



October 29, 2012

Mr. Duncan Anderson
Chief Executive Officer
Fortis College
6220 Westpark, Suite 180
Houston, TX 77057-7386

Certified Mail
Return Receipt Requested
7012 1010 0002 6534 0703

RE: **Final Program Review Determination**
OPE ID: 03424400
PRCN: 201230627873

Dear Mr. Anderson:

The U.S. Department of Education's (Department's) Dallas School Participation Division issued a program review report on June 14, 2012 covering Fortis College's administration of programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* (Title IV, HEA programs), for the 2010-11 and 2012-12 award years. The institution's final response was received on August 28, 2012.

The Dallas School Participation Division has reviewed Fortis College's response to the Program Review Report. A copy of the program review report (and related attachments) and Fortis College's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by Fortis College upon request. Additionally, 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.

Fortis College's response has resolved all findings. In addition Fortis College has provided assurances that the appropriate corrective actions have been taken to resolve and prevent future occurrences of all findings. Therefore, Fortis College may consider the program review closed with no further action required.

Program records relating to the period covered by this program review must be retained until the later of: the resolution of the loan(s), claim(s) or expenditure(s) questioned in the program review [34 C.F.R. § 668.24(e)(3)(i)] or the end of the retention period applicable to the record [34 C.F.R. § 668.24(e)(1) and (e)(2)].

If you have any questions please call Bruce Anderson at (214) 661-9470.

Sincerely,

(b)(6)



Cynthia Thornton, Director
Dallas School Participation Division

Enclosures: Program Review Report (with attachments)
Fortis College's Response to the Program Review Report

cc: Robert Martinez, Financial Aid Director
Council on Occupational Education
Texas Workforce Commission-Division of Proprietary School & Veterans Education

Prepared for

Fortis College



START HERE
GO FURTHER
FEDERAL STUDENT AID

OPE ID 03424400

PRCN 201230627873

Prepared by

U.S. Department of Education

Federal Student Aid

Dallas School Participation Division

Program Review Report

June 14, 2012

Dallas School Participation Division
1999 Bryan Street, Suite 1410, Dallas, Texas 75201-6817
www.FederalStudentAid.ed.gov
1-800-4-FED-AID

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A. Institutional Information

Fortis College
6220 Westpark, Suite 180
Houston, TX 77057

Type: Proprietary

Highest Level of Offering: Non-Degree 2 Years (1800-2699 hours)

Accrediting Agency: Council on Occupational Education

Current Student Enrollment: 857 (2011-2012)

% of Students Receiving Title IV: 94 % (2011-2012)

Title IV Participation: School Participation Team Funding Report

	2010-2011
Federal Pell Grant (Pell)	\$ 5,719,076
Federal Supplemental Educational Opportunity Grant (FSEOG)	\$ 101,942
Federal Work-Study (FWS)	\$ 43,361
Federal Family Education Loan (FEEL)	\$ 389,669
William D. Ford Federal Direct Loan (Direct Loan)	\$ 10,471,664

Default Rate FFEL/DL:	2009	20.5%
	2008	17.2%
	2007	14.5%

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Fortis College from April 16, 2012 to April 20, 2012. The review was conducted by Ms. Shebony Foster and Mr. Bruce Anderson.

The focus of the review was to determine Fortis College'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 Fortis College'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 2010-2011 and 2011-2012 (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. Appendix A, which will be provided via email, lists the names and partial social security numbers of the students whose files were examined during the program review.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning Fortis College'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 Fortis College of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects an initial finding. This finding is not final. The Department will issue its final finding in a subsequent Final Program Review Determination letter.

C. Findings

During the review, areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by Fortis College to bring operations of the financial aid programs into compliance with the statutes and regulations.

Finding 1. Campus Security Procedures Inadequate

Citation: Institutions are required to publish and distribute, by October 1 of each year, an annual security report that contains required crime statistics, as well as required statements and policies, to its current students and employees. Institutions must also

inform prospective students and employees of the report's availability and provide a copy upon request.

The annual security report must report crime statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property of the following offenses:

- Criminal homicide (murder and non-negligent manslaughter)
- Sex offenses (forcible sex offenses and non-forcible sex offenses)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Arrests for liquor law violations, drug law violations, and illegal weapons possession
- Persons not included in the above category who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession

The annual security report must also contain a number of statements, including, *but not limited to*:

- A statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include (1) policies for making timely warning reports to members of the campus community regarding the occurrence of crimes required to be reported in the annual security report, (2) policies for preparing the annual disclosure of crime statistics, and (3) a list of the titles of each person or organization to whom students and employees should report the criminal offenses for the purpose of making timely warning reports and the annual statistical disclosure.
- A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- A description of programs designed to inform students and employees about the prevention of crimes.
- A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.
- A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.
- A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.
- A description of any drug or alcohol-abuse education programs.

- A statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs.
- A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

The above statements are not comprehensive and are provided for illustrative purposes only. A complete list of required statements is provided in Appendix B. Institutions must comply with the campus security requirements for each separate campus. *34 C.F.R. § 668.46 (the implementing regulations of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act)*

Noncompliance: Information provided in the annual security report to students and staff is not consistent with the information submitted to the Department. While on-site, staff members provided the police department's crime report which included the actual number of crime instances. Based on the police department's report, it appears the information Fortis College submitted to the Department is incorrect. According to the police department's records in 2009 there were 8 instances of burglary on campus; 0 instances of motor vehicle theft on campus; and 1 instance of motor vehicle theft off campus. Fortis College failed to report the 8 instances of burglary and over reported 2 on-campus and 1 off-campus instances of motor vehicle theft to the Department. Likewise, in 2010 the police department's records show 3 instances for burglary and 1 instance of assault which Fortis College failed to report to the Department.

In addition, Fortis College failed to include all required crime categories in the annual security report distributed to students and staff. Specifically, Fortis College did not include 4 hate crime categories, (1) Larceny-theft; (2) Simple Assault; (3) Intimidation; and (4) Destruction, Damage, or Vandalism of Property.

Required Action: Fortis College must revise its annual security report and provide a copy to all current students and employees. This report must contain all required statements as specified in 34 C.F.R. § 668.46.

The Department has made available the "*Handbook for Campus Safety and Security Reporting*" to assist institutions in complying with the Clery Act. It can be found at the following web address:

<http://www2.ed.gov/admins/lead/safety/campus.html>

Fortis College may elect to distribute the report to its current students and employees via the web but, to do this, must provide an individual notice to each recipient that includes:

- A statement of the report's availability,
- A list and brief description of the information contained in the report,
- The exact electronic address of the Internet or Intranet Web site at which the report is posted, and
- A statement saying the school will provide a paper copy upon request.

In addition, Fortis College must (1) contact the Department's Campus Crime Help Desk at (800) 435-598 and request that the crime statistics be amended and reflected on the Department's public website, (2) provide a copy of the amended report to this office, (3) describe its method for distributing the amended report, and (4) provide this office with written assurance that it will, in the future, publish an annual security report by October 1 of each year, with accurate required crime statistics, policies and statements.

D. Appendices

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

Appendix A – Student Sample (provided via email)

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August 28, 2012

Ms. Shebony Foster
Institutional Review Specialist
Federal Student Aid
Dallas School Participation Division
1999 Bryan Street, Suite 1410
Dallas, Texas 75201-6817

**RE: Program Review Report
OPEID: 034244
PRCN: 201230627873**

Dear Ms. Foster:

We are in receipt of Ms. Kim Peeler's letter of June 14, 2012, which included your report of the Department's review of the Fortis College's participation in the Title IV programs conducted April 16, 2012 to April 19, 2012. In her letter, Ms. Peeler requested that we send our response to the finding in the program review report to you. We greatly appreciate your courtesy and technical assistance during your visit to our College.

The following is our response to the finding in the report.

1. Campus Security Procedures Inadequate

Finding: The information provided in the College's annual security report to students and staff was not completely accurate or consistent with the information submitted to the US Department of Education (ED). Specifically, based on the Houston's Police Department's report, for 2009, there were 8 instances of burglary on campus, 0 instances of motor vehicle theft on-campus, and 1 instance of motor vehicle theft off-campus. Fortis College failed to report the 8 instances of burglary and over reported the 2 on-campus and 1 off-campus instances of motor vehicle theft to ED. The 2010 Houston Police Department's report contains 3 instances of burglary and 1 instance of assault, which Fortis College also failed to report to ED for 2010.

In addition, Fortis College failed to include all required crime categories in its annual security report distributed to students and staff. Specifically, Fortis College did not include the four hate crime categories: (1) Larceny-Theft; (2) Simple Assaults; (3) Intimidation and (4) Destruction, Damage, or Vandalism of Property.

Response: Fortis College has revised it previously submitted 2010 crime statistics with the Department, and has entered a comment in the 2011 crime statistics referencing the revised 2009 crime statistics. Fortis College has also updated both 2010 and 2009

Campus Crime Reports, which were provided to students and staff. The updated reports accurately reflect the revised crime statistics and additional hate crime categories. The crime statistics provided to the Department and the updated crime reports now reflect the 8 instances of burglary on-campus and 1 instance of motor vehicle theft off-campus for 2009. For 2010, the revised report show 3 instances of burglary and 1 instance of assault. The revised Campus Crime Reports were provided to students and staff by the posting of the Campus Consumer Information web link in all student and staff common areas.

For your reference and review, the following are the web sites:

<http://www.fortisedu.info/cig-houston-south-texas.php>

<http://www.fortisedu.info/cig-houston-north-texas.php>

For your convenience, I am also attaching a paper copy of both the Consumer Information and Campus Crime pages for both campus locations and screen prints of the revised 2009 and 2010 crime statistics from the Campus Safety and Security Survey website. [See Attachments: A, B, & C.]

Fortis College will publish and post its annual security report by October 1 of each year, with accurate required crime statistics, policies and statements.

Thank you very much for the courtesy shown during the review and for assisting us to resolve the finding in the report and improve administration of Title IV Student Assistance programs.

Sincerely,

(b)(6)

Rob Martinez
Director of Financial Aid

cc Mr. Duncan Anderson, President/CEO
Mr. Sidney Carey, Campus President
Ms. Wendy Reynolds, Regional Financial Aid Director
Mr. Frederick Wilson, Vice President for Finance

Attachments (4)