims.

The Department carefully examined ABS's narrative response and supporting documentation. The review team's examination showed that the identified violations were, for the most part, satisfactorily addressed by the revised 2012 ASR and the new policies and procedures. Based on that review and ABS's admission of noncompliance, the violations identified in the finding are sustained. The Department has also determined that the institution's corrective action plan meets minimum requirements. For these reasons, the Department has accepted ABS's response and considers this finding to be closed for program review purposes, subject to the production of the documents requested below. Notwithstanding this action, ABS must take all necessary action to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the response to the program review report and as may otherwise be needed to ensure that these violations do not recur.

To further evaluate the institution's progress, ABS must submit a copy of its 2013 ASR with proof of active distribution to the Department within 10 days of receipt of this FPRD. This documentation must be submitted via electronic mail to Ms. Regina Krob at regina.krob@ed.gov and the Department's Clery Act Compliance Team at clery@ed.gov.

ABS's submission must reference the Program Review Control Number noted on the cover letter in the subject line of its e-mail submission. If any of the requested records cannot be produced or do not exist, ABS officials must clearly communicate that fact to the Department in writing via electronic mail. In this context, ABS officials are advised that no new documents are to be created at this time for the purpose of demonstrating compliance with any *Clery Act* requirement for past periods. The institution is also advised that a failure to respond to the supplemental request for document production will result in a referral for the imposition of administrative actions in addition to any referrals that may be made to address the original violations identified in Finding 3 of the program review report.

Although the finding is now conditionally closed, ABS is reminded that the exceptions identified above constitute serious violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" a violation of this type once it occurs. The institution was required to take remedial action and in doing so, has begun to address the conditions that led to these violations. ABS has stated that it has brought its overall campus safety program into compliance with the *Clery Act* as required by its Program Participation Agreement. Nevertheless, ABS officials must understand that any failure to publish and distribute an accurate and complete ASR deprives students and employees of important campus safety information to which they are entitled. For these reasons, the institution is advised that its remedial actions, whether already completed or planned for the future, cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective actions as a result.

Because of the serious consequences of such violations, the Department strongly recommends that ABS officials re-examine its campus safety and general Title IV

policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements. To that end, ABS officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide on *Clery Act* compliance. The Handbook is online at: www2.ed.gov/admins/lead/safety/handbook.pdf. The Department also provides a number of other *Clery Act* training resources. The institution can access these materials at: www2.ed.gov/admins/lead/safety/campus.html. The regulations governing the *Clery Act* can be found at 34 C.F.R. §§ 668.14, 668.41, 668.46, and 668.49.

Finally, ABS management is also reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* to require institutions to compile and disclose statistics for incidents of domestic violence, dating violence, sexual assault, and stalking. VAWA also requires institutions to include new policy, procedural, and programmatic disclosures regarding sexual assault prevention and response in their ASRs. All institutions are currently obligated to make a documented good-faith effort to comply with the statutory requirements of VAWA and to include the new required content in the 2014 ASR. The Department issued Final Rules on the VAWA amendments on October 20, 2014 and therefore, these regulations will go into effect on July 1, 2015, per the Department's Master Calendar. ABS officials can access the text of the Final Rule at:

<http://ifap.ed.gov/fregisters/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf>.

Finally, ABS officials are strongly advised to review the accuracy and completeness of its Drug and Alcohol Abuse Prevention Program (DAAPP) as required by the Drug-Free Schools and Communities Act (*DFSCA*) and Part 86 of the Department's General Administrative Regulations. FSA is now responsible for monitoring institutional compliance with the *DFSCA*. Therefore, it is essential that the institution makes sure that it has developed and implemented a comprehensive DAAPP and that it conducts substantive biennial reviews and produces biennial review reports on the proper schedule. For more information about the *Clery Act* and/or the *DFSCA*, please contact your program review team or another member of the Dallas School Participation Division.

D. Appendices

Appendix A: Student Sample

Appendix A, Student Sample, contains personally identifiable information and will be emailed to ABS as an encrypted WinZip file using Advanced Encryption Standard, 256-bit. The password needed to open the encrypted WinZip file(s) will be sent in a separate email.

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