

U.S. DEPARTMENT OF EDUCATION
Office of Postsecondary Education

National Advisory Committee
on Institutional Quality and Integrity

Thursday, December 15, 2011

Crowne Plaza Old Town
Jefferson Ballroom
901 N. Fairfax Street
Alexandria, Virginia

MEMBERS:

JAMIENNE S. STUDLEY, J.D., Chair

ARTHUR J. ROTHKOPF, J.D., Vice Chair

GEORGE T. FRENCH, JR., Ph.D.

ARTHUR E. KEISER, J.D.

WILLIAM "BRIT" E. KIRWAN, Ph.D.

ANNE D. NEAL, J.D.

SUSAN D. PHILLIPS, Ph.D.

BETER-ARON SHIMELES

CAMERON C. STAPLES, J.D.

LARRY D. VANDERHOEF, Ph.D.

CAROLYN WILLIAMS, Ph.D.

FRANK H. WU, J.D.

FEDERICO ZARAGOZA, Ph.D.

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1 P R O C E E D I N G S

2 (8:40 a.m.)

3 WELCOME AND INTRODUCTIONS

4 CHAIR STUDLEY: Good morning and welcome.

5 Thank you for being here for this meeting of NACIQI.

6 I'm Jamiene Studley, the Chair of NACIQI, and

7 I'd like to welcome all of you.

8 We're going to begin by going around the table
9 and introducing the members of the committee for the
10 benefit both of the members of the audience and the
11 reporter who is taking the notes for us.

12 Let's begin with the Vice Chair, the esteemed
13 Arthur Rothkopf.

14 VICE CHAIR ROTHKOPF: I'm the Vice Chair
15 Arthur Rothkopf.

16 DR. PHILLIPS: Susan Phillips.

17 MR. WU: Frank Wu.

18 CHAIR STUDLEY: I think, if you wouldn't mind,
19 although you are the same people you were when you
20 introduced yourselves yesterday, the audience is new.
21 So if you would just title, not name, rank, and serial
22 number.

1 DR. PHILLIPS: Okay. Susan Phillips, Chair of
2 the Subcommittee on Policy, and Provost and Vice
3 President for Economic Affairs, State University of New
4 York at Albany.

5 MR. WU: Frank Wu, Chancellor and Dean,
6 University of California, Hastings College of Law.

7 MR. STAPLES: Cam Staples, President of the
8 New England Association of Schools and Colleges.

9 DR. WILLIAMS: Carolyn Williams, former
10 President, Bronx Community College, City University,
11 New York.

12 MR. SHIMELES: Aaron Shimeles, New York City
13 Operations Coordinator at Perry Health Exchange.

14 MS. NEAL: Anne Neal, President of American
15 Council of Trustees and Alumni.

16 DR. KIRWAN: Rick Kirwan, Chancellor of the
17 University System of Maryland.

18 DR. VANDERHOEF: I'm Larry Vanderhoef, former
19 Chancellor at UC Davis.

20 MR. KAISER: Art Kaiser, Chancellor at Kaiser
21 University.

22 DR. ZARAGOZA: Federico Zaragoza, Vice

1 Chancellor, Alamo Community College.

2 DR. FRENCH: George French, President, Miles
3 College, Birmingham, Alabama.

4 MS. GILCHER: Kay Gilcher, Director of the
5 Accreditation Group, U.S. Department of Education.

6 MS. WANNER: Sally Wanner, Office of General
7 Counsel, U.S. Department of Education.

8 EXECUTIVE DIRECTOR LEWIS: Melissa Lewis,
9 NACIQI Executive Director, Department of Education.

10 CHAIR STUDLEY: Thank you, all.

11 OVERVIEW OF PROCEDURES FOR
12 COMMITTEE REVIEW OF PETITIONS

13 CHAIR STUDLEY: As you know, one of the
14 primary functions of NACIQI is to advise the Secretary
15 as to whether he or she should recognize specific
16 accrediting agencies, state approval agencies, and
17 others. That's what we'll be doing this morning and
18 this afternoon we will move into a different phase of
19 activities relating to recommendations that the
20 Secretary has sought from us with respect to the
21 reauthorization of the Higher Education Act.

22 Before we begin this morning's presentations,

1 I want to ask Sally Wanner from the Office of General
2 Counsel and Kay, if she would like to join, as well, to
3 recap for us the options that we have and the
4 relationship of staff recommendations to the NACIQI
5 recommendation.

6 We talked about it yesterday but we have a
7 different audience and thought it would be useful for
8 us to begin that way.

9 Sally, thank you.

10 MS. WANNER: Good morning. At this stage
11 we've already had on each agency that's coming before
12 our committee a recommendation from Department staff.
13 The job of the committee is to make its own
14 recommendation that's independent of the staff's. The
15 purpose is to get the expertise of all of you who are
16 experienced and knowledgeable in the field.

17 Then at that point, after this hearing, the
18 recommendation of the staff and the recommendation of
19 the advisory committee will go before the
20 decision-maker who is Dr. Ochoa, the Assistant
21 Secretary of Postsecondary Education. If there's an
22 appeal from Dr. Ochoa's decision, that would go to

1 Secretary Arnie Duncan.

2 Both of the recommendations are -- it's not an
3 appellate proceeding here. Both of the recommendations
4 are independent of each other and the decision-maker,
5 Dr. Ochoa, will give them the weight that he thinks
6 appropriate.

7 As I said, on each of the agencies here, the
8 staff has already made a recommendation. The advisory
9 committee will make its decision based on the written
10 materials that it's already reviewed and the testimony
11 today, applying their expertise. They're not bound by
12 the decision of the staff.

13 As far as the options on individual agencies,
14 the committee can, if it's a renewal or an initial
15 petition and the agency meets all of the criteria and
16 has documented that it effectively applies them, the
17 committee can recommend renewal or initial recognition.

18 If they have some findings, if the committee
19 agrees that they are not in complete compliance but the
20 committee also thinks that it's reasonable to
21 suppose -- that the agency has showed that it's
22 reasonable to suppose that they will bring those areas

1 of noncompliance into compliance within the period of a
2 year, the committee has the option of recommending a
3 continuation of recognition for that 12-month period or
4 less, depending on how much the committee thinks
5 appropriate, at which point the agency would provide a
6 compliance report which hopefully would demonstrate
7 that it had fixed its problems and then the recognition
8 could be renewed.

9 That is an option that's only available for an
10 agency that's seeking renewal and not for an agency
11 seeking initial recognition.

12 If the committee feels that an agency is out
13 of compliance and does not think it is reasonable to
14 suppose that the agency can bring itself into
15 compliance within the 12-month period that the statute
16 allows, the options are to deny, limit, suspend, or
17 terminate an agency's recognition. Denial and
18 termination are more or less the same but limitation
19 involves more creativity.

20 What has been done in the past as far as
21 limitations are things such as renew the agency but not
22 recognize it for its accreditation of any new schools

1 it hasn't previously accredited, renew it but don't
2 permit recognition of any substantive changes by the
3 schools, and anything else creative that you can come
4 up with are options for you.

5 Obviously things you want to keep in mind in
6 doing a limitation are, you know, what the impact will
7 be on students and on schools that are obviously not
8 responsible for the shortcomings of the accrediting
9 agency.

10 In the event an agency is terminated, just so
11 you know, the Secretary does have authority, it has
12 exercised it, to permit schools from such an agency to
13 continue to participate in the Title IV programs for an
14 additional 18 months after that loss of recognition and
15 at that point they would have had to have obtained
16 alternative accreditation.

17 As far as requests for expansion of scope, I
18 think the things that you would look at are whether the
19 agency has the requisite experiences and compliant
20 policies and capacity and performance record to support
21 the request, and I guess one area also I should
22 mention, with the continuation, you could do like you

1 did yesterday, impose any additional special
2 requirements or language to indicate your particular
3 concerns. You can recommend that findings be made of
4 noncompliance that weren't in the staff report.

5 So I think that gives you an idea that you
6 have a great deal of latitude in deciding on your final
7 recommendation and again the purpose of this is for you
8 to apply your knowledge and give it your best thinking
9 and we appreciate the benefits of that input.

10 Thank you.

11 CHAIR STUDLEY: Thank you very much, Sally.
12 We've all heard that several times but it makes more
13 sense each time we hear it and it's also a useful
14 summary, I think, for our audience.

15 We will describe to you this afternoon the
16 procedures for this afternoon when we move into that
17 separate process, but I would mention right now that we
18 have scheduled a time for Public Comment tomorrow from
19 11:30 to 12, but if, depending on how our time goes and
20 what the signup is for participation, we might be able
21 to accelerate that and allow some of the Public Comment
22 on the policy recommendations to move forward to this

1 afternoon. The advantage to that would be to get as
2 much of the observations as possible before we move
3 into our discussion of the recommendations that we will
4 make to the Secretary. We will still, however, because
5 we committed to do it, have the 30-minute comment
6 period tomorrow morning at 11:30 for those who want it.

7 With that, I'd like to recognize Melissa
8 Lewis, our outstanding Executive Director, and ask her
9 whether she has any other announcements or opening
10 remarks.

11 EXECUTIVE DIRECTOR LEWIS: Thank you, Jamie.
12 I'd like to also welcome back the members of the NACIQI
13 and also welcome our guests today. Thank you very much
14 for coming.

15 I hope everyone's picked up an Agenda from
16 outside the meeting room. There's also a List of
17 Members there as well as the Guidelines for Third Party
18 Commenters.

19 To signup onsite as a third party public
20 commenter, please go down to the desk down by the
21 Christmas tree and complete a form. They'll time stamp
22 it and give you a laminated number and we're accepting

1 up to five speakers per agency and we will accept them
2 up until five minutes of the scheduled review time for
3 the agency.

4 Today, we have 13 members with us. Earl
5 Lewis, Bill Pepicello, Bruce Cole, and Wilfred McClay
6 are unable to attend, and I also wanted to note that
7 the morning will be agency reviews and then, starting
8 at what time, starting at 12 o'clock, Jamie Merisotis
9 will present on the Lumina Foundation's Degree
10 Qualification Profile and their Goal 2025, and then
11 following that, the committee will begin their
12 deliberations concerning the Draft Report to the
13 Secretary concerning their recommendations on the
14 reauthorization of the Higher Education Act.

15 And I would like to thank everyone again for
16 their hard work and preparation for the meeting,
17 particularly the staff, as well as the members.

18 Jamie?

19 CHAIR STUDLEY: Thank you.

20 OKLAHOMA BOARD OF CAREER AND TECHNOLOGY EDUCATION

21 CHAIR STUDLEY: Let's move into the review of
22 specific agency petitions. We begin with the Oklahoma

1 Board of Career and Technology Education. The primary
2 readers for this are Aron Shimeles and Cameron Staples.
3 Department Staff member is Rachael Shultz, and there
4 are no representatives of the agency scheduled to
5 appear before us nor any oral commenters who've
6 requested to participate.

7 Aron, are you going to be --

8 MR. SHIMELES: Thank you. The Oklahoma Board
9 of Career and Technology Education is recognized for
10 the approval of public postsecondary vocational
11 education programs offered at institutions in the state
12 of Oklahoma. They're not under the jurisdiction of the
13 Oklahoma State Regents for Higher Education.

14 The Oklahoma Board of Career and Technology
15 Education is vested with the power to govern and
16 establish criteria and procedures for 29 technology
17 center districts encompassing 57 campuses across the
18 state. Approval by the Oklahoma Board of Career and
19 Technology Education enables technology centers to
20 receive funding under Title IV as well as under other
21 federal programs related to vocational education.

22 In addition to its petition for continued

1 recognition, the agency's requesting an expansion of
2 scope of its recognition to include its approval of
3 public postsecondary vocational education institutions
4 offering non-degree vocational education, including
5 those programs offered via distance education.

6 CHAIR STUDLEY: Rachael?

7 Dr. SHULTZ: Good morning. I'm Rachael
8 Shultz, and I'll be presenting information regarding
9 the petition submitted by the Oklahoma Board of Career
10 and Technology Education or OBCTE.

11 The staff recommendation to the Senior
12 Department Official is to continue the agency's current
13 recognition and require a compliance report within 12
14 months on the issues identified in the staff report.

15 This recommendation is based upon the staff
16 review of the agency's petition and supporting
17 documentation as well as the observation of a site
18 visit in Oklahoma City in November 2011.

19 Our review of the agency's petition revealed
20 several issues in several areas of the criteria.
21 Several of the findings relate to the OBCTE's review
22 process and include such things as the need for

1 corrections to the agency's site evaluator training
2 manual or the need for more information in areas such
3 as the selection and training of site evaluators, how
4 the agency crosswalks its requirements with industry or
5 national accrediting agency standards in order to
6 conduct joint reviews, and how the agency monitors
7 changes that occur during an institution's
8 accreditation period.

9 A number of the findings were related to
10 distance education. In its petition, the OBCTE
11 requested an expansion of scope to include distance
12 education. However, our review of the agency's
13 petition identified several issues that need to be
14 addressed prior to such an expansion. Primarily, staff
15 concerns center on questions of how the agency has
16 addressed distance education in its standards and in
17 its review process in order to ensure that distance
18 education components are approved and evaluated in a
19 consistent manner across all of the agency's vocational
20 institutions.

21 For instance, the agency needs to provide
22 information describing how it reviews and approves

1 majors that include a distance education component. It
2 needs to provide additional information regarding the
3 standards and process for accrediting institutions that
4 include offerings via distance education. It needs to
5 demonstrate that it includes an assessment of distance
6 education in its self-studies, onsite review processes,
7 and training.

8 Also, it must provide additional information
9 on how an institution self-assesses its distance
10 education offerings against agency standards.

11 For this reason, we are recommending a
12 deferral of the agency's request for an expansion of
13 scope in order that these issues may be addressed in
14 the agency's report.

15 Since many of these issues only require the
16 need for additional information or documentation and
17 because we have received no record of complaints or
18 concerns regarding this agency, we believe that the
19 agency can resolve the concerns we have identified and
20 demonstrate its compliance in a written report in a
21 year's time.

22 Therefore, as I stated earlier, we are

1 recommending to the Senior Department Official that
2 OBCTE's current recognition be continued and that the
3 agency submit a compliance report in 12 months on the
4 issues identified in the staff report.

5 Due to the state budget constraints, no OBCTE
6 representatives were able to attend today's meeting,
7 but I will be happy to answer the committee's questions
8 regarding the agency. Thank you.

9 CHAIR STUDLEY: Thank you very much, Rachael.
10 Cam, do you?

11 MR. STAPLES: I have nothing to add, except to
12 offer a motion, if there's no more discussion.

13 CHAIR STUDLEY: Any questions or comments?

14 (No response.)

15 CHAIR STUDLEY: Okay. Thank you very much.
16 Are there any questions or comments from members of the
17 committee?

18 (No response.)

19 CHAIR STUDLEY: In that case, would you like
20 to make the motion, Cam?

21 M O T I O N

22 MR. STAPLES: Okay. I would make the motion

1 that we have made a number of times yesterday, which is
2 consistent with the staff recommendations, that the
3 agency's recognition be continued. I don't know if you
4 have that language to post up there. I can read it.
5 That it be continued for -- to permit the agency an
6 opportunity to, within a 12-month period, bring itself
7 into compliance with the criteria cited in the staff
8 report and that it submit for review within 30 days a
9 compliance report demonstrating compliance with the
10 cited criteria and their effective application. Such
11 continuation shall be effective until the Department
12 reaches a final decision.

13 I think we changed that wording slightly from
14 this draft and I would accept the language we used
15 yesterday instead, the edited version of that.

16 MR. SHIMELES: And do we also want to include
17 the language on the expansion of scope?

18 MR. STAPLES: I'm sorry?

19 MR. SHIMELES: Do we also want to include the
20 language on expansion of scope?

21 MR. STAPLES: I wasn't sure we could do that.

22 We're continuing it for 12 months. I don't know why

1 we would do that.

2 EXECUTIVE DIRECTOR LEWIS: If you simply say
3 that you're continuing the current scope, then that
4 excludes the expansion and they can address that in
5 their report.

6 CHAIR STUDLEY: Okay. A motion has been made.
7 Is there a second?

8 (Second.)

9 CHAIR STUDLEY: Thank you very much. All in
10 favor, please signify by raising your hands. It
11 apparently is easier for people.

12 (Show of hands.)

13 CHAIR STUDLEY: Thank you very much. Any
14 opposed?

15 (No response.)

16 CHAIR STUDLEY: Thank you very much. The
17 motion carries, and we will forward our motion of
18 approval of the renewal of recognition. Thank you very
19 much.

20 NORTH CENTRAL ASSOCIATION COMMISSION ON
21 ACCREDITATION AND SCHOOL IMPROVEMENT (NCA-CASI)

22 CHAIR STUDLEY: We now move on to the next

1 agency before us, the North Central Association
2 Commission on Accreditation and School Improvement.

3 The primary readers are Arthur Keiser and
4 Federico Zaragoza. The Department staff member is
5 Joyce Jones, and I would invite the representatives of
6 the agency to -- you're sitting -- why don't we let
7 Joyce, the staff member, make the presentation, and
8 then we'll invite up the representatives of the agency?
9 Would you prefer that they come up now?

10 The primary readers -- are you first up, Art?

11 MR. KEISER: I am.

12 CHAIR STUDLEY: Excellent. Thank you very
13 much.

14 MR. KEISER: Madam Chair, I'd like to
15 introduce the Application for Renewal Petition with a
16 Request for Expansion of Scope of Recognition by the
17 North Central Association Commission on Accreditation
18 and School Improvement.

19 This agency currently accredits in, I think it
20 is, 17 different states as a regional accrediting
21 agency and they have been continuously recognized as a
22 regional accrediting agency by the U.S. Department of

1 Education since 1974.

2 This agency accredits both secondary and
3 post-secondary institutions. In addition, with the
4 expansion of scope they want to move from a regional
5 accrediting agency to a national accrediting agency.

6 NCA-CASI accredits a niche of postsecondary
7 career and technical vocational clock hour
8 certificate-granting institutions in 19 states as well
9 as the Navajo Nation. It currently works with a 193
10 postsecondary institutions with a 169 accredited and 13
11 candidacy institutions with 11 institutions in
12 applicant status.

13 Currently in total NACI-CASI-accredited
14 post-secondary career technical institutions educate
15 approximately a 190,000 adult students annually.

16 I have done something a little different in
17 that I've passed out a copy of the report which you
18 have on your computer which highlights the status and
19 the compliance with the standards. I'm going to let
20 Joyce take it from here but I want to point out the
21 significant number of issues that have been raised by
22 the staff report which total over 55. I counted

1 between 57 and 59. I can't get it right exactly the
2 numbers but significant numbers of deficiencies cited
3 in the report at which point I will recognize Joyce to
4 make the staff report.

5 MS. JONES: Thank you, Dr. Keiser. Members of
6 the Committee, Madam Chair, as Dr. Keiser said, my name
7 is Joyce Jones, and as a member of the Department's
8 Accreditation Group, I will summarize the staff report
9 of the analysis and the recommendations following our
10 review of the petition for renewal of recognition and a
11 request for an expansion of scope submitted by the
12 North Central Commission on Accreditation and School
13 Improvement. I will refer to the agency as NCA-CASI.

14 The staff recommendation to the Senior
15 Department Official for this agency is to deny
16 recognition of the NCA-CASI for the accreditation and
17 pre-accreditation or candidacy of the schools offering
18 non-degree postsecondary vocational education programs
19 and its request for an expansion of scope from a
20 regional accrediting body to a national accrediting
21 body.

22 We based our recommendation on our review of

1 the agency's June 2011 petition, supporting and
2 supplemental documentation, a review of the June 2010
3 previous petition for initial accreditation submitted
4 by the agency's parent corporation, AdvancED, observed
5 two decision meetings, one of the Board of Trustees of
6 AdvancED, and the Board of Directors of NCA-CASI, one
7 site visit to the Ben Franklin Career and Technical
8 Center in West Virginia.

9 During the past two and a half years, the
10 agency has reorganized its structure, developed new
11 bylaws, standards, policies, and procedures for
12 conducting their accreditation process for schools that
13 offer vocational education at the postsecondary level.

14 In its last rendition of standards, the agency
15 has not demonstrated that its new standards have a
16 comprehensive component for institutions to conduct an
17 in-depth assessment for educational quality or that its
18 site evaluators and decision-makers consistently apply
19 its standards, policies, and procedures to demonstrate
20 a comprehensive assessment before making a
21 recommendation or a decision.

22 Department staff has serious concerns

1 regarding the agency's ability to come into compliance
2 due to the depth and the extent of issues surrounding
3 the agency's administrative capacity, its establishment
4 and application of its standards, policies, and
5 accreditation processes, and its overall reliability as
6 a recognized agency and Title IV gatekeeper.

7 The Department does not believe that if the
8 agency receives 12 months to submit a compliance report
9 on the many issues identified in the staff report, that
10 the agency could come into full compliance with each of
11 the several many issues of noncompliance identified in
12 the analysis.

13 The following summarizes the overarching
14 issues for which the Department has concerns: the
15 composition of the Board of Directors, Appeals Panel,
16 and all review entities, whether they have adequate
17 administrative and physical resources and how they are
18 dedicated to postsecondary vocational accreditation,
19 development and implementation of processes and
20 procedures that demonstrate an effective application of
21 the accreditation evaluation process, development and
22 implementation of processes and procedures that

1 demonstrate the effective application of the operating
2 requirements outlined in the criteria for recognition,
3 development and application of clearly-defined
4 standards that are compliance-based and specific to
5 postsecondary vocational education programs that have
6 measurable thresholds to determine compliance,
7 development and implementation of training on the
8 interpretation and application of the agency's
9 postsecondary vocational education standards and the
10 review responsibilities and procedures of the Board,
11 the Appeals Panel, and the site team evaluators,
12 development and implementation with clearly-sustainable
13 timelines for enforcing its standards, and operating
14 procedures, such as conducting standards review process
15 or sending the notifications of decisions to all
16 relevant entities, among other things.

17 With the creation of AdvancED as the umbrella
18 organization in 2006, NCA-CASI became a part of the
19 parent corporation. After creating a new governance
20 structure with AdvancED, new policies, procedures, and
21 standards were implemented, giving AdvancED Board of
22 Trustees decision-making authority for postsecondary

1 education.

2 In June 2010, the corporation submitted a
3 petition for initial recognition of AdvancED for your
4 Fall 2010 meeting. The Department reviewed the initial
5 petition and it revealed numerous areas of
6 noncompliance based on a lack of evidence of
7 implementation, insufficient standards, and a concern
8 that the agency standards did not demonstrate a quality
9 and authoritative assessment of postsecondary
10 vocational education.

11 After reviewing the petition, the Department
12 sent the agency a draft staff report. The agency
13 withdrew that petition and again reorganized and used
14 the suggestions made in the AdvancED staff report to
15 revise its governance structure and address the
16 numerous compliance concerns and then resubmitted as
17 NCA-CASI in a Petition for Recognition in June 2011.

18 What is evident to the Department is that the
19 agency has had at least three opportunities within two
20 and a half years under previous reviews and with the
21 technical assistance provided by the Department staff
22 and General Counsel to correct identified deficiencies,

1 to comply with the Department's criteria for
2 recognition.

3 In each of the three opportunities, the agency
4 has failed to come into compliance with the criteria.

5 Department acknowledges that the agency has
6 undertaken major changes in its accreditation process
7 since the reorganization into AdvancED in April 2006.
8 However, after having several opportunities to
9 demonstrate compliance, the staff believes the agency
10 does not understand the accreditation criteria.

11 Based on the noncompliance citations, the
12 Department's recommendation to deny recognition is
13 based on the breadth of the areas of noncompliance with
14 the criteria essential to consideration of an agency as
15 an authority on the quality of education offered at
16 institutions it accredits that offer postsecondary
17 vocational education programs. In addition, the agency
18 has not demonstrated that its application of the
19 revised standards and accreditation processes conform
20 to the Department's expectation of an accrediting
21 agency that accredits these types of institutions as
22 shown by the concerns in the staff analysis.

1 In addition to recommending denial of
2 recognition, the Department is also recommending to the
3 Senior Department Official the denial of the agency's
4 request for an expansion of scope from a regional
5 accrediting agency responsible for institutions in 19
6 states to a national accrediting agency that would
7 conduct accrediting activities in 50 states in its
8 current state and noncompliance with the criteria.

9 This concludes my presentation. Thank you.
10 Members of the agency are present as well as third
11 parties to make oral comments.

12 Thank you very much.

13 CHAIR STUDLEY: Okay. We figured out our mike
14 problem.

15 Arthur, would you like to -- were you going to
16 introduce the agency representatives? No.

17 In that case, we'd like to hear from the
18 representatives of the agency and, Joyce, if you'd like
19 to remain.

20 MS. JONES: I'm just going to switch over so
21 they'll have access.

22 CHAIR STUDLEY: We have listed as the

1 participants Mr. Bergman, Mr. Elgart, Mr. or Ms.
2 Travis, and Mr. Winnick. We would ask you to introduce
3 your group. Thank you very much. We appreciate your
4 being here today. Thank you.

5 MS. TRAVIS: Thank you for the opportunity to
6 address the committee this morning.

7 My name is Chelle Travis, and I am the Vice
8 President for NCA-CASI, Postsecondary Career and
9 Technical Services.

10 NCA-CASI is an unincorporated division of
11 AdvancED which is a 501(c)(3) organization. The
12 members of my team who are here to provide you with the
13 information regarding our petition today are Dr. Mark
14 Elgart, President and CEO of AdvancED, Ken Bergman,
15 General Counsel, and Steve Winnick, who is with
16 Education Counsel here in Washington, which is
17 supporting our efforts today.

18 It is our hope that your conclusions will be
19 informed by careful consideration of the details of our
20 submission which have been obscured and, frankly,
21 miscast by the format and substance of the staff
22 recommendations. In particular, we would hope that you

1 would review Exhibit 1000 which provides major relevant
2 facts that should bear on any judgment you make.

3 I have copies of that exhibit available for
4 your review if you wish.

5 Mark, let me turn it to you.

6 DR. ELGART: Good morning, Madam Chair,
7 Members of the Committee. My name is Mark Elgart. I
8 serve as the President and CEO of AdvancED.

9 I have 25 years' experience in the
10 accreditation community, beginning as a member of the
11 Commission on Public Secondary Schools for the New
12 England Association of Schools and Colleges, and have
13 been in this role even at the prior recognition of
14 NCA-CASI in 2007.

15 So that you understand the corporate
16 relationship, AdvancED was created in 2006 by the
17 unification of NCA-CASI and its sister regional
18 accreditors, SACS Commission on Accreditation School
19 Improvement, the K-12 Division of the Southern
20 Association of Colleges and Schools. We formed
21 AdvancED, NCA-CASI and SACS-CASI did, created the name,
22 and, in essence, AdvancED is NCA-CASI and NCA-CASI is

1 AdvancED.

2 We did so in 2006 with the full knowledge of
3 the Department and guidance by the Department on how we
4 ensured that unification didn't disrupt or conflict
5 with our recognition and with full knowledge of that
6 unification in 2007 NACIQI recommended and it was
7 granted by the Secretary full recognition for a
8 five-year period in 2007.

9 NAC-CASI, as you'll learn, works with almost
10 200 postsecondary institutions, 166 of which are
11 currently accredited in 19 states, serving over 350,000
12 adults annually. We're a unique niche in the
13 postsecondary world for non-degree-granting
14 institutions. We focus on career and technical
15 education where programs vary dramatically in size and
16 scope. We have schools that serve 20 students to
17 20,000 students.

18 Since NCA-CASI was reauthorized by the
19 Department in 2007, without condition, our institutions
20 have continued to consistently demonstrate a remarkable
21 track record of achievement, including their completion
22 and graduation rates, job placement rates, and

1 licensure passage rates are well over 80 percent, and
2 in most instances those numbers are near 90 percent.
3 Our institutions' student default rates are
4 consistently under 6.5 percent.

5 It is no surprise in NCA-CASI's 37-year
6 history as a postsecondary non-degree-granting agency,
7 not one institution has been sanctioned by the U.S.
8 Department of Education for a Title IV violation, not
9 one, and unlike many accreditors, we have no complaints
10 from the public, other agencies, or institutions that
11 we accredit, none. As you'll hear, state agencies,
12 licensing boards, and employers equate quality with the
13 work of NCA-CASI.

14 The unfortunate reality is that the only
15 complaint we have received since our last recognition
16 by the Department comes from staff members in the
17 Department beginning in late 2009. It's late 2009 when
18 many of the things you heard in the staff report were
19 directed by the Department for changes made, and I
20 remind you 2007, we were recognized for five years and
21 not until 2009 were we directed to make the changes
22 that are now being held against us.

1 As we'll explain, we do not take those views
2 lightly and to be sure, we still have work to do in
3 discrete areas. We are, as an organization, built on a
4 continuous improvement philosophy, always believe we
5 can do better as an organization which we also try to
6 instill in the institutions we accredit.

7 That said, we vehemently disagree with the
8 vast majority of staff recommendations which are flawed
9 on questions of law, issues of fact, and matters of
10 process. The staff's overarching conclusions, concerns
11 about our policies, and the consistency and
12 effectiveness of their application that would then lead
13 to a denial of recognition are simply without
14 sufficient foundation to justify the stark draconian
15 action that they call for denial of recognition of a
16 longstanding 37-year history compliant and effective
17 agency.

18 Before we address these discrete areas that
19 explain the flaws in the Department's analysis, I'd
20 like to ask our counsel, Ken Bergman, to my right, to
21 describe a fundamental underpinning of the staff
22 recommendations that we believe explain much of the

1 obvious disconnect with Department staff, including the
2 staff's failure to engage in a timely site review
3 visit.

4 The site review visit cited by the staff
5 happened not under this application in this petition.
6 It happened almost four years ago. It was not under
7 this application and also the staff's refusal to access
8 our central tool for managing accreditation information
9 where analysis and the process is revealed.

10 MR. BERGMAN: Good morning. As I begin, let
11 me be as clear as I can be. No single piece of paper
12 or exhibit can fully capture the complexity and rigor
13 of an accreditation process. Despite recent insistence
14 from the staff, Department staff to that effect, the
15 process of accreditation matters. Despite the
16 accreditation community's understanding of the
17 importance of the onsite review as part of the
18 accreditation process, investigatory staff have refused
19 to observe the very process that best reflects relevant
20 action directly relating to the issue of the
21 consistency of application of our standards and
22 policies.

1 They refused to participate in any site visit
2 to any of our accredited institutions relevant to our
3 petition, a failure, we would submit, that violates
4 federal regulations. More specifically, Section
5 602.32(b) which in relevant part, states, "The analysis
6 of an application for recognition includes (1)
7 observations from site visits," and then later says,
8 "to one or more of the institutions or programs that
9 accredits or pre-accredits."

10 The investigating staff repeatedly canceled
11 planned attendance at on-site visits. The last staff
12 participation in a site visit, as Dr. Elgart mentioned,
13 was in 2008. I would note that staff expressed no
14 concerns regarding the quality or consistency of our
15 standards, process, or procedures after that visit.

16 Lest there be any doubt, we have
17 correspondence from the current staff reviewer back in
18 October of 2008 in which they acknowledged the
19 importance of observance of a prior pre-petition site
20 visit, describing the site visit as having, and I
21 quote, "added so much depth to my understanding of the
22 self-study and site team review process that I never

1 would have understood just by reading relevant
2 documents."

3 Given the value of observation of on-site
4 visits, we are at a loss as to the recommendation of
5 denial when we have been denied the right to this basic
6 and integral part of a thorough accreditation review.

7 Correspondingly, the investigating staff have
8 refused to engage with us when we offered to provide
9 greater clarity through demonstration and training on
10 the use of our document management tool which is an
11 online data management system designed to capture all
12 relevant accreditation information and evidence,
13 including institution self-assessments and supportive
14 documentation, team site reports and analysis, and
15 institutional feedback. That tool, which is applauded
16 by our schools and site teams, is a principal tool in
17 which institutions and all of our teams operate.

18 This is a powerful collaboration resource that
19 provides our staff, site teams, and institutions an
20 easy-to-use tool to access, discuss, and meaningfully
21 leverage all the information, documents, and feedback
22 captured from the accreditation process. It is

1 impossible to gain a true appreciation of our
2 accreditation work without experiencing the way in
3 which the documentation management tool enhances the
4 accreditation process and onsite visit.

5 In short, we've been denied a fair and
6 thorough review of our accreditation system
7 contemplated by the Department's own rules and
8 regulations because of the Department's position that
9 evidence outside the petition document uploaded system
10 does not warrant review or have any relevance.

11 While we earnestly believe that staff
12 recommendations flagrantly bypass the big picture we've
13 outlined, we also recognize and respect the fact that
14 we must address issues of specific compliance with
15 specific regulations. I'm quite familiar with the
16 adage that where there's smoke, there must be fire, but
17 let me explain why we believe this is more akin to a
18 case of smoke and mirrors with a discussion of a few of
19 the illustrative staff recommendations. These are
20 merely a sample. Time simply will not permit a full
21 description of the indisputable errors we have
22 identified throughout the report.

1 I'm going to ask my colleague Steve Winnick to
2 address the first set of issues focused on legal
3 overage.

4 MR. WINNICK: Good morning to the Committee
5 and others.

6 First on the law, the staff's legal analysis
7 stretches the regulatory requirements beyond their
8 plain meaning and results in an invasive and
9 overreaching micro management that is beyond the
10 authority and, I would suggest, expertise of the
11 Department of Education. Numerous examples demonstrate
12 this point in instances where there can be no
13 legitimate debate about the regulatory terms and what
14 they provide.

15 As the former agency ethics official of the
16 Department of Education for 20 years, I'd like to
17 address the conflicts of interest issue raised in at
18 least three separate instances by the staff report. It
19 asserts that we have not applied our conflict-of-
20 interest policy because two of our site teams included
21 representatives of the relevant state agencies in the
22 state where the institutions were located.

1 In effect, with no legal basis, Department
2 staff have established a hard and fast rule that state
3 agency staff can never participate in their states in
4 NCA-CASI's review of institutions. Even if this might
5 reflect the policy of other accrediting agencies and
6 might have been the view of an individual site team
7 reviewer as the staff report suggests, it is not in
8 fact NCA-CASI's conflicts policy.

9 The bottom line is this. It does not
10 necessarily create a conflict or even the appearance of
11 a conflict for an accrediting agency to work
12 collaboratively with a state oversight agency in
13 monitoring an institution under the jurisdiction of the
14 state agency. In fact, it's common practice for many
15 federal regulatory agencies, the Environmental
16 Protection Agency, for example, to work collaboratively
17 with states to address issues raised by entities within
18 their states, and even if there were an appearance of a
19 conflict which we strenuously insist was not the case
20 here, common conflicts principles do not disqualify a
21 person from participation in a matter just as it is
22 true under federal standards of conduct for federal

1 employees.

2 Rather, there's room for an agency judgment
3 that the need for the person's services outweighs any
4 possible appearance issue and that's precisely what
5 happened here. What the staff report does is establish
6 a one-size-fits-all federal rule for accrediting
7 agencies out of whole cloth. It's not reflected in any
8 Departmental regulation or policy. It's inconsistent
9 with the federal standards of conduct for federal
10 employees. Without that ungrounded construction, we
11 would be in compliance in the area where this issue
12 surfaces.

13 In more than 20 areas, the report cites as
14 noncompliant the absence of minimum thresholds or more
15 specific agency criteria or a specific process when
16 none is required by the Department's own criteria
17 published in regulations. One example in this category
18 is the staff's concern with our compliance with the
19 separate and independent requirement in Section 14(b)
20 which solely rests on the claim that our nomination
21 form for board members does not sufficiently vet
22 nominees because it does not ask sufficient questions

1 to determine whether conflicts of interests exist.

2 There's absolutely nothing in the Department's
3 regulations or even its guidance that suggest that an
4 agency's nomination form includes specific components.

5 NCA-CASI uses the nomination form as a starting place
6 to examine and interview prospective board members and
7 through this process and pursuant to its postsecondary
8 policies it selects board members who do not have
9 conflicts of interest, including through affiliations
10 with related associate or affiliated associations or
11 membership organizations.

12 On this regulation, as with many others in
13 this category, we should be deemed compliant, despite
14 the Department's overreach.

15 In a comparable vein, Department staff assert
16 that we are not compliant with Section 26(d) which
17 requires the agency to make available to the Secretary,
18 state agencies, and the public no later than 60 days
19 after the decision a brief statement summarizing the
20 reasons for an accreditation decision and either the
21 official comments that the institution made regarding
22 the decision or evidence that the affected institution

1 had been offered the opportunity to provide official
2 comment.

3 The staff report finds NAC-CASI noncompliant
4 because a representative action letter to an
5 institution does not, and I quote, "clearly indicate
6 that these comments are official in nature nor that the
7 comments would be provided to the Secretary."

8 Aside from the fact that the letters sent to
9 institutions are not even relevant to the criterion for
10 which we're cited as noncompliant, the Department staff
11 demand for specific language in an action letter
12 exceeds the requirements under any criterion in the
13 regulations.

14 So long as an institution's opportunity to
15 comment is in fact in its official capacity and so long
16 as the comments are in fact provided to the Secretary,
17 the regulatory requirements are satisfied. The staff
18 seeks more evidence without a foundation for such a
19 demand.

20 There also comes a point where the problem of
21 overreaching devolves into one of irrationality. For
22 example, the staff dramatically overstep on Section

1 19(c) regarding institutional head count which requires
2 that the agency monitor overall growth of institutions
3 and at least annually collect head count enrollment
4 data.

5 The final report finds us out of compliance
6 simply because we provided a sample of our
7 institutional head counts rather than supplying all
8 head count information from all a 193 institutions.
9 Nothing in the regulation requires that all head counts
10 for all institutions be supplied as a foundation for
11 compliance and I should note, as well, that the error
12 of the staff's position is compounded by the fact that
13 the document with all a 193 head counts was in fact too
14 large to upload on the Department's system, despite our
15 best efforts to do so.

16 Notably, the Department's own guidelines for
17 submitting petitions expressly notes that typical
18 documentation includes "samples of data gathered
19 annually."

20 The staff similarly exceeded rational bounds
21 regarding Section 28(a) which relates to honoring
22 states' decisions regarding an institution's legal

1 authorization to operate, where they find that we must
2 revise our Post-secondary Policy 2.02 to state
3 unequivocally that we will not accredit any institution
4 that lacks state legal authorization.

5 Our Policy 2.02 in fact states, and I quote,
6 "The institution must be approved or accredited by the
7 legally-constituted or recognized accrediting
8 accountability agency in the state."

9 In satisfying the regulatory requirement, this
10 language could not be plainer nor the staff's
11 conclusion more egregiously wrong.

12 Ken, let me turn back to you to address the
13 second category of issues.

14 MR. BERGMAN: Second, let me move from law to
15 evidence, outlining a few representative instances in
16 which the staff have inexplicably ignored evidence
17 submitted that establishes compliance or, in a similar
18 vein, where they have mischaracterized our positions or
19 supporting evidence so that the true facts are simply
20 bypassed or misconstrued.

21 In this case, we submit the Department staff
22 not only did not fully consider all material evidence

1 submitted, they, by their own admission, refused to
2 engage with us when we attempted months ago to engage
3 them in our process and provide access to one of our
4 principal tools of doing business, a main repository of
5 our accreditation evidence, our document management
6 tool.

7 That being said, let me provide a few examples
8 of a pervasive pattern throughout the staff report
9 concerning evidentiary issues. For Section 13,
10 Department staff finds that we do not have the
11 acceptance of licensing bodies, employers, and
12 practitioners. To reach this remarkably erroneous
13 conclusion, staff acknowledge fewer than half of the
14 exhibits that we provided. They flatly ignore examples
15 we provided of acceptance of our agency, by the
16 National Automotive Technicians Education Foundation,
17 the Colorado Department of Regulatory Agencies, the
18 Automotive Service Excellence, and the Ohio Department
19 of Adult Workforce Education. Exhibit 1000 was in our
20 petition references these and other exhibits that
21 illustrate the wide acceptance NCA-CASI receives.

22 Likewise, the staff never addressed our

1 evidence that students who attend our accredited
2 institutions achieve impressively high job placement
3 rates as well as our evidence that licensing bodies
4 require students to attend accredited institutions to
5 receive licenses in the fields in which our
6 institutions work. Had they done so, the only rational
7 conclusion would be to find NCA-CASI in compliance with
8 this section.

9 Regarding Section 17(b), the staff erroneously
10 concluded that we did not provide evidence regarding
11 the training we provide on institutional self-studies.

12 In fact, we provided multiple pieces of evidence and
13 exhibits, including training agendas for institutions
14 that indicate that we focus on the self-assessment, a
15 training PowerPoint presentation used in institutional
16 training that includes significant attention to
17 self-assessments, resources used in training sessions,
18 including guidance on the self-assessment and a
19 self-assessment template, and letters of support for
20 the training from institutional attendees.

21 The Department does not even acknowledge and
22 address these documents in making conclusory assertions

1 that our evidence is insufficient and, as such,
2 presents an inaccurate picture for our agency's
3 commitment to training our institutions on the
4 self-study and therefore our compliance with the
5 criteria.

6 Finally, in at least four criteria, Sections
7 15(a)(3), 15(a)(4), 15(a)(5), and 25(f), to reach a
8 finding of noncompliance, the staff incorrectly claimed
9 that a random selection of appeals panel committee
10 members for individual appeals panels is inconsistent
11 with representational requirements for academic and
12 administrative personnel, employers, and practitioners
13 on appeals panels.

14 Specifically, and I quote our Postsecondary
15 Policy 18.02(e) which states, "Three members of the
16 appeals panel committee will be randomly selected to
17 serve on the appeals panel for any scheduled hearing.
18 Any appeals panel that is impaneled to hold a hearing
19 shall include a public representative, practitioner
20 representative, educators, academics representative,
21 and administrative representative."

22 The Department staff's finding that we do not

1 ensure proper representation on an appeals panel thus
2 is a blatant misreading of the evidence we provided;
3 namely, our postsecondary policies clearly and
4 affirmatively state that a randomly-selected appeals
5 panel must have appropriate composition with all
6 necessary representation. We provided exhibits that
7 make this point and clearly show compliance with this
8 criteria.

9 The third category is one of many
10 illustrations of substance. Let me highlight one of
11 the central overarching and erroneous conclusions of
12 the Department staff which result in adverse opinions
13 regarding four regulations.

14 Staff have concluded that NCA-CASI does not
15 merit continuing approval because of an insufficient
16 record of adherence to new standards, standards that
17 are, in fact, new because of the Department's direction
18 in 2009-2010 which reflected a 180-degree reversal in
19 advice we had been given by the Department for years.
20 In short, under the staff's view, we failed precisely
21 because we followed their advice and adopted the
22 changes they directed. This is a fundamental

1 miscarriage of justice and should be apparent.

2 Let me give you some examples. This issue is
3 encapsulated in Section 18(b) where the staff find that
4 we have effectively addressed all concerns that were
5 raised in the draft staff report but nonetheless find
6 us noncompliant because of our "numerous revisions to
7 its assessments, tools, policies, and processes during
8 the last two years."

9 Again, these revisions occurred pursuant to
10 advice and direction provided by the staff, by the
11 Department staff, who now cite us for those very
12 revisions.

13 In multiple instances, the staff proposed to
14 find us noncompliant for an inconsistency in our
15 decision-making process because we have changed
16 policies and processes. For example, in Section 17(f),
17 the Department cites us for changing the terminology we
18 use to refer to accreditation statuses. These
19 revisions were made in direct response to a July 2011
20 Department directive issued to accrediting agencies
21 from Kay Gilcher which necessitated that these changes
22 be made.

1 In a related vein, there are over a dozen
2 instances where we have been deemed noncompliant
3 because of our failure to show application of a policy,
4 new or not. In each instance, the staff simply failed
5 to accept the reality that there had been no occasions
6 for us to apply the otherwise acceptable policies which
7 meet the criteria. These include determinations under
8 multiple regulatory provisions involving teach-out
9 plans, rapid growth of institutions, use of an appeals
10 panel, instances in which schools lost state
11 recognition, instances of Title IV fraud and abuse, and
12 the granting of good cause extensions.

13 Steve, I'd like to turn it back over to you.

14 MR. WINNICK: Yeah. Before we turn to
15 responding to the Board's inquiry regarding our
16 perspectives on a number of issues, let me conclude
17 that our focus this morning does not begin to capture
18 the universe of related and other issues on which the
19 Department, in our view, is indisputably wrong in its
20 determination. Let me just cite one example.

21 The final report finds we are out of
22 compliance on the three criteria introduced in 2010

1 regulations regarding credit hours. However, the
2 Department, both expressly and implicitly, warranted
3 that it did not expect agencies to respond to these
4 criteria until 2012. Specifically, at an August 11th,
5 2011, meeting, Department staff clearly stated agencies
6 applying for recognition in 2011 would not need to
7 demonstrate compliance with Section 24(f), Subsections
8 2 to 4.

9 Indeed, the Department's current guidelines
10 for preparing petitions does not even acknowledge the
11 existence of these sections. Tellingly, we think,
12 there was no place in the Department's own uploading
13 website for us to provide our prepared information
14 regarding our compliance in advance of the operative
15 date of the new regulations.

16 I should note we were prepared to download
17 information that would show compliance in advance of
18 the operative date.

19 I would like to just add a quick personal note
20 bearing on the issue before NACIQI. I served in the
21 U.S. Department of Education for 34 years, you could
22 tell from my age, the last 15 as the Career Deputy

1 General Counsel.

2 While there clearly are some issues and
3 discrete areas that NCA-CASI needs to address, in all
4 my years at the Department I have never seen such an
5 unjustifiably and relentlessly negative monitoring or
6 enforcement report.

7 I feel a deep attachment to the Department.
8 Not only did I work there for 34 years, my wife worked
9 there for about the same amount of time. I want to see
10 the Department enforce the law rigorously but also
11 fairly and reasonably.

12 The proposed termination of NCA-CASI in my
13 book does not remotely meet that standard for all the
14 reasons we've outlined.

15 I mean, here we're saying an institution
16 that's been compliant and functioned for 37 years
17 that's had no complaints, that has outcomes for its
18 institutions that are fairly remarkable, that is well
19 regarded by its institutions, there have been no
20 complaints against it, to say that all of a sudden,
21 based on the process that we've described which we
22 think is fundamentally flawed, that we're going to

1 terminate them, I think, is an extreme proposition.

2 I urge NACIQI to take or force the Department
3 to take a fresh look at what's happening here and I
4 might say, Sally Wanner, who is an old and dear
5 colleague of mine at the Department, outlined the
6 options for NACIQI which I think are essentially
7 accurate but I think one thing was omitted and that is
8 that the regulations in describing NACIQI's options
9 indicate that these options include but are not limited
10 to things like denying, terminating, and so forth.

11 So I think NACIQI has clear authority, based
12 on the kinds of concerns that we have raised, including
13 substance and process, to say we're going to defer
14 action on this and we expect the Department to take a
15 fresh look and to have a complete process to review
16 this agency.

17 Let me now turn to Dr. Elgart to make some
18 remarks.

19 DR. ELGART: Just to finish, out of respect
20 for time, you posed some questions, NACIQI did, and we
21 will submit our comments to those questions in writing
22 and not share them with you orally at this time.

1 However, to conclude our presentation, let's
2 bring us back to why we're all here. NAC-CASI is
3 committed to advancing meaningful education reform
4 through our rigorous but collaborative process with our
5 institutions. We have a track record that most would
6 jump at the chance to have, consistent and superior
7 institutional performance on achievement and default
8 rate issues, an unblemished track record regarding
9 performance and stakeholders who value the quality of
10 the services we provide.

11 We are and remain very proud of that record.
12 That record, let me remind you, 37 years of
13 effectiveness in providing a rigorous but fair
14 accreditation process for postsecondary
15 non-degree-granting institutions. The effectiveness of
16 an accreditation process cannot be determined by a
17 letter, a PowerPoint, a policy or a regulation.
18 Effectiveness of an accreditation agency in carrying
19 out its accrediting function can only be determined by
20 experiencing the accreditation process, one which our
21 institutions that we accredit know all too well.

22 Our institutions are deeply committed and

1 proud of their association with us, an association
2 that's helped improve the quality of education provided
3 to over 350,000 adults through the process of
4 accreditation.

5 We thank you for your time listening to our
6 remarks and would like to turn it back to Madam Chair
7 and the NACIQI Board for comment.

8 CHAIR STUDLEY: Thank you very much. We
9 appreciate your detailed response to the agency's
10 concerns.

11 I will now open it for questions to you by the
12 members of NACIQI. After that, we will have an
13 opportunity to speak again to members of the staff and
14 to talk among ourselves before we determine what action
15 we will recommend at this time.

16 But let me start with the two readers and see
17 if they -- our two primary readers, if you want to add
18 anything or begin the questioning. Hold on just one
19 moment.

20 Do we have Third Party Comments on this item?

21 Okay. So we will -- let me just revise. You have
22 just made your remarks and as specified, we will have

1 presentations by third party representatives. I'm just
2 wondering whether Committee members would like to speak
3 to this panel while they're available or would
4 you -- I'll defer to you. Would you like to hear the
5 third party comments first? Yes, okay.

6 So we will ask questions of you. Then we will
7 take the third party representatives and pick back up
8 the process.

9 Federico?

10 DR. ZARAGOZA: Madam Chair, yes. I'd like to
11 just follow up on a few of the issues that have already
12 been broached, particularly as it relates to separate
13 and independent 602.14, that section that deals with
14 basically conflict and related issues, and I guess I'd
15 like to find out a little bit more about the
16 composition of your board and, more specifically, as it
17 pertains to any overlapping membership between the
18 parent organization basically and the agency before us.

19 DR. ELGART: Okay. I'll be happy to answer
20 that. The Board of Directors of NCA-CASI is an
21 unincorporated commission within AdvancED. The
22 composition of that board is tied to its function as a

1 postsecondary commission.

2 There is no overlap between that board and the
3 Board of Trustees of AdvancED. It was erroneously
4 reported by staff that there is overlap. There are
5 former board members of the Board of Trustees of
6 AdvancED that are no longer on the Board of Trustees of
7 AdvancED and have not been on that Board and there was
8 also reference to one of the Board members of NCA-CASI
9 serving on the Southern Association of Colleges and
10 Schools Board of Trustees which is also former. That
11 term ended almost three years ago.

12 No current member of the Board of Directors of
13 NCA-CASI serves in any official capacity on the Board
14 of Trustees of AdvancED. Those are two separate Boards
15 and all the authorities for postsecondary recognition
16 and accreditation is vested in the NCA-CASI Board of
17 Directors.

18 DR. ZARAGOZA: Thank you. A related question
19 to that is again in the write-up it speaks to conflict
20 of interest and it states that the ultimate authority
21 is the CEO for AdvancED, is that correct?

22 DR. ELGART: The ultimate authority for what?

1 DR. ZARAGOZA: Decision-making for the
2 conflict of interest situation.

3 DR. ELGART: No, it's not. That is not the
4 case. NCA-CASI itself makes those determinations, not
5 AdvancED.

6 DR. ZARAGOZA: Thank you. Another question.
7 Again, if we could speak a little bit to kind of the
8 genesis, if you will, and the transition from focus on
9 secondary, to postsecondary. In several parts of the
10 report, that was highlighted as an issue, especially as
11 it pertains to determining rigor between those two
12 levels.

13 DR. ELGART: What I can do is let me give you
14 an example. EVIT, which is a postsecondary institution
15 outside of Phoenix, Arizona, we accredit EVIT through
16 our post-secondary recognition but EVIT also serves
17 secondary students but there is a postsecondary
18 component there. So many of our institutions provide
19 that. They have secondary career and technical
20 programs and they have adult-only postsecondary
21 programs.

22 In those cases, the K-12 Division of NCA and

1 SACS does not participate in the accreditation review
2 process. It is managed solely through our
3 Postsecondary Board of Directors because we go to the
4 highest level of certification or diploma-granting, so
5 that the secondary component is a subset, but the
6 standards that apply to that institution are the
7 postsecondary standards only and they're granted
8 accreditation based on compliance with those standards.

9 MR. WINNICK: If I can add to that, back in
10 2006, I think one of the ideas behind creating AdvancED
11 as an umbrella organization that included NCA-CASI was
12 to better align postsecondary and elementary and
13 secondary standards and our understanding consistently
14 has been that the Department has acknowledged in
15 general terms that that is a desirable policy and that
16 was done with the full knowledge of the Department and
17 the last time when NCA-CASI was approved without
18 reservations by NACIQI and the Department, the
19 Department and NACIQI knew of that when it took that
20 action.

21 But I think, you know, the signal that we
22 started to get, only starting in the last couple of

1 years, is that was an anathema to the Accreditation
2 Division, that they wanted to see a sole focus on
3 postsecondary and no effort to align the two and so
4 that's why we've been in the process basically
5 reinventing the agency in order to comply with that
6 directive, even though as a policy matter we've had
7 some reservations about it.

8 I mean, when the Department has said jump,
9 jump, we've jumped. We've jumped higher and higher.
10 The bar keeps getting raised and, you know, we think
11 the focus is entirely on postsecondary education, even
12 though we have some concerns about whether that should
13 really be the policy.

14 DR. ZARAGOZA: Back to your Board, do you have
15 postsecondary representation on your current Board?

16 DR. ELGART: Which board?

17 DR. ZARAGOZA: The NCA-CASI.

18 DR. ELGART: CASI Board? Absolutely. It's
19 made up of seven individuals which is predominantly
20 made up of post-secondary individuals by policy.

21 CHAIR STUDLEY: Arthur?

22 MR. KEISER: You've made some significant

1 statements, such as on Page 10 of your document,
2 Exhibit 1000, that the staff was biased. There was a
3 number of other issues but the bias, I'm interested in
4 understanding.

5 Why would you -- bias kind of implies that
6 there's intent. What would be the intent of our staff
7 and what would be examples of the bias that you are
8 alluding to -- not alluding to, stating in your
9 document? Why would our staff be biased against you?

10 MR. WINNICK: Bias in the sense that I think
11 it's pretty clear to us that the staff have made up
12 their minds long ago that they did not think this was
13 an agency that should be recognized and, despite
14 repeated submissions of additional evidence to address
15 the specific concerns, that information has been
16 ignored, mischaracterized, misinterpreted. So it's
17 hard to know what's driving that.

18 I'm not sure we can answer that question.

19 MR. KEISER: In 2007, I was here when we
20 approved you and there didn't seem -- these are the
21 same people that were there then.

22 The question I have is, and you remarked that

1 in 2007 you got a clean bill of health, it took you
2 four years or three years to get there because you were
3 deferred in 2004, deferred in 2005, and deferred in
4 2006. So, you know, is there -- you know, I still
5 don't see the bias. I see a lot of information. I
6 read everything. I mean, lots of time. This is just
7 the staff analysis. So forget the documentation, the
8 background. There was some picky issues but there were
9 a lot of issues that were of concern.

10 For example, my understanding is you purchased
11 or you took control of an accrediting group called CITA
12 or something like that and where you accredited a
13 school from the Middle East without having a full
14 self-study process, is that a fact or is that not?

15 MR. ELGART: That wasn't done by us. Now let
16 me tell you regarding CITA. CITA was a project of the
17 six regional accrediting bodies that was started in the
18 1990s. Today, it does not exist and it should not
19 exist. We learned some things. The six regionals bear
20 responsibility. We learned some things that we did
21 well and there were some mistakes, but this was a
22 project of the six regionals, the K-12 Division of the

1 six regionals, to explore non-traditional
2 accreditation, both inside the United States for
3 supplementary education providers as well as outside.

4 The acquisition by AdvancED of CITA was to
5 continue the CITA organization and it had the full
6 support of the regionals who were still involved in
7 CITA and those who had left CITA, including New England
8 and Middle States who left it because of concerns. We
9 share those concerns.

10 The practice that you referenced was not done
11 by NCA-CASI. It was done by CITA which is a separate
12 organization.

13 MR. KEISER: But my understanding, there was a
14 school in the Middle East where -- and again, I think
15 it was a foreign language school and yesterday we dealt
16 with foreign language accrediting agency, and we
17 learned about the rules and regulations from Homeland
18 Security, and you sent a single team member, a staff
19 member over there and with just a singular visit,
20 without a self-study, without a team visit, they
21 obtained recognition by your agency.

22 DR. ELGART: CITA sent them, not us.

1 MR. BERGMAN: Well, let me clarify that. This
2 gets to why we have fundamental problems. This was a
3 discussion that was occurring at the AdvancED board
4 meeting which was attended by staff. This is not a
5 postsecondary school. This is a different school that
6 doesn't come under the same criteria of changes and
7 what happened was that a board member used the term
8 "transfer."

9 What did not happen was there was not a
10 transfer. We took over that agency's accreditation.
11 That agency, because there was nobody else that wanted
12 to take over CITA, we stepped up from the regionals and
13 took over the CITA and operation of their agency and
14 then we went ahead and sent a team in to make sure, a
15 reviewer to make sure they were meeting our standards.

16 The previous review that had been done at that
17 school had NCA-CASI staff members on that review, as
18 well. So that it was not as if this was a new
19 organization or new institution that we did not have an
20 institutional history with as an accreditation agency.

21 MR. KEISER: But explain to me, I have not
22 heard of one agency taking over another agency.

1 Usually agencies have different and discreet standards
2 that you or at least I as an institution accredited by,
3 let's say, SACS-COC, and then you take over SACS-COC
4 but your standards are different. You would have to,
5 you know, at least if you're going to continue, would
6 require me to go through a full self-study at a team
7 visit which, at least according to the documentation,
8 did not appear to happen.

9 MR. BERGMAN: And to respond back, the
10 relevancy of that action, because it's not a
11 postsecondary non-degree-granting institution, it
12 strikes me that this is looking into operations of
13 AdvancED that have no relevancy to the
14 post-secondary --

15 MR. KEISER: But it has relevancy to us
16 because we also are the agency that recognizes certain
17 institutions, as we did yesterday, for English
18 languages, you know, English language schools for the
19 purposes of visa applications for students to come to
20 the United States.

21 So it has relevancy to us and if you don't
22 follow your procedures and you accredit that school,

1 that is significant concern to, let's see, -- I'm not
2 speaking for behalf of the staff but I can understand
3 why that would be a significant concern for the staff.

4 Am I missing something there?

5 DR. ELGART: Well, I think to help you with
6 this, we inherited this responsibility with CITA.
7 Okay? The CITA Board of Directors transferred the
8 authority to AdvancED and in fairness to the
9 institution, CITA accredited. Over the next like three
10 to four years, we have gone through the entire roster
11 of institutions accredited through CITA and
12 transitioned them into the AdvancED standards and
13 protocol.

14 Quite frankly, almost 20 percent of those
15 institutions are no longer accredited by AdvancED
16 because they couldn't meet our criteria and you're
17 taking one isolated situation which is not indicative
18 of the process that we've unfolded. It's not dealing
19 with postsecondary.

20 MR. KEISER: But did it happen? I mean, see,
21 again at least my understanding the way at least it's
22 worked since I've been on this committee is that we

1 look and if we find exceptions to the rule, that's an
2 exception to the rule.

3 DR. ELGART: No. But the first thing we did
4 with these institutions, all of them, is they were in
5 the middle of their cycles. They've had full reviews.

6 MR. KEISER: Was CITA approved by our
7 organization?

8 DR. ELGART: No. It doesn't do postsecondary.

9 MR. KEISER: So they would be considered
10 unaccredited institutions, at least from -- not
11 recognized by the --

12 DR. ELGART: They do no postsecondary. They
13 just do K-12. They have absolutely --

14 MR. KEISER: So how could the school go
15 receive recognition from you, which would enable it to
16 get student visa opportunity, which is what I assume
17 the reason was, without going through a self-study and
18 without going through a visit?

19 DR. ELGART: That's not what happened. They
20 were in the middle of the -- we inherited them in the
21 middle of their accreditation cycles with CITA and
22 we --

1 MR. KEISER: We don't recognize their cycle.

2 DR. ELGART: Right.

3 MR. KEISER: We recognize your cycle.

4 DR. ELGART: Okay. But we inherited that
5 cycle, so they had had a full review by CITA. The
6 first --

7 MR. KEISER: That has not --

8 DR. ELGART: The first thing we did with these
9 institutions is send individuals in to see where they
10 were at. We didn't make a full evaluation. We
11 actually went to visit them to see. We're inheriting a
12 full accreditation cycle from another organization and
13 we have to assess where they're at-- at that point in
14 time. We made no accreditation determination based on
15 that. But we have a responsibility to continue their
16 accreditation until we did a full evaluation which this
17 one individual going in was not --

18 MR. KEISER: Was it continued under CITA's
19 recognition which is not recognized by this board or
20 did they become part of the NCA and that's what --

21 MR. ELGART: They became part of NCA once they
22 did a full evaluation which hasn't occurred.

1 MR. BERGMAN: They became part of AdvancED
2 which is not the organization that we're talking about
3 here today. NCA-CASI, by the compliance
4 agreement -- except for the fact we're addressing the
5 separate independent corporate structure again, we
6 reached a compliance agreement to settle that issue
7 with the Department and have taken steps to address all
8 their issues when we had the separate independent.

9 That recognition is by AdvancED of their
10 institution. It is not by NCA-CASI. It would not --

11 MR. KEISER: You just said it was by NCA-CASI.

12 MR. BERGMAN: No, I didn't. Because it was at
13 the NCA-CASI -- it was at an AdvancED -- as part of
14 what we attempted to organize with the Department, at
15 one point the AdvancED Board of Trustees was overseeing
16 the accreditation decisions of NCA-CASI. They had
17 final authority because, as had been explained to us,
18 the top level of the corporation has to have final
19 decision-making authority.

20 What then happened was it was determined that
21 did not meet the interpretation of the Department
22 separate independent. So we then were instructed to

1 create a separate board that would oversee all NCA-CASI
2 determinations and decisions.

3 This instance that you're referring to was
4 actually at the AdvancED board meeting which was not
5 part of that AdvancED board meeting's review of any
6 postsecondary institution. It was not to go ahead and
7 grant recognition under NCA-CASI. It was to grant
8 recognition under AdvancED which we had already
9 withdrawn our request to have AdvancED recognized as
10 the accreditor. It was a word that was mentioned of
11 "transfer" by one person which was picked up by the
12 staff and then it's assumed that it was an NCA-CASI
13 which is a wrong assumption.

14 This was an action taken by the AdvancED Board
15 of Trustees to bestow AdvancED recognition, not
16 NCA-CASI recognition.

17 MR. KEISER: What's an AdvancED recognition
18 because we don't recognize AdvancED?

19 MR. BERGMAN: Well, it's the fact that we do
20 accredit. We have a process of accreditation which
21 acts as a seal of recognition and quality around the
22 world for institutions that choose to be accredited by

1 AdvancED. You don't need to have recognition in order
2 for you to be doing accreditation work for people to do
3 the process.

4 MR. KEISER: So AdvancED is the accrediting
5 agency that's not recognized that wholly owns NCA-CASI
6 that is accredited --

7 MR. BERGMAN: No.

8 MR. KEISER: That is recognized?

9 MR. BERGMAN: No.

10 MR. WINNICK: We're talking about the K-12.

11 MR. KEISER: That's dangerous.

12 MR. BERGMAN: No, it's not.

13 MR. WINNICK: We're talking about the K-12
14 level. These are two separate levels of accreditation.

15 NCA-CASI accredits postsecondary and AdvancED
16 accredits K to 12 and that's what we're talking about
17 here, K to 12. It's really outside the scope of
18 NCA-CASI.

19 MR. BERGMAN: And with guidance and direction
20 from the Department, we have set up the corporate
21 structure which guarantees that separate and
22 independence. That was through an agreement that we

1 reached with the Department in 2011 which has been
2 fully implemented and reorganizing that corporate
3 structure to guarantee that separate independence.

4 DR. ELGART: So let me just rephrase at the
5 very beginning what I said. In 2006, the K-12 Division
6 of Southern Association Colleges and Schools, the K-12
7 Division of the North Central Association, two
8 longstanding regional accrediting bodies, and the
9 Postsecondary Non-Degree-Granting Division of NCA,
10 non-degree-granting, they came all together. All right.

11 They merged. The K-12 work is still done through SACS
12 and NCA K-12 Divisions. When we accredit an elementary
13 school in the state of Illinois, it's accredited under
14 NCA's name.

15 When we accredit a school in Fairfax County
16 here in Virginia, it's accredited under the SACS name,
17 okay, and then you have this postsecondary piece which
18 has been -- we've put a firewall around. It only
19 serves our non-degree-granting postsecondary
20 institutions in the 19 North Central states. That has
21 a separate board, separate staff, separate budget. But
22 this K-12 work is where the CITA work got integrated in

1 and I will admit to you, taking responsibility for
2 another K-12 agency and integrating it into our K-12
3 framework had challenges because we did not initially
4 accredit the institutions that CITA did and many of
5 them today are not accredited by us because they
6 couldn't meet our criteria that our K-12 Divisions
7 manage.

8 MR. KEISER: Again, this is why I think us,
9 meaning AdvancED, the K through 12 accreditation.

10 DR. ELGART: AdvancED doesn't accredit, and
11 I'm going to correct counsel. It is the umbrella
12 organization. SACS K-12, NCA K-12 accredit our K-12
13 schools. NCA-CASI Postsecondary accredits our
14 postsecondary. AdvancED is simply an umbrella
15 organization which is made up of NCA and SACS.

16 MR. KEISER: So the foreign language school in
17 somewhere in the Middle East, I can't remember which
18 one, that's accredited by whom?

19 DR. ELGART: The K-12 and I don't -- to tell
20 you the truth, it's accredited by the K-12 NCA, not the
21 Postsecondary.

22 MR. KEISER: So they're not under the

1 recognition of the Department?

2 DR. ELGART: No, they're not. They're under
3 the K-12 of NCA, all right, and SACS K-12 does and has
4 since 1933 does all the schools in Latin America. We
5 were the first -- SACS was the first one to accredit
6 outside the U.S. and NCA K-12 does all the U.S.
7 Department of Defense schools around the world, all of
8 them, but those are separate work from our
9 postsecondary work.

10 MR. KEISER: On the conflict of interest,
11 there was one of your Board members for NCA-CASI was
12 also on the Arkansas AdvancED committee, but was that
13 not a problem for NCA?

14 DR. ELGART: The Arkansas AdvancED Council is
15 an advisory body and has absolutely no jurisdictional
16 control and he resigned from that. He's been on that
17 since he was appointed by former President Clinton to
18 the Arkansas Board of Education. He's a public
19 representative who's the CEO of a utility company but
20 he no longer serves on the Arkansas Advisory Council
21 which has absolutely no authority over post-secondary
22 and it's just an advisory body to schools in Arkansas,

1 K-12 schools in Arkansas. He no longer serves on that
2 council.

3 MR. KEISER: Yet he's an advisory member to
4 the State of Arkansas but the State of Arkansas owns
5 most of the schools that you accredit in Arkansas, does
6 it not? The local school boards or aren't your schools
7 mostly publicly owned by the government?

8 DR. ELGART: Well, we have public and private
9 schools in every state we accredit, including Arkansas.

10 MR. KEISER: If he's on the advisory board of
11 the state agency that owns the schools, many of the
12 schools in Arkansas, you don't see a conflict?

13 DR. ELGART: He's not on the advisory board.

14 MR. KEISER: When he was?

15 DR. ELGART: He was on the State Board of
16 Education years ago when Governor Clinton was there.
17 He's not on the state Board and he's no longer on our
18 advisory council which has no authority. It's simply
19 an advisory body for the K-12 schools in Arkansas.
20 He's no longer on that. He's resigned from that. So
21 there's no conflict of interest at all.

22 MR. KEISER: I'll stop dominating. I'm sorry.

1 CHAIR STUDLEY: I see that Frank has a
2 question or comment. Are there others at this point
3 who -- okay. Frank, George, Anne. Let's do those and
4 then we will see who else wants to follow up. Frank?

5 MR. WU: So I heard several different
6 categories of disagreement and I thought I would try to
7 break this down into three. The first is there's some
8 areas where you disagree with how staff has read the
9 law. You think the staff is just wrong. That's one.

10 DR. ELGART: Correct.

11 MR. WU: Two, there's some areas where you
12 think you've been given directions that are not
13 consistent. You were told do this, say three years
14 ago, you did it, and then you were told later you
15 shouldn't have done that. All right. So it's the same
16 category where you think you've complied with what you
17 were directed to do at some point but the standards
18 have shifted. So that's unfair and you think that
19 having complied that should be deemed to be fine.

20 Third, I also heard that there's some areas
21 where you think you've complied and staff has made a
22 factual error. In other words, you're not disagreeing

1 with how they read the law. You think they're reading
2 the law correctly. You've complied. They just have
3 looked at the wrong thing and they've misunderstood.

4 DR. ELGART: Correct.

5 MR. WU: So those are the categories. One,
6 you think they're wrong about what the law is, two, the
7 standards have shifted on you midway through, and,
8 three, you have complied, we just haven't caught that.
9 We haven't seen that you've done what you were told to
10 do.

11 DR. ELGART: Correct.

12 MR. WU: Okay. And I think that captures the
13 total universe of your responses.

14 MR. WINNICK: Excuse me. I think that's
15 basically accurate, but I would add one other category
16 which is a concern about the process that was used here
17 and our conclusion that this was not a complete review
18 for process reasons.

19 MR. WU: Okay. So you've raised some process
20 concerns. I would group that in that third category,
21 though, where, let's say, due to the process concerns,
22 your compliance has not been acknowledged because of

1 process, flawed process.

2 MR. WINNICK: Yes.

3 MR. WU: Okay. I'm just speaking for myself
4 here. I'm actually not interested in the first two
5 categories; that is, I'm not interested for our
6 purposes in your disagreement with the staff's reading
7 of the rules nor am I that concerned with your sense
8 that you were told one thing at one time and told
9 something else at another time. That's not to say
10 that's not troubling, that is important, but I want to
11 focus on this last category where you think you have
12 complied and staff just has missed that because of the
13 process concerns or for whatever reason.

14 My question is this. Do you think if a new
15 set of eyes were to look at everything you've
16 submitted, they would, by following the fair process,
17 see that you have complied but we just didn't see that?

18 DR. ELGART: Absolutely.

19 MR. WU: Okay. And that constitutes what
20 proportion, do you think, of the violations? A tenth?
21 Half? Ninety percent?

22 DR. ELGART: I think a significant majority

1 and as I admit in my opening remarks, there are areas
2 for improvement and we are committed to those but the
3 majority of the judgment here would be different with a
4 fresh set of eyes, I believe, who fully engages all the
5 elements of this process review.

6 MR. WU: Okay. That's all I wanted to know.
7 Thanks.

8 CHAIR STUDLEY: George?

9 DR. FRENCH: Well, Frank actually with his
10 summary, always do excellent summaries, really captured
11 the essence of my question and I thought that the
12 presentation was very compelling by the agency.

13 My only question would have been to categorize
14 out of 52 areas of concern, I was really wondering how
15 many of those areas of concern you addressed. I
16 understand the categories that you all had. I
17 understand the categories that Frank just had. But I
18 really would have benefitted from a matrix which would
19 indicate that there were 52 areas of staff concerns,
20 these are the areas that you addressed.

21 What percentage would you think of the 52 were
22 addressed by you this morning?

1 DR. ELGART: We, out of respect for time,
2 focused on some of those issues. We did not want to go
3 through all 52 out of respect for time, but we have
4 looked at, analyzed, and have our own comments and
5 analysis on every one of those issues and believe that
6 the vast majority of them fall into the categories that
7 we just previously discussed.

8 MR. WINNICK: Yeah. As Mark said, our concern
9 was for time and I think we did give some data, some
10 examples of data that, you know, for example, that
11 there were 20 cases that we thought -- where the
12 Department misread the regulation, micro managed in a
13 way that went beyond the regulation.

14 I think if you add up all the cases we've
15 cited, for example, you know, establishing -- saying we
16 had to have the minimum threshold where we did not,
17 ding us for not implementing a policy precisely
18 because it was new as directed by the Accreditation
19 Division, instances where we're cited where there
20 simply has been no occasion to apply a policy,
21 instances where the Department ignored evidence,
22 instances where the Department is mandating specific

1 language or policies that are nowhere in the
2 regulations, and things of that sort.

3 I think you'd come up to about 50. So, you
4 know, if we're cited for 57 things, that gives you a
5 flavor of how pervasive the concerns and problems are.

6 DR. FRENCH: But you wouldn't have your matrix
7 readily available to share with us, would you?

8 MR. WINNICK: No. I'm sorry.

9 DR. FRENCH: Okay. Thank you.

10 CHAIR STUDLEY: Anne, and then Federico and
11 Arthur.

12 MS. NEAL: I want to follow up a little bit on
13 what Frank was talking about. I'm not going to address
14 your interpretation of the law but your concern about
15 staff inconsistency.

16 Stated another way, what I'm hearing is that
17 you're being whipsawed between two administrations
18 effectively, is that correct?

19 DR. ELGART: That's it.

20 MS. NEAL: The staff hasn't changed but the
21 directives from on high are maybe different or the
22 priorities may be different. So you felt that you were

1 doing what you were told before and now things seem to
2 have changed and this is something that we came up
3 against and when we first met, when NACIQI first met
4 when it was reconstituted, and so I feel your pain.

5 Then you've talked about factual errors and I
6 want to pursue that a little bit with you. Among other
7 things, the staff has suggested that the agency has not
8 established quality thresholds. It has no assessment
9 of student outcomes, no way to measure success rates,
10 and those are fairly significant obviously in terms of
11 our determining whether or not you are a reliable
12 guarantor of educational quality.

13 So I'd like you to address that. Do you agree
14 with the staff's determination there? If not, why not?

15 And then another question after you've responded to
16 that.

17 DR. ELGART: I'll start, but we do look at
18 those factors. We look at completion and graduation
19 rates. We look at job placement rates, licensure rates
20 related to the type of educational program that our
21 institutions provide. We are very data-driven and I
22 think that if the staff had taken the time to go into

1 the document management tool, they would have seen how
2 we capture that data, how schools analyze in their
3 self-analysis the results that they capture, and how
4 the teams take the data and incorporate into the
5 accreditation review process.

6 It is all captured within that data management
7 tool that the staff flatly refused to experience.

8 MR. WINNICK: If I could add, at a board
9 meeting of NCA-CASI, I can't recall if it was in August
10 or September, it was attended by the staff member from
11 the Department, the board voted to put 35 of its
12 institutions on probation, subject to their opportunity
13 to correct the underlying data. All but one was based
14 on inadequate student achievement results, either low
15 passage of licensure rates, low percentages of program
16 completion rates, or job placement rates.

17 I shouldn't even say low because the standards
18 here are highly rigorous. And the staff knew of that,
19 made no mention at all of that in the draft staff
20 report. In the final staff report, it is acknowledged
21 in passing with no analytical conclusion from that.

22 In November, after receiving the underlying

1 data from the institutions, NCA-CASI proceeded to in
2 fact put 22 of those institutions on probation. I
3 can't think of a clearer case where we've done exactly
4 what the Department is saying we don't do.

5 MS. NEAL: So are you saying you have specific
6 thresholds that your institutions must meet?

7 DR. ELGART: Absolutely.

8 MS. NEAL: Definite numbers and that those are
9 clear but apparently they're somewhere in the data
10 management tool?

11 DR. ELGART: That's where you can see it
12 actually happen and they're very clear.

13 MS. NEAL: This reminds me a bit of our
14 discussions with AALE some years ago in terms of what
15 you all provide to staff and what staff looks at.

16 Was there any expectation on your part that
17 perhaps you should pull it out of the data management
18 tool and make it more obvious so that they wouldn't
19 have to go searching for it?

20 MR. BERGMAN: Actually, I'm going to ask
21 Chelle to explain to you. It's actually in our
22 policies how those cut scores are determined is

1 actually in the policies and then we have a meeting
2 which then determines those cut scores for the year and
3 so, Chelle, why don't you talk about that?

4 MS. TRAVIS: Yes. In the policies and
5 procedures, there you will find the guidelines for
6 setting those student achievement rates and those
7 outcomes and each year our board, based on all of our
8 like institutions and their results, they will set
9 those student achievement rates.

10 The guidance is in our policies and the
11 student outcome data was actually provided in the
12 petition as well as pulled out of that petition.

13 As far as the issue of quality is concerned
14 and student quality, yes, it is. Those are also a
15 portion of our site team visits. Those are covered
16 within our standards and they are also included in the
17 reports as well as in the document management tool as
18 we have discussed.

19 In the evidence guide which was provided,
20 there is also in the appendices when you're looking at
21 minimum thresholds, there are also all of the relevant
22 occupations related by CIP codes and that also will

1 give you -- gives actually our teams and our
2 institutions the information pertaining to the correct
3 industry, credential, and also links there for them to
4 find the appropriate minimum thresholds for work
5 things, such as faculty, and also items, such as a line
6 in the curriculum standards.

7 It is a very big document and it is located at
8 the end of that for our teams and also our institutions
9 to see.

10 MS. NEAL: As I understand it, you oversee
11 currently 200 postsecondary institutions with about
12 350,000 adult learners.

13 DR. ELGART: Mm-hmm.

14 MS. NEAL: If you are not approved today, what
15 will happen to that universe of schools and students?
16 Are they already alternatively accredited by others?

17 DR. ELGART: No. I think our third party
18 comments will be ready to speak to that and they have
19 deep concerns of the impact not only on their
20 institutions but the students they serve. They have
21 deep concerns about having to change accrediting
22 agencies and the costs and time associated with that,

1 which in this day and age a lot of our institutions
2 don't have the financial resources to make such a major
3 change in direction, but I think that question can be
4 best answered by our third party.

5 MS. NEAL: And do you believe that you can
6 rectify these various concerns in 12 months?

7 DR. ELGART: What we've done in the last 18
8 months and compared to what we need to do, based on the
9 concerns in this report, in the next 12, quite frankly,
10 would be very easy for us to do if we're given the
11 opportunity in 12 months to do so. With a fresh set of
12 eyes, we believe, that we can more than adequately
13 respond to these concerns.

14 MS. NEAL: And who would the fresh set of eyes
15 be?

16 DR. ELGART: I think it's a combination of our
17 staff and the Department staff. We believe that a
18 fresh set of eyes by the Department working with us
19 collaboratively can easily remedy these situations,
20 these matters within 12 months.

21 MS. NEAL: Okay. Thank you.

22 CHAIR STUDLEY: Okay. To recap, I have

1 Federico, Arthur, and Cam, and then why don't we take
2 the Third -- and Susan, and the Third Party comments
3 and then we can come back to ask questions of this
4 group, and Aron, yes. I just want to be sure that we
5 hear the public comment for what value it might have in
6 our discussion. So Federico.

7 DR. ZARAGOZA: Yeah. Your petition is both
8 for recognition and for an expansion of scope.

9 DR. ELGART: Mm-hmm.

10 DR. ZARAGOZA: Staff has raised the issue and
11 in lieu of the discussion, what steps have you taken to
12 build the capacity to be able to expand your scope?

13 DR. ELGART: We have a whole business plan to
14 expand scope, if it's granted, and we're an
15 organization that has at its K-12 roots, we serve
16 almost 30,000 institutions, as postsecondary, with 200.

17 We have a business plan to expand staff, to expand the
18 resources that we engaged to expand our volunteer base
19 for conducting these evaluations, to expand the
20 training that would be necessary to expand our
21 volunteer base.

22 We have institutions outside of the 19 states

1 that are very interested in engaging us and we're ready
2 and prepared, if granted, to expand our resources -- to
3 expend our resources to support an expansion of scope.

4 DR. ZARAGOZA: Will you provide within your
5 budget additional staffing for this function?

6 DR. ELGART: Yes. We have a business plan
7 that we will enact, if and only, if we are granted an
8 expansion of scope.

9 MR. BERGMAN: Within the budget that was
10 provided as part of the petition was a proposed budget,
11 if there was an expansion of scope. It detailed the
12 expansion of staffing to keep them at or higher than
13 the current levels maintained per institution and
14 discussed the ability to phase in the addition of staff
15 as the numbers of institutions increased.

16 We wouldn't go out and hire additional staff
17 unless there was the expansion of scope and unless
18 there were additional institutions that actually were
19 coming onboard and seeking services.

20 DR. ZARAGOZA: Does your plan call for
21 reallocating existing staff from AdvancED and to
22 increase your volunteer pool?

1 MR. BERGMAN: Our volunteer pool currently is
2 at 800 volunteers that provide postsecondary functions
3 for us. There would be an increase as you have an
4 increase of institutions. There's a requirement that
5 every institution that we accredit also go ahead and
6 supply volunteers to work on the accreditation of other
7 institutions. So that pool would continue to increase,
8 as well, and then there was a contemplated increase of
9 the in-kind contribution from AdvancED to also help
10 meet the requirements of an increase in scope.

11 DR. ELGART: But the expansion of staff would
12 be postsecondary-experienced people who are not
13 employed in AdvancED. These would be new staff with
14 the postsecondary background.

15 MR. WINNICK: I would just add that that plan
16 was submitted with our petition and was never mentioned
17 in the staff analysis.

18 CHAIR STUDLEY: Arthur Rothkopf.

19 VICE CHAIR ROTHKOPF: No, thank you.

20 CHAIR STUDLEY: Cam?

21 MR. STAPLES: Thank you. I have follow-up to
22 Frank's description of the categories and it really is

1 more directed to our staff. When you talk about a
2 fresh set of eyes, it makes me wonder what eyes have
3 already been on it and I understand obviously we have
4 our primary staff, but I think there's a process that
5 I'd just like to hear a little more perhaps from Kay
6 about what the staff review consists of. How many eyes
7 are on it? What is done and see before we get the
8 staff report?

9 CHAIR STUDLEY: Cam, we are going to have an
10 opportunity to talk to staff about any issues that we
11 want to raise. Would you like to do this now? I think
12 if we could have staff come back again about the full
13 set of things. So you're first up when we do that.

14 MR. STAPLES: Thank you.

15 CHAIR STUDLEY: Susan?

16 DR. PHILLIPS: Thank you. You mentioned that
17 there are things that you think that you could improve
18 on and there's 59 things that the Department thinks you
19 should improve on. Is there some overlap in those sets
20 and what are the things that you would want to improve?

21 MR. BERGMAN: Well, I do think that there
22 needs to be additional training on the standards and

1 implementation. These are relatively new standards that
2 were created at the staff's direction and one of the
3 issues that actually at a recent meeting we had with
4 the staff was because of the recent implementation of
5 the postsecondary standards.

6 We need to have an opportunity to fully train
7 all of our network on the consistent application of
8 those standards. So that is something that we would
9 hopefully have the opportunity to do, if we had more
10 time from when those standards were adopted to the
11 actual time that they were being reviewed by the
12 Department staff, and also if you're going to go ahead
13 and be able to give a fair assessment of the consistent
14 application that you'd have to see it in the context of
15 an onsite review and how the site teams are trained on
16 using those standards and the indicators to go ahead
17 and fully provide an accreditation process.

18 MR. WINNICK: If I could add to that, I think
19 the one area where there's room for improvement is in
20 documentation of the application of the standards and I
21 think it ties in with the training, but, you know, that
22 documentation, I think, has been considered

1 satisfactory by the institutions that NCA-CASI works
2 with.

3 I can understand where, from the Department's
4 standpoint, greater clarity is needed, linking that
5 documentation, for example, back to specific standards
6 and indicators and I do think there's room for some
7 improvement there.

8 CHAIR STUDLEY: Anything else? Aron?

9 MR. SHIMELES: So in my experience with NACIQI
10 meetings, I've seen a relatively collaborative approach
11 of the staff working with agencies to help bring them
12 into compliance and Art already sort of got at this
13 question, but I'm just wondering what is so special
14 about your agency that has aroused the staff to not
15 fully interrogate the entirety of your petition. I'm
16 just confused that the majority of your case is that
17 the staff is not working with you collaboratively to
18 fully interrogate all the exhibits that you've
19 submitted and it's just a little bit confusing that the
20 staff seems to work collaboratively with all these
21 other agencies and has not afforded you those same
22 privileges. So I'd love for you to speak to that.

1 DR. ELGART: Well, Aron, actually, I think
2 that's a great question for the staff and it's a
3 question we've posed and we really would like to know
4 why in our case it's been not as collaborative as we've
5 experienced before.

6 When I was involved in this process leading up
7 to the 2007 recognition, it was a far more
8 collaborative process and even coming out of that, the
9 staff was very helpful in ensuring that we did this
10 work between SACS and NCA in a manner that would not
11 disrupt or conflict with our recognition and the
12 direction we were followed and it was fine.

13 So it's really a great question, one in which
14 I'm still struggling with trying to figure out the
15 answer to. I can only tell you what we have felt is
16 that it's not been a collaborative. It's been more of
17 a confrontational process that we just can't seem to
18 get through and I'm uncertain as to what changed.

19 MR. BERGMAN: And there's some inconsistency
20 in that concept of that it's all confrontational. We
21 had a series of meetings with the Department that I
22 think have all been collegial and professional and we

1 don't want to make it seem like we cannot work with the
2 Department. That's not the case.

3 You know, an example of this was the
4 compliance agreement that we came up with with the
5 Department to go ahead and make substantive changes to
6 the organization which the Department then, in their
7 comments, commented that the changes we made were of a
8 Herculean effort and then at the same time you get a
9 staff recommendation that says, well, even if we gave
10 them 12 months, there's no way they could do it.

11 We're committed to doing it. At one point you
12 go ahead and recognize it's a Herculean effort to go
13 ahead and pull ourselves into compliance and meet the
14 requirements of a process that we all sat down and
15 agreed to and then in the next set, you're saying,
16 well, yeah, you did this great effort but we don't
17 think you can do the other, so we're going to cut you
18 off.

19 The other thing that just doesn't
20 seem -- which we seem to have a problem with is you
21 have a set of new standards, new changes, and policies
22 that were instituted at the direction of the Department

1 and even at the last meeting we had with the
2 Department, there was sort of this concept that the
3 Department recognized we understand you've made all
4 these changes, your policies may now be in compliance,
5 but you're not going to have an opportunity to show
6 implementation and because you're not going to have a
7 chance to show implementation of those policies, we're
8 not going to be able to find you compliant.

9 Well, that seems just somewhat unfair.
10 Because we haven't had an appeals panel actually be
11 seated, we can't show that if we sat an appeals panel,
12 they would have full representation. Because we have
13 not had an instance where there's been a teach-out
14 plan, we can't show that we would review the business
15 plan or the teach-out plan, even though our policies
16 may require these things, and so if you really want to
17 have an opportunity to work collaboratively, there has
18 to be an understanding of if you change all these
19 policies, we will work with you to give you the time to
20 show the implementation of those policies in an
21 effective manner and that's really what we're looking
22 for and we think we can work with the Department to

1 have that happen.

2 It's really a question of we believe we can
3 put the effort in to meet any of the requirements that
4 may still be here out of this report.

5 DR. ELGART: Just one final statement. Does a
6 37-year track record deserve 12 more months to come
7 into compliance here? I believe that as a longstanding
8 compliant agency, 37 years deserves a chance for us to
9 fix the outstanding issues and so that we can continue
10 to build on this track record.

11 CHAIR STUDLEY: At this point, I'd like to ask
12 the two Third Party Commenters to join us and we
13 appreciate your comments very much. We may have
14 additional questions for you. I imagine you're not
15 going any place.

16 So if you would just let us hear from them and
17 then we'll ask questions of the staff and at that point
18 we will make a time judgment. I appreciate that some
19 of you are up next. We still are not prepared to
20 determine whether we're going to make any changes in
21 our schedule, except some of you may start a little bit
22 later.

1 So I'll just give the two presenters a moment
2 to be seated and begin with you, Ms. Nicol, from the
3 Ohio Board of Regents.

4 MS. NICOL: Thank you.

5 CHAIR STUDLEY: Thank you.

6 MS. NICOL: Members of the Board, I'm very
7 pleased to be here this morning and I hope that my
8 words will have meaning to each of you.

9 My name is Barbara Nicol, and I am currently
10 the Ohio Director of Adult Workforce Education, and I'm
11 responsible for the oversight of postsecondary
12 education in that state.

13 I have a 33-year history of work in
14 postsecondary education in which I have continuously
15 tracked and responded to state, regional, and local
16 labor markets with current, relevant, and rigorous
17 training programs and approval of those programs.

18 Our Ohio standards for postsecondary
19 institutions mirror those of NCA-CASI. I'm also one of
20 the 800 volunteer lead evaluators for NCA-CASI which is
21 an opportunity that I take extremely seriously.

22 I have an obligation as a lead evaluator to

1 that institution and also to NCA-CASI to uphold the
2 high standards that are set by NCA-CASI. I also in
3 that role have an obligation as a team leader to make
4 sure that we have a thorough and intensive
5 investigation of that school system and that that
6 institution also upholds and meets the standards of
7 NCA-CASI.

8 That said, there is an obligation to the
9 students and to the employers who receive the product
10 of those institutions and ultimately to U.S. DOE to
11 make sure that that institution is meeting the high
12 standards expected in this economy.

13 Throughout my career, I've been and am
14 committed to rigor and accountability in training and
15 of all related process to the unique niche of the
16 non-credit postsecondary career technical institutions,
17 the direct connections to employer needs, and to the
18 NCA-CASI validation of compliance and quality upon
19 which employers and students rely.

20 I received a call this week from a depressed,
21 discouraged, and struggling individual who'd been
22 downsized and who has been without a job for a year.

1 Unemployment was running out quickly and with housing
2 payments and a family to feed, this person was seeking
3 a training institution to change career direction and
4 find work.

5 We discussed possibilities and where to look
6 and my first word of advice to this person was look for
7 NCA-CASI institutional accreditation. If the
8 institution doesn't have it, look elsewhere because
9 this is your stamp of quality for education. My
10 coworker and I get these calls regularly and we're
11 happy to direct these individuals to any one of the 60
12 NCA-CASI-accredited centers in Ohio because these
13 standards are evenly applied to all and I can vouch for
14 the quality gauged through the accreditation process.

15 NCA-CASI has been accrediting Ohio's
16 postsecondary non-degree-granting career technical
17 institutions for many years and is an Ohio criterion
18 for federal and state funding in the Ohio postsecondary
19 system.

20 Throughout the years I have participated in
21 NCA-CASI intensive training, have been a lead
22 evaluator, have served on external review teams, and

1 have taken part in all elective and required NCA-CASI
2 professional development activities.

3 I currently serve on the NCA-CASI Board of
4 Directors.

5 The NCA-CASI accreditation process is known
6 and trusted within the Ohio Board of Regents and
7 non-credit postsecondary career and technical
8 institutions. These institutions --

9 CHAIR STUDLEY: Ms. Nicol? Ms. Nicol, --

10 MS. NICOL: I'm sorry.

11 CHAIR STUDLEY: -- I apologize for not
12 flagging for you the three-minute time limit --

13 MS. NICOL: I'm sorry.

14 CHAIR STUDLEY: -- and the light system.

15 MS. NICOL: Oh.

16 CHAIR STUDLEY: So if you would, please, --

17 MS. NICOL: Jump to the conclusion.

18 CHAIR STUDLEY: -- jump to your conclusion,
19 I'd appreciate it.

20 MS. NICOL: I'm sensing you all have had lots
21 of coffee this morning. I can fully appreciate.

22 NCA-CASI in Ohio impacts 60 postsecondary

1 career technical institutions, approximately 30 percent
2 of the institutions that NCA-CASI accredits. That
3 represents approximately 90,000 adults who are seeking
4 training and retraining.

5 The bottom line, by continuing institutional
6 accreditation means personal success for these
7 students. It means employer success and it ultimately
8 means workforce and economic success in the 19 states.

9 CHAIR STUDLEY: Thank you very much. I
10 appreciate it. I'm sorry for pulling the rug out from
11 you.

12 MS. NICOL: You did. I have more to share.

13 CHAIR STUDLEY: I should have explained, as we
14 did for the witnesses, the speakers yesterday, there is
15 a three- minute time frame. The light will turn yellow
16 when you have 30 seconds and red when the time is up.

17 MS. NICOL: I did not realize that.

18 CHAIR STUDLEY: That was unfair to you.

19 MS. NICOL: If you need more, just ask.

20 CHAIR STUDLEY: Thank you. We will have an
21 opportunity here for questions of you.

22 This is Mr. Thomas Peters from Symbol Job

1 Training.

2 MR. PETERS: Yes. Hello, and thank you for
3 allowing me to address the panel this morning.

4 My name is Tom Peters, and I'm the Director of
5 Business Operations for Symbol Job Training, Inc.

6 I graduated from the University of Illinois,
7 Urbana-Champaign, with a dual degree in Accountancy and
8 Finance, and obtained my CPA license. I joined Symbol
9 Job Training in 2010 after working eight years in
10 public accounting with several clients within the
11 manufacturing industry.

12 Symbol Job Training is a postsecondary
13 institution located in Skokie, Illinois, that works
14 closely with the manufacturing sector and focuses on
15 hands-on computerized controls, CNC training. We have
16 direct partnerships with several of the local
17 manufacturing companies in the Chicagoland area and we
18 provide all of our graduates with job placement
19 assistance.

20 In addition to offering top-quality CNC
21 hands-on training, we take pride in our high success
22 rate of job placement. Our accreditation experience

1 with NCA-CASI has been very helpful in strengthening
2 our institution. During the accreditation visit, the
3 NCA-CASI accreditation team carefully reviewed our
4 institution's controls and processes and provided us
5 with very valuable suggestions and feedback for
6 improvement.

7 The accreditation team came in with a fresh
8 set of eyes and was able to provide us with invaluable
9 and insightful feedback. We have implemented a wide
10 range of team recommendations that have improved our
11 efficiency and effectiveness as an institution,
12 including an organizational and job responsibility
13 chart that has aided us in performing our duties more
14 efficiently on a day to day basis, a better record of
15 our weekly staff meetings which allowed us to more
16 effectively implement our ideas and turn them into
17 actions.

18 The NCA-CASI team recommendations also help to
19 improve us through an alignment of our courses with
20 that of the National Institute of Metalworking Skills,
21 NIMS, which currently is the only nationally-recognized
22 credential for the manufacturing industry.

1 They've also helped us establish an advisory
2 committee comprised of individuals within the
3 manufacturing industry. Through this committee we have
4 strengthened our schools' presence within the
5 manufacturing community and obtained invaluable
6 feedback about what the industry expects and requires
7 from our graduates once they enter the workforce.

8 NCA-CASI team members visited our institution
9 for three days and in that time did a very thorough
10 review. They were able to review all aspects of our
11 institution while verifying whether we were in
12 compliance with all of the standards. Furthermore,
13 NCA-CASI's document management tool was very concise
14 and allowed our institution to effectively organize and
15 prepare for the accreditation team visit.

16 The management tool also provided us with very
17 clear and concise directions regarding the standards
18 and indicators. These are clearly organized and easy
19 to follow and help frame our compliance and improvement
20 efforts. The written and onsite feedback was
21 invaluable.

22 The NCA-CASI team members performed a very

1 thorough evaluation of our school by reviewing multiple
2 documentation and were able to interview more than 20
3 staff members and students during the accreditation
4 visit. This in turn allowed the team to provide us
5 with very timely and valuable insights on our
6 operations and recommendations for improvement.

7 The team members were very in tune with our
8 institution's mission and fully grasped the essence of
9 what a postsecondary non-degree-granting educational
10 institution, such as ours, has to achieve.

11 NCA-CASI holds our institution accountable for
12 compliance, such as maintaining our ISB state licensing
13 requirements, and providing annual
14 independently-audited financial statements. It also
15 provided us with invaluable guidance on how to set up a
16 database system and how to better maintain our
17 attendance records and implement an online element to
18 our education.

19 In conclusion, NCA-CASI, the staff and team
20 leaders are always very accessible and available to
21 answer questions in a very prompt manner. Symbol Job
22 Training feels that our overall accreditation

1 experience has been very positive and powerful and only
2 confirm that we truly are changing lives through our
3 postsecondary education.

4 We hope that NCA-CASI can continue to serve as
5 our accrediting agency. The NCA-CASI accreditation has
6 allowed us to grow and more effectively pursue our
7 institution's overall mission and vision to produce
8 made in the USA machinists while changing lives through
9 postsecondary training.

10 Thank you.

11 CHAIR STUDLEY: Thank you very much. Do any
12 members of the committee have questions for either of
13 the two Third Party Representatives? Art?

14 MR. KEISER: You said you are a member of the
15 Board of --

16 MS. NICOL: Correct.

17 MR. KEISER: -- CASI?

18 MS. NICOL: I am a member of the newly-formed,
19 I think I was appointed in 2011, of the new Board of
20 Directors under NCA-CASI.

21 MR. KEISER: And what role do you play? Are
22 you playing an institutional role or a --

1 MS. NICOL: Postsecondary representative.

2 MR. KEISER: Postsecondary rep.

3 MS. NICOL: Mm-hmm.

4 MR. KEISER: Now does your agency license or
5 oversee the institutions of CASI?

6 MS. NICOL: As an employee of the Ohio
7 Department of Education, I do have -- I don't -- I
8 hesitate to use the word "authority." We have a
9 relationship and I have funding obligations to the
10 centers in Ohio. However, I do not participate in any
11 Ohio visits nor do I interact in any Ohio change
12 requests or anything that the Board would, you know,
13 act upon.

14 MR. KEISER: Thank you.

15 DR. ZARAGOZA: Just a follow-up to that.
16 Would members of your staff, though, participate?

17 MS. NICOL: In the board? No, absolutely not.

18 DR. ZARAGOZA: Site reviews?

19 MS. NICOL: Absolutely not, no.

20 CHAIR STUDLEY: Any other questions?

21 (No response.)

22 CHAIR STUDLEY: I do have one question for

1 you, Ms. Nicol. Can you speak to and maybe you were
2 prepared to tell us --

3 MS. NICOL: I probably was.

4 CHAIR STUDLEY: -- whether you would see
5 consequences for the approval of postsecondary
6 non-degree programs in Ohio if this agency were --

7 MS. NICOL: Absolutely.

8 CHAIR STUDLEY: -- not allowed to continue?

9 MS. NICOL: Absolutely.

10 CHAIR STUDLEY: Briefly, what would those be?

11 MS. NICOL: Having 60 institutions accredited
12 under NCA-CASI, we've had those institutions accredited
13 by that accrediting agency for a very long time. We
14 have worked very hard to instruct them, both in their
15 self-analysis, in their own process of working toward
16 the standards. We have aligned our Perkins-required
17 standards, the standards for operation of a
18 postsecondary non-accredited institution in Ohio, we've
19 aligned that with the NCA-CASI standards, and so the
20 amount -- we've also not found another accrediting
21 body that meets the current needs that we have in Ohio,
22 and for any of our centers to make a change would be

1 a -- first of all, I don't know how they would change,
2 to whom they would go and seek accreditation.

3 The second thing is the amount of resources,
4 both in time commitment, in cost, and in the disruption
5 of activity to move to a different accreditation, I
6 think, would be devastating for quite some time. We
7 would have to realign everything.

8 CHAIR STUDLEY: Thank you. Seeing no
9 additional questions for these commenters, I want to
10 thank you and I apologize again. Thank you very much
11 for your comments.

12 We are now going to take a 10-minute break.
13 Let's reconvene at 11 o'clock, at which point we
14 will -- I'm getting some stirrings from the Committee.

15 We'll reconvene at 11 o'clock, at which point we will
16 speak with the staff and the agency. Members of the
17 Commission are not allowed to speak about this issue,
18 so please do not approach us.

19 Thank you very much.

20 (Recess.)

21 CHAIR STUDLEY: Would you please resume your
22 seats? Thank you very much.

1 We're going to pick up at this point with
2 questions for the staff. I promised Cam that he could
3 be first up. Are there others now at this point who
4 know that you have questions or comments that you'd
5 like to raise at this point? So, Brit, Susan, Anne, Art
6 Rothkopf, Frank. That's a good start. Cam?

7 MR. STAPLES: Thank you. With your
8 permission, I'll direct this to Kay since, Kay, you
9 were the staff director, and I think the question that
10 has come to my mind is what the process is internally
11 when a recommendation is developed and obviously you
12 have a primary assignment and Joyce is handling the
13 primary assignment.

14 But I guess I want to know what, before
15 something comes to us, the question of a set of eyes
16 and sort of charges of bias have been made, and I think
17 it would be helpful for us to know what the process is,
18 how many people look at it, you know, what numbers of
19 eyes are on a recommendation before it gets to us.

20 MS. GILCHER: Okay. The process is that the
21 analysts will do the initial write-up and then Carol
22 Griffiths, who is the direct supervisor of the

1 analysts, will do a thorough review of that and then it
2 comes to me for a review, a second review, and if we
3 have particularly significant issues or concerns about
4 legal issues, then we would have Sally do, as well, a
5 thorough review.

6 Now the review that Carol does and that I do
7 will involve some look into the documentation as well
8 as the narratives that have been submitted. So in this
9 case, we actually had another staff person who also
10 assisted with the development of the final analysis.

11 MR. STAPLES: Thank you. That's helpful.

12 CHAIR STUDLEY: Thank you. Brit?

13 DR. KIRWAN: Yes. I may have other questions
14 later but one point that was raised is that the law
15 requires or the policy requires that there actually be
16 a site visit before a recommendation to deny and, I
17 mean, that was stated very explicitly I think by the
18 NCA-CASI, and I wondered if you could talk about that
19 requirement. Was there a site visit? If there wasn't,
20 why wasn't there? Do we normally do site visits? So
21 I'd be interested in your comments on that, Joyce.

22 Thank you.

1 MS. JONES: Thank you for asking. At the
2 moment I can't tell you exactly what the cite is that
3 indicates what the requirements are for the Department
4 to conduct a review of an accrediting agency.

5 As I understand it and as was decided by the
6 office over this period of time that it would be either
7 or and the choice was to do the -- to observe the
8 decision meeting after having previously observed a
9 decision meeting in which there were gross errors when
10 AdvancED in fact was the applicant for review.

11 So the choice was to review or observe the
12 decision meeting for the current agency seeking
13 recognition.

14 In other instances where the agency is coming
15 in as an applicant, ordinarily the Department will
16 conduct both but there's no requirement on a
17 reapplication or renewal. So the choice is either or
18 and we chose to do that.

19 I might also add that during the period in
20 which the review of both organizations has occurred, if
21 you recall in October 2008, the committee was
22 disbanded, this committee, and that there were no

1 reviews for a period of a couple of years, meaning that
2 your first opportunity to review occurred in September
3 of -- I'm sorry -- in the spring of this year as a new
4 body.

5 As a result, activities concerning alternative
6 activities were conducted in the Department and that
7 included looking at the changes to the criteria and
8 developing a guide during that period to assist
9 agencies in using that guide to respond to all of the
10 changes that were in the Higher Education Act
11 Amendment. So there was activity. It wasn't always
12 with respect to agencies.

13 CHAIR STUDLEY: It occurs to me that, in
14 response to Cam's question, that Kay mentioned Carol's
15 and her own involvement and I just thought in case we
16 have questions about wider issues or a variety of
17 issues, that perhaps, Carol, you might be willing to
18 just make yourself available with Joyce, if that turns
19 out to be helpful.

20 Brit, did you have any other questions?

21 DR. KIRWAN: No.

22 CHAIR STUDLEY: Sally?

1 MS. WANNER: I was just going to follow up a
2 little bit on your question about the law. What this
3 regulation says is observations from site visits on an
4 announced or unannounced basis to the agency or to a
5 location where agency activities, such as training,
6 review and evaluation panel meetings, and decision
7 meetings, take place, and to one or more of the
8 institutions or programs it accredits or pre-accredits.

9 So we read that as an alternative rather
10 than --

11 DR. KIRWAN: Or.

12 MS. WANNER: Yes.

13 DR. KIRWAN: And the "or" was followed in this
14 case.

15 CHAIR STUDLEY: Susan?

16 DR. PHILLIPS: Thank you. I just want to dig
17 into the student achievement conclusions of the
18 analysis to see if I'm understanding this. This is the
19 one of the Student Achievement 60216A1A, and I note
20 that the agency describes their activity as including
21 setting standards for student achievement, having a
22 board meeting at which that's concluded, and then

1 making a determination that a number of institutions
2 were then put on probation for failing to comply with
3 it.

4 Listening to that and trying to understand the
5 staff analysis, I'm unclear what was insufficient from
6 the analyst point of view.

7 MS. JONES: I think you're referring to the
8 activity of the Board of Directors at the September
9 meeting in which the Department observed the
10 establishment of those 2010-2011 or 2009-2010 rates for
11 student achievement covering job placement, covering
12 licensure, and covering licensure, job placement, and
13 this is an oops moment, and completion, and those were
14 established at that meeting at which time the vice
15 president presented to the board the listing of those
16 agencies, those institutions where it had been reported
17 that they had not met the newly-developed thresholds,
18 and as the documentation shows, at the subsequent
19 meeting of those many who had to demonstrate whether
20 they met those thresholds by getting notification, I've
21 forgotten how many Steve indicated were placed on
22 probation or whatever they call it, but at any rate,

1 that is a demonstration of what they say they did.

2 The other part of it is, and it has to do with
3 not just student achievement but the standards as a
4 whole, and the standards as a whole do not contain
5 thresholds as do these achievement thresholds. In
6 fact, what you'll see in the documentation, especially
7 in the two site visit reports with the two agencies
8 that they submitted -- two institutions that they
9 submitted in response to the draft staff analysis is
10 you will find that the inconsistent application of the
11 standards prevailed, both of the site visit reports.

12 For example, in one of the site visits
13 reports, the agency reported in the site visit that the
14 institution itself became the industry standard and
15 that is not according to their policies.

16 In another, the discussion with respect to how
17 the institution met their faculty standards. The only
18 concern was that the person was experienced. There was
19 nothing in there that discussed the qualification for
20 hiring. There was nothing in there -- only to say that
21 the institution has a faculty that has experience.
22 There is no definition with respect to their standards,

1 with respect to their indicators, of what the threshold
2 would be for faculty.

3 It's just a presentation of a list of items
4 and it then is left up to the interpretation of what
5 the school says we meet and what the agency says
6 because it appears that they meet. There is no
7 assessment. There is no mechanism to evaluate the
8 standards as a whole and in accordance to what the
9 Department expects.

10 MS. GRIFFITHS: If I may, I agree with Joyce
11 with what she's saying. I would like to add specific
12 to the student achievement standard, like we do with
13 all with agencies that we assess, evaluate, we assess
14 against what they call their own student achievement
15 standards. In this particular case, the agency student
16 achievement standard, and I'm not quoting it, I think
17 I'm paraphrasing it pretty well, though, that the
18 agency will rely on industry standards in assessing
19 student achievement and competencies, that where those
20 don't exist in the state or in the industry, that they
21 will establish their own student achievement standards,
22 but there is one student achievement or achievement

1 outcomes standard they do have which is that they
2 expect an institution to establish student achievement
3 standards and to do an assessment, an effectiveness
4 assessment against those standards, and we did not see
5 any evidence of this agency going in and making any
6 assessment about the quality of those standards set by
7 institutions.

8 I hope that's clarifying and I hope I
9 addressed your question. As part of the -- okay. I
10 will add to that. As a part of the student outcomes for
11 licensure, placement, and graduation, there was no
12 evidence of a historical application of that. This
13 was -- and I understand that the agency says that they
14 will do this annually.

15 It seemed to us that this assessment and
16 action they took on those institutions was more of a
17 monitoring process, of monitoring for continued
18 compliance with their standards. It was not evident in
19 the reviews for accreditation and reaccreditation that
20 we saw evidence of those as we would have expected from
21 any other agency.

22 DR. PHILLIPS: I think I'm understanding two

1 different issues at play in the student achievement
2 one. One is a concern about the agency monitoring or
3 ensuring that institutions are following their own
4 stipulation that institutions set their own guidelines,
5 set their own standards. That's Issue 1.

6 And then Issue 2, and this one I'm not quite
7 sure I'm following you on, the agency has not
8 demonstrated that it has and applies clearly specified
9 quality indicators for evaluating its requirement that
10 the institution regularly collect and analyze student
11 outcome data. I'm not quite sure what that refers to,
12 if not the data that was mentioned on degree
13 completion, graduation and placement rates, those
14 issues. What's the --

15 MS. GILCHER: I would urge you to read the
16 rest of that phrase which says that "and use the
17 results in institutional assessment and implementing
18 continuous improvement plans."

19 DR. PHILLIPS: So the concern is about the
20 institutional -- the agency requiring the institutions
21 to behave in a particular way. That's the issue
22 that -- it's not that they don't have the -- the agency

1 doesn't have standards but, rather, that they don't
2 apply those standards to the institutions?

3 CHAIR STUDLEY: I think Art as the primary
4 reader has some comments.

5 MR. KEISER: I read that area and it is clear
6 they have -- I'm not sure how fair it is. They have
7 standards because the board votes on the standards and
8 then they apply them because it's retroactive and the
9 schools can't change what they have in historical data.
10 It's based on one standard deviation below the mean of
11 the schools in their universe.

12 But what was cited and what followed in the
13 discussion that's in the ASL is there was a lack of
14 assessment and that was it's not that they did not have
15 outcome standards. It is the fact that they did not
16 show evidence or documentation of the assessment of
17 these standards.

18 MS. GRIFFITHS: I believe the finding pretty
19 much quoted what the agency had said that they require,
20 that they require their institutions to regularly
21 collect and analyze student outcome data and use the
22 results in institutional assessment in implementing

1 continuous improvement plans.

2 We saw no evidence of the agency assessing
3 that requirement that they place on their institutions.

4 CHAIR STUDLEY: Anne?

5 MS. NEAL: Following up on that, I'm a bit
6 confused, I must confess, but what I heard the agency
7 just say is that they do have thresholds and that they
8 have suspended or they've taken action essentially
9 against institutions that don't meet those thresholds.
10 Do you agree with that?

11 MS. JONES: Anne, are you asking about the
12 action taken at the September 2011 meeting?

13 MS. NEAL: I'm not sure which meeting it was.
14 I'm just trying to find out how they applied these
15 standards to the institutions they oversee and if in
16 fact they have thresholds, do they hold the
17 institutions to those thresholds?

18 MS. JONES: It is not evident in their
19 analysis of the -- in what they call the QARs, the site
20 team reports. It's also not necessarily evident in the
21 self-studies or SARs done by the institution. What was
22 evidenced was a policy that that day, at the site

1 team -- I mean at the meeting, where they instituted
2 what those were and then had what the standard
3 deviation -- not the -- the thresholds were for job
4 completion and licensure.

5 Once that information was presented to them by
6 the vice president, after they - no, before they
7 adopted the policy, then the board acted on that. They
8 submitted the documentation showing that they had acted
9 at their meetings subsequent in their response that
10 they had put those schools on probation.

11 They have provided over the years evidence of
12 actions taken in a format that they've chosen, but it's
13 not evident that it occurred, other than the fact that
14 they said we did it. It may appear on their website
15 with respect to actions or decisions but not
16 necessarily the probation. I can't remember seeing
17 that. If it's there, I stand corrected on it.

18 MS. NEAL: Do you agree with them that there
19 have been no complaints and that the students are
20 getting fairly good placements and that the default
21 rates of the institutions they oversee are low?

22 MS. JONES: The two second ones is what has

1 been reported to the Department. The first
2 question -- I'm sorry. I need to hear that again.

3 MS. NEAL: No complaints.

4 MS. JONES: There have been no complaints as
5 far as reported in the materials provided. There are
6 two ways to look at complaints. One is against the
7 agency and the other one is against an institution
8 accredited by the agency. In the instance where the
9 agency does a review of those institutions for
10 complaints, they are reported in a format and
11 addressed.

12 The agency I don't recall having an instance
13 where they have a complaint except one and that has to
14 do with an inquiry in which they said in their response
15 is being handled as a complaint by the agency itself
16 and I'm not sure what the sum and substance of that
17 are.

18 MS. NEAL: They have also contended that with
19 some additional time, they could address the various
20 problems that you've raised, that a significant number
21 of them are essentially providing documentation which
22 is something we've seen with a lot of the entities that

1 have come before us.

2 I know you all have some serious concerns and
3 I'm wondering if there might not be some other options
4 in terms of limiting their ability to accredit more
5 entities while being given an opportunity to respond to
6 your concerns and that's just something that I'd be
7 interested in exploring.

8 I also just want to look very quickly at
9 something on Page 13. As I understand it, in what
10 appears to be a bit of dicta, that there's no reason
11 that regionals can't compete nationally. The only
12 restriction on their competing nationally is that when
13 the Department of Ed gives it its scope, it gives it
14 its regional monopoly. Is that basically what you're
15 saying? There's no legal reason they can't operate
16 nationally but there is a Department of Ed reason they
17 can't operate nationally because the scope is limited
18 to regional.

19 MS. GRIFFITHS: We have no regulations that
20 preclude an agency from conducting accrediting
21 activities outside of its scope of recognition. So in
22 that sense, you know, accrediting agencies don't come

1 to us for permission to accredit. They come to us for
2 recognition of what they do and the Secretary's scope
3 of recognition establishes parameters for that. So I
4 hope that answers your question.

5 CHAIR STUDLEY: Thank you very much, Anne.
6 Art Rothkopf. And let me just signal that I left out a
7 step in inviting the agency response to the Third Party
8 presentations. So after Art Rothkopf and Frank, if
9 there's anything that you would like to say in response
10 to the two Third Party presentations, we would welcome
11 it.

12 VICE CHAIR ROTHKOPF: I just wanted to follow
13 up on Cam's questions which were answered by Kay. I'm
14 interested in whether this report was reviewed by the
15 General Counsel's Office. I don't know if I'm getting
16 into attorney-client privilege questions or not, but I
17 am interested as to whether Sally or her colleagues
18 have reviewed this report.

19 MS. WANNER: I looked at the -- the staff had
20 a huge task in front of them because, after the draft
21 staff analysis went out, we encouraged the agency, we
22 wanted to ensure that the agency did everything it

1 could to document and make its case for continued
2 recognition. So we encouraged them and told them they
3 should be sure and put everything in the record.

4 So there was a huge amount of data that came
5 in between the final -- I mean the draft and the final
6 which in turn pushed the process way back because the
7 staff then has a deadline. They have to get it to the
8 agency at least seven days before the meeting. So I
9 had a period of time of about two or three hours to
10 read all 110 pages and I had to necessarily focus on
11 the portion of the vital staff resolution of each
12 finding rather than the earlier materials but I did
13 look at that.

14 VICE CHAIR ROTHKOPF: Thank you.

15 CHAIR STUDLEY: Frank?

16 MR. WU: I just wanted to make a comment and
17 then ask the staff a question. The comment is that
18 generally I think the staff does a really good job and
19 I think it's important for us to say that from time to
20 time and in general agencies have worked very
21 cooperatively and that's for the better. I think it's
22 important that we say that, too.

1 I thought that much of the presentation from
2 the agency here in terms of their concerns was filled
3 with adjectives and was of a conclusory nature; that
4 is, the claims of bias and so on.

5 But even if we granted that there may be some
6 issues with procedure, it seems that even discounting
7 that, there's still some underlying substantive
8 problems here that are serious that we really need to
9 take a look at. So I just wanted to make that comment.

10 My question for the staff is could you walk us
11 through what would happen next if we followed what the
12 staff has said here? What are the next steps in the
13 process that the agency could avail itself of?

14 CHAIR STUDLEY: Frank, could you just be
15 specific because there were several different
16 possibilities, just if what --

17 MR. WU: Yes.

18 CHAIR STUDLEY: If we did what?

19 MR. WU: So if NACIQI voted to accept the
20 staff recommendation to deny, what would then happen?
21 What would that trigger?

22 MS. GILCHER: Well, first, both the NACIQI

1 recommendation and the staff recommendation go forward
2 to Dr. Ochoa who then has 90 days to make a decision.
3 The decision would be then communicated to the agency
4 in a letter signed by Dr. Ochoa and the effective date
5 of the loss of recognition would be the date of that
6 letter.

7 However, there are also procedures for an
8 appeal and I don't remember the exact timelines but the
9 agency can appeal to the Secretary, I think within 10
10 days, within 10 days, and that is a written appeal made
11 to the Secretary who then would act upon that appeal.

12 MR. WU: Could I follow up by asking would the
13 agency have an opportunity at that point to file more
14 documents? Is that customary? So after we
15 decide -- let's say we did say the answer should be
16 deny, would the agency then have a formal opportunity
17 to submit documents?

18 And then with that, just so we can get the
19 context and I understand NACIQI has changed, the
20 statute that governs us is different than the prior
21 version, and, of course, you can't guarantee that
22 people will behave in the future as others did in the

1 past, but to help guide us, how often does it happen
2 that NACIQI does something different from the staff?
3 How often would it happen that an agency is denied?
4 How often would it happen that at the next level, we
5 would be overturned? You know, what are the
6 parameters? Would this be extraordinarily rare, once
7 in a hundred years? Is it very common? You know, on
8 the spectrum of things, how dramatic is this?

9 MS. WANNER: I think I can answer some of your
10 questions. I don't know that I'll remember all of
11 them.

12 Generally, the process, the procedures are set
13 up so that an agency cannot submit additional evidence.
14 There are exceptions for that, I believe, when if you
15 were to, for example, make a new finding that they had
16 not had an opportunity to address.

17 They have 10 days to file response or comments
18 to your recommendation to the Assistant Secretary who
19 will then make a decision and then at that point if
20 they're still dissatisfied with the decision, they can
21 appeal to the Secretary.

22 I've worked with this committee since '94. I

1 can recall at least five or six agencies that came
2 before the Secretary on recommendations from the staff
3 and the NACIQI to withdraw their recognition. I would
4 say maybe half of those were upheld. I can recall in
5 particular one that was not upheld where the Secretary
6 granted everything that the committee and the staff
7 found and agreed that the agency was not doing a good
8 job but nonetheless was concerned about the
9 implications for schools and students.

10 It's certainly not unheard of for the NACIQI
11 to disagree with the staff. That probably happens
12 every meeting, every other meeting. Would you agree?
13 So does that pretty much address your questions?

14 MR. WU: Thanks. That's very helpful. Thank
15 you so much.

16 DR. KIRWAN: Could I just follow up or not?

17 CHAIR STUDLEY: Sure.

18 DR. KIRWAN: Yeah.

19 CHAIR STUDLEY: Absolutely.

20 DR. KIRWAN: Just following up on what Frank
21 said, so let's say Mr. Ochoa agreed with the
22 recommendation not to and they appealed and the

1 Secretary agreed. Then what happens?

2 MS. WANNER: Then the agency is no longer
3 recognized. There is a provision at least as far as
4 Title IV goes that those institutions will continue to
5 be eligible for a period of 18 months thereafter to
6 give them an opportunity to find new accreditation.
7 It's a short period of time as far as an accreditation
8 process but it is available, and then there is no
9 deadline or there are no parameters on when the agency,
10 if they wanted to reapply for recognition, could come
11 back. If they felt they were qualified on day one,
12 they could reapply.

13 DR. KIRWAN: And are there other accrediting
14 bodies that could accredit the institutions formerly
15 accredited by this organization?

16 MS. GILCHER: Yes, there are. There are two
17 or three that could do that.

18 DR. KIRWAN: Thank you.

19 DR. FRENCH: Madam Chair?

20 CHAIR STUDLEY: George?

21 DR. FRENCH: Thank you. My question is, given
22 the presentation of basic defenses of the

1 recommendation by the agencies, what would you all
2 consider the most egregious areas that were not covered
3 by the agency? That's Number 1.

4 And then Number 2, what's the tipping point
5 wherein we determine that we feel that they cannot
6 within 12 months meet the requirements?

7 MS. GILCHER: I'll take a stab at starting on
8 that one. I think that it's really a matter of
9 accumulation. So if you put all of the sort of things
10 together, the question is is there a robust and really
11 reliable consistent way that this agency reviews
12 institutions. Is there a sense that they are actually
13 able to conduct their activities so that we could rely
14 upon their decisions, and, given all of the various
15 aspects of their accrediting process that are
16 questionable, we don't believe that there is that kind
17 of strong system.

18 And in terms of the tipping point, I think
19 that really is the tipping point, if all together as a
20 whole, and we tried to define that a bit in the summary
21 at the beginning where we explained why we're
22 recommending a denial.

1 DR. FRENCH: So the second part would be what
2 were the most egregious areas that you could identify
3 that were not addressed by the agency today because
4 they did address some areas and I recognize they did
5 not address all areas, but what were the most egregious
6 that they did not?

7 MS. JONES: In response to your question about
8 the most egregious, our system is based on compliance.
9 So I would say each and every one of them.

10 MS. GRIFFITHS: I think both Kay and Joyce
11 have spoken well to it. The accreditation process,
12 there seems to be basically fundamental differences in
13 understanding of what postsecondary education is all
14 about here and so that focuses in on, in my opinion, to
15 the accreditation process itself, the expectation of a
16 qualitative assessment in the self-study, the
17 expectation of a comprehensive assessment against
18 clearly-defined standards that are articulated and
19 documented. The need for documentation is a very
20 important part of this process that has not been
21 sufficient to reach the level that we have expected of
22 agencies, and then clearly that the decision-making

1 process is based on that, again with documented
2 evidence.

3 There also appears to be, I think, a
4 difference here for this agency, perhaps some of it
5 resulting from, you know, the changes that they have
6 undergone in the last few years, once they did
7 this -- beginning with the unification process itself,
8 but there needs to be a sense of consistency and, for
9 example, with the student achievement thresholds that
10 came about with the actions, those occurred recently.

11 If it was something that had been being done
12 consistently, I would think we would have had seen the
13 documentation prior to a November decision meeting.
14 It's almost a reactionary kind of approach they're
15 taking and again I think it goes back to, and I will
16 summarize and conclude with my first statement, I think
17 there's a fundamental difference in and understanding
18 of what accreditation as we assess it for compliance
19 and for recognition.

20 DR. FRENCH: Madam Chairman, my last follow-up
21 because I'm kind of with Anne. I was a little bit
22 confused on the student learning outcomes (SLO) issue.

1 But what you just noted, you said that it was almost a
2 knee-jerk reaction, the November meeting was a
3 knee-jerk reaction, but are we saying that the policy
4 was in place but at the November meeting, some action
5 was taken against eight some institutions but we felt
6 like it was only in response but the question is was
7 the policy in place? Was there a board meeting in
8 which action was taken against institutions based on
9 the policy?

10 MS. GRIFFITHS: I believe the policy was put
11 in place some time in the last year or two years but
12 then again the documentation -- this is a bit of a
13 problem. Policies continually change and they had been
14 changing from the time we reviewed the draft till we
15 got the final. It appeared to me that there were
16 changes in policies being made in reaction to what we
17 were saying and there was documentation being provided
18 with the response to the petition as we want agencies
19 to be able to do, but I'm not sure to what
20 extent -- you know, it would have been nice -- it would
21 have been clearer to us perhaps if the documentation
22 could have been something from their files that had

1 been done that would indicate a consistency of
2 application of policies throughout this period as
3 opposed to documentation, such as the thresholds for
4 compliance that they put these actions -- took actions
5 and put these institutions on probation.

6 I was not clear that they had done that
7 previous to this past November.

8 DR. FRENCH: Okay.

9 MS. GRIFFITHS: At least there was no
10 documented evidence of that.

11 DR. FRENCH: Right. But you're not sure if it
12 had been done previous but you are saying that it was
13 done in November, according to policy, institutions
14 were sanctioned, is that correct?

15 MS. GRIFFITHS: Yes. Yes, I do understand
16 that's what they did, yes.

17 DR. FRENCH: Okay.

18 MS. GILCHER: I just wanted to point out that
19 in the review of these outcomes data, those come into
20 the agency annually. So it's a monitoring activity and
21 they're doing that review. So it's in the context of
22 the actual, you know, accreditation decision-making the

1 basis of the -- okay.

2 CHAIR STUDLEY: Would this be accurate? It
3 may be simplistic but are you saying that there's an
4 after-the-fact application of standards once they're
5 developed and that what you're looking for is setting
6 them going forward for institutions? Is that the
7 difference in your -- or let me put it another way.

8 They now have a standard, a threshold that
9 they're asking the schools to meet. If they apply that
10 threshold in the future and documented it
11 appropriately, would that satisfy that standard for
12 their accreditation? Was that understandable?

13 MS. GRIFFITHS: If the agency can demonstrate
14 that it is assessing student outcomes as part of its
15 reaccreditation process, if that's your question,
16 that's my answer. That would be what we would be
17 looking for.

18 MS. GILCHER: There's not really an argument
19 in terms of their having established thresholds. They
20 did establish thresholds. Their standard is written
21 even more broadly than that, however, and there are
22 other aspects of that standard for which we have no

1 evidence that they did any kind of review against those
2 aspects of the standard.

3 CHAIR STUDLEY: Susan, you had a question?

4 DR. PHILLIPS: Slightly different topic but
5 one of the categories of concern that Frank had talked
6 about was the category of things that the agency
7 maintains that it's doing that the Department isn't
8 seeing and spoke about the -- the agency spoke about
9 the document system, the electronic system that they
10 have.

11 Could you speak to how that system was useful
12 or not in your review?

13 MS. JONES: The document management tool is to
14 guide us to the evidence that supports whatever section
15 of the standards or indicators. There was a review by
16 the Department of the document management tool and to
17 look at those links. None of those links were active.
18 So they could not be reviewed.

19 In its response, the agency did provide some
20 evidence of what that document management tool
21 contained as it related to a specific standard. That
22 was helpful in that they have the burden to do that.

1 The problem is that when it was reviewed, the
2 evidence just was not there. It did not exist, and our
3 perspective was that it wasn't made available. With
4 respect to the document management tool, my position on
5 that was if I have to go to training and evaluate them,
6 then what would each of you all have to do to assess
7 the agency? You'd have to be trained, as well, and I
8 personally think that it's the burden on the agency to
9 provide the documentation to support its compliance.

10 DR. PHILLIPS: So they gave you information
11 that had links that weren't active.

12 MS. JONES: I'm sorry. I can't hear you,
13 Susan.

14 DR. PHILLIPS: They gave you information that
15 had links that weren't active.

16 MS. JONES: Yes.

17 DR. PHILLIPS: And then what? I'm hearing
18 that you didn't choose to use that.

19 MS. JONES: No, I did not choose to do it and
20 the accessibility through the recognition system did
21 not offer an alternative to be able to review it
22 because those links were not active to be able to

1 review the documents.

2 MS. GRIFFITHS: In the agency's response, they
3 did provide some screen shots or some pieces of
4 documents from the document management tool which we
5 did evaluate. It did not appear, depending on the
6 criterion, that necessarily was the information
7 comprehensive enough or specific enough. It did not
8 necessarily provide substantial more evidence in order
9 to find compliance to make compliance decisions.

10 I think to reiterate what Joyce was saying,
11 that we expect all of the agencies to provide the
12 documentation to us so that as part of the petition,
13 not only for our review but for your review, as well,
14 in order to enable you to review all of the
15 documentation and it was therefore prior to the
16 response not available to you either.

17 CHAIR STUDLEY: Okay. Art Keiser has a
18 question or comment. Cam, did you? No. Let's take
19 that. I would invite people to think about the range.
20 Let's find out if there are multiple proposals people
21 would like to make before we put a motion on the table.
22 I think just procedurally it's a little bit easier.

1 So, Art, why don't you go ahead?

2 MR. KEISER: Just a comment and to defend
3 staff. I've been involved in accreditation for almost
4 30 years and it's very rare, you know, I certainly
5 would not go to the accreditor and say you have to find
6 the information that you're looking for in my computer
7 system. I don't think that usually works with my
8 accreditors. They're not very happy. In fact, I
9 thought when one of my colleagues said do you have a
10 matrix of all the standards and what are the objections
11 to them, we didn't have that, that's kind of the
12 underlying problem here and the lack of documentation.

13 I went through a whole lot of the documents
14 and I understand some of the frustration that the staff
15 had, but I'll go to the next section of where I'm
16 looking at it. However, I am more concerned -- two
17 concerns. One, obviously about schools and their
18 students which are probably the most important thing to
19 me, and, two, would this be a high risk to the Federal
20 Government in terms of the availability of federal
21 funds to institutions that may not be qualified.

22 On the second issue, I'm not sure that is a

1 problem. I think the problem is we have an agency that
2 doesn't want to -- you know, that has very strong
3 beliefs, has had a lot of change, and I think they're
4 trying to get to the right level but they're very
5 frustrated and angry at the staff and I think the staff
6 is frustrated because they can't get the material they
7 need to evaluate.

8 So, based on what you said before, I think
9 Federico and I are moving to a different position than
10 the recommendation which is to continue the
11 accreditation or not renew, continue for 12 months,
12 giving them a Herculean effort of having to come into
13 compliance, but with the limitation -- and not accept
14 the growth of the scope and, more importantly, to a
15 limitation of no new accreditations during this period
16 of time.

17 That will give them the time to focus on
18 coming into compliance and providing the appropriate
19 documentation to allow us to make the decision of
20 renewal. That's where we're at.

21 DR. ZARAGOZA: If that's a motion, I would
22 second it.

1 MR. KEISER: It's not a motion.

2 CHAIR STUDLEY: It's not quite a motion
3 because --

4 MR. KEISER: It's a discussion.

5 CHAIR STUDLEY: But it's very helpful. I do
6 want to just ask the staff before we move to a motion
7 whether -- I mean, certainly many of their comments
8 have responded to the agency and third party comments
9 that were raised to us, but to be sure that if there is
10 anything more that you want to add under that heading,
11 that we've allowed you to do that.

12 MS. GRIFFITHS: I would like to say that if we
13 thought it was a matter of documentation, we would not
14 have made the recommendation we made. We don't take
15 these recommendations lightly. We know the impact that
16 they have, but we know, in order for us to be
17 consistent in our application of the criteria to all
18 agencies, that now and going forward, that it is
19 important that we make clear that we have done
20 everything we were obliged to do and more in terms of
21 working with this agency and have come to our
22 conclusion with a lot of -- after a lot of, you

1 know, -- what's the word I'm looking for here?

2 Agitation and seriousness in delivery.

3 So I do feel compelled to put that to you. I
4 don't know if my colleagues have something else they
5 would like to add.

6 MS. GILCHER: No. I would echo what Carol has
7 said and just going, reiterating again that it's really
8 the totality of the agency and how its processes work
9 and its policies and its approach to accreditation that
10 we're most concerned about.

11 CHAIR STUDLEY: And on a very narrow point
12 briefly, I would ask the agency if they have a response
13 to the Third Party presentations, again closing that
14 loop, not to anything else that we said but to the
15 Third Party presentations. I'm seeing heads shaking
16 that they do not. Thank you very much.

17 So we've now walked through those steps and we
18 are back to committee consideration.

19 DR. ZARAGOZA: Can I just add one? Given the
20 testimony that you've heard, I mean, are you swayed one
21 way or the other, talking to staff, in terms of their
22 contention that, yeah, we can come within a year's time

1 and address these issues?

2 MS. JONES: After hearing the presentation by
3 NCA-CASI, what I noted were additional issues, just
4 from the presentations that you heard, especially in
5 the area of separate and independent.

6 As a result, I'm not really sure that their
7 presentation persuaded me or I think the Department in
8 terms of what their capacities are since, as Carol has
9 stated, these violations, as they are described, just
10 don't contain the mechanisms in place for measuring
11 quality education.

12 CHAIR STUDLEY: Okay. Carol or Kay, do you
13 want to add anything to that? Okay. I see Frank, and
14 then I would invite -- and Brit, and I would invite
15 anyone from the committee, if you have a different
16 notion or would be planning to amend, to just signal us
17 that. Otherwise, I will come back after those two
18 comments to the suggested motion on the floor. So,
19 Frank, and then Brit.

20 MR. WU: This is a question for our Chair as
21 well as the staff. The question is, is there anything
22 else that we, this body, NACIQI, can do or say so that

1 moving forward after this, the agency and staff work
2 together differently, you know, to have a reboot or
3 fresh start? Is there some sort of admonition or is
4 what we've said here good enough? Is there any
5 language we might add informally?

6 CHAIR STUDLEY: I would note but that we are
7 making an independent recommendation and while I
8 certainly support the concept of having whatever we
9 decide to do implemented in the best interests of the
10 students, the institutions, the Federal Government and
11 the agency before us in a fair and thorough way, we do
12 not supervise the staff, and I just want to flag for
13 everybody that the current process is that the agency
14 recommendation and the NACIQI recommendation are
15 separate.

16 I believe in the past that one came up for it
17 and then was either advanced or not advanced, that they
18 were in the same track, and they are now separate
19 recommendations and Assistant Secretary Ochoa will get
20 whatever the two recommendations are separately. One
21 does not overrule or drive the other one, although
22 obviously very informative and valuable.

1 Sally?

2 MS. WANNER: I just wanted to add that looking
3 at this a little bit from the outside, I saw the work
4 that the staff did with the agency and I can't imagine
5 anything more they could have done. They really went
6 beyond certainly what they generally do and I can't
7 imagine more that they could have done. I would hope
8 they would continue to act in a professional manner.

9 CHAIR STUDLEY: Brit?

10 DR. KIRWAN: I had a clarification on Arthur's
11 suggestion and that is, you said no new accreditations.
12 Does that mean they couldn't take on a new university
13 or they couldn't revisit an existing university to sort
14 of to do their accreditation?

15 MR. KEISER: I think our intent was to
16 prohibit them from granting new grants of
17 accreditation.

18 DR. KIRWAN: To not existing?

19 MR. KEISER: To new institutions. No.

20 DR. KIRWAN: Okay.

21 CHAIR STUDLEY: Arthur, and then I will
22 entertain a motion.

1 VICE CHAIR ROTHKOPF: I guess I'm going to say
2 that I am not persuaded by what the agency had to say.
3 I think they've made some points that were arguably
4 valid but in many cases have put a lot of hyperbole in
5 front of us. I think the staff, based upon what I've
6 heard, what I've read, has done a very credible job
7 here and I would be inclined to deny recognition per
8 the proposal of the staff and would so vote as that
9 matter came up.

10 CHAIR STUDLEY: Well, let's get a motion on
11 the floor and then others may want to speak to the
12 motion itself. So would one of -- Arthur, Art, would
13 you like yours to be the motion? Thank you.

14 M O T I O N

15 MR. KEISER: I move that the NACIQI recommend
16 that the NCA-CASI recognition be continued to permit
17 the agency the opportunity within a 12-month period to
18 bring itself into full compliance with the criteria
19 cited in the staff report and that it submit for review
20 within 30 days thereafter a compliance report
21 demonstrating compliance with the cited criteria and
22 their effective application. Such continuation shall

1 be effective until the Department reaches a final
2 decision.

3 I further move that the NACIQI recommend that
4 the Senior Department Official defer deciding whether
5 or not to grant the agency its request for expansion of
6 scope pending the receipt of the compliance report and
7 consideration of the materials contained responding to
8 the issues raised by the staff analysis with respect to
9 the expansion.

10 Furthermore, I add -- I recommend to -- let's
11 see. That NACIQI recommends to the official, the
12 government official that the agency not grant new
13 accreditation to any institution during the 12-month
14 period.

15 CHAIR STUDLEY: Do I hear a second?

16 (Second.)

17 CHAIR STUDLEY: Okay. Discussion among the
18 committee? Okay. While it's being typed, is there any
19 discussion of the motion?

20 MR. STAPLES: Thank you. I respected the
21 judgment of our primary readers who've read every
22 single document. I read the entire staff report but I

1 did not read every single document.

2 MR. KEISER: I read everything.

3 MR. STAPLES: I now support what the
4 recommendation is. I think that -- and this is not in
5 any way to criticize the staff work. I think the staff
6 work was very comprehensive. Clearly, many people did
7 see this.

8 I don't know what the different review will
9 look like in 12 months, but I think the bar is set
10 pretty high. There will be no opportunity for further
11 extensions, even on minor lack of compliance issues.
12 So, you know, I think it's one more opportunity. There
13 may be a challenge for both agency and staff to restart
14 a process that has been so longstanding but I think
15 it's a reasonable approach and I would support that.

16 CHAIR STUDLEY: Art?

17 MR. KEISER: One of the challenges I face, and
18 I think Federico and I talked about it, is we have one
19 decision. One is to deny or to accept.

20 Before, in the past, we had deferrals. We had
21 other kinds of things that we could do. At least
22 before, at least as far as I can tell, this agency

1 hasn't been before us since 2007 and this is the first
2 shot or bite at the apple for us, not for the staff.
3 The staff has worked continuously on it, but it is our
4 first bite at the apple and that's a pretty tough
5 decision and I understand the staff analysis and I
6 truly recognize the work that they put into this and I
7 agree with most of their findings.

8 I mean, the process is picky in and of itself
9 and, you know, some of these issues are multileveled
10 and they meet three but they don't meet the fourth part
11 of that criteria, but we only have one bite at the
12 apple and I hate to have so much impact on so many
13 people with just one view of this process. So that's
14 why I moved. I was very strongly considering the
15 denial and it's just one more bite of the apple will
16 not hurt anyone and I think it doesn't affect the way
17 the Department has its finding or our purpose which is
18 to protect the investment of the people won't be
19 affected by this, you know, decision.

20 CHAIR STUDLEY: I'll give everyone on the
21 committee a chance, if you want to say something,
22 before we take action. So I see Brit, Arthur. Anyone

1 who hasn't spoken? Okay. Go ahead.

2 DR. KIRWAN: Well, this is obviously a very
3 challenging decision for us to make. After thinking
4 about it, I'm persuaded by Arthur's, this Arthur over
5 there, comments and as I think all this through, I
6 can't remember an instance where, when even with very
7 significant negative comments by the staff, that the
8 agency under review hasn't said some complimentary
9 thing about how well the staff has worked with the
10 agency.

11 So, you know, the idea that there is this gulf
12 here, there's no evidence to think that this could in
13 any way be a reflection of a lack of a willingness of
14 our staff to be responsive to the needs of an agency.

15 I'm also confident that this wasn't just one
16 staff member or two staff members. I mean, this is
17 such a major decision. This has been looked at very,
18 very carefully and we wouldn't be here today, in my
19 opinion, if it wasn't a pretty strong consensus among
20 the experts that we rely on that the recommendation was
21 appropriate.

22 Thirdly, there's an appeal process. This

1 isn't the final decision. Somebody -- there's going to
2 be two other bites at this apple. There is going to be
3 Dr. Ochoa's decision and then that can be appealed and
4 the appeal rights seems to be pretty successful. It's
5 50 percent. So the idea that this is, you know,
6 locking something in is not -- and then, thirdly, the
7 institutions and the students, there are alternatives.
8 Others will have a chance.

9 I mean, these institutions, if this happens,
10 after the appeal process has played out, they can get
11 accredited by someone else. So I respect the motion
12 and the intent behind it but I'm just very -- I'm
13 persuaded that the staff has done the kind of careful
14 analysis and it's been reviewed in a way that causes me
15 to want to support their position. So I will vote in
16 opposition to the motion.

17 CHAIR STUDLEY: Anne? Arthur, I'm going to
18 give other people a chance. Anne?

19 MS. NEAL: On Brit's last point, if these
20 institutions wanted to seek an alternative
21 accreditation, what's the time frame for that?

22 MS. GILCHER: Well, first of all, the 18-month

1 period of time would begin at the time of final
2 decision is made. So if there were an appeal that
3 could, you know, take some time before that final
4 decision is made.

5 The length of time that it takes to get
6 accredited varies by agency and it could be
7 accomplished within 18 months but this effectively
8 would have a longer period of time to it.

9 MS. NEAL: So, in other words, there would
10 potentially be a number of students that would not have
11 access to Title IV, depending on the speed with which
12 the institution proceeded and this is assuming, of
13 course, that they have a lengthy period of time that
14 they're studying.

15 DR. ZARAGOZA: Madam Chair, that was also an
16 area of concern to me and that's kind of the follow-up
17 and the follow-up possibly to students at institutions
18 and given what I heard while, you know, I definitely
19 can understand the recommendations and I think the
20 staff did a wonderful job in presenting and doing the
21 analysis, at the end of the day, you know, we have
22 provided and, in fact, yesterday we had more than 45

1 links, as well, and I think in the spirit of, you know,
2 providing a process that does allow organizations to
3 address their deficiencies, especially when they
4 acknowledge them, I think that that's important in lieu
5 of the unknown impact it's going to have on students
6 and institutions.

7 CHAIR STUDLEY: Thank you. Arthur?

8 VICE CHAIR ROTHKOPF: I didn't want to say
9 much more, just to say I think I'd endorse completely
10 what Brit indicated. There are appeal rights here. I
11 think our staff has done a remarkable job in analyzing
12 this situation with apparently not a whole lot of
13 cooperation from the agency involved as compared to
14 what we normally see, and there are options available.

15 There's 18 months, really much more, assuming this
16 stands up for agencies to seek or for institutions to
17 seek other accreditation, if that ends up being the
18 decision.

19 So I just am really feel -- with great
20 reluctance would feel obliged to oppose the motion on
21 the floor.

22 CHAIR STUDLEY: I'm going to take the final

1 comments but there's one thing I want to say after Anne
2 and then Sally. Anne?

3 MS. NEAL: I was going to address the question
4 of collegiality. I think it's wrong for us to insist
5 that the relationship between the accreditor and the
6 staff needs to be friendly and collegial. I think
7 that's part of the problem often because it is a very
8 cozy situation that we have.

9 So the fact that the accreditor is disagreeing
10 with the staff and finding considerable factual
11 disagreements and even legal, I think that's perfectly
12 appropriate, and I sometimes worry in fact that there's
13 too much collegiality between the staff and the
14 accreditors. So I just wanted to make that point.

15 DR. PHILLIPS: Two questions. One is I think
16 that there's a section of the motion missing up there
17 and if that could be put in, I actually have a question
18 about it, and the second is --

19 CHAIR STUDLEY: Susan, just before you go on,
20 it's being signaled that we need the sentence repeated,
21 Art.

22 DR. PHILLIPS: Okay. I've got a question on

1 that and then I also have another item. The question
2 on that is the thinking behind the suspension of
3 activity of new -- what's the -- what is being
4 protected or sought in that?

5 MR. KEISER: Again, certainly my assumption
6 was that if this school is on the -- teetering on being
7 approved or denied, that it wouldn't be appropriate for
8 a new institution to finalize their accreditation
9 status when this agency could have its accreditation
10 removed in 12 months.

11 DR. PHILLIPS: So it's intending to protect
12 the new institution. Okay. Second, different angle
13 question. In this motion, it asks for a compliance
14 report and just a procedural question of to whom does
15 that compliance report go and does it come back to us
16 or is it a staff review and what's the action at that
17 point?

18 MS. GILCHER: This would be the same as any
19 other agency. So there would be a compliance report
20 that would be submitted. We do a draft staff analysis,
21 send it to the agency for response. We do the final.
22 All this would be available to you in the e-recognition

1 system and they would be scheduled for review at
2 another NACIQI meeting.

3 DR. PHILLIPS: Presumably 18 months from now?

4 MS. GILCHER: It's probably 18 months from
5 now.

6 CHAIR STUDLEY: I have Sally, Larry, then
7 George.

8 MS. WANNER: I just wanted to briefly comment
9 and the motion is fine as it is, but I wanted to let
10 you know that you have more leeway, if you in fact do
11 this, that we're not going to recognize them for new
12 institutions. That is a limitation and that counts the
13 same as a termination. So you could give them longer
14 than 12 months, if you wanted to, to report back.

15 CHAIR STUDLEY: Larry, and then George.

16 DR. VANDERHOEF: First of all, I want to say
17 that it's not easy and I support the motion, but the
18 main reason I wanted to speak was to support what Anne
19 had to say before.

20 We cannot introduce a new criterion into our
21 deliberations; namely, did the agency praise the staff
22 for all that went on during -- we just can't do that.

1 That happens all the time and the agencies are fully
2 aware of who's got the decision-making power. I mean,
3 frankly, sometimes it gets to the gagging point. So I
4 don't like that at all.

5 I think the motion actually catches where we
6 are in this. I mean, of course, we all appreciate the
7 hard work that the staff does and I asked a question, a
8 few questions around during the break and, indeed, this
9 was not one person's decision. This was the whole
10 agency. But there are questions and there are issues
11 and I think this catches it right where it should,
12 right with regard to where the committee is at this
13 point in time. So I just wanted to mention that those
14 are my reasons for supporting the motion.

15 CHAIR STUDLEY: Thank you. George?

16 DR. FRENCH: Madam Chair, just a procedural
17 question because I'm new. My reading of 602.36
18 wouldn't indicate that both recommendations go to the
19 senior official. It would indicate to me that the
20 committee's recommendations go to the senior official
21 10 days later in the comments from the Department
22 staff, but I just need clarification as to what would

1 actually go to the senior official.

2 CHAIR STUDLEY: Sally, could you recap that
3 for us?

4 MS. WANNER: Yeah. The regulation you're
5 talking about is on appeal. The original final
6 decision, unless it's appealed, is made by the
7 Assistant Secretary and if you look at that regulation,
8 it says that what is before the Assistant Secretary
9 includes the recommendation of the staff and the
10 recommendation of the NACIQI and the entire record
11 that's been --

12 DR. FRENCH: So both of them go up?

13 MS. WANNER: Right. Exactly. But then the
14 Senior Department Official who is the Assistant
15 Secretary makes a decision. That will be final, unless
16 the agency appeals. At the appeal point, then, you
17 know, the Office of Postsecondary Education would be
18 briefing on one side and the agency would be briefing
19 on the other and there would be only one decision.

20 DR. FRENCH: So at this point both of them go
21 up to the Assistant Secretary, --

22 MS. WANNER: Exactly.

1 DR. FRENCH: -- is that right?

2 MS. WANNER: Exactly.

3 CHAIR STUDLEY: Okay. I have one -- okay.
4 Arthur, Melissa, me, then we vote.

5 VICE CHAIR ROTHKOPF: I just want to respond
6 to the point that's being made that I was suggesting
7 that collegiality be made an additional -- my good
8 friend Anne has made that point.

9 That's not what I'm suggesting but I am
10 suggesting that what we have here is a staff report
11 based on the facts, well done, well documented, broadly
12 reviewed, that reaches a tough conclusion that is not
13 easy to reach, and I think we're watering it down and,
14 assuming this motion passes, as I read the votes, it
15 probably will, I would urge the Assistant Secretary to
16 take another look at it because I believe he has the
17 power to make a different decision from the motion
18 that's up there.

19 Thank you.

20 CHAIR STUDLEY: Melissa has a question about
21 the language of the motion. Why don't you just pose it
22 to the movers?

1 EXECUTIVE DIRECTOR LEWIS: If you could turn
2 off your mike, we may have three mikes on. Oh, here,
3 it's on now.

4 I just wanted to point out that you may want
5 to consider moving the last sentence of the first
6 paragraph down to the very end of the motion for
7 consistency's sake, so that it would read: Such
8 continuation and limitation shall be effective until
9 the Department reaches a final decision. Otherwise,
10 you've got the decision and the limitation having two
11 different endpoints.

12 CHAIR STUDLEY: Okay. Aron has something he
13 wants to add and then I will say something and then we
14 will vote.

15 MR. SHIMELES: On the point of collegiality, I
16 think my concern isn't that the staff and the agency
17 would go play golf together or not, like my concern is
18 that there seems to be intractable differences with the
19 definition of the criteria we have, the Department has,
20 and that the agency's interpretation is. Does that
21 make sense? So there seemed to be intractable
22 differences that won't be reconciled in a 12-month

1 period. So I'm just confused about what's going to
2 change. So I think the fact that there doesn't seem to
3 be a good working relationship indicates the fact that
4 things aren't going to change and so I don't really see
5 why we need to wait 12 months to make the same
6 decision.

7 CHAIR STUDLEY: Okay. One last chance. Frank
8 has identified himself. Is there anyone else who wants
9 to speak at this moment? That's really the end.
10 Frank?

11 MR. WU: That was a great point that was just
12 made. I wanted to follow up with a question for staff
13 and actually maybe for our body.

14 What happens in general if there's an agency
15 that says staff is just wrong, they're reading this
16 particular reg and they're just crazy? What are they
17 supposed to do? It would be helpful, I think --

18 CHAIR STUDLEY: Who is the "they"?

19 MR. WU: So not just this body but any agency,
20 if they're working with staff and there's any of these
21 regs, if staff says you need to do X and the agency
22 says, no, we don't, you're just plain wrong about the

1 law, what's the agency supposed to do then?

2 CHAIR STUDLEY: I'm just going to say I think,
3 Frank, that they have done what they're supposed to
4 do, which is come to us, and this relates to my point.

5 I think there's a larger question that is appropriate
6 for our future conversation. Perhaps this will help.

7 The one point I wanted to make is that it is
8 our responsibility to make an independent
9 determination. The Senior Department Official is
10 counting on our doing that. It means no disrespect of
11 the staff if we vote differently and to assure you that
12 I intend no outcome by what I'm saying, if we vote with
13 the staff, it does not signal that we are unwilling to
14 make an independent and different determination than
15 the staff does.

16 So I think that's part of what we need to say.

17 The fact is the concerns have been aired with us and I
18 think as far as what the mind run is, the case is, we
19 can address that.

20 Susan?

21 DR. PHILLIPS: Is there any other recourse for
22 the agency to try to resolve this than to come to us,

1 than to do what they've done? Is there another
2 interpretive -- is there -- I'm just following up
3 on -- is there anything else or is this the only venue
4 they have to hear it?

5 CHAIR STUDLEY: But whether or not they have
6 another action that they can take, we have a
7 responsibility to advise the Secretary, the designated
8 agency official. This just feels to me like a
9 different conversation about good process. Is there a
10 link to your ability to vote on what's before you that
11 makes you want the answer to these questions now? If
12 there is, I don't want to push anybody to vote if you
13 don't have the information that you need.

14 Kay?

15 MS. GILCHER: All I want to say is that we are
16 very careful to be consistent in our reviews of
17 agencies. So the way that we are interpreting and
18 applying the criteria is consistent across all agencies
19 and there is always the aspect of having evidence of
20 effective application of policies and there's a lot of
21 concerns around that.

22 CHAIR STUDLEY: With that, I believe we are

1 ready to vote. The motion is in front of you. Can
2 everybody see the motion? It's been -- the last
3 revision was only the movement of some sentences.
4 Would you take a look at that? In a moment I will call
5 for your vote by a show of hands, and would you please
6 keep your hands up so that the staff can get a count.

7 Okay. Are you ready to vote? All in favor,
8 please signify by raising your hand.

9 (Show of hands.)

10 CHAIR STUDLEY: Thank you. All opposed,
11 please raise your hand.

12 (Show of hands.)

13 CHAIR STUDLEY: Thank you. The motion passes.

14 As provided, the agency will -- I won't try and
15 summarize the motion but the agency is approved for
16 continuation on a limited basis, I believe it's called
17 a limited approval, and the consequences and process
18 will be communicated to the agency and this
19 recommendation and the staff's recommendation of denial
20 will go forward to the designated agency official using
21 the procedures just described.

22 That concludes this item on the agenda. Would

1 you stay seated for just one moment?

2 We had two agencies that have been very
3 patient that were scheduled for action also this
4 morning. We also have a guest speaker whom we invited
5 to meet with us who has a time-limited ability to stay
6 for that conversation.

7 I would like to ask the agency officials,
8 representatives from those two agencies to meet with
9 the executive director off on the side of the room.
10 We'd like to find out what your flexibility is because
11 your actions are our official business but your
12 schedules may be more flexible than our guest's.

13 So we have a five-minute break and then we
14 will reconvene. At that point we will know with what
15 portion of our agenda we are reconvening.

16 Thank you very much, and thank you very much
17 to the staff for your hard work on this matter.

18 (Recess.)

19 CHAIR STUDLEY: Okay. I'm going to recap the
20 procedure here. Brit, you are, indeed, up. Thank you
21 very much.

22 We are reconvening the NACIQI following our

1 break. I'll just recap the order for those who weren't
2 able to hear. We are shifting, reconsolidating, and
3 working through lunch. We will start with CAMFTE, one
4 of the two accreditors that was scheduled for this
5 morning. We will thank them for indulging us while we
6 eat our lunch.

7 Then we will have the planned program with
8 Jamie Merisotis compressed to the period from
9 approximately 1 to 2 o'clock, and then we will take the
10 other accreditor at that point and then we will pick up
11 our schedule as originally planned. So the people who
12 are scheduled to speak starting at around 2 will be
13 just a little bit later, assuming we have any ability
14 to predict the length of these.

15 AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY
16 THERAPY, COMMISSION ON ACCREDITATION FOR
17 MARRIAGE AND FAMILY THERAPY EDUCATION (CAMFTE)

18 CHAIR STUDLEY: So with that, I would turn to
19 CAMFTE. They are before us for a Petition for Renewal
20 of Recognition and a Request for Expansion of Scope to
21 Include Distance Education. The primary readers are
22 Brit Kirwan and Carolyn Williams, and I turn to them

1 and the lead-off will be Carolyn. Thank you.

2 DR. WILLIAMS: This is for the Commission on
3 Accreditation for Marriage and Family Therapy
4 Education. It is a programmatic accreditor. Its
5 current scope of recognition is the accreditation and
6 pre-accreditation throughout the United States of
7 clinical training programs in marriage and family
8 therapy at the master's, doctoral, and postgraduate
9 levels.

10 It currently accredits a 116 programs in 36
11 states with the vast majority of programs in university
12 settings. It was first recognized in 1978. It was
13 last granted recognition in 2006. At the current scope
14 of recognition is the accreditation and
15 pre-accreditation throughout the United States of
16 clinical training programs. Its requested scope is for
17 the accreditation throughout the United States for
18 clinical training programs in marriage and family
19 therapy at the master's, doctoral, and postgraduate
20 degrees, including programs offering distance education
21 which is an expansion of what is, and our staff,
22 Jennifer.

1 MS. HONG-SILWANY: Okay. Thank you. Good
2 afternoon, Madam Chair and Committee Members.

3 My name is Jennifer Hong-Silwany, and I'll be
4 providing a summary for the staff recommendation for
5 the Commission on Accreditation for Marriage and Family
6 Therapy Education.

7 The staff recommendation to the Senior
8 Department Official is to continue the agency's current
9 recognition for the accreditation throughout the United
10 States of clinical training programs in marriage and
11 family therapy at the master's, doctoral, and
12 postgraduate levels, and require the agency to come
13 into compliance within 12 months and submit a
14 compliance report that demonstrates the agency's
15 compliance with the issues identified in the staff
16 analysis.

17 Furthermore, deny the agency's request for an
18 expansion of scope to include distance education until
19 the agency can demonstrate that it has consistently
20 evaluated and accredited programs via distance
21 education in compliance with the criteria for
22 recognition.

1 This recommendation is based on our review of
2 the agency's petition, supporting documentation, and a
3 full review at the agency's headquarters in Alexandria,
4 Virginia, on November 1st, 2011.

5 The outstanding issues in the staff analysis
6 consist primarily of the need for documentation
7 regarding the agency's application of its policies as
8 well as evidence of final revisions to policies in
9 accordance with the staff analysis.

10 Therefore, as I stated earlier, we're
11 recommending to the Senior Department Official to
12 continue the agency's current recognition and require
13 the agency to come into compliance within 12 months and
14 submit a compliance report that demonstrates the
15 agency's compliance with the issues in the staff
16 analysis, deny the agency's request for an expansion of
17 scope to include distance education until the agency
18 can demonstrate that it has consistently evaluated and
19 accredited programs via distance education in
20 compliance with the criteria for recognition.

21 Thank you.

22 CHAIR STUDLEY: Thank you very much. At this

1 point we will invite the agency representatives to come
2 forward and I'll let you introduce yourselves. It'll
3 be a little clearer that way than if I tried to do it.

4 MS. TAMARKIN: Good afternoon, and thank you
5 for the opportunity to address the committee.

6 My name is Tanya Tamarkin, and I'm the
7 Director of Educational Affairs, and I have my
8 colleagues here with me for moral support today. I
9 have Eric Shapiro, who's our Education Specialist,
10 Roger Smith, our Senior Attorney, and Dr. Tracy Todd,
11 our Deputy Executive Director.

12 We would like to thank the Department of
13 Education, the Department staff, for identifying areas
14 of compliance. We find this process to be very helpful
15 and beneficial in our commitment for providing -- for
16 improving quality -- for improvement of quality
17 assurance.

18 As Jennifer has pointed out, our agency has
19 been recognized by the then U.S. Commissioner of
20 Education since 1978 and we have received continued
21 recognition since the '70s.

22 With a small number of programs, about a 116

1 programs at this time, our staff is able to dedicate
2 their time working with the programs on almost
3 individual basis through the accreditation process. We
4 work with programs to help them interpret and
5 understand the accreditation standards and
6 accreditation processes. We have not received any
7 complaints or appeals for many years from our programs
8 or third parties which speak to the agency's ability to
9 work with programs on intimate basis and guide them
10 through the process, so that at the time of the
11 decision, they are prepared for what is to come and
12 there are no surprises and they have reasonable
13 expectations.

14 In our process of working with the Department
15 and our petition, we have learned that our current
16 procedures have been operationalized in an organized
17 manner that assures quality processes for accreditation
18 reviews. We look forward to continued working with the
19 Department to clarify our written policies and
20 procedures to account and encompass the processes and
21 procedures that are currently in place that already
22 guide our accreditation reviews.

1 We thank you for this opportunity and look
2 forward to your decision.

3 CHAIR STUDLEY: Thank you very much. Would
4 the primary readers like to add anything or do you have
5 any questions at this point to lead off with the
6 agency?

7 DR. KIRWAN: Not at this time.

8 CHAIR STUDLEY: Do any other committee members
9 have questions or comments about this agency's
10 application?

11 (No response.)

12 CHAIR STUDLEY: Can I just check with the
13 staff in the meantime? Were there any third party
14 commenters who have asked to -- added themselves to the
15 list to speak about this agency?

16 EXECUTIVE DIRECTOR LEWIS: No, there were not.

17 CHAIR STUDLEY: Thank you. And the
18 recommendation before us from the staff was to approve
19 the petition for recognition but deny the request for
20 the expansion of scope, is that correct?

21 Did you have any comments specifically about
22 the distance education element? I didn't hear you

1 speak to where you want to head on that one.

2 MS. TAMARKIN: Not at this time. We have not
3 had -- we have just received our first programs that
4 applied for distance education. So we have not granted
5 any accreditation decisions at this time and we were
6 under the impression that we had to seek scope,
7 expansion of scope before the actual granting of the
8 decision occurred which we're informed is not the case.

9 CHAIR STUDLEY: Thank you.

10 DR. KIRWAN: Are you ready for a motion?

11 CHAIR STUDLEY: I am.

12 DR. KIRWAN: I think we had --

13 CHAIR STUDLEY: It's whether the committee is
14 ready for a motion. It seems to be.

15 M O T I O N

16 DR. KIRWAN: Oh, I see. Well, okay, I think
17 we were a bit concerned by the number of actions in the
18 report but reading through the report and talking with
19 the staff, I think Carolyn and I were comfortable that,
20 although the number's large, these could be addressed
21 in a 12-month period just because of the nature of the
22 issues at hand.

1 So with that in mind, I will make, on behalf
2 of Carolyn and myself, I move that NACIQI recommend
3 that the American Association for Marriage and Family
4 Therapy recognition be continued to permit the agency
5 an opportunity to, within a 12-month period, bring
6 itself into compliance with the criteria cited in the
7 staff report and that it submit for review within 30
8 days thereafter a compliance report demonstrating
9 compliance with the cited criteria and their effective
10 application. Such continuation shall be effective
11 until the Department reaches a final decision.

12 We further move that NACIQI recommend that the
13 senior Department -- excuse me.

14 We further recommend that the request for
15 expansion of scope to include distance education be
16 deferred -- excuse me -- let me say that again.

17 That we further recommend that the agency's
18 request for expansion of scope to include distance
19 education be denied at this time.

20 CHAIR STUDLEY: Do I hear a second?

21 MS. NEAL: Second.

22 CHAIR STUDLEY: Thank you. Is there any

1 discussion of the motion?

2 (No response.)

3 CHAIR STUDLEY: All in favor, please signify
4 by saying aye.

5 (Chorus of ayes.)

6 CHAIR STUDLEY: Opposed?

7 (No response.)

8 CHAIR STUDLEY: Thank you. We did, before you
9 go, we did invite agencies to make comments on a couple
10 of questions about challenges or evolving issues. If
11 you want to take a moment now to do that, we welcome
12 the chance to give you that same opportunity other
13 agencies have had. If you prefer to either pass or
14 send them in to us, that would be just fine, too. We
15 realize in part we have -- anyway, go ahead.

16 MS. TAMARKIN: Just one point. It's
17 C-O-A-M-F-T-E. It's missing an O.

18 CHAIR STUDLEY: Thank you. We are just
19 carrying over the mistake in the agenda. Thank you for
20 the correction.

21 MS. TAMARKIN: Thank you. No comment.

22 CHAIR STUDLEY: Okay. Thank you very much.

1 We sincerely appreciate your cooperation. As you can
2 tell, we were dealing with a complex issue and we
3 appreciate your indulgence in our inability to
4 anticipate how long that would take. Thank you very
5 much.

6 MS. TAMARKIN: Thank you.

7 CHAIR STUDLEY: We are now going to switch
8 gears and invite Jamie Merisotis and, if he'd like, his
9 colleague, Holly McKiernan to join us wherever you'd
10 like, either there is fine or at that table. This
11 works fine for me, if it feels right for you.

12 I'll do a quick, if it's possible, a quick
13 introduction of our guests, Jamie, but I would also
14 like to flag for the audience and the members that our
15 guests brought along a report, a take-home souvenir
16 that I'm sure provides more background on the degree
17 qualification profile that they'll be speaking about
18 and there are copies for the public available on the
19 table outside the room.

20 Jamie Merisotis and I have been confused with
21 each other for many years in the Washington higher
22 education land. It is a pleasure to welcome him here

1 and we appreciate that he and Holly could be here to
2 talk about this important work.

3 He is currently President and CEO of the
4 Lumina Foundation for Education. I'm sure he'll tell
5 you more about its goals and objectives. Some of us
6 met him during earlier incarnations as Founding
7 President of the Institute for Higher Education Policy
8 where he worked on many of these same issues and policy
9 analysis that was widely used and I do recall the
10 establishment of the Alliance for Equity in Higher
11 Education which was a broad coalition of national
12 associations working on many of the same issues that
13 he's tackling today and even earlier than that, he was
14 Executive Director of the National Commission on
15 Responsibilities for Financing Postsecondary Education,
16 a responsibility in which all of us are engaged both
17 through NACIQI and in our day and night jobs because I
18 know many of us have or have had many of those.

19 With that, I'd really like to just invite you
20 to help us understand the current work of Lumina. The
21 degree qualifications profile in particular was
22 suggested to us as something that might help us think

1 about how to understand effective education but I would
2 also welcome you putting that in a larger context.

3 So would it be helpful to have the members go
4 around and introduce themselves? We can do that
5 quickly.

6 Anne, would you be willing to begin?

7 MS. NEAL: Anne Neal, Oregon Council of
8 Trustees.

9 MR. SHIMELES: Aron Shimeles, Operation
10 Coordinator for Pearl Health Exchange in New York.

11 DR. WILLIAMS: Carolyn Williams, formerly
12 Bronx Community College and know you from another life.

13 MR. STAPLES: Cam Staples, President of the
14 New England Association of Schools and Colleges.

15 MR. WU: Frank Wu, Chancellor and Dean, UC
16 Hastings Law School.

17 DR. PHILLIPS: Susan Phillips, Provost and
18 Vice President for Academic Affairs, University at
19 Albany, State University of New York.

20 VICE CHAIR ROTHKOPF: Arthur Rothkopf. I knew
21 Jamie when I was with the U.S. Chamber of Commerce and
22 I'm President Emeritus of Lafayette College.

1 CHAIR STUDLEY: And Arthur is the Vice Chair
2 of our committee.

3 EXECUTIVE DIRECTOR LEWIS: Melissa Lewis,
4 NACIQI Executive Director, Department of Education.

5 MS. WANNER: Sally Wanner, U.S. Department of
6 Education, Office of General Counsel.

7 MS. GILCHER: Kay Gilcher, Director of the
8 Accreditation Group at the Department of Ed.

9 DR. FRENCH: Good afternoon, Jamie. George
10 French, President, Miles College, Birmingham, Alabama.

11 DR. ZARAGOZA: Federico Zaragoza, Vice
12 Chancellor for Economics and Workforce Development,
13 Alamo College in San Antonio.

14 MR. KEISER: Arthur Keiser, Chancellor, Keiser
15 University, Florida.

16 DR. VANDERHOEF: I'm Larry Vanderhoef,
17 Chancellor Emeritus at the University of California,
18 Davis.

19 DR. KIRWAN: And I'm Brit Kirwan, Chancellor
20 of the University System of Maryland.

21 //

22 //

1 WORKING LUNCH: LUMINA FOUNDATION'S DEGREE
2 QUALIFICATIONS PROFILE AND "GOAL 2025" INITIATIVES

3 MR. MERISOTIS: Thank you very much, first,
4 for the opportunity to be here. I know that I've been
5 in this business for too long when I know most of the
6 people around the table at virtually every meeting that
7 I go to and so I want to say thank you for the chance
8 to be here. It was always great to be known as the
9 other Jamie when I lived in Washington. So it's a real
10 privilege for me to be here with my colleague, Holly
11 McKiernan, who serves as our Vice President and General
12 Counsel at Lumina Foundation, and who's played a
13 leadership role in the work I'm going to talk about.

14 I want to thank you for the invitation to be
15 here, thank Melissa for the chance to spend some time
16 talking about the important work that this committee is
17 doing and the responsibility that it has. I'm hoping
18 that my remarks can be helpful to you as you approach
19 your work.

20 What I want to do today is plan to talk with
21 you in some detail about some of Lumina's work,
22 particularly the degree qualifications profile, and

1 then afterwards I'm hoping we'll have some time for
2 discussion and dialogue about some of those issues.

3 Being with you today gives me the chance to
4 explore with you a topic that's of intense interest to
5 us at Lumina and I know to all of you here, as well,
6 and that's ensuring quality in postsecondary education.

7 It's a topic of utmost importance not only for us in
8 the higher education community but, indeed, for the
9 nation as a whole.

10 I think most of you are familiar with Lumina
11 Foundation and for those of you who aren't, Lumina is a
12 private foundation whose mission is to enroll and
13 graduate more students from college, especially
14 low-income, first-generation, minority, and adult
15 learners.

16 At Lumina, we pursue our mission in a very
17 targeted way. All of our energy and resources are
18 focused on achieving one ambitious but specific goal
19 for college attainment, what we've come to call Goal
20 2025, which, simply stated, is that by the year 2025,
21 we will have 60 percent of Americans to hold high
22 quality college degrees and credentials.

1 That goal drives literally everything that we
2 do but it really goes well beyond us at Lumina. It has
3 to. The goal is too big and far too important for any
4 one organization to tackle. In fact, Goal 2025 is fast
5 becoming a national goal because it addresses such a
6 critical national need.

7 I think we all know what that need is. As a
8 nation, we desperately need many more college-educated
9 citizens. We need them to rebuild our economy for a
10 global era, to strengthen our democracy, to empower
11 millions of citizens. Even in these divisive and
12 contentious times, consensus is building on that point.

13 Labor experts, employers, researchers, and
14 social scientists, policymakers here in Washington and
15 in virtually every state all agree. College attainment
16 must increase significantly to aid the economic
17 recovery in the short term but, perhaps more important,
18 to ensure the nation's long-term prosperity and social
19 stability.

20 Of course, I think we should also recognize
21 that merely increasing the number of college graduates
22 isn't enough. We must also ensure that these millions

1 of new graduates emerge from the postsecondary system
2 armed with the skills and knowledge that they need to
3 thrive in the 21st Century economy.

4 Let me refer you again to that statement of
5 Goal 2025. It's not just focused on that 60 percent
6 target. It calls specifically for high quality degrees
7 and credentials. Our goals, I believe our shared goal,
8 is to increase educational attainment while ensuring
9 quality.

10 Quite frankly, without a focus on quality,
11 increasing degree attainment could very well be
12 meaningless. But let me ask you. What exactly do we
13 all collectively mean by quality in higher education?
14 Too often, quality has been seen as a characteristic of
15 institutions and programs. It's been correlated with
16 such things as admission selectivity, faculty
17 credentials, class size, physical facilities, endowment
18 totals, even the price of tuition. The better a school
19 rates on these input measures, the higher the quality
20 has been assumed to be.

21 When we began to really understand the
22 implications of our goal to increase attainment, we

1 knew that we were in a world where actual outcomes are
2 what really matter, particularly outcomes for students.

3 In this world, an input-based definition of quality
4 just isn't useful.

5 Now more than ever, we need a shared
6 definition of college quality that focuses on student
7 outcomes and especially learning. All of the evidence
8 that we have, that we've seen about the need for
9 increased attainment points to the fact that the
10 underlying skills and knowledge are more important than
11 the mere credential itself. What matters is what
12 students actually learn, how they can use what they
13 gain in their programs of study.

14 Labor experts tell us that the jobs of
15 tomorrow will require more and more high level skills
16 and knowledge. Employers echo that sentiment, citing a
17 growing lack of qualified applicants for the positions
18 that they seek to fill. In short, there's a growing
19 disconnect between what American society needs from its
20 college graduates and what the higher education system
21 appears to be providing.

22 Lumina's commitment to learning as a true

1 measure of quality has enriched and focused our work
2 and it's led to a concrete result which is what you
3 have in front of you, the Degree Qualifications
4 Profile. The DQP, as we call it, which is now being
5 tested in faculty-led projects at institutions in more
6 than half of the states, is a framework for clearly
7 defining learning outcomes. It's a baseline set of
8 reference points for what students in any field should
9 be able to do to earn their degrees.

10 Now you have the copies in front of you. What
11 I'd like to do is provide you with some background on
12 what the DQP is really all about.

13 First of all, it was drafted by experts in
14 American higher education, four names that I think all
15 of you probably know quite well. Cliff Adelman, Senior
16 Associate with the Institute for Higher Education
17 Policy, with more than 30 years of senior research
18 analyst experience with the U.S. Department of
19 Education. Peter Ewell, Vice President of NCHEMS and
20 one of the most known experts on assessment and student
21 outcomes in this country. Paul Gaston, Trustees
22 Professor at Kent State and a scholar on higher

1 education reform, also the author of a terrific book
2 called *The Challenge of Bologna*. Carol Geary
3 Schneider, President of the Association of American
4 Colleges and Universities and really a leader in the
5 field of learning outcomes.

6 The drafters reviewed the learning outcomes
7 work in the United States as well as the work that's
8 being done in other countries and worked
9 collaboratively to develop the DQP. Through the
10 drafting of the DQP, they've become even more committed
11 to the idea that American higher education needs a
12 shared understanding of what degrees represent.

13 In their work, they concluded several things.
14 First, that there was value in putting in writing what
15 a degree actually represents in terms of learning.
16 Currently, we define degrees mostly in terms of credits
17 and time but degrees should be based on a clear
18 demonstration of what a degree-holder knows and is able
19 to do with that degree.

20 Second, the drafters believe that there is in
21 fact a great deal of consensus among educators and
22 employers about the knowledge, skills, and application

1 of them that students should demonstrate as they
2 progress from the associate degree to the Bachelor's
3 degree and on to the Master's degree.

4 The learning outcome work of the past several
5 decades has produced really an impressive body of work
6 that can be built on and the data from employers
7 strongly suggests that what they need from college
8 graduates really aligns for the most part with what
9 educators are actually saying.

10 Third, given the urgency to increase degree
11 attainment, it's essential that we focus on more than
12 simply producing the number of degrees the country
13 needs. It's essential that we be accountable for the
14 quality of those degrees.

15 A list of credits earned and courses taken
16 does not provide that assurance of quality. We must be
17 accountable for the quality and integrity of our
18 degrees and that means that we must be accountable for
19 student learning. To be accountable for student
20 learning, we need to be able to say what students are
21 supposed to accomplish across their studies and we need
22 to be able to articulate the differences in scope and

1 level of learning among associates, Bachelor's, and
2 Master's degrees.

3 The Degree Qualifications Profile outlines
4 five areas of student learning, specialized knowledge,
5 broad knowledge, intellectual skills, applied learning,
6 and civic learning. While each of the five areas is
7 described independently, the areas clearly interact
8 both in learning as well as in application. Students
9 must apply their learning in a variety of settings and
10 be able to solve problems that span disciplines and
11 actors and, as to the degree level, as the drafters
12 would say, it's really all in the verbs. The
13 expectations for student performance ratchets up from
14 associate to Bachelor's to Master's.

15 Well, I've been telling you some about what
16 the Degree Qualifications Profile is. Let me just
17 spend a moment telling you a little bit about what the
18 Degree Qualifications Profile is not.

19 First of all, most importantly, it's not done
20 yet. In fact, it's by no means a finished product.
21 We're calling it a beta version and that language is
22 used very, very intentionally. We're relying on those

1 who are on the front lines of instruction to test it
2 and to improve it.

3 As I said, it's being tested by faculty-led
4 teams all over the nation and the grants we've made to
5 support that testing process are, for the most part,
6 three-year grants in duration. So we're really at the
7 earlier stages of this effort.

8 Second, despite the fact that the DQP is
9 relatively new on the scene, it is not a sort of
10 marginal or boutique experiment. Specifically, it's
11 being tested at more than a hundred institutions in 30
12 states representing virtually every sector of nonprofit
13 higher education. The work is being done by partnering
14 with national organizations, including the American
15 Association of State Colleges and Universities, the
16 Council of Independent Colleges, the Association of
17 American Colleges and Universities, as well as two
18 regional accreditors, the Western Association of
19 Schools and Colleges and the Higher Learning
20 Commission.

21 We believe that the high level of interest in
22 this work from a wide array of stakeholders in higher

1 education not only signals the need for a new
2 definition of quality but also that the Academy wants
3 to lead this transformation effort.

4 We believe the DQP represents a critical step
5 in charting the future course for American higher
6 education. To us, and really to the institutions and
7 partner organizations that have joined us in this work,
8 the profile response to a fundamental shift in defining
9 and assuring educational quality.

10 In these projects, we hope to learn more about
11 the content of the DQP. What needs adapting? What
12 needs to be changed? We also want to know more about
13 how institutions engage faculty across an institution,
14 that is, within an institution, to work together to be
15 able to demonstrate what degrees represent.

16 What evidence do they have of the learning
17 that transcends a program or discipline? How can we
18 provide certainty that students have the competencies
19 outlined in the Degree Qualifications Profile? And we
20 also want to know what those who truly work with the
21 DQP would advise us about the next steps.

22 Finally, the DQP is not something that can be

1 imposed on higher education by Lumina or really anyone
2 else. To really work, it must be adopted willingly by
3 institutions and faculty at the ground level, adapted
4 and refined through use in the real world. Faculty
5 engagement with the profile is essential because this
6 work is not about checking off a list. It's ultimately
7 about how faculty design and implement their courses to
8 produce learning outcomes.

9 The DQP is not rigid or monolithic. It's not
10 a one-size-fits-all document or process. In fact, no
11 institution or organization can really use the DQP
12 unless that organization crafts it specifically to meet
13 its own unique circumstances. From the very beginning,
14 it was designed to be institution-specific and
15 flexible.

16 The DQP is often referred to as a tool or a
17 template and those terms are probably accurate at this
18 stage of the work. Still, I think the terms can be
19 misleading if they bring to mind one specific
20 application or define some sort of fill-in-the-blanks
21 process. In reality, the DQP is much more akin to the
22 templates and processes that organizations use, for

1 example, in budgeting, a commonly-accepted worksheet
2 and a set of practices that enable strategic
3 decision-making and comparisons.

4 So please don't think of the DQP as a
5 prescribed set of standards that must be met or a
6 specific process that must be followed by rote. It is
7 the guide that helps organizations organize the
8 concepts in a transparent and explicit way.

9 I think the beauty of the DQP is that it
10 combines flexibility and broad utility and, in fact, it
11 can serve as a useful tool for anyone interested in
12 defining the meaning and relevance of postsecondary
13 credentials. Institutions of all types, states and
14 state systems, individual disciplines, employers,
15 accrediting agencies, advisory bodies, such as NACIQI,
16 any stakeholder can use the profile as a way to engage
17 the meaning, quality, relevance, and integrity of
18 American degrees.

19 I think it focuses us all on student learning
20 and that's really the area that must be our emphasis as
21 we strive to achieve those ambitious goals of ensuring
22 quality while increasing college attainment.

1 We at Lumina are committed to that goal and
2 we're welcoming your partnership in the efforts to
3 achieve it and now I'm going to look forward to our
4 dialogue and your questions about the DQP as well as
5 any other elements of the work that we might be able to
6 do together.

7 Thank you very much.

8 CHAIR STUDLEY: Thank you. We really
9 appreciate that.

10 Just for a little bit of order, I wonder if we
11 might start with questions in the general nature of
12 understanding what you're describing and clarifying or
13 being sure we have a good handle on the DQP before we
14 get into broader kinds of issues.

15 Does anybody have any questions of that sort?

16 I imagine it's familiar to many of you but perhaps not
17 to everyone. Anyone? Susan?

18 DR. PHILLIPS: Just a quick question on the
19 scope. I note that it's associates, Bachelor's and
20 Master's. What led you into the -- what led the
21 framers into the graduate waters and what made them
22 stop at the Master's?

1 MR. MERISOTIS: Yes. So the reason for
2 stopping at the Master's is that the framework's not
3 really intended for what is primarily research-based
4 application at the Ph.D. level, for example. The
5 framework doesn't have quite the same level of
6 relevance as it would in terms of the generalizable
7 skills that the research says are needed at the
8 associate, the Bachelor's, and the Master's levels.

9 So at the Ph.D. level, because of the research
10 orientation, that didn't seem to make sense to them nor
11 did it seem to make sense in terms of fields like law
12 or medicine where the specialized type of knowledge and
13 learning become so specific that these broader
14 generalizable competencies that we're talking about
15 here don't seem to have the same kind of relevance and
16 clarity.

17 Now there is a question on the other end of
18 the scale which is how does this apply at the sub and
19 associate degree level and we think actually there is
20 application to it. We simply didn't have the
21 capacities to develop that level of the competencies
22 that would roll up but we think that's possible. We

1 think in fact there are efforts underway now, for
2 example, the National Association of Manufacturers has
3 developed a very interesting model or approach to
4 defining qualifications, that we think those kind of
5 efforts could actually roll into what becomes the first
6 degree level which is the associate degree level, but
7 we did not have the capacity to do that in the
8 constraints we imposed upon ourselves in developing
9 this.

10 CHAIR STUDLEY: I wondered if it might be
11 helpful to just take us to this key visual.

12 MR. MERISOTIS: She's the spider web expert.

13 CHAIR STUDLEY: I like visuals. And just tell
14 us what this is trying to say about institutional
15 choice and how this relates to campus independence and
16 autonomy and differentiation.

17 MS. McKIERNAN: Well, I will have to say that,
18 I mean, I do really like the spider web and just so
19 that you know, I have a really rough drawing of this on
20 my wall in my office and people will come in my office
21 and say, I didn't realize you had preschoolers and I
22 don't but I have this.

1 The intent of the spider web was to show that
2 you have essentially five reference points on the five
3 areas of learning and if you start on the left-hand
4 side, you can see the ratcheting concept of the five
5 and although it is symmetrical, it's not necessarily
6 symmetrical, but that the associate's degree is then
7 nested within the Bachelor's degree which is nested
8 within the Master's degree.

9 On the right-hand side then, it is to show
10 that institutions, though, can actually differentiate
11 themselves from their programs and their offerings by
12 being able to focus more intently on certain areas.

13 So if you would look, for example, at
14 institution A, institution A, although it -- and this
15 is comparing from the perspective of the Bachelor's
16 degree in the three situations, the institution A has
17 in its offerings more intense focus on applied learning
18 and specialized knowledge whereas if you look at
19 institution B, it has more of a focus on civic learning
20 and broad integrative knowledge, and the concept being
21 that institutions have the opportunity that you have a
22 benchmark about what a common understanding of what a

1 degree should represent but that there is clearly the
2 opportunity for all institutions to differentiate on
3 those particular components.

4 And I would also note that in the center,
5 there's also a foldout chart that shows -- this is
6 another one of my favorite parts, which is this -- it's
7 right in the center which is kind of a grid of it and
8 on the far right, there are institution-specific areas
9 of learning which is to provide institutions the
10 opportunity to not only surpass or go beyond and
11 emphasize in more detail one of the five areas of
12 specific knowledge but also there might be something in
13 addition to the five areas that they emphasize.

14 MR. MERISOTIS: One thing I just want to add
15 to Holly's excellent description is that the way I
16 think about the spider web is that there's an
17 assumption embedded in the Degree Qualifications
18 Profile which is there's a core of learning that is
19 irrespective of what institution you are at but
20 thinking of it more as five points, right, and
21 not -- so move away from the spider web, for example,
22 and just think about a string that you have going among

1 those five points, well, you can change the angle of
2 that string depending on what type of institution you
3 are, what your mission is, what you're trying to
4 accomplish with your institution.

5 So you might focus more on specialized
6 learning or on civic learning, depending on the type of
7 institution you are, and then, in addition, we think
8 that there is room for greater specificity of
9 competencies which is really what the pullout chart is
10 all about that goes beyond those core competencies, as
11 well, that institutions can apply.

12 But there is an assumption about a core of
13 learning and that core of learning really ratchets up
14 from the associate to the Bachelor's to the Master's.

15 CHAIR STUDLEY: And that was part of what I
16 was getting at. You can't skip one of the posts. When
17 the string goes around, you're not supposed to skip one
18 all together.

19 MR. MERISOTIS: You can't skip one.

20 CHAIR STUDLEY: Or drop one of these all
21 together.

22 MR. MERISOTIS: Yeah. One thing I wanted to

1 just say about it. These things have been developed in
2 other parts of the world, as you know, but we're really
3 more inspired by what we saw in other parts of the
4 world than taking any of the specific advice they have.

5 One reason for that is that American higher
6 education does have some unique characteristics. For
7 example, in the U.S. compared to many other countries,
8 we care a lot more about things like access and
9 diversity. We care a lot more in the U.S. about things
10 like the civic role of higher education than you might
11 see in other parts of the world. In fact, most of the
12 degree frameworks we've seen in other parts of the
13 world have no civic component at all and so those
14 elements, I think, are important to point out, that
15 even though we got this inspiration from seeing what
16 other countries had done, really this, in our view,
17 fits the unique model and characteristics of American
18 higher education and the diversity that's represented
19 in our system of higher education.

20 CHAIR STUDLEY: Arthur?

21 VICE CHAIR ROTHKOPF: I commend Lumina and you
22 for what you're doing here because I think it's

1 critically important.

2 My question goes to where NACIQI fits into
3 what you're doing and I think Holly made a presentation
4 early on in our existence, our new existence, talking
5 about your work with WASP and HLC, which I think is
6 very important.

7 A concern that I have, let me put this
8 delicately, is that the higher education establishment
9 of Dupont Circle isn't really -- doesn't seem to be
10 terribly interested in measuring student achievement.
11 In fact, in, you know, post the Spellings Commission
12 and when NACIQI was, I think, previously asked to get
13 into questions of student achievement at the instance
14 of the Dupont Circle groups, Congress passed
15 legislation saying that the accrediting process isn't
16 supposed to get into achievement issues.

17 I guess my question really is to what extent
18 do you think your work is consistent with the views of
19 the higher education establishment? Are they more
20 willing now five years later to embrace issues of
21 outcomes assessment than may have been true in the past
22 or do you find them still resistant to looking at

1 outcomes as a means of measuring the performance of
2 these institutions?

3 MR. MERISOTIS: Yeah. I wouldn't attempt to
4 characterize their motivations or views. From my
5 perspective, what I'm encouraged by is that primary
6 partners in this work, in addition to accreditors, are
7 these national organizations, AACNU and ASQ and CIC,
8 and I think that's a very encouraging sign that they
9 are participating willingly, you know, this is a
10 voluntary process obviously, and being involved in the
11 testing of this, and I do think a lot of the
12 conversation over the last five years, in fact, has
13 moved towards a more learning-centered model of higher
14 education, towards better understanding the student
15 outcomes as opposed to simply the institutional
16 outcomes.

17 Now we could probably debate about whether
18 that's going fast enough, whether it's going deep
19 enough, etcetera, but I think that there is encouraging
20 signs that this is the direction that things are going.

21 We think this is a tool that, frankly, can
22 help accelerate that because it provides a practical

1 way to organize the thinking and learning and I think
2 one of the implications for you is going to be that if
3 in fact this does get more deeply utilized because our
4 formal investments are touching over a hundred
5 institutions in 30 states, we know lots of places that
6 are using this without any investment on our part, as
7 well, so we're hearing from places all the time that
8 are doing that, including, by the way, I should mention
9 that all of the testing we're doing right now that
10 we're supporting is at nonprofits but we think for
11 profits have an interest in testing this, as well, and
12 we think that that's terrific.

13 So our view is that this work is likely to
14 change the parameters of your role as an advisory body
15 over time because I think the nature of the definition
16 of quality is going to evolve as a result of this and
17 similar tools that I think are going to be developed.

18 VICE CHAIR ROTHKOPF: Just a quick follow-up.
19 Have organizations, like ACE, the American Council on
20 Education, have they been approached? Have they signed
21 on? That represents the umbrella of all of higher
22 education as opposed to some of the groups that you've

1 mentioned.

2 MR. MERISOTIS: Yeah. We haven't had a
3 specific conversation with ACE. We've worked with them
4 in some other areas but not on this. ACE has got
5 important work going on, I think, in thinking about
6 accreditation, independent of any investments we're
7 making, but in this case, we were not connected with
8 them in this work.

9 DR. FRENCH: Jamie, what were the -- you
10 referenced the other countries that you researched and
11 those were called qualifications frameworks. This must
12 have really gotten you excited to initiate a project
13 like this.

14 What were the effects in the other countries
15 that you saw?

16 MR. MERISOTIS: So these kinds of
17 qualifications frameworks have been applied diversely
18 in other parts of the world, from the U.K. to South
19 Africa, where I did a lot of work in my previous life,
20 to a variety of other contexts, and I think one of the
21 reasons why this has been value in some of those
22 countries is because of the sort of disconnected nature

1 between what higher education had been doing and what
2 the labor market needs were. So that was a strong
3 motivator in some of these countries.

4 Over time, I think it's come to be recognized
5 that in fact it's a way of helping higher education
6 strengthen its own relevance; that is, that higher
7 education serves these diverse purposes that have to do
8 with the economic, the social, and the cultural
9 well-being of individuals and of society, and I think
10 these kind of qualifications frameworks in the
11 different contexts that we've seen have actually been
12 applied in that way so that the starting point was
13 really labor market relevance but it's led to a whole
14 bunch of other things that I think is really
15 encouraging.

16 DR. KIRWAN: Jamie, I, too, want to commend
17 you and Lumina for this work and I couldn't agree more.
18 You had a superb team developing this concept and you
19 touched on this a little bit in your comments but have
20 you done any thinking about how we would know whether
21 or not these students in this -- you know, somebody
22 could announce they had -- what are we calling it?

1 What's the name? The three --

2 MR. MERISOTIS: DQP.

3 DR. KIRWAN: Yeah. DQP. So how would we know
4 that a student had really mastered these comments and
5 what's the assessment mechanism at the end of the day?

6 That's a long -- I realize that may be somewhat out in
7 the future but still.

8 MS. McKIERNAN: That's a great question and
9 that's really a part of the project work that's going
10 on, because we didn't want to remotely go into this nor
11 did the drafters, in saying what are the examples of
12 student work that would be evidence of demonstration of
13 master of any of the competencies, and in the projects
14 that are going on, part of the work is to say when
15 you're looking at these competencies, what are the ways
16 that you can assess it and actually demonstrate it?
17 What's the array of tools that would surface that kind
18 of becomes this body of literature and various
19 benchmarks of being able to demonstrate it?

20 So through the course of the work, you know,
21 in addition to looking at the content, is actually --

22 DR. KIRWAN: They're working on that.

1 MS. McKIERNAN: Exactly. What is the
2 evidence?

3 DR. KIRWAN: Thank you.

4 MS. McKIERNAN: And that it's not any one
5 particular tool.

6 DR. KIRWAN: Yeah.

7 CHAIR STUDLEY: I think related to that
8 question, are you aiming for comparability across
9 institutions or a language where people would be able
10 to say not just that their institution had used this
11 approach but that we each got a degree that met some
12 standard? There are lots of different ways to do that
13 but what might the next round be and if you don't know,
14 if you don't have a single goal, is comparability
15 something you're aiming for and, if so, what might that
16 look like?

17 MR. MERISOTIS: Yeah. I mean, I think we need
18 to have a longer conversation about what's entailed in
19 comparability and what that really means.

20 My view here is that, in short, this
21 does -- we do put a stake in the ground and say there
22 is a core of learning here that needs to be represented

1 and these generalizable skills or competencies should
2 be reflected in how students apply themselves at the
3 associate, Bachelor's and Master's degree level.

4 The analogy here is to other work that we are
5 doing which is starting from a different perspective
6 which is from the discipline perspective called tuning
7 and this is more directly connected to things that
8 we've learned from particularly the European context
9 where, in many different disciplines now, there are
10 essentially this establishment of reference points
11 within disciplines about what students should know and
12 be able to do in a specific discipline area.

13 So we are now testing that in at least seven
14 states now, the tuning concept. So tuning is sort of
15 more bottom-up and this represents more of -- I
16 wouldn't call this top-down but this represents more of
17 a broader application of this idea that there is some
18 level of common understanding of comparability,
19 whatever the word is, and I think that that word
20 "tuning" is really useful because it's the musical
21 analogy, you're tuning to the same key, not all singing
22 to the same song, and I think that's pretty important

1 because one of the strengths of American higher
2 education is the diversity that's represented in the
3 way that we educate our students.

4 We don't want to erode that. What we do want
5 is a common language and a common understanding about
6 what these credentials represent and how they can be
7 applied in work and in life and I think that's what's
8 most important about tools like this going forward.

9 CHAIR STUDLEY: Anne?

10 MS. NEAL: Again, it's always great to hear
11 from you all and I particularly appreciate your comment
12 about you're not envisioning this as imposing on
13 institutions, that in fact they retain their
14 institutional autonomy and institutional
15 decision-making.

16 Since we're here as NACIQI and we're dealing
17 with accreditors, my question is since you are rolling
18 it out with accreditors, I want to raise a concern.
19 How do we square not imposing on institutions, yet
20 potentially rolling it out through accreditors which
21 it's been my experience that accreditors develop
22 standards and then they are imposed on those

1 institutions that they accredit?

2 So I'd like to hear you speak to how we ensure
3 institutional autonomy and decision-making when in fact
4 we see two major accreditors taking this in hand.

5 MR. MERISOTIS: Yeah. It's a fair -- I'll ask
6 Holly to comment on this, as well, because it's a fair
7 comment.

8 Right now, we have WASC and the Higher
9 Learning Commission actually taking different pathways
10 towards the use of it and so you're seeing different
11 ways that we're trying to learn from this and, you
12 know, I should mention some of the other tasks, as
13 well.

14 We're looking at everything from how it might
15 impact student transfer to a variety of different
16 things. In fact, we have a third accreditor that we're
17 going to be working with. We haven't actually
18 announced that yet but that will be yet another vantage
19 point, regional accreditor. So I think that's useful.

20 I don't think that what we want to aim for
21 here, and I want to be as clear as possible, is a
22 single national standard that's driven through a single

1 body. I don't think that that was the intent of this
2 or certainly the way that we think that this could be
3 most effectively used.

4 We do think that the regional accreditors
5 themselves are already moving towards creating some
6 common understanding of what the student learning
7 outcomes of degrees should be and I think, if nothing
8 else, this provides a tool to test some of those
9 concepts.

10 I don't know if you wanted to add anything.

11 MS. McKIERNAN: I think the way that it's
12 being looked at, I think it's also a really good
13 question, is to say within the context of accreditation
14 and looking at the accreditors and the standard that
15 there be learning outcomes.

16 In the process of peer review then, is this a
17 useful tool and for the institutions and for those
18 involved then for being able to create a framework of
19 how they can demonstrate it and so it becomes a way of
20 being able to demonstrate something that is already in
21 essence required or outlined that an institution have
22 learning outcomes, that an institution be able to

1 demonstrate that, and then by using this in the
2 process, is that helpful both from the institution's
3 perspective as well as from those who come in to be
4 able to provide a framework for being able to have the
5 conversation, and part of the background in this, for
6 example, with Paul Gaston, who has been on a number of
7 accreditation review teams, his perspective was that
8 this was really helpful because it gave them a way of
9 being able to frame the conversation with the
10 institution, with the faculty, and that's one of the
11 concepts to be tested in the work.

12 MS. NEAL: So clearly there can be different
13 pathways, as you're saying, but what if there's a
14 disagreement with the framework?

15 MS. McKIERNAN: By the institution? That's
16 why it's a beta version, is that we really want to know
17 whether the content is right, and, frankly, the
18 drafters want to know whether it's right and some have
19 said that some of the competencies are, you know, too
20 low and some have said that we're missing things and
21 they want all of that type of feedback and that's
22 exactly what kind of the whole process is to bring

1 about, is those exact -- you know, is this right? Are
2 these the right categories? Are these the right
3 ratcheting? What's missing? What should be added?
4 What's wrong?

5 MR. MERISOTIS: The question that you're
6 asking, though, is the right one, which is where does
7 this go in the next iteration, in the next phase, and
8 we started this without preconception about where it
9 was going to go. We thought that it was important to
10 get this conversation going about what the degrees
11 represent in a way that builds on the success of you
12 and many other people around this table who've been
13 trying to push towards greater understanding of what we
14 should be producing in our higher education
15 institutions.

16 So we wanted to provide this as a practical
17 way of organizing some of that thinking without saying
18 that we think it's ultimately going to lead to this
19 point. We don't know the answer to that and I feel
20 pretty comfortable saying that.

21 VICE CHAIR ROTHKOPF: There's a continuum
22 here. Obviously students who are going to college and

1 on have gone through K-12 and obviously a connection.
2 There's a great deal of conversation now in K-12 and
3 particularly at the Department of Education as it's
4 looking at these potential waivers from No Child Left
5 Behind to look at a concept of college and career
6 ready, and to what extent is that something that you've
7 looked at, thought about, and how does it relate to
8 your efforts?

9 MR. MERISOTIS: Yeah. I think that this
10 alignment between what's going on at the K-12 and
11 what's happening in higher education is very important.
12 This is one reflection of that, I think, which is sort
13 of at the higher ed level. What should these
14 credentials actually mean?

15 Obviously with the common core, we now have an
16 interesting set of opportunities and challenges in
17 higher education and I know various of you, Brit and
18 others, have thought about these issues which is, so
19 how will the common core impact placement? How will it
20 impact admission standards? How will the kinds of
21 expectations that we have of learning at the K-12 level
22 be on this continuum to the higher ed level, and what's

1 the relationship between the two?

2 Our view candidly is that the silo-ing of
3 these conversations is dangerous, that we could end up
4 with apples and oranges if we don't do a better job of
5 trying to align the conversations about learning and
6 the increments of learning over time.

7 The common core, as you know, right now is
8 very focused in two areas. So it doesn't get at some
9 of these generalizable competencies that this talks
10 about here. So there's a lot of work to be done here
11 but I think you're seeing different kinds of
12 conversations at the K-12 versus the higher ed level
13 but they have some common antecedents and that is
14 trying to get a greater understanding of what kind of
15 learning should be represented in the qualifications
16 and the credentials that we award in our educational
17 system.

18 VICE CHAIR ROTHKOPF: And I think the common
19 core is a part of it. I guess I'd suggest that college
20 and career ready, which is a concept at least the
21 Department of Education and the Secretary has talked
22 about as one of the requirements for granting waivers

1 from the proficiency rules of ESEA, that I'm not sure
2 what the content of that is, and I think that's still
3 being developed, but I think again -- at least I think
4 there needs to be some alignment and maybe they ought
5 to be looking at what you're doing and vice versa --

6 MR. MERISOTIS: I think that's right.

7 VICE CHAIR ROTHKOPF: -- to be sure that we're
8 all on the same path here.

9 MR. MERISOTIS: And you're seeing several
10 governors take a similar tack.

11 MR. STAPLES: Thank you. I want to follow up
12 briefly on Arthur's comment. In any of the places that
13 you're working, are you working with K-12 and higher ed
14 to create some pathways between the curriculum
15 development, for example, to meet the common core and
16 higher education expectations around what the common
17 core will be in their states or their communities?

18 MR. MERISOTIS: As it relates to the Degree
19 Qualifications Profile?

20 MS. McKIERNAN: That is one of -- it's like on
21 our wish list of one of the projects that we really do
22 want to engage people in that. As an aside, the

1 drafters intentionally did not deal with K-12. They
2 thought that that would be kind of taking on more than
3 they wanted to at the time that they initially drafted
4 it with the acknowledgement that you clearly were going
5 to have to think about the whole pipeline.

6 So one of the questions is, is there a project
7 that would make sense both linking, you know, some
8 higher ed and K-12 that would help with that, kind of
9 the bridge point in the college readiness issue.

10 MR. MERISOTIS: You know, all the action at
11 the K-12 level is certainly not the common core but the
12 common core has become a useful point of reference in
13 the conversation and Lumina, as well as some other
14 national foundations, Hewlett Foundation and others,
15 are trying to gain some greater entry into the
16 conversations about the assessments being developed by
17 the two consortia, PARC and Smarter Balanced, so that
18 higher education has a voice in how those assessments
19 are being developed and implemented because we think
20 they have real implications in terms of what higher
21 education ultimately does with the product it's
22 receiving from the K-12 system.

1 Those consortia were not necessarily designed
2 with that in mind and so this is something that we're
3 trying to encourage. To say we're going to miss an
4 opportunity here, back to Arthur's point about college
5 and career readiness, we're going to miss an
6 opportunity here if we don't see this as part of this
7 continuum where these two pieces really have to connect
8 in a way that's meaningful.

9 MR. STAPLES: Thank you.

10 CHAIR STUDLEY: A number of these work -- I
11 can imagine we're working very well as a framework and
12 using them in everything from hands-on advising of
13 students to understanding how they are proceeding and
14 what the expectations are to internal improvement by an
15 organization or for an accreditor to consider this as a
16 framework or framework among many that would want to
17 use.

18 But many of those and some other uses drive, I
19 think, fairly quickly to people saying give me a
20 number, give me something hard that I can know either
21 about individual students or about your population or
22 your graduates. That's a little of what we're talking

1 about with comparability, but is that something you're
2 trying to avoid, don't think has a place in this, might
3 have a place, so far off that it's not worth talking
4 about? I even think of all the people who ask me as
5 though for all these things I do in higher ed, I will
6 be able to tell them my child was accepted at X, Y and
7 Z schools, where should he or she go, and our
8 collective ability to compare them and meaningful
9 education measures, if we are not in the institution,
10 is yet another possible application of this, but go
11 ahead.

12 MR. MERISOTIS: I was going to just say that,
13 look, the vision behind this thing is that this is a
14 tool obviously that faculty and institutions use but
15 the unit of analysis here is competencies that learners
16 should have, right? So it's a learner-centric model.

17 Our view is that the tools that you use for
18 assessment are going to be diverse. They're going to
19 have to do with writing and portfolios and a variety of
20 different means for expressing how you actually have
21 achieved the competency, depending on what the
22 competency is.

1 So I can't envision -- I think it's a mistake
2 to say, you know, and when all is said and done, 74.
3 You know, I think that's the wrong way to think about
4 this. I think the way to think about this is that, you
5 know, it's more like a musician's balance board.
6 You've got lots of things, dials that you're turning
7 and levers that you're moving, and what you're trying
8 to do is to create some harmonization here that you
9 know that you're making pretty good music here when all
10 is said and done.

11 I think that one of the things we should have
12 learned from the K-12 experience is that if we start
13 with the question what's the number, we're going to end
14 up devising all of the assessment tools and all of the
15 processes around getting to that number and I think
16 it's the wrong starting point. I think the right
17 starting point is what are those broad competencies
18 that we expect learners to have and then let's figure
19 out the tools for measuring them over time. I think
20 it's a much more constructive way to go about this.

21 CHAIR STUDLEY: I think the direction and this
22 kind of analysis is very helpful. I don't mean to

1 sound critical and I'm not driving toward a number, but
2 another way to describe the universe is people will
3 seek the information they need to make the
4 determinations they have to make and if they don't have
5 good ones, they will default, pun intended, to other
6 ones. So we will be trying to tell whether a school is
7 good enough for something by its default rate, its
8 placement rate, and other surrogate measures that don't
9 directly tell you what the student learning outcomes
10 were but maybe they tell you something that substitutes
11 for being too intrusive about what the student learning
12 goals or outcomes were.

13 So this may well not yield a number. The
14 question is what could it yield or how could it help in
15 all of the different kinds of jobs that people are
16 trying to do to understand the quality of what's taking
17 place, the value for whatever purpose they're deciding,
18 whether it's an individual's personal value of that
19 institutional choice or the huge investment that we are
20 a gatekeeper for, trying to say there are many
21 different ways it can be done but we're trying to build
22 at least a floor under it.

1 MR. MERISOTIS: So what you said --

2 CHAIR STUDLEY: Any thoughts on that?

3 MR. MERISOTIS: What you've articulated is
4 well said and we don't have an answer for you today but
5 what you've expressed, I think, is really the point,
6 which is that there's a sense of urgency here, that in
7 the absence of the application of these kind of tools,
8 we're going to revert to things that are not
9 acceptable, that are not sufficient for us to make
10 these kind of judgments that are so important in
11 deciding what quality really is and what degrees and
12 credentials really should represent, and I think, if
13 nothing else, you know, it should spur us on to pedal
14 faster because I think it's that sense of urgency about
15 these kinds of things that's really ultimately the most
16 important thing here.

17 This will evolve. This will change, but we
18 think the basic approach is something that we're hoping
19 anyway, once it's in the water supply, it will continue
20 to proliferate.

21 CHAIR STUDLEY: Do you have any suggestions
22 for us about the kinds of questions that we might ask

1 that would complement what you're doing? I'm not
2 saying change our standards but what might we listen
3 for that might engage in the same kind of project or --

4 MR. MERISOTIS: We'll take that challenge.
5 That's a really interesting question. We didn't come
6 in thinking putting ourselves in your shoes. I think
7 that's -- we'll follow up with you on that. I think
8 it's a really useful question for us to ponder.

9 CHAIR STUDLEY: Other thoughts or suggestions,
10 questions? Because I think there is a two-way street
11 on it here. There's much about what we're trying to
12 understand that is at the very least similar in the
13 kind of questions. How can we --

14 MR. MERISOTIS: That's right.

15 CHAIR STUDLEY: -- tell and how can an
16 institution tell when it's making progress on its
17 educational project? I think I even said something
18 that Anne and I might agree on in that regard.

19 So what should we be following that you're
20 doing? How might we feed our observations to you
21 because I think part of it is without better tools and
22 approaches, we will be forced to use some that don't

1 give us the confidence that we would like in important
2 judgments that people have to make.

3 MS. McKIERNAN: One thing that I would just
4 add to Jamie's comment was that, because we're really
5 trying to learn from the work as it's going on and that
6 this is really a beta version, that as the projects
7 unfold and we start to learn how they're demonstrating
8 the evidence of student achievement, what's happening,
9 that will be an opportunity also to engage in further
10 conversation about what we're learning from the work
11 because what we're hoping is that with each of the
12 projects that they will learn from each other as well
13 as it will inform us about kind of what's the direction
14 going forward.

15 So I would say that this is just like the
16 start of an ongoing process and further conversation
17 with you about what we're learning from the work would
18 be definitely welcomed.

19 CHAIR STUDLEY: I would certainly echo that
20 from our perspective. I would have said the same thing
21 had you not.

22 Does anybody else want to just weigh in or

1 identify anything for that future kind of conversation
2 or that you'd like to listen for?

3 (No response.)

4 CHAIR STUDLEY: All right. Thank you very
5 much. We really appreciate your being with us. Thank
6 you for sharing those thoughts and we do look forward
7 to that kind of continuing exchange very much.

8 MR. MERISOTIS: Thank you.

9 CHAIR STUDLEY: Thank you. Appreciate it. We
10 are going to take a short break until 2 o'clock. Be
11 prompt at 2 to return.

12 (Recess.)

13 PENNSYLVANIA STATE BOARD OF VOCATIONAL EDUCATION,
14 BUREAU OF CAREER AND TECHNICAL EDUCATION (PBGTE)

15 CHAIR STUDLEY: We are going to resume and the
16 agency before us will be the Pennsylvania State Board
17 of Vocational Education, Bureau of Career and Technical
18 Education.

19 The action for consideration before us their
20 Petition for Renewal of Recognition and the Advisory
21 Committee Readers are Arthur Rothkopf and Federico
22 Zaragoza. Which of you -- Federico.

1 DR. ZARAGOZA: Madam Chair, I would like to
2 introduce the Pennsylvania State Board of Vocational
3 Education, Bureau of Career and Technical Education.
4 This is a Petition for Continued Recognition by the
5 Pennsylvania State Board of Vocational Education.

6 The State Board of Vocational Education,
7 Bureau of Career and Technology, is the state agency
8 recognized for the approval of public postsecondary
9 vocational education. Its legal authority was
10 established by Pennsylvania statute and gives the
11 agency jurisdiction to oversee public institutions that
12 offer postsecondary vocational education.

13 Currently, there are 79 occupational or
14 comprehensive institutions which include 21 high
15 schools, 58 vocational technical schools, offering
16 public postsecondary vocational education, to
17 approximately 19,261 participating adults enrolled in
18 552 non-degree programs across the state.

19 These are non-degree programs provided by area
20 vocational technical schools that offer training and
21 employment to adults in a variety of occupations.

22 The Pennsylvania State Board of Vocational

1 Education, Bureau of Career and Technology Education,
2 was initially recognized in 2004 for a period of two
3 years and requested the agency submit an interim
4 report. In June 2006, the agency submitted its
5 Petition for Continued Recognition. The Secretary
6 recognized the agency for a period of four years.

7 On August 14th, 2008, the Higher Education
8 Opportunity Act was amended and this is the first
9 opportunity for the agency to appear before the revised
10 NACIQI group.

11 Madam Chair, at this time I'll defer to staff
12 for their comments and recommendations.

13 MR. MUALA: Thank you. Good afternoon, Madam
14 Chair and Members of the Committee.

15 My name again is Chuck Muala, and I will be
16 presenting a brief summary of the Pptition for
17 continued recognition of the Pennsylvania State Board
18 of Vocational Education's Bureau of Career and
19 Technical Education, hereafter referred to as PBCTE or
20 the agency.

21 The staff recommendation to the Senior
22 Department Official for the PBCTE is that he continue

1 the current recognition of the agency and require
2 compliance report in 12 months on the issues identified
3 in the staff report. This recommendation is based on
4 my review of the agency's petition, supporting
5 documentation, a visit to the agency, which included a
6 meeting with the director and the staff, and a file
7 review.

8 My review of PBCTE petition found that the
9 agency is substantially in compliance with the criteria
10 for recognition. However, there are outstanding issues
11 that the agency needs to address. These issues fall in
12 the areas of demonstration in its financial capacity,
13 the composition of its advisory body, its complaint
14 policies and procedures, the monitoring of its
15 accredited institutions, and administrating its appeal
16 policies and procedures, some of which are a result of
17 the Higher Education Amendments effective July 2010.

18 We believe that the agency can resolve the
19 concerns I have identified demonstrating its compliance
20 in a written report in a year's time. Therefore, as I
21 stated earlier, we are recommending to the Senior
22 Department Official that the agency's recognition be

1 continued and that you require compliance report in 12
2 months on the issues identified in the staff report.

3 The agency is present today. I am also
4 available for any questions that you might have.

5 Thank you.

6 CHAIR STUDLEY: Are there any questions at
7 this time for the staff?

8 (No response.)

9 CHAIR STUDLEY: Seeing none at the moment,
10 let's ask the agency representatives to come forward.
11 Let me thank you all once again for your cooperation
12 and flexibility. I know you had to readjust your
13 schedules and we very much appreciate your doing so to
14 accommodate the committee. Thank you.

15 MS. BURKET: Good afternoon. I'm Lee Burket.
16 I'm the Director of the Bureau of Career and Technical
17 Education with the Pennsylvania Department of
18 Education. With me, I have two staff members. I have
19 Beth Marshall, who serves as our Accreditation
20 Coordinator, and Tamalee Brassington, who is the
21 Division Manager for Adult Postsecondary Programs that
22 we oversee in the bureau.

1 I do thank the staff of the U.S. Department of
2 Education for their continued assistance and support in
3 recognizing the State Board of Vocational Education as
4 a reliable authority as to the quality of the public
5 post-secondary vocational education in Pennsylvania.

6 We realize that your recognition is ensuring
7 that the Commonwealth career and technical education at
8 the post-secondary level is at an acceptable level of
9 quality. We especially thank Chuck Mula for working
10 with us and providing direction and advice as we
11 continue to revise our standards, guidelines, and
12 procedures, and we do have the opportunity to work with
13 a number of boards and with a number of agencies and
14 U.S. Department of Education is very supportive and we
15 do appreciate that.

16 Pennsylvania remains committed to designing
17 and implementing a quality accreditation process. The
18 governor supports the reform of career and technical
19 education across the Commonwealth as the state
20 positions itself as a competitive entity in workforce
21 and economic development efforts.

22 Quality adult technical education is one of

1 the key components of these efforts and to that effect,
2 the State Board of Vocational Education, which is the
3 governing body of the Department of Education, is
4 committed to ensuring quality pre-K through
5 postsecondary education and has provided direction and
6 regulatory support for reform efforts, including
7 ensuring quality adult technical education.

8 The purpose for the State Board of Vocational
9 Education seeking and retaining recognition as a state
10 agency for the approval of public postsecondary career
11 and technical education in the Commonwealth is to
12 provide the career and technical schools a practical
13 and cost-effective means of ensuring quality education.

14 The state is a local autonomy state and, as such, the
15 institutions can vary in the degree of quality.

16 The accreditation process allows the State
17 Board of Education to verify the quality of the
18 education provided by these institutions by ensuring
19 that they do meet the established accreditation program
20 standards. It allows the institutions to review their
21 programs and systems and establish goals for
22 improvement to meet the standards.

1 The processes that the local schools use
2 involve faculty, staff, student, and the public. We
3 work closely with the career and technical centers to
4 ensure they are meeting the regulation and the criteria
5 and are showing improvement in regard to the
6 educational systems and the student outcomes.

7 We also ensure that we, too, remain compliant
8 with the regulation and, as an example, have made
9 changes based on the Higher Education Act. Due to the
10 changes in the Act, we have updated the accreditation
11 guidelines to comply with the U.S. Department of
12 Education regulations. We initiated the policies and
13 procedures to meet the credit hour requirements of the
14 Act prior to the deadline of the submission of this
15 petition.

16 We've developed the credit hour conversion
17 policy and are working with the career and technical
18 centers as they begin to implement the credit hour
19 conversions.

20 The State Board has delegated the authority or
21 the management of the accreditation program to the
22 Bureau of the Career and Technical Education within the

1 Pennsylvania Department of Education and we remain
2 aware of the issues that are facing the institutions
3 and ensure that the accreditation process remains
4 viable and reliable and consistent.

5 As an example, we developed a pool of
6 volunteers for the accreditation process. This does
7 remain challenging for us because, in addition to
8 seeking volunteers for the accreditation visits, the
9 Department also has other projects that require local
10 education staff time. We have been modifying the other
11 processes to ensure that we have adequate volunteer
12 support for the accreditation process. Thus, we make
13 sure we are not compromising the accreditation process.

14 One of our greatest strengths in management of
15 the accreditation program is our ability to provide
16 one-on-one technical assistance. We work closely with
17 each of the schools as they begin the accreditation
18 process and throughout the entire accreditation
19 process.

20 Annually, we provide training for all of the
21 institutions and then follow up with those who are
22 interested by visiting the site and covering the

1 accreditation process and materials with the school
2 staff. We also provide them with sample documents that
3 assist them and have a list of contacts that they can
4 make as they pursue accreditation.

5 The Pennsylvania State Board of Education was,
6 as you heard, granted conditional recognition in 2004
7 with arecognition in 2006 and numerous changes have
8 occurred since 2004 in order to ensure that we are
9 meeting the criteria for recognition. We consult with
10 the U.S. Department of Education to address the needs
11 that have been identified and in regard to the
12 findings, we do concur with the Department's findings
13 and continue to work with them to ensure that we are
14 compliant and that we will be meeting the regulations
15 in a timely manner.

16 We also appreciate the National Advisory
17 Committee's role and the insight that you provide us
18 and the others during the hearings and so at this time,
19 I'll stop and see if you have any questions or
20 comments.

21 CHAIR STUDLEY: Do the committee members have
22 questions or comments?

1 DR. ZARAGOZA: I only have one question and
2 that's one of the staff findings address the issue of
3 fiscal capacity and in the audit you're about \$60,000
4 short of your requested budget and so I'm wondering
5 what that's going to do to your capacity.

6 MS. BURKET: We're not actually short. The
7 budget that we presented is 183,000 something. That's
8 actually the cost of staff and the associated expenses
9 for travel, the operational expenses that would be
10 incurred. So we're fine.

11 Annually, the budget includes what we call the
12 GGO money, the Government something Operational
13 funding. That's adequate to cover all of the staffing
14 within the agency. In addition to that, there is \$62
15 million line item for career and technical education
16 that supports both secondary and postsecondary
17 programs.

18 VICE CHAIR ROTHKOPF: I had the same question
19 as Federico. I just saw in the report, it looked as
20 though the 186,000 became a 120,000. Is that not
21 right?

22 MS. BURKET: I do have a copy. Wait.

1 VICE CHAIR ROTHKOPF: Chuck, am I reading that
2 correctly?

3 MR. MUALA: Yes, sir. We did get some more
4 information on that and I'll be glad to make it
5 available.

6 VICE CHAIR ROTHKOPF: It's on Page 5 of the
7 report. It indicates -- I think it's the same question
8 Federico was posing. It looks as though you lost your,
9 if you will, enforcement money by a third and that's
10 not very comforting.

11 MS. BURKET: Okay. Whatever the budget is, I
12 mean it is the accurate budget, and it is adequate.
13 Again, it's covering the staff, the staff costs, and
14 whatever's associated with their work, such as travel
15 expenses. So we have their benefits, salary, and then
16 operational costs, such as travel.

17 VICE CHAIR ROTHKOPF: It's a big Commonwealth,
18 do a lot of travel.

19 MS. BURKET: You want testimony from them.
20 They will agree to that. That is true. We have within
21 the bureau, we have 30 some staff. Of that 30 some
22 staff, and I'm guessing here, about 20 are professional

1 staff and they are on the road a lot. The nurse aide
2 staff are committed solely to the nurse aide programs.
3 There are three of them. There are over 200 programs
4 that have to be reapproved every year. We have Beth.
5 Again, her sole assignment is the accreditation process
6 and she has currently eight of the current technical
7 centers are approved or accredited. We have three
8 additional ones that are coming in seeking
9 accreditation. So with Beth and with the other staff
10 that have been assigned to accreditation, we're able to
11 cover the Commonwealth.

12 CHAIR STUDLEY: Chuck, we would appreciate
13 your comments.

14 MR. MUALA: Yes. After our conversation, I
15 did a little research and I talked to the agency.
16 Basically, it might have been an error on my part in
17 the staff report because I saw the smaller amount and I
18 didn't see the explanation as far as the smaller amount
19 goes, but I think what happened is the agency
20 requires -- it's just this year it's working with less
21 than they got last year but the same function is being
22 done.

1 So what they do in their process is they
2 request money to accomplish their mission and that
3 money is granted to them but it just seems to be that
4 it was less this time than it was the last time. So
5 not that they've got less than they needed, they got
6 what they needed, but it was less than they needed to
7 operate last year or the last time they went through.
8 Did I make myself clear?

9 CHAIR STUDLEY: Arthur?

10 MR. KEISER: Out of curiosity, with the
11 increasing budget cuts and tightness of all kinds of
12 state agency monies, why would you want to duplicate
13 the process that, you know, other agencies, such as
14 Middle States, would perform for you, where it would
15 save the taxpayer? It seems like a duplication of
16 expenses.

17 MS. BURKET: I'm not so sure it's a
18 duplication. Middle States is available. The Council
19 for Occupational Education is also available for the
20 schools. In fact, a number of the eight career and
21 technical centers that are accredited, a number of them
22 actually have multiple accreditations. It's their

1 choice as to which entity they would like to
2 participate with.

3 MR. KEISER: I understand that, but it just
4 seems in an era of, you know, to avoid duplication, it
5 just seems there's not a real rationale for the state
6 having that accrediting function where like in Florida
7 we don't have that.

8 MS. BURKET: Well, in 2004, this actually
9 initiated because Middle States did pull out of
10 accrediting career and technical centers and it really
11 left a bind. There was no one else there for the
12 career and technical centers to turn to and so the
13 field approached, Pennsylvania Department of Education
14 and asked if they would be willing to seek recognition
15 and that's why we're involved.

16 The State Board is well aware that Middle
17 States is back and is accrediting career and technical
18 centers but they still want this as a safeguard if
19 anything would happen.

20 MR. MULA: To help answer your question, Dr.
21 Keiser, in the beginning when the initial recognition
22 came through, one of the important factors that the

1 Department looked at was that the BCT was providing a
2 function that, because the schools were not able to
3 because of the budget and the way the economy was at
4 the time, could not pay for those services through the
5 accrediting agencies already out there, and this was
6 hurting the job market.

7 So Pennsylvania stepped in to try to help do
8 that by doing the same function for much less money and
9 providing a closer monitoring service of the schools
10 and what was happening in the schools. That was a big
11 factor in the decision in their petition when they
12 first came aboard.

13 MR. STAPLES: Thank you. I have a question
14 which is slightly off topic but I'm curious how you
15 feel about the Federal Government playing a role in
16 making the decision about whether the schools have
17 access to Title IV funds.

18 I mean, don't you feel as a state agency that
19 you're perfectly capable of making those decisions
20 about the quality of your schools without having to go
21 through the Federal Government as a filter?

22 I asked the New York State people that

1 yesterday and they said they love the Federal
2 Government, they love the Department, they love NACIQI,
3 and I realize I'm not trying to make it awkward, but
4 I'm just saying we're trying to figure out in part what
5 the right role of each branch of government is and our
6 agenda has been full the last few days with state
7 agencies and I'm just not sure I fully understand the
8 rationale.

9 You have very good Department of Education
10 staff that are publicly accountable who work with you,
11 just like we have here, and I would just want to ask
12 you, do you think this process really adds anything of
13 consequence, except the most important which is the
14 Title IV funding, or is it just another hoop to jump
15 through that doesn't really make a big difference in
16 the way you function?

17 MS. BURKET: I don't see this as another hoop
18 to jump through. As I indicated, Pennsylvania is a
19 local autonomy state which means that the school
20 districts, so the secondary level, higher education are
21 essentially able to make many of their own decisions
22 without the state coming in and providing a lot of

1 oversight.

2 So again, in regard to quality career and
3 technical education in the state, this has really been
4 beneficial for us because we've been able to establish
5 the standards and we've been able to ensure that the
6 programs are meeting that, meeting those standards.

7 MR. STAPLES: You did well. I just wanted to
8 have -- I was curious if you saw a real value and I
9 appreciate that.

10 MS. BURKET: Yes.

11 MR. STAPLES: Thank you.

12 CHAIR STUDLEY: Anyone else?

13 (No response.)

14 CHAIR STUDLEY: We've received no requests for
15 Third Party comments on this agency. Are the
16 presenters prepared to make a motion?

17 M O T I O N

18 VICE CHAIR ROTHKOPF: Yeah. I'll make kind of
19 the usual motion that we've had before on the
20 Pennsylvania State Board for Vocational Education,
21 Bureau of Career and Technical Education, as we've had
22 in previous ones that were not too controversial, and I

1 think it's up on the board.

2 Move that NACIQI recommend that the agency's
3 recognition be continued to permit the agency an
4 opportunity within a 12-month period to bring itself
5 into full compliance with the criteria cited in the
6 staff report and that it submit for review within 30
7 days a compliance report demonstrating compliance with
8 the cited criteria and their effective application. I
9 so move.

10 DR. ZARAGOZA: And I'll second.

11 CHAIR STUDLEY: Any comments? Any discussion
12 on the motion?

13 (No response.)

14 CHAIR STUDLEY: Seeing no hands, all in favor,
15 please indicate by saying aye.

16 (Chorus of ayes.)

17 CHAIR STUDLEY: Opposed?

18 (No response.)

19 CHAIR STUDLEY: Thank you very much. The
20 motion carries, and your recognition is now renewed
21 under those terms. We thank you again for your
22 cooperation and flexibility, and thank you, Chuck, for

1 a good job and for yours, as well. Thank you so much.

2 BACKGROUND AND OVERVIEW OF THE NACIQI'S DRAFT

3 REPORT TO THE SECRETARY ON HEA REAUTHORIZATION

4 CHAIR STUDLEY: We will now move into a very
5 different agenda item. We signaled yesterday that our
6 agenda for this meeting had two very significant and
7 obviously ultimately very complementary elements. We
8 have completed the portion of the meeting in which we
9 review individual agencies for their participation as
10 accreditors in the Title IV Program, as participants in
11 the triad.

12 Now we're going to move to our other job which
13 is to help us move toward responding to an invitation
14 from Secretary Duncan to advise him on possible
15 elements of the next reauthorization of the Higher
16 Education Act.

17 I am going to briefly review the task before
18 us and then invite Susan Phillips, who has been doing a
19 superb chair of the Chair of the Subcommittee on
20 Policy, to help us become more specific with regard to
21 the substance of the options before us.

22 As some of you know, just at the point that

1 this NACIQI, what's sometimes known as the new NACIQI,
2 was convened, we were invited by Secretary Duncan to
3 give him our thoughts with regard to the terms of a
4 future Higher Education Act. We read that invitation
5 as particularly related to our responsibilities for
6 accreditation but as we all know, it's hard to separate
7 accreditation from the other elements of the entire
8 Higher Education Quality and Title IV Programs and so
9 our purview and our challenge are big ones.

10 We first received that invitation from him at
11 our training meeting in September 2010 and the
12 committee met for the first time as a fully-formed and
13 official committee in December of 2010. So while this
14 work has been in development and gestation for some
15 time, given the complexity of the challenges, it
16 doesn't seem all that long at all.

17 To date, we have invited comment in several
18 different ways from persons interested in the land of
19 and success of Higher Education and Title IV Programs.

20 We've had hearings well attended and with much very
21 thoughtful comment before this group. We've invited
22 your and others written consideration of issues, as my

1 notes say, and then more testimony and using all of
2 that and the collective experience of the 18 members of
3 NACIQI developed a draft set of options that we put
4 before the community for its consideration and
5 reactions.

6 Our object there was to identify the purposes
7 of the federal interest in quality assurance within the
8 Title IV Programs. We could all do the little
9 paragraph that tells us how much the Federal Government
10 invests and how much the taxpayers count on our
11 collective investment in higher education through the
12 programs influenced by the accreditation process.

13 We identified the key central goal of the
14 federal interest in accreditation as establishing the
15 assurance that taxpayer funds are used in accordance
16 with the principle that a well-educated citizenry
17 promotes individual and community well-being, economic
18 competitiveness, and workforce development and civic
19 participation. But how we do that is a matter of great
20 importance and we tried to be as comprehensive and
21 imaginative in including both the issues and concerns
22 and also the suggestions that might help us achieve the

1 smoothest possible arrangements.

2 In our effort to find effective routes to
3 further improving the accreditation system, we did
4 offer up some that are challenging and some that we
5 understood might spark vivid discussion. We were right
6 in that. But we felt that it was better at the outset
7 to be comprehensive and explore with you the many
8 different ways that we could go about building on the
9 strengths and addressing the frustrations,
10 shortcomings, limitations of our current systems.

11 So we agreed to build a consensus document
12 with a range of alternatives which we will now with
13 your help today and further discussion and deliberation
14 by the committee work to refine further. There will
15 be, I will add, as many of you are aware, other
16 opportunities for considering influence on the Higher
17 Education Act, including from the Department.

18 The Secretary's own regulatory process, I feel
19 confident, will also give people doorways and
20 opportunities to express your thoughts about how this
21 could be done even better. So we are one of many
22 voices that will help the Department and the Secretary

1 develop its ultimate recommendations.

2 Indeed, we might find that we come back
3 together again in light of those other strands of
4 advice, so that we can continue to think about these
5 issues together.

6 At this meeting, we will do as much as humanly
7 possible of the following. We will review the options
8 that were presented in the paper that we shared with
9 you. We will listen to additional comment from
10 individuals who have signed up to speak to us and from
11 discussion among the committee members, and we will
12 then consider priority areas to be included in a final
13 document.

14 At this meeting, we will discuss these issues
15 among ourselves and take first a straw poll to identify
16 the topics that appear to us to generate sufficient
17 support within the group to want to elaborate on and
18 move forward with.

19 After the meeting, we will prepare a final
20 document which will be put out again for comment to the
21 public for the required period and we will take a final
22 vote on a document using a public conference call, the

1 conference call among ourselves which will be
2 accessible to members of the public who want to
3 participate.

4 At this point, I'd like to hand things off to
5 my colleague Susan Phillips, who, as those of you who
6 have attended these meetings before, has taken a
7 leading role in helping shape the options that we have
8 developed and brought to the public and to the
9 committee so far.

10 Susan?

11 DR. PHILLIPS: Thank you. So we have a long
12 list of options that we have discussed and put out for
13 comment. Committee members, you'll have in your folder
14 a quick summary of the comments that we've received,
15 just a quick walk-through of that. This is the purple
16 document, just the tally. We received a grand total of
17 27 comments back in writing. We'll receive some more
18 in a moment. Of those, 18 were from institutions or
19 institutional organizations, eight were from
20 accreditors or accreditation organizations, and one was
21 from a category I will fondly call other.

22 Our total suggestions, ideas to consider

1 included the largest one which is the A, B, and C
2 option which concerned the role of accreditation in the
3 institutional eligibility process, and the numbered
4 ones, 1 to 30, refer to issues concerning the triad of
5 actors, the state role in quality assurance, the role
6 and scope of accreditors, data as an essential tool in
7 quality assurance, data and service of public and
8 consumer information, and the role of NACIQI as a
9 federal advisory body.

10 Of course, these were ones that we had
11 whittled down. There are many other territories that
12 we explored in our initial conversation but this is
13 where we had narrowed it to.

14 As we take up this task of envisioning what a
15 final set of recommendations might look like, we've
16 taken on the challenge of trying to digest 33 different
17 options into a coherent set of recommendations. We've
18 divided them up tentatively into what I'll call three
19 clusters, the first-up cluster, the second-up cluster,
20 and the third-up cluster. This is marked on your green
21 sheet.

22 Essentially, what this does is try to identify

1 clusters of items that need to be addressed before the
2 next set of items be addressed. That's the rough
3 dividing line and so that we can proceed in a step-wise
4 fashion. The current strategy for walking through this
5 process is, first, we will take the additional comment
6 from those who've signed up by the deadline to speak
7 and after that, we will walk through the three clusters
8 in order, taking discussion and again straw polls on
9 each of the cluster areas. This will be clearer when
10 we get into it.

11 So that's the process. I'm going to skip the
12 brief summary of each area now. I'll do a little bit
13 of that to bring you up to speed as we go along but
14 would move us to the Public Comment, the
15 formally-signed-up.

16 CHAIR STUDLEY: We will begin with the people
17 who requested the opportunity to make oral comment and
18 we very much appreciate your involvement here. As of
19 the last time we checked the list, I'll just let you
20 know, we didn't have any additional people who had
21 requested the opportunity for public comment. So if
22 you think you did so or meant to do so, do let us know

1 and we will balance that between today and tomorrow,
2 but they are in order and I would -- if it's
3 comfortable for you, I'd invite you all to come up so
4 that we can hear what you have to say because we may
5 have -- does that make sense?

6 They are Judith Eaton, Joyce Rechtschaffen,
7 Vickie Schray, Joseph Vibert, and Ralph Wolff. So we
8 will take you in that order. If you want to do it in
9 that order, that would be -- take any seats you want.
10 Thank you very much. And each of the presenters has
11 been asked to speak for no more than three minutes.
12 The light will be green when we start the timer. It
13 will go to yellow at the 30-second mark. It will start
14 flashing just before the three minutes and at that
15 point, I would ask you to wrap up your remarks.

16 After you speak, the committee members might
17 have questions for you.

18 DR. KIRWAN: Just real quick before they
19 start, will we get a copy of their comments?

20 CHAIR STUDLEY: I think it's up to the
21 presenters whether they brought them or can send them
22 afterward. I don't know if we explicitly requested

1 that they bring copies.

2 DR. KIRWAN: If they could, I would appreciate
3 getting a copy.

4 CHAIR STUDLEY: Okay. You've heard Chancellor
5 Kirwan's request and if you want to amplify at that
6 point or have manageable useful attachments, we would
7 certainly welcome that.

8 Thank you very much. So Judith Eaton.

9 PUBLIC COMMENTERS' ORAL PRESENTATIONS

10 MS. EATON: Good afternoon. I'm Judith Eaton,
11 President of the Council for Higher Education
12 Accreditation, and we at CHEA have given the draft put
13 out by the advisory committee considerable thought.

14 It seems that there are two major themes that
15 dominate the document. One is the urgency of greater
16 public accountability and the other offers up a
17 solution to addressing greater public accountability
18 and expanded role for government with regard to higher
19 education quality. Those themes cut across all 33
20 options and I think those themes prevail whether or not
21 gate-keeping is kept, is modified, or discarded.

22 When the paper talks about an expanded

1 government role, I describe this as moving from the
2 federal interest in quality, which by and large has
3 been carried out by holding higher education
4 accountable for quality, emphasis on the holding, to a
5 federal interest in quality assurance, which is much
6 more tied to the process of reviewing for quality and
7 moving in the direction of perhaps the Federal
8 Government making decisions about what counts as
9 quality and certainly the Federal Government taking a
10 much more active role in the operation of accrediting
11 organizations.

12 This may or may not have been intended but
13 it's what comes through in the document.

14 I do think that an expanded government role in
15 this area is problematic and think that we can do more
16 with regard to public accountability in a different way
17 and in the testimony that we sent you offered up
18 several suggestions to that end.

19 First, that we keep the primary responsibility
20 for judging academic quality in the academic community.

21 One way to do this is to have institutions publish,
22 for example, performance indicators of their own

1 choosing aggregate data on how well they are performing
2 with regard to, for example, graduation or achievement
3 of educational goals or transfer of entry to graduate
4 school, but this would be a community-based operation.
5 This would be up to individual institutions.

6 We also suggest that there be more federal
7 oversight in a particular area and that is addressing
8 student aid and use of federal funds and, finally, if
9 both of these suggestions were, indeed, operative, the
10 sense is that the current federal recognition review
11 could really be streamlined to focus on the basic
12 soundness of accrediting organizations, how they
13 operate, their commitment to a mission-based system,
14 peer review. I mentioned several things in the
15 testimony.

16 I do think that this combination would provide
17 for greater public accountability. It requires more
18 attention to student learning outcomes and to
19 transparency. Students in the public would know more
20 about the effectiveness of institutions. You would
21 know more about the effectiveness of institutions, and
22 although we talk a lot about higher education

1 generally, we really should be talking about
2 institutions. Students don't say I want to go to
3 higher education. They want to go to College Park or
4 they want to go to SUNY Albany or they want to go to
5 one of Art Keiser's schools and they need to know about
6 the academic effectiveness of those institutions.

7 Madam Chairman, I can stop there, if I'm over
8 the time, or do you want me to finish?

9 CHAIR STUDLEY: Just if you would finish your
10 key thought but we, as I say, may come back with
11 questions to each of you.

12 MS. EATON: Okay. I did want to make a couple
13 more points about the value of the suggestions I think
14 that are offered.

15 One is I think that if we had more information
16 at the institutional level, it would help us deal with
17 problematic schools in the accreditation process, what
18 we sometimes call bad actors.

19 I also think that we could use this
20 information to deal with another issue that has been
21 difficult for all of us and that is the amount of time
22 that might be involved in sustaining accreditation when

1 they are problems. We would have more evidence to
2 bring to bear on that issue.

3 And, finally, I think this approach would
4 enable us to address an issue we've been struggling
5 here with, we've been struggling with it here today and
6 we struggled with it yesterday, and that's captured by
7 phrases like "picky issues, the process is picky, nit
8 picking."

9 We really may be on a path that is highly
10 undesirable and that is micro managing accreditation
11 operation. I don't think we want to go there. I don't
12 know the connection between micro managing
13 accreditation operation on the one hand and what we're
14 after which is academic excellence, it's student
15 achievement, it's student attainment.

16 Review of accrediting organizations is not, as
17 we all know, an end in itself. It is part of an
18 ongoing effort by so many of us to ensure the very best
19 we can for students and I think it's extremely
20 important that we keep that in mind as we move forward.

21 Thank you, Madam Chair.

22 CHAIR STUDLEY: Thank you very much. Joyce

1 Rechtschaffen.

2 MS. RECHTSCHAFFEN: Thank you, and good
3 afternoon. Thank you for the opportunity to testify
4 today on behalf of Princeton University President
5 Shirley Tilghman.

6 We greatly appreciate the receptiveness of the
7 Commission to concerns we have voiced about the
8 accreditation process and to new approaches that might
9 address some of those concerns.

10 We strongly support the Commission's options
11 that would allow accreditors to design procedures for
12 expedited review for institutions that can meet
13 specified criteria. These options, 13 and 14, would
14 lead to a reduction in the costs and demands on
15 well-performing institutions while still holding them
16 to agreed-upon standards. It would also permit
17 accrediting agencies to devote more time and energy to
18 poor-performing or newly-established institutions.

19 Institutions that meet the criteria for
20 expedited review would complete a peer review process
21 focused on areas that the institution and the
22 accrediting agency agree constitute areas for

1 improvement. We believe that the data requirements for
2 expedited review should focus on the items outlined in
3 the report's Option 21, including completion graduation
4 rates, placement, and/or other indicia of career
5 progress and alumni satisfaction data.

6 An outline of how such a system might work is
7 attached to President Tilghman's recently-submitted
8 comments on the discussion draft.

9 We are also pleased that the Commission is
10 willing to consider a total revamping of the
11 accreditation system that would result in mission- or
12 sector-based approaches. As President Tilghman
13 outlined in her written and oral testimony to the
14 Commission, the rationale for this approach is that
15 peer review processes work best when institutions are
16 reviewed by representatives from institutions that are
17 similar in mission and organizational structure.

18 Different institutions can and do learn from
19 each other but it is unclear that these exchanges occur
20 through region-based accreditation.

21 Let me conclude with some brief comments on
22 your question. Should the linkage between

1 accreditation and Title IV fund eligibility remain? We
2 believe the answer to this question depends on how the
3 accrediting agencies carry out their responsibilities.

4 They must be willing to suspend accreditation of
5 failing institutions and at the same time respect the
6 academic freedom of sound institutions.

7 In our view, this means respecting the
8 long-established practice of leaving judgments about
9 curriculum and approaches to assessing student learning
10 to teaching faculty of successful institutions, not the
11 accreditors. If the current system cannot carry out
12 these responsibilities without risking damage to
13 institutional quality and autonomy, then we believe it
14 would be better to sever the link and have accrediting
15 agencies focused on peer review and institutional
16 improvement.

17 In drafting a new approach, it would be
18 critical to be very careful to ensure that the
19 government does not usurp institutional autonomy from
20 making academic judgments. Any standards set by the
21 Federal Government extending beyond financial integrity
22 should focus on the dataset outlined in Option 21, as I

1 previously described. Those are the appropriate
2 measures of educational effectiveness that are
3 significantly undervalued in the current standards by
4 which institutions are judged.

5 Thank you again on behalf of President
6 Tilghman for providing this opportunity to share our
7 thoughts and suggestions.

8 CHAIR STUDLEY: Thank you very much. Vickie
9 Schray.

10 MS. SCHRAY: Good afternoon, Madam
11 Chairperson, Members of the Committee.

12 I'd also like to thank you for the opportunity
13 to provide comments today on the draft legislative
14 recommendations for the reauthorization of the Higher
15 Education Act.

16 As you've heard, my name is Vickie Schray, and
17 prior to joining Bridgepoint Education as their Vice
18 President for Regulatory Affairs, I held a number of
19 senior leadership positions here at the U.S. Department
20 of Education, had the great honor of working with many
21 of you around the table on issues related to
22 accountability, accreditation, and higher education

1 policy.

2 The call for reform of accreditation and
3 increased public accountability of higher education is
4 not a new conversation. In fact, it has been underway
5 for over 20 years. No doubt, as you have heard over
6 the past year, accreditation in the United States has
7 many strengths and weaknesses and as others have
8 pointed out, the system has evolved in response to the
9 changing higher education environment.

10 As we look at the current environment, there
11 are at least four major changes creating pressures on
12 the system. One is the growing demand for higher
13 education, especially from traditional to
14 non-traditional or the new contemporary student who
15 wants even greater options in the delivery of higher
16 education.

17 A second is reduced public funding and rising
18 costs and pressures to find more cost-effective
19 solutions in every aspect of higher education.

20 Third is the growing demand for increased
21 accountability and the shift from access to success
22 with an emphasis on education and employment outcomes.

1 Finally, there's the changing structure and
2 delivery of higher education, including new types of
3 educational institutions and the increasing use of
4 distance learning that allows institutions to operate
5 not only on a national but a global scale.

6 As you deliberate on what changes to recommend
7 to Secretary Duncan, I would like to suggest that what
8 is needed is a collaborative, not a top-down, strategy
9 that would focus on the following three options.

10 First, I would like to offer my support for
11 Option A, retention of accreditation in the
12 institutional eligibility process. The strength of
13 accreditation lies in peer review and the use of
14 academic professionals to make judgments on quality.

15 While much progress has been made to define
16 quality in higher education, much work remains,
17 including a greater balance between existing and more
18 outcome-focused criteria. Decoupling the link between
19 Title IV and accreditation could severely hamper the
20 efforts underway to define academic quality and sever
21 the only and appropriate link the government has
22 between the federal investment and the existing

1 public/private infrastructure we now have for quality
2 assurance.

3 Second, as noted in the paper, the various
4 interests of each of the members of the triad are
5 sometimes at odds and often duplicative, increasing
6 administrative costs and regulatory burden without
7 resulting in improved service to students.

8 States have taken a major leadership role in
9 establishing performance accountability systems to
10 drive improvement in higher ed. Most states have now
11 established performance accountability systems and have
12 identified one or more performance measures, but it is
13 important to note that these systems and related state
14 regulatory systems represent yet another layer of
15 quality assurance in higher ed that is largely
16 disconnected and inconsistent with the quality
17 standards and processes used in accreditation.

18 At the federal level, there has been an
19 increase in the number of regulations and disclosures
20 required by institutions but the information is often
21 difficult to find, the measures use different
22 definitions, and the data are not required of all

1 institutions, impeding their value in helping students
2 to make informed decisions.

3 What is needed is a concerted, coordinated
4 national, not federal, strategy to bring the disparate
5 efforts together with a focus on developing a common
6 quality assurance framework. This framework will help
7 to rationalize the system by defining roles and
8 responsibilities and the data that each of the members
9 of the triad will collect.

10 Finally, we need to improve data and
11 transparency. These efforts to build a quality
12 assurance framework would benefit from the major
13 federal investment in the state longitudinal data
14 systems that have the capacity to share high quality
15 and trustworthy information.

16 The Federal Government has spent millions to
17 support state efforts to develop these systems. Now is
18 the time to ensure that these systems include all
19 higher education institutions and are capable of
20 reporting information at the institutional and the
21 program level.

22 One of the great strengths of an American

1 higher education is the diversity of its institutions.

2 Instead of proposing to differentiate accreditation or
3 standards by sector or type of institution, we should
4 differentiate and focus on benchmarking against like
5 institutions with comparable selectivity criteria.

6 CHAIR STUDLEY: If you could wrap up shortly?

7 MS. SCHRAY: Yes.

8 CHAIR STUDLEY: Thank you.

9 MS. SCHRAY: Again, it's important to retain
10 the relationship between accreditation and the
11 institutional eligibility process, to support and
12 promote current efforts to improve educational quality,
13 but for this option to be viable, I would recommend the
14 development of a quality assurance framework in
15 collaboration with all members of the triad.

16 Thank you very much for the opportunity.

17 CHAIR STUDLEY: Thank you. Mr. Vibert?

18 MR. VIBERT: Good afternoon, Madam Chair and
19 Members of the Committee.

20 As the Executive Director of the Association
21 of Specialized and Professional Accreditors, I
22 represent approximately 60 agencies that assess the

1 quality of specialized and professional higher
2 education programs and schools in the United States.

3 ASPA member accreditors set national standards
4 for specialized disciplines for defined professions to
5 ensure that students receive an education consistent
6 with standards for entry level or advanced practice in
7 their respective fields.

8 Thirty-three of the ASPA membership are
9 recognized by the Department of Education.

10 Thank you for the opportunity to comment on
11 your draft report to the Secretary on the
12 reauthorization of the Higher Education Act.

13 We would ask that in any recommendations that
14 go forward that you keep in mind, maintain and support
15 the core principles of accreditation; namely, the value
16 and importance of peer review, the independence of
17 institutions and accreditors in the academic
18 decision-making process, and the respective
19 independence and authority of the states and the
20 accreditors.

21 The diversity and creativity of educational
22 programs in the United States are strengths of this

1 nation and should be preserved. Individual program and
2 institutional mission and goals will be lost if
3 legislation, regulation, and subsequent guidelines
4 create additional federal control and micro management,
5 as has previously been mentioned.

6 Our diverse education programs require
7 reliance on professional judgment by peers who are
8 experts on content, not a centralized system that
9 relies on standardized criteria that is applied with
10 little concern for mission and goals.

11 The roles of the Federal Government, the
12 states, and accreditors have been under the microscope
13 for some time now and there is concern about the
14 functioning of the triad. We agree that there can be
15 room for improvement in any system but increasing
16 federal control of the structure or functioning of the
17 triad negates the three-part structure and that is
18 something that we cannot support.

19 We should look for ways to improve the
20 relationship among the three entities through a joint
21 effort with review, input, and potential proposed
22 changes to the system sanctioned by appropriate

1 representation of all three partners.

2 ASPA and its members look forward to working
3 collaboratively in addressing the issues and promoting
4 the highest quality of education for our students in
5 this country.

6 Thank you.

7 CHAIR STUDLEY: Thank you very much. Ralph
8 Wolff, please.

9 MR. WOLFF: Thank you. I, too, appreciate
10 being here and appreciate the work you're doing. The
11 challenges are great, both for higher education and
12 accreditation.

13 I'd like to make three points. Accreditation
14 is changing and needs to change more, but I would like
15 to have those changes acknowledged. You commended the
16 Northwest Association with a fundamentally new model
17 last year. The Higher Learning Commission has
18 developed a new pathways model. My commission has just
19 adopted, I wrote you about this, all of our reports
20 will be made public from June forward, and our action
21 letters. We're requiring graduation proficiencies,
22 external validation, and benchmarking of retention

1 graduation.

2 Just to begin a list of other changes,
3 including paying much more attention to for-profit
4 institutions, we've all made significant changes around
5 issues like change of control, online education, and
6 the like.

7 I do believe that we need to make further
8 changes and that leads to my second point, which is
9 that we need flexibility and adaptiveness and we
10 support those recommendations that allow for that.

11 If I might say, let me try to be over-simple
12 and say there are four categories of institutions that
13 we work with. We have what you might say are people
14 called the bad actors or the problem institutions, the
15 one that needs serious attention. We have a second
16 category of those that run the risk of falling into
17 that category.

18 Now I would submit that they are not the vast
19 majority of institutions and then at the other end, we
20 have the high-end/high-performing/not really serious
21 problem institutions. I put Princeton in that
22 category. Cal Tech, Stanford. And we have other

1 institutions which do a really good job and for which
2 our efforts toward improvement could really be
3 significant.

4 To put all four of those categories in the
5 same bucket and to say the same approach is required by
6 your regulation makes little sense anymore. We need to
7 put the emphasis on the right saliva. We need to put
8 our attention toward certain activities that we do
9 which we, I believe, are capable of doing and with
10 different strategies for those institutions around
11 which we have established metrics and have been able to
12 identify warning signals.

13 And that leads to my third point, which is
14 rather than fundamental change in the system, we need
15 to try more communication and collaboration. A very
16 concrete example. We are working on the accreditation
17 of an institution. I would like to work with the
18 Department of Education and say what do you know about
19 that institution so we can do a good review. Can't
20 happen. But the Department is collecting multiple
21 indicators. Its own subgroups aren't talking to one
22 another, FSA eligibility and the like, but we need much

1 more communication and collaboration around the use of
2 the data, the application of the data, and how our
3 review process can link to areas of concern without
4 compromising investigations or the like. I would add
5 states, as well.

6 So I would just conclude by saying that I
7 don't think that restructuring the system at this point
8 is a worthy goal. I think it's very undefined, but
9 there is the capacity for this entire system to do
10 better and to use the enforcement of the authority much
11 more but I will just conclude by saying if we were to
12 sit down with the Department, I could not tell you
13 what's all in the Department's quiver and I would like
14 the Department to know what's in our quiver and how we
15 could work together to really assure the public of the
16 quality and integrity of the institutions in the bottom
17 categories and I'd like to have the freedom to work
18 with the other two categories toward their improvement
19 but not treat them as criminals or for us to be
20 investigatory agents.

21 Thank you.

22 CHAIR STUDLEY: Thank you very much. We

1 appreciate the comments from all five of you and I know
2 that many of you have given us at various stages along
3 the way expanded versions of that.

4 I'd like to open it up now for the committee
5 to ask questions of any of you. We do not have, as I
6 said, additional public comment and so we have a little
7 breathing room here to let you ask the questions that
8 you would like -- not exactly representative but
9 speakers from different viewpoints.

10 So let me take several hands and I see
11 Arthur's first. Others?

12 VICE CHAIR ROTHKOPF: Yeah. I have actually
13 several comments but let me start with this one and ask
14 Judith to amplify on a point.

15 In your written comments and in your oral
16 comments, you make the point that the paper that was
17 circulated would increase federal control. Let me ask
18 you to respond to whether, if the direction in which we
19 went was for Option B or Option C, in which the federal
20 role was limited to the items that Joyce mentioned in
21 Option 21, specific data or maybe a little bit more
22 than that, of completion rates, licensure, satisfaction

1 and so on, and left the entire accrediting universe
2 still continuing, in other words, it doesn't mean that
3 you get rid of accrediting bodies as they were before
4 the linkage occurred but why couldn't you delink, have
5 the Federal Government define what it really wants to
6 know about institutions, and it be data-driven and
7 quality would remain in the existing accrediting bodies
8 or new accrediting bodies?

9 They wouldn't be under the federal control.
10 You wouldn't have all the pickiness, all the micro
11 managing that you referred to. Why do you say that
12 Options B and C would increase federal control?

13 MS. EATON: Thank you, Art. I said that
14 because when I look at Option 21, it says the dataset
15 with common definitions and if it's a large enough
16 dataset and it includes a lot of specific academic
17 areas, it seems to me that the onus has shifted from
18 our institutions to the Federal Government.

19 I also said it because it seems to me that,
20 given that we have a mission-driven system, it's up to
21 the institutions to identify appropriate indicators of
22 their effectiveness and I don't think they should be

1 penalized for it.

2 A number of the options assume a national
3 approach that I think can get in the way of the very
4 effectiveness of higher education institutions that has
5 gotten us to where we are right now. If you would go
6 up the path of, look, we're going to hold you
7 accountable for having those indicators, providing
8 adequate evidence about those indicators and judging
9 those indicators, and the accreditors come in, you, the
10 institution, and the accreditors come in and say are
11 you doing this, all right, I think what will happen
12 with that over time is institutions will be seeing what
13 one another does and in an organic way that's going to
14 help institutions use information to improve, but I
15 don't think you need to lodge a significant set of data
16 options within the Federal Government to achieve what
17 we want to achieve.

18 MR. WOLFF: May I comment briefly on that? We
19 have a task force right now working on retention and
20 graduation rates for every one of our institutions and
21 at our institution to create a template. We know that
22 IPEZ works for only a very small number of

1 institutions.

2 We've worked with and are starting to work
3 with not only Peter Ewell but with the National Student
4 Clearinghouse. That data is not complete. We are
5 calling it numbers and narratives. One has to
6 contextualize the information. So there's no single
7 metric that would apply to all institutions, even if we
8 can get good data. We're doing this at the
9 undergraduate and graduate level.

10 So I would assert that we do need to pay more
11 attention to retention and graduation but contextualize
12 and the problem with the federal regulatory response is
13 that numbers tend to be a single metric or single -- or
14 categorize arguably inappropriately for the context.
15 Even within the 23 campuses of the California State
16 University, there's enormous variation of graduation
17 rates and that one needs to recognize the different
18 campuses are working with different categories of
19 students.

20 But we intend to make those judgments and I do
21 believe it can be done through the peer review process
22 but not through a regulatory process with the uniform

1 metrics.

2 CHAIR STUDLEY: Anne?

3 MS. NEAL: Well, I want to thank all of you
4 for being here. I must confess, as I looked down at
5 our summary of the public comment, I see a long list of
6 alphabet soup organizations in Washington, D.C., and
7 other places, most of whom are regulated or are
8 regulating institutions of higher education and so I
9 think, as I'm looking at this task for Secretary
10 Duncan, I do want to keep thinking about the parents
11 who aren't here and the students who aren't here, the
12 students with debt who aren't here, the students who
13 are now occupying the ivory tower, if you will, because
14 I think this is really the questions that we're being
15 asked to address, whether or not we are graduating
16 students with the skills and knowledge they need to
17 succeed in the workforce and there certainly seems to
18 me to be a significant amount of evidence that we are
19 not.

20 We heard when we first started this effort
21 that we're academically adrift which has some pretty
22 stark numbers in terms of students' cognitive gains and

1 so as I look at this, I appreciate very much the input
2 that you all are bringing but I also want to have the
3 bigger context of those who are not employed by the
4 existing system and how we might attempt to improve it,
5 but I don't think it's particularly surprising that, as
6 I look through most of the statements from those of you
7 who are in the business, that you kind of like the
8 business the way it is and I guess that's not
9 surprising. But I think that we've been asked to be
10 bold and I hope that we will try to be bold as we look
11 at this.

12 Hearing from Judith and Joyce, I heard a great
13 deal of common ground and it's ground with which I tend
14 to agree, that baseline indicators from the
15 institutions of quality that would go to core results
16 and quality, financial stability being more of a focus
17 by the Ed Department, and then where we seem to get to
18 an interesting juncture then is attempting to decide
19 whether or not we need to sever the link between
20 accreditation and institutional eligibility for Title
21 IV funding, and as put in the Princeton, if the current
22 system cannot carry out its responsibilities without

1 risking damage to institutional quality and autonomy,
2 then perhaps we should think about severing the link
3 and this is the area I'm most interested in pursuing
4 for the reasons that Arthur's already started.

5 I guess, Ralph, it's good that you're here
6 because you've been outlining what you envision the
7 ways forward in this ever-changing landscape, but as I
8 look at your plan, I must tell you it raises for me the
9 kinds of concerns that I think many of the institutions
10 are raising about damage to institutional quality and
11 autonomy and why do I say that?

12 As I look at what you are proposing, it seems
13 to me it is a long stretch from peer review, that it is
14 talking about consumer protection, institutional
15 accountability, audit and enforcement panels, new
16 auditing teams that would look at graduation rates.

17 I must confess I am concerned that this is
18 beyond what I understand peer review to be and I guess
19 what I want to address with all of you, what I'd like
20 for you to address is we have always referred to
21 accreditation as peer reviewed, but in fact
22 accreditors, because you are gatekeepers, hold a gun to

1 the heads of the institutions that you oversee.

2 It seems to me that we can say that you're
3 private entities but in effect you are agents of the
4 Federal Government because you're deciding whether or
5 not institutions are receiving federal funds and so if
6 I subscribe to Judith and Joyce's belief that we need
7 to limit excessive government intrusion, then it seems
8 to me delinking, allowing you, Ralph, to support
9 institutions voluntarily as accrediting bodies did in
10 the beginning, would certainly take the gun away from
11 institutions who are accredited but would allow the
12 self-improvement role, which accreditors have fulfilled
13 over the years, to flourish.

14 So I'd like to hear you all address that.

15 MR. WOLFF: I guess I'll start. I think it
16 doesn't take the gun away from an institution.
17 Instead, it shifts the gun and turns it into a Howitzer
18 because it will be done by a regulatory process by
19 agencies that will end up having to ask the same
20 questions we're asking and to set standards across all
21 5,000-7,000 institutions using what appear to be on
22 paper simple metrics is simply not true in practice and

1 that's what we live with.

2 But let me say that I think all of us in the
3 accrediting community appreciate that there is a shift
4 toward greater public accountability, toward greater
5 transparency, and I certainly would say my commission
6 and the Community College Commission was making reports
7 public which they have done for years. I think it's a
8 step in the right direction.

9 But I would say that how does one address
10 academic quality without looking at what the outcomes
11 are and so that question's going to arise. How does
12 one look at what are appropriate completion rates
13 without looking at institutional context? You
14 yourselves are a judgment-making body and it would be
15 impossible for you to do your work without the nuances
16 that are required in some kind of interactive dialogue
17 which is what the peer review process does.

18 So I would just submit that there is a
19 regulatory function that we perform. I think we are
20 clear that for some institutions that function needs to
21 be much more rigorous or pay more attention to it and
22 for other institutions we're able to more

1 quickly -- should be able to move more quickly beyond
2 it, and I think it's not that we are satisfied with
3 what we are doing but I think that we are capable of
4 not only doing what we do well but to improve in areas
5 that we agree need to be improved.

6 MS. RECHTSCHAFFEN: Well, just to elaborate
7 on why we raised the issue, that if the current
8 accreditation doesn't become less intrusive, I mean,
9 right now some of the things that really concern us,
10 for example, are proposals to have external validation
11 of the Lumina degree profiles of critical learning. We
12 don't know how you do that. That doesn't amount to a
13 standardized test or other things that we're not at all
14 clear on.

15 I mean, we feel at Princeton that these are
16 pedagogical judgment that, along with the faculty, and
17 it is highly undesirable for the accreditors to decide
18 such damage and we fundamentally believe that's why we
19 got involved in this process, that that is going to do
20 damage to the greatest system of higher education and
21 so that's just elaborating a little more about what
22 we're doing.

1 We feel it's very important to weed out the
2 bad actors but going to this kind of next and future
3 steps is doing great damage to the system.

4 MS. EATON: Anne, as I heard you, one, yeah,
5 we want to do better. There are areas of higher
6 education where we can and should do better, but I
7 don't think that the desire to do better or
8 acknowledging that we could do more takes us
9 immediately to there's got to be more federal oversight
10 here.

11 Second, in addition to that, I think I'm not
12 sure the question any more is link or delink. I know
13 that's how it was framed. I know that's how we've
14 talked about it for years. I think the issue is, and
15 as Ralph acknowledged, as Joseph acknowledged, and I
16 turn to them because they're in the accrediting
17 business, we are in a different climate, especially
18 with regard to the role of higher education, Vickie
19 spoke to this, as well, with regard to public
20 accountability.

21 How do we carry out the role? All right.
22 What about it? What do institutions do? Of course we

1 have some accountability to the Federal Government,
2 institutions, and accreditors. It's a lot of money.
3 How do we do that? I think the fundamental challenge
4 for all of us, the fundamental challenge is what is an
5 appropriate way to meet the accountability expectations
6 but not eliminate the benefits and there are
7 considerable benefits with whatever the limitations of
8 the system that we have.

9 Who's going to do what and that can be a
10 collaboration of sorts and we don't necessarily have to
11 put it in the frame of the formal linkage or delinkage.

12 MS. SCHRAY: My recommendation to maintain the
13 relationship between Title IV and accreditation is
14 based on what I've observed over the last few years. I
15 think it would be catastrophic at this point in time
16 because I think what you would see is a very chilling
17 effect on all of the activity and there's been a
18 significant amount of activity to define student
19 learning outcomes across the board.

20 You've heard mention of the various
21 associations work. You heard from Jamie this morning
22 where they've actually begun to fully engage faculty in

1 defining those student learning outcomes.

2 I'm struck by how much work, though, still
3 remains and worry that if you decouple Title IV from
4 accreditation, it will stop forward movement on that
5 end.

6 I do think it's critical, though, and I hope I
7 made my point quite clear there's, as I mentioned, a
8 great deal of work in the institutions, under the
9 leadership of the accreditors, the associations, but
10 the states have done a significant amount of work, as
11 well, and I think at this point, there is a lot on the
12 table amongst the members of the triad and what's
13 really important is to bring all that together, clarify
14 roles and responsibilities, determine who's collecting
15 what and how in a very safe environment, can we
16 leverage some of that information to assure the
17 students and the policymakers and the public at large
18 that we do indeed have a quality assurance system.

19 MR. WU: I have a totally different question
20 for the five of you. What do you think the role of the
21 states should be? Well, we can infer something from
22 the stunned silence.

1 MS. EATON: The states right now are the
2 owner-operators of public higher education, given that
3 the funding is there. They have authority with regard
4 to the direction of an institution in a number of ways.
5 They have authority with regard to programs and
6 degrees and I might wish, and having worked in a number
7 of states and public institutions, that that were a bit
8 less enthusiastic. I nonetheless see that the
9 rationale for it and the importance of the
10 accountability there.

11 The states also have some authority with
12 regard to private higher education operating in the
13 state and if you're going to operate in that state, I
14 think there's reasonableness there, as well, but just
15 as at least as I'm saying, I don't want to see
16 expansion of federal control. I would not want to see
17 the expansion of state control.

18 I think we've got enough challenges at the
19 state level, distance learning being one,
20 internationalization being another. We are talking
21 about federal dollars. So there is with all my
22 concerns a federal interest.

1 MR. WOLFF: I would just add that with the
2 most recent Department regulations on states, state
3 approval and authorization of distance education,
4 there's enormous confusion.

5 There are 50 different approaches. So it's
6 hard to say there should be uniform approach to how the
7 state role should be manifested, but I do think that in
8 this area, communication is definitely warranted, more
9 communication, but I don't think more legislation or
10 regulation is.

11 We still are trying to sort out how to come
12 into compliance or I can tell you having talking with
13 representatives of the legislature in two states,
14 California and Hawaii, they're still trying to figure
15 out how to come into conformity with the current
16 regulation.

17 DR. KIRWAN: I have two questions. I want to
18 go back for just a moment to the decoupling and I think
19 one of the common themes I heard in your comments were
20 that we need to do a better job with the bad actors. I
21 think several people made that comment, maybe all of
22 you did, and so whenever I think about decoupling, and

1 I agree with that, what concerns me is what would be
2 the lever, if we were going to do a better job with bad
3 actors, what other lever would there be to improve
4 their performance? What would be able to hold over
5 them if it wasn't -- I mean, there may be others but
6 isn't that an effective, potentially effective tool for
7 improving the performance of bad actors?

8 So let me just get what -- I have one other
9 question.

10 MS. EATON: I think part of the difficulty in
11 answering that question is if we were to decouple, then
12 what? We don't have an answer.

13 DR. KIRWAN: Right. That's what I'm saying.
14 Is there some other mechanism, if you don't have
15 financial aid? I mean, how do you improve the
16 performance of the bad actors? What are the tools you
17 would have to sort of force some improvement process?

18 MS. EATON: I think accreditation serves that
19 function whether linked or not; that is, there are a
20 number of programmatic accrediting organizations that
21 do not have a federal link and they are not federally
22 recognized and most of them could not be federally

1 recognized in the absence of a federal link. They work
2 just as hard at accountability. They work just as hard
3 at quality improvement.

4 What I'm trying to say -- some people say, oh,
5 accreditation will dry up and go away if there isn't
6 the federal link. I think we have a lot of evidence
7 that's not the case. Some people say absent the
8 federal link, we'll have no lever with regard to --

9 MR. WU: Right.

10 MS. EATON: -- improving quality. I think we
11 have a lot of evidence to the contrary.

12 Now with regard to bad actors, what do we
13 mean? What are we going after here, all right, and I
14 don't know that. So it's hard for me to answer what we
15 would do with regard to that.

16 MS. RECHTSCHAFFEN: Well, one of the options
17 that was laid out by the Commission was some type of
18 federal standards and we think that the appropriate
19 ones would be the ones in Option 21 which are clear,
20 graduation, completion, indicia of career success, job
21 performance, licensure, financial stability, student
22 loan default rates. So those could be combined in that

1 sense.

2 DR. VANDERHOEF: This is for Title IV?

3 MS. RECHTSCHAFFEN: Well, one of the options
4 the Commission -- the Commission presented two options.
5 One was a total severance and one was some type of
6 federal standards. We, in our testimony, combined that
7 with Option 21 which had a very defined set of
8 standards.

9 MR. WOLFF: Just on this, if I could just
10 pursue this point, how are we doing now with the bad
11 actors? We've had the gun to the head of them and yet
12 there are a whole lot of them out there and we've heard
13 along the way that there are some of the agencies are
14 afraid to act because they're going to get sued and
15 they want to be indemnified.

16 You know, the current system isn't get rid of
17 the bad actors. We just read the paper, go to the
18 media, you see a whole lot of them, and the current
19 system isn't dealing with them and, you know, how do
20 we -- is what we're talking about, the mixture here,
21 you know, going to be better if you had a specific
22 federal requirement on defining what is a bad actor?

1 MS. EATON: I think that we are making some
2 progress, if I might, in that area. When we look at
3 the data, we, from CHEA, from an accrediting
4 organization, and we looked at all the, what I'm going
5 to say, negative actions, I don't want to say adverse
6 actions, it's technical; that is, did you deny
7 accreditation, did you remove it, did a program or
8 institution go on warning, show cause, etcetera?

9 There's a significant increase in negative
10 actions between 2007 and 2009, 2009 is the latest year
11 for which we have data. There were 637 of these
12 actions in '07. There are 969 in 2009.

13 Now I don't like judging accreditation, all
14 right, in this way, on the one hand. On the other
15 hand, clearly something is happening here with regard
16 to the scrutiny of institutions and programs, whether
17 new to accreditation or continuing.

18 VICE CHAIR ROTHKOPF: Can I just say --

19 DR. KIRWAN: This is not about financial aid.
20 So I'm intrigued by this notion of doing accreditation
21 more by mission of institution and it was mentioned in
22 one of the testimonies, but the others didn't comment

1 on it. I just wonder if anybody has any thoughts about
2 is that a practical way to go and, I mean, do you see
3 some value in a mission-oriented, more of a
4 mission-oriented accreditation process, yes, sector?

5 MR. WOLFF: I'll start. I commented on this
6 the last time and if I could fill in very little on the
7 last question.

8 I think it's easy to define, it may be easy to
9 define any who claims to be a research university and
10 there are a lot who claim to be that may not
11 necessarily be. We're a community college. I worry
12 about all that's in between. Is that everybody else?
13 Is it faith-based institutions? Is it comprehensive
14 universities that offer doctoral degrees, Master's
15 degrees? Do we go to the Carnegie Classification?

16 At the end one might have, say, there are
17 sectors clearly defined but in between there really are
18 not. We all make effort to have peers on the team so
19 that we select out the peer reviewers. We all have
20 representatives on our commission from a variety of
21 sectors and I would submit that adds great value to the
22 process.

1 The great concern about back slapping of one
2 to the other could occur arguably even greater if the
3 peer review process were much more narrowly
4 constructed. So I think that the way in which we do
5 our reviews are very sensitive to or maybe could be
6 made more sensitive to but I don't think structural
7 change is the way.

8 If I could just make one other comment about
9 Option 21, we had experience with the SPRIS about
10 trying to identify the state postsecondary review
11 entity's job placement rates. Well, for a vocational
12 school with a single program, maybe that's relevant but
13 for Bachelor's degrees and whole areas, that's why I
14 say these terms connote a level of simplicity that
15 doesn't exist in reality.

16 It's not about just getting data but who sets
17 the standards of what is appropriate performance for
18 retention and graduation, for job placement, for
19 licensure exams? I mean, one could look at any
20 licensure exam and see the range, whether it's the bar
21 exam or the psychology exams, and to say that who's
22 going to set the standard and this is where

1 one -- that's where peer judgment is needed and I would
2 argue that Option 21 is really not that simple because
3 those data are not -- or those elements of review are
4 not simple across a wide range of institutions to whom
5 they would apply.

6 MS. EATON: Brit, I'd like to again reiterate
7 from my remarks that I would recommend that -- and it
8 goes back to the issue of the student -- that we look
9 at differentiating not necessarily by mission but take
10 a look at the student population that those
11 institutions serve and look at selectivity criteria,
12 number of Pell recipients, students with a number of
13 non-traditional risk factors, college readiness. There
14 could be a whole host of criteria to allow institutions
15 that serve like populations to come together,
16 benchmark, and really help move progress along for
17 those students.

18 MS. RECHTSCHAFFEN: I think you could pursue
19 sector accreditation as an experiment. You do not have
20 to dismantle regional accreditation to get there.

21 DR. KIRWAN: It could be an option.

22 MS. RECHTSCHAFFEN: Yeah. And I think there

1 would be challenges. I see the advantages, I see the
2 disadvantage, but I see little disadvantage
3 to -- little advantage at all to dismantling regional
4 accreditation in the quest of sector.

5 DR. KIRWAN: I see.

6 CHAIR STUDLEY: Art?

7 MR. KEISER: In response to your comment, I'm
8 not sure that there are that many bad actors because if
9 you read the papers, they tend to be anecdotal and not
10 specific.

11 Secondly, I am surprised that any of the
12 accreditors would want to say that you're designed to
13 take our bad actors because that's not the role, at
14 least my understanding of the accreditation. It's
15 certainly not the role of accreditation within the
16 current triad.

17 And third, how do you define a bad actor?
18 Who's a bad actor? Is 10 percent placement very good
19 or a graduation rate good or bad?

20 The definitions aren't there and what scares
21 me that if we establish that the U.S. Government
22 defines what those definitions are, much like our

1 actions, it's either black or white. You make one
2 decision or the other. There's no concept of
3 improvement. There's no concept of institutional, you
4 know, differences and development.

5 Judith or Vickie, what do you think? I mean,
6 is accreditation designed to take out bad actors?

7 MS. EATON: In the sense that you'll have a
8 review of an institution or a program and if it's
9 seriously problematic, either the entity won't receive
10 accreditation or its accreditation won't continue.

11 See, I think a certain amount of what we're
12 concerned about goes on and goes on in a formal
13 collegial way through the peer review process. If you
14 go out and look at 25 regional state universities and
15 you learn about their graduation and you learn about
16 their retention and other indicators of the results
17 that they are producing and you come across the 26th
18 regional state university and its results are wildly at
19 variance, all right, with the other 25, lower, you know
20 there's a problem there and you know the problem has to
21 be solved.

22 If bad actor includes not doing as good a job

1 as you need to do unintentionally, all right, you're
2 going to take care of that. If you're talking about
3 degree mills or out and out fraud, accreditation was
4 not designed for that.

5 CHAIR STUDLEY: I have a question and I
6 appreciate that at least we are talking about bad
7 actors. Even if we disagree about how many or exactly
8 what the combination of interventions are and who does
9 them, at least we've identified that there is an
10 elephant somewhere near the room.

11 Judith, you made the comment that it would be
12 helpful to have more information at the accreditor
13 level about -- and you were the first to use the phrase
14 "bad actors," and I think, Ralph, you said the same
15 thing, that there were opportunities for combining
16 knowledge and data about institutions that could help
17 you do the job that you have assumed more effectively.

18 Could you be a little more specific about what
19 that would be and what the barriers are to doing that
20 because that might also be the kind of thing that could
21 fall into the options that we identify related to
22 greater cooperation and greater data-sharing and

1 greater risk assessment focus on institutions where
2 there is a real problem, appears to or might be a real
3 problem?

4 MR. WOLFF: I think it's a good question and
5 let me try to respond in two ways, one with respect to
6 the Department and one with respect to our own process.

7 My understanding is the Department is
8 collecting a wide range of data, 30-40, I don't know
9 how many, data elements across the Department in
10 different sectors, at least that's what I've been told
11 by officials in the Department.

12 As I understand it, they're trying to figure
13 out what does that data mean? Well, I'd like to know
14 if we're going to do a review of an institution about
15 which there are those data reflect an issue, I'd like
16 to know more about it which could be default rates or
17 could be other elements that they have concerns about
18 that, without crossing the line or, you know, we need
19 to maybe redefine the line.

20 CHAIR STUDLEY: I was going to say --

21 MR. WOLFF: I don't even know how the line --

22 CHAIR STUDLEY: -- you don't know where the

1 line is.

2 MR. WOLFF: Exactly. And I would like to have
3 conversations. In our own review process, we are
4 trying to do a lot of what Princeton is asking for and
5 Option 21 is saying it a different way but to say what
6 are the metrics that would be helpful in undertaking a
7 review to, if you will, get things off the table by not
8 having to have long expansive self-study reports. The
9 current law requires a self-study, a comprehensive
10 self-study periodically, followed by a visit.

11 Several of us SACS, the Northwest Commission,
12 are doing a lot offsite. We're moving to a daylong
13 offsite review and that means that we need to look at
14 data elements, and I think all of us are searching for
15 the kinds of data elements that will be relevant, that
16 will create triggers on the one hand for early warning
17 systems and build confidence for those that we can move
18 on and focus on more important issues. I think that
19 would be a collective enterprise of what data is
20 available.

21 Let me just say like this Composite Ratio 1.5
22 the Department uses is an important trigger. We

1 monitor. We're told when the Department finds that but
2 the resolution of that, the Department negotiates, and,
3 you know, we try to monitor how that is being followed
4 up and do the like.

5 So I think there are areas where
6 communication -- I don't want to go so far as
7 partnership. We want to maintain our non-governmental
8 status, but we could, I think, work together much more
9 collaboratively to address common problems in that one
10 sector where we share concerns.

11 I would also say that integrity is an
12 absolutely fundamental issue and I think what's come
13 out in news reports and in reports that GAO and IG have
14 conducted have raised questions about integrity,
15 academic integrity, financial integrity, and the like,
16 and I think we need to ask better and different
17 questions, and I think we need to look at what do we
18 need to do for that limited sector that would help get
19 more at the issues of integrity that will build
20 confidence in our review processes.

21 CHAIR STUDLEY: Thank you.

22 MS. EATON: If the accrediting organizations'

1 members would agree to data collection in certain
2 specific areas, then the accrediting organization and
3 its members have to want to do this, the institution is
4 in a position when a commission sits down to make a
5 decision about accredited status or no or any of the
6 variants, to make some judgments about whether an
7 institution is weak and how weak it is.

8 In other words, we'd be adding more hard data
9 into a process that already has some hard data but we'd
10 be adding in even more. That would be one vehicle.
11 There are a lot of other things and again we're not
12 defining bad actor but we're talking about
13 institutions, I think, that don't graduate people that
14 have very, very high attrition rates and a number of
15 other things.

16 And the issue would then be for the
17 accreditor, and I think this is going to be an outcome,
18 if I may, of what Ralph is attempting to put into
19 place, and I think a number of other accreditors have a
20 good deal of these data, the outcome's going to be the
21 accreditor is going to be saying to the institution or
22 program, wait a minute here, all right, you want and

1 need accredited status under these conditions. It's not
2 available. At another point they'll say, all right,
3 we're looking at what you do, we're looking at what our
4 other accredited institutions do. You've got to make a
5 certain amount of progress so you don't lose the
6 improvement function. If you want to move, move into
7 being a member and having accredited status.

8 But I think in a number of ways, it's already
9 done. We could have more data. We could be more
10 explicit about it and I think that would get at the bad
11 actor issue but we do need more discussion about what
12 are we talking about when we say bad actor.

13 CHAIR STUDLEY: One more quick comment and
14 then I think Art Rothkopf had some more and Cam.

15 MS. SCHRAY: I would just like to go back
16 again. We are not lacking data. We are drowning in
17 data. The challenge is making sense of the data the
18 states collect, the Federal Government collects, the
19 institutions collect as required by their accreditors.

20 There are lots and lots of data and I think what's
21 critical again from the student perspective and the
22 issue of bad actors, until we have complete

1 comprehensive data across all institutions, all
2 sectors, to level the playing field, students aren't
3 going to be able to make informed decisions.

4 I mean, once we have a very clear transparent
5 map and framework for quality assurance, I think it
6 addresses this issue of bad actors, who is, who isn't,
7 who's in, who's out. So I think it's a critical step
8 that you might recommend to Secretary Duncan for the
9 Federal Government to pursue.

10 CHAIR STUDLEY: Art Rothkopf?

11 VICE CHAIR ROTHKOPF: Just to pick up on
12 Vickie's last point, I was a member of a commission
13 that Vickie was associated with that made that
14 recommendation five years ago and it was opposed by all
15 parts of the higher education community because they
16 said, oh, the government can't put all that data out
17 there.

18 I mean, you know, people, you know, if you put
19 the data out there, there will be some private group
20 that will come along and put it in some meaningful way
21 so students who really are the ultimate goal here can
22 figure out what's going on at these institutions.

1 Right now, it's this opaque mass of data which
2 makes it very hard but I think there's been resistance,
3 in my judgment at least, in higher education in trying
4 to get that data into the hands of the consumer and
5 trying to keep it tightly kept. That wasn't my point.

6 I'd like to ask, and this is really a broader
7 question, but I've been of the view and I think it's
8 expressed in the paper or the Options paper, that this
9 is a unique expenditure by the Federal Government,
10 Title IV. It is the only place that I'm aware of, and
11 I'd be interested in those of you who've thought about
12 it have any other view, where the Federal Government
13 has, in effect, outsourced to others the power to spend
14 federal money which amount, from the standpoint of the
15 taxpayer, roughly a \$175 billion a year is put into the
16 hands of people who are, in effect, benefiting from
17 that \$175 billion.

18 Is there any other place in the government
19 where the Feds have outsourced the ability to get
20 federal money that any of you are aware of?

21 CHAIR STUDLEY: Charitable tax deduction.

22 MS. EATON: Research money. I think about NIH

1 and NSF. I'm thinking about peer-reviewed decisions,
2 about federal money for research and programs. It's
3 not identical, of course, but it is similar in some
4 ways.

5 VICE CHAIR ROTHKOPF: Thank you.

6 CHAIR STUDLEY: Cam, your turn.

7 MR. STAPLES: Thank you. I have a question
8 which is a little different but it has to do with
9 NACIQI and our role.

10 If you've observed us of late, I think we're
11 continuing to think about what our focus is on and how
12 we can do our job better and to a certain extent, we
13 spend our time on fairly small minutia with some of the
14 analyses that come before us.

15 I asked a couple of state agencies whether
16 they felt this process was valuable to them, given that
17 they're really different than nonprofit agencies.
18 They're accountable. They have a public system, just
19 like the Federal Government does. They felt it was
20 valuable.

21 I guess my question for you is, as I was
22 reading through the letters and trying to figure out

1 what people had concerns about, and I wanted to know if
2 you had a sense of what you thought the right role of
3 this process might be, the recognition process, review
4 process, to focus on those larger questions that seemed
5 to be of greater import to people at the institutional
6 level, without getting bogged down in what many of the
7 letters here are concerned about which is this heavy,
8 heavier, more prescriptive statutory and regulatory
9 burden on institutions.

10 So I don't know if you have anything to offer
11 us but I think, as part of our process, NACIQI is part
12 of the reauthorization act and we may actually make
13 recommendations around the role of this entity and
14 around the role of the Department of Education.

15 CHAIR STUDLEY: Granted.

16 MR. WOLFF: I don't think your challenge is
17 much different than my commission's challenge, Larry
18 sat on my commission, in the sense, but it's even worse
19 because by definition, the Department has a regulatory
20 compliance function.

21 We try to move to put compliance where it
22 needs to be put and then really move into engagement,

1 really facing the future. What are the key issues for
2 the future? I would submit that over the past five
3 years, this process has become very much increasingly
4 compliant at the micro level and it's not about our
5 effectiveness on these issues. How are we addressing
6 these issues? How does our review process get at the
7 issues that you're concerned about and are we really
8 getting at them?

9 It's not whether what's posted on our website
10 is three lines or six lines, you know what I mean, and
11 it's a both and, but I do feel that it's hard to engage
12 the larger issue of effectiveness around key issues
13 because you're limited by what the regulatory framework
14 says and are we able to make distinctions between
15 different kinds of institutions and I would hope that
16 that would be -- I've been arguing for that for a long
17 time. So I think that that's a really critical issue.

18 I also would urge that the world is changing
19 quite dramatically. I mean, one of the things I would
20 say is the role of the faculty is changing
21 dramatically. The role of institutions where there is
22 a core full-time faculty is shrinking, even in

1 institutions that are traditional institutions, and how
2 does one assure quality?

3 I mean, there are some very significant
4 questions that we're all facing. Adaptive software and
5 how do we assure quality, online education. It's not
6 about the rules. That's why I think we in the
7 accrediting community want to be able to conform and
8 comply with the rules but we have a much more serious
9 conversation.

10 The second issue I would say is this is no
11 different, and I say this with all respect because it's
12 the same for us, there is a power relationship between
13 our institutions and the accrediting agency and I feel
14 Princeton has been arguing, you know, how do we deal
15 with that and one way is to restructure it, but I think
16 there is a power relationship between accrediting
17 agencies coming, working with the staff, and the
18 concern is that if you don't get a good staff review,
19 that you all aren't going to -- you know, there's no
20 real opportunity to engage.

21 We really fundamentally disagreed or we felt
22 you were misapplying in a good way, in a constructive

1 way, and I think you all took some of the sting out of
2 that yesterday because for the last few years, it was
3 if you had a micro area of non-compliance, you weren't
4 re-recognized, you were on this short leash for one
5 year and you always felt that you were constantly
6 coming back before to prove you were in compliance, and
7 the idea of issuing reports and being able to have a
8 five-year renewal is actually, I think, very helpful of
9 recontextualizing the areas of non-compliance.

10 There's no such thing as partial compliance.
11 So this really, I think, eases that relationship, but
12 it's where is the place for engagement around
13 effectiveness more than compliance, in addition to,
14 it's not an either or, in addition to compliance, and
15 so I would hope that you all -- we could have that role
16 around each of those issues where we're able to get the
17 right issues engaged in our review process and are you
18 assured that we're really being effective, not just are
19 we being compliant?

20 MS. RECHTSCHAFFEN: I don't know if this
21 directly answers your question, but we've not had the
22 opportunity to testify, submit written comments three

1 times, and I think we've testified orally three times,
2 too, and we had real concerns, as we've expressed to
3 you, very clearly about what was happening in the
4 accreditation process and this group provided us with a
5 forum for being able to talk and have a dialogue with
6 you all about those concerns.

7 So we appreciate that. I don't know how that
8 exactly fits into the future but I wanted to tell you
9 that we appreciated those fora that were provided.

10 CHAIR STUDLEY: Mr. Vibert wants to add a
11 comment. I have then Anne and Larry and at that point
12 we're going to wrap up this panel and take a break.

13 MR. VIBERT: Okay. As a representative of 60
14 agencies, sometimes it's hard for me to say one thing
15 that will stand pat for all of them, but I think it's
16 fair to say in terms of the functioning of this
17 committee we've seen a development going on and there
18 was considerable frustration in the first few meetings
19 in at least our interpretation of your role and your
20 ability to send forward a recommendation to Dr. Ochoa
21 that was different from what staff was offering and no
22 disrespect meant to staff whatsoever, but there's been

1 a considerable better feeling about your functioning
2 and making and taking that ability and responsibility
3 as you look at the individual agencies.

4 I think the word was granularity at the June
5 meeting and I think it will be much better for the
6 agencies if we could go to a higher level in your
7 review.

8 Thanks.

9 MS. EATON: At your last meeting, I think it
10 was the last meeting, one of the accreditors said we
11 will comply with everything you demand of us but,
12 candidly, it is not going to improve our organization's
13 service to improving quality and I thought that was
14 rather telling and I do think it's in part a response,
15 Cam, to what you're asking.

16 You know, we talked earlier, you talked
17 earlier today and yesterday, we have 41 staff
18 recommendations, we have 57 staff recommendations, as
19 if the sheer volume said something. I question is that
20 the case?

21 In going through the recommendations, how
22 serious are these to the effective functioning of the

1 accrediting organization for the purpose of assuring
2 and improving quality and that's why I said earlier, I
3 think we're getting trapped in examining the
4 accrediting organization and judging it as an end in
5 itself and we need to pay more attention to the larger
6 purposes.

7 I think we're also struggling with the new
8 regulations coming out of '09, '10, and '11, and it's
9 very, very difficult, and all my comments are aimed at
10 the regulations. I'm not talking about the staff or
11 the Department or anything else but if we could come up
12 several levels, if you could, I think we would all
13 benefit a good deal.

14 CHAIR STUDLEY: Anne?

15 MS. NEAL: Back again, Judith, to your earlier
16 comments about focusing on quality and financial
17 stability, let me posit a process and get you all to
18 respond.

19 With those two goals in mind and I think
20 following along what you've recommended, essentially
21 have institutions demonstrate their financial
22 responsibility with the Department which is already

1 done and have a default rate as a proxy for quality and
2 presumably to be set by Congress since we're suggesting
3 this is for Higher Education Act.

4 Then that would deal with the bad actors.

5 Then you would have institutions providing information
6 along the lines of what you all have been talking
7 about, attrition and retention, graduation rates,
8 achievement of educational goals, transfer, job
9 placement, etcetera, and you could even have those
10 self-certified and somebody could attest that those are
11 correct.

12 No standards, just simply put that information
13 out there with the ability of the Ed Department to go
14 after you if the institution said something wrong or to
15 be sanctioned for misrepresentation. So you'd have
16 financial stability focused on by the Feds, a baseline
17 of default rates which would go to the quality issue,
18 and then you would have institutional reporting which
19 would provide information to consumers, so that to my
20 mind, with the goals of protecting the taxpayer dollar,
21 keeping the Feds out of institutional business,
22 allowing institutional autonomy, lowering costs, having

1 greater transparency, and then I'd like to hear you
2 respond to that option.

3 MS. EATON: I think you're describing a
4 variant of what I was attempting to describe. The
5 major reason I've raised the issue as others have of
6 financial responsibility, your phrase, and had to deal
7 with the use of federal funds is I think oftentimes use
8 or misuse of federal funds defines bad actors and then
9 we turn to accreditors and say you're responsible for
10 the bad actors.

11 Well, the accreditors are not responsible in
12 that area and I think that -- well, one of the things I
13 really hope comes out of your deliberations is a
14 recommendation for more robust activity with regard to
15 the appropriate use of federal funds.

16 With regard to the quality institution
17 information issue, my vision of this is that the
18 institution sets its expectations with regard to these
19 indicators, has a way of examining whether they are
20 adequately addressed or not, makes all this public so
21 students -- again, I think students go to colleges and
22 universities. They're looking at colleges and

1 universities and if the information is right there for
2 them about what happens to most students, whether it's
3 graduation or completion of an educational goal,
4 etcetera, that's what students need.

5 I don't know that they need some national
6 graduation rate or attainment rate or anything like
7 that, even though we're in the policy world and we
8 think that stuff's great. All right. So I'm focused
9 on students.

10 I want to do that in a way that protects
11 institutional autonomy, protects mission, protects
12 academic freedom by our not getting in the work of
13 faculty who should make judgments about individual
14 student learning outcomes. That's not the neatest thing
15 in the world but I think we're doing some of that now
16 and if we would do more of it and if you would hold us
17 accountable for doing it and if we could build some
18 more trust with regard to that, then everybody would
19 benefit and especially students.

20 CHAIR STUDLEY: Larry?

21 MR. WOLFF: Can I just add a quick comment?

22 CHAIR STUDLEY: Briefly.

1 MR. WOLFF: I don't accept that default rates
2 are either an indicator of quality or the indicator of
3 quality. There are so many more variables about
4 different kinds of institutions, different kinds of
5 students. I think it is an important indicator but I
6 don't think it would be the leading indicator that we
7 would use.

8 So I would just say, secondly, transparency,
9 there is a ton of information available in the
10 navigator site, learningresults.org, on graduation
11 rates. The Department doesn't have the capacity to
12 verify that information and I think we, for that
13 category, those two categories that I said, I think we
14 need probably to do a better job of making more of our
15 role verification of representations made.

16 Somebody's going to need to do it but I'm not
17 convinced the government could or should.

18 CHAIR STUDLEY: Larry?

19 DR. VANDERHOEF: Just a quick point about
20 Title IV and accreditation. There are particular
21 things about Title IV and being eligible for Title IV
22 funding that, to my way of thinking, gets in the way of

1 accreditation, that it makes you think funny. I don't
2 like the fact that I wouldn't know, for example, that
3 85 percent of a university's budget came from Pell
4 grant dollars and headed up and I don't like the fact
5 that I would know that 30 percent of an institution's
6 budget goes into marketing or 40 percent or whatever.

7 Those are things that give me a bias but they
8 aren't really connected to accreditation. I mean, an
9 institution could be operating very well indeed, even
10 though they were doing those particular things,
11 especially both of them together, that would
12 really -- so I don't quite understand why we seem to be
13 so concerned and frightened.

14 We had an institution here yesterday that they
15 had a major internal issue going on and we heard both
16 sides of it for I don't know how long that was, an hour
17 and a half, and -- four hours. It was that
18 interesting, I guess, that it just went by so quickly.

19 But in the final analysis, it finally came
20 out, you know, that Title IV didn't enter into this
21 issue at all and yet the accreditation to them was very
22 important. So this comes to your point, Judith, that

1 accreditation is still going to be important. It all
2 depends on how the degree is used and what it's worth
3 and so that's just a point to be made.

4 Now for what it's worth, I think the majority
5 of this group does not like the idea of separating
6 Title IV eligibility from accreditation and I don't
7 know that that's going to happen in the near future,
8 but I'm still not sure why there's such an immediate
9 reaction, the Howitzer, I'm going to start calling it
10 the Howitzer reaction as a matter of fact, Ralph, thank
11 you very much.

12 But another totally other issue, Ralph, what
13 do you think -- you know, there's a lot of talk about
14 the triad and which includes the states. I mean, how
15 do we relate to this in California? We just don't? We
16 just don't take it?

17 MR. WOLFF: I think your point is well taken.

18 Can I just say to your first part, Larry, what you
19 were saying is that how much is spent on -- how much of
20 the tuition discount at a nonprofit or how much is
21 spent on recruitment in a for profit is data.

22 Our primary issue is are the students getting

1 the services that they really deserve with whatever
2 money that the institution is bringing to bear.
3 Default rates can be a very significant factor there
4 and if the money is going into recruitment and students
5 are not graduating, not getting jobs, are not getting a
6 quality of education, it is highly relevant, but it is
7 a secondary factor or it's only an indicator that
8 points in a direction. That's what I would say.

9 But in and of itself, this is what would worry
10 me, is that somebody, anyone would set a figure that
11 only X amount could be set on recruitment any more than
12 a tuition discount would need to be a certain rate that
13 comes out of other institutional funds.

14 DR. VANDERHOEF: But you worry about the black
15 and the white of a line that would be drawn?

16 MR. WOLFF: Exactly. But I think the larger
17 question is, and I think it is a relevant question, is
18 when an institution is admitting students and we know
19 that there are many that are admitting students whose
20 level of preparation requires additional support, is
21 that support being provided? It's academic support,
22 it's counseling support, it is academic pathway

1 support, and I think that is an appropriate role, and
2 if it's going into the front end marketing and
3 recruitment and compensation and the like, we should
4 have something to say about that. That's my opinion.

5 DR. VANDERHOEF: Now how about the triad?

6 MR. WOLFF: Every state is different. I mean,
7 this is one of the challenges. I mean, in the East
8 Coast, you met with the New York Board of Regents and
9 they play a very significant role. I won't comment on
10 some of the dialogue that occurred, but I just think
11 that there's a 50-state range in what's possible and I
12 just think that it's more one of cooperation than the
13 Department or the Federal Government setting a uniform
14 set of expectations and many states are financially
15 challenged and the idea of being asked to do more at
16 this stage, I can say both in California and Hawaii, is
17 just simply not possible.

18 CHAIR STUDLEY: Susan goes next and then we
19 will take a quick break.

20 DR. PHILLIPS: I'm coming back to what was
21 called the bad actor issue and I'm going to just say
22 that once and not use that term again because again I

1 don't think it is well defined.

2 Instead, I'm going to ask you to assume that
3 you're sitting in front of Congressman Harkin who is
4 pointing to institutions that have engaged in deceptive
5 practices in recruitment, have large percentages of
6 their revenue streams based on those federal Title IV
7 dollars, and whose students either don't finish or then
8 can't pay back their loans.

9 So whatever you want to put, I'll call those
10 the Harkin schools, how do we explain that those
11 institutions are eligible to be the recipients of that
12 Title IV money from an accreditation view, from a
13 Department view? How do we explain that? You can
14 explain it any way you want.

15 MS. EATON: I think, and I'm not sure we could
16 explain it sufficiently at this point, all right, given
17 the climate, one, I think it's reasonable to posit that
18 evidence of deceptive practices, whether not going into
19 the illegal practice, wasn't there in an accreditation
20 review initially to accredit these schools and that the
21 oversight that is carried out by the Federal Government
22 didn't reveal that either or it develops.

1 Now how do you deal with it when you -- how do
2 you get evidence of it? That has to do with -- I think
3 what we're talking about in terms of a stronger role
4 for the Federal Government with regard to oversight of
5 Title IV and other federal funds and I think, candidly,
6 for accreditation, it's doing even more than we're
7 doing now when those things come to our attention.
8 It's not only having the standards, it's enforcing the
9 standards, and it takes more work.

10 One of the things that came out of Senator
11 Harkin's hearings is that a number of accreditors are
12 far more activists with regard to looking at these
13 areas, recruitment, marketing, related areas, than
14 perhaps they were a few years ago. So in that sense,
15 the hearings produced some of the additional scrutiny
16 that the Senator was seeking, but it's about what do we
17 need to look for and getting the evidence and there's a
18 role for accreditation and there's a role for the
19 Federal Government.

20 The accreditation role has to do with
21 standards related to recruitment, marketing, integrity,
22 all right, and how to carry that out and the Federal

1 Government's role has to do with is there fraud and
2 abuse, is there appropriate expenditure of federal
3 funds.

4 CHAIR STUDLEY: Anybody else want to address
5 that one?

6 MR. WOLFF: I think those hearings and the
7 reports raised issues that we can't ignore as an
8 accrediting community and I will speak personally.
9 I've been involved in a long time as an accreditor and
10 the mental model of what constitutes quality has
11 largely been defined by more traditional institutions
12 with a core full-time faculty where a whole set of
13 assumptions could be made about what is quality.

14 And I think that the last decade has -- it's
15 not that mainly four large-scale national footprint
16 primarily but not entirely for profit institutions are
17 new but I think we've got to change our mental models
18 about what are quality, what constitutes quality and
19 not to exclude those that have the liberal arts
20 colleges, the research universities, the flagship
21 universities, and this is where I think that we are all
22 learning very significantly how to address these

1 issues, and I think there is more we need to do.

2 I think that one of the great virtues of
3 regionalism, if we were to -- you know, it came out of
4 historical selection, but is that we can experiment.
5 We can try different approaches. The Higher Learning
6 Commission has taken some very significant steps in
7 this direction. I'd like to learn from them. I think
8 we're taking very significant steps. I think it's
9 premature to take one regulatory national broad brush
10 that's going to affect every one regulatory position
11 which I think will be a problem, if they were all in a
12 learning curve, and this is where I feel working more
13 closely or getting better communication with the
14 Department will enable us to do our job better.

15 MS. RECHTSCHAFFEN: This doesn't speak
16 directly to that but I do think that in terms of
17 weeding out bad actors, that that is really important,
18 and that we do think there should be some agreed-upon
19 measures of fiscal loan default, graduation rates, even
20 if they have to be perhaps changed based on, you know,
21 differential rates based on different missions, but
22 there are certain levels below which you could say

1 these are bad actors and there's a series of
2 indications we think that could be the case with.

3 MS. SCHRAY: Just to piggyback on that point,
4 if we're using graduation rates, for example, as one
5 means to determine who's a bad actor and who's not,
6 then we have to do a significant amount of work to make
7 sure that that information is complete and
8 comprehensive.

9 For the Federal Government to care deeply and
10 they should for Pell recipients and other underserved,
11 under-represented students, those are the very students
12 that are left out of IPES. The students that are not
13 first-time/full-time graduate from the same institution
14 and I know the Secretary's Commission on Measures of
15 Student Success has done a great deal of work to try to
16 define it, but I think until we get to a point where we
17 have solid definitions that are consistently applied
18 across all institutions, it's difficult to answer that
19 question.

20 CHAIR STUDLEY: We're going to take a
21 10-minute break now and when we come back, the
22 committee will be in discussion among ourselves, as

1 they say.

2 Thank you.

3 (Recess.)

4 POLICY DISCUSSION OF PUBLIC COMMENTS

5 AND RECOMMENDATIONS

6 CHAIR STUDLEY: Good afternoon. Thank you for
7 your patience and interest and at this point, we are
8 going to take all of what we've heard and thought about
9 individually and read and asked questions about and
10 take it to the next and wiser, we hope, step, and with
11 that, Susan is going to pick up our process right here.

12 DR. PHILLIPS: Okay. Thank you, Jamie. As I
13 said before, we've sort of divided the report into
14 different chunks to be able to walk through a chunk and
15 see where we are in it and then take up the next chunk.

16 The first chunk that we have or cluster that
17 we have to consider includes the role of accreditation
18 in institutional eligibility, the issue that we've been
19 speaking about today. It also includes a number of
20 items from about the triad, the state role, and a
21 couple of items about data as an essential tool in
22 quality assurance.

1 I'm going to remain optimistic but not
2 predictive about us being able to get through the
3 entire cluster before we disburse this evening but did
4 want to start us off with the conversation about what's
5 fondly known in the report as A, B, and C.

6 A quick summary for those of you who don't
7 have this fully memorized, A, B, and C refers to the
8 three options that were offered for consideration about
9 the linkage between accreditation and institutional aid
10 eligibility.

11 On your purple sheets are a quick summary of
12 those respondents who commented in favor or opposed, so
13 you can sort of keep score as you go along, and in
14 brief, Option A is the argument to retain the
15 connection between the two. It received comment in
16 favor from several organizations. Option B was to
17 execute a complete delinkage. That was commented in
18 opposition by more institutions or entities, not just
19 institutions, as well as you heard Princeton had a
20 particular qualification on it, and Option C, which is
21 perhaps known as a hybrid or a two-part model, was also
22 responded to by a number of entities in opposition.

1 We heard a number of comments about those
2 three options, retain, delink, or link in a very
3 separate or two-part way. Our first task is to
4 consider what of those three options we might want to
5 include in our recommendations.

6 Again, our process is to think through this,
7 discuss it a bit amongst ourselves. Depending on our
8 timing, we might take that straw poll or continue on
9 with the other items in Cluster A, in the first-up
10 cluster, and take a straw poll at that point. I'll
11 leave that assessment to Jamie.

12 So let me just offer the opportunity and,
13 Jamie, you'll navigate this to open discussion on the
14 A, B, C question.

15 CHAIR STUDLEY: Did you have a precursor
16 question on the merits? Then you go first.

17 MR. KEISER: Let me see if I understand,
18 Susan. You know, we're to vote on A, B, and C. In the
19 presentation, we had three associations respond to
20 support A. We had one institution, I know there's a
21 question mark if that's where they were going, I guess,
22 the question mark is, you know, supporting B, and a

1 whole list, laundry list of institutions and agencies
2 against that, and the same thing with C. You had one
3 question mark with Princeton and the rest against it.

4 So assuming that we don't ignore the public
5 comments, do we have much of a choice or do we want to
6 go against the public opinion here?

7 CHAIR STUDLEY: I'd like to suggest that the
8 answer is very similar to the comment that I made this
9 morning, which is we are here to exercise our
10 independent but I'll add the phrase informed judgment.

11 So this is not a process that we have to make on a
12 particular record or have to find our facts elsewhere.

13 The comments that we got were advice to us
14 about how to understand the suggestions that we make
15 but I don't think that any of us --

16 MR. KEISER: We are not bound?

17 CHAIR STUDLEY: We are not bound by the public
18 comment. We're not bound by the weight, length,
19 numerosity, or any other characteristic. To the extent
20 you found it wise, informative, use it, reflect on it.

21 Certainly, we would want to explain our thinking
22 afterward, but this is not a --

1 MR. KEISER: I understand.

2 CHAIR STUDLEY: -- regulatory process in that
3 sense.

4 MR. KEISER: I did think there is clear
5 consensus within the community and which I share to
6 support Option A.

7 CHAIR STUDLEY: Let me see who would like to
8 speak to these. I have Arthur Rothkopf. Others who
9 would like to address -- this is the A, B, C collection
10 all together, not one at a time.

11 VICE CHAIR ROTHKOPF: This is not on the
12 merits but really to deal with Art's point. One, I
13 think from what I heard from Princeton that they are
14 definitely either a B or probably a C favorably.

15 I would note that --

16 CHAIR STUDLEY: Joyce will have to rise to
17 object.

18 VICE CHAIR ROTHKOPF: Are you a C or not?

19 CHAIR STUDLEY: Favor or disfavor, not A. No,
20 no. I was simply joking. It's just they don't want to
21 be described as A-B or A-B-C. They may favor or
22 disfavor.

1 VICE CHAIR ROTHKOPF: Well, then I would also
2 add the Association of American Universities, not a
3 minor group, says in their report, "We believe that
4 Option C raises promising possibilities." So I would
5 at least say that AAU is a question mark mildly
6 favorably and I agree with Susan, we should -- I mean
7 with Jamie, we shouldn't be adding in.

8 On the opposition to B and C, it looks to me
9 like they are fairly similar group of New England
10 institutions who may have been urged to do this but I
11 would, you know, -- I'm not sure how much I'd count all
12 of those as additive. I would not -- by our colleague
13 but by somebody, at least they felt that it was useful
14 to do it but it's half a dozen or so institutions in
15 New England came in.

16 So my own view is we ought to make our
17 judgments based on what we think's the right answer.

18 CHAIR STUDLEY: Who would like to
19 speak -- Susan?

20 DR. PHILLIPS: Two points, one just a process
21 clarification, and then an opinion.

22 Process clarification for those of you

1 thinking this through, the statements of support or
2 straw polling are simply at this point, you know,
3 non-binding expressions of your current thinking. It's
4 not an endorsement of the words on the page because I
5 expect that those will probably get shaped as this
6 conversation goes on. So you're not being asked to
7 ratify a particular paragraph or sentence but rather
8 the concepts at this point or not, whatever. I'll
9 close that piece and then offer a point of view.

10 I think one of the most compelling arguments
11 from my point of view, which is obviously an
12 institutional and faculty point of view, is that
13 academic quality decisions has to come from the
14 Academy, that there is no other proxy for it.

15 There are lots of proxies but none of them are
16 about academic quality and that element, as long as
17 there is intended to be some element of academic
18 quality associated with Title IV funding, means that
19 these bed fellows have to figure out a way to work
20 together.

21 I don't think that academic -- I certainly
22 don't want and don't think that academic quality can be

1 or should be judged outside of the Academy. My view.

2 CHAIR STUDLEY: Others who would like to speak
3 to this issue? Any of this complex of issues? I see
4 Brit seems to be --

5 DR. KIRWAN: I wasn't moving to speak. I
6 just --

7 CHAIR STUDLEY: Leaning forward.

8 DR. KIRWAN: Well, I'm sorry, I apologize for
9 that, but I certainly agree with that Susan just said.
10 So I'll register that.

11 DR. WILLIAMS: I also concur with Susan on
12 this.

13 CHAIR STUDLEY: I will, given that there's no
14 one else who wants to speak at this point, I will step
15 out of the chair role. I thought that one of the
16 comments just a moment ago captured what a number of
17 the comments that we got were saying, to the effect
18 that there is a lot of change and flux and effort going
19 on in the accreditation community.

20 It seems to me that an important question for
21 me is how can we best create energy and momentum, wind
22 in the sails of the positive inquiries, and Judith

1 mentioned that, although the data are hard to
2 understand, that there do seem to be more critical
3 actions that can be taken to be moving in the direction
4 of greater rigor and higher expectations.

5 Ralph Wolff was the one who made a kind of
6 summary comment about that, but I saw it in a lot of
7 the letters that we got and part of the reason for
8 offering Options B and C was reflecting a sense of
9 urgency about the need for improvement, about the
10 critical concerns.

11 It is interesting that I think literally at
12 the point that you were asking the Harkin question a
13 moment ago, Susan, when I took the break and checked my
14 e-mail, we have a letter to us from Senator Harkin
15 sharing his latest reports on the subject of minimum
16 standards and expectations in a particular sector that
17 is covered by accreditation.

18 So this committee has been, I'm tempted to say
19 groping, but has been seeking for ways to address the
20 federal responsibilities, move along that which is
21 positive, insist on real rigor and seriousness, and to
22 do everything that we can to put jobs into the hands of

1 players who can handle them, to have people do the
2 right things to make this all, if it's a three-legged
3 stool, to make the three-legged stool stand up, if it's
4 something else, to make it a worthy and functional
5 operation.

6 I'm personally fine with A. If people
7 sincerely are moving toward accomplishing the
8 objectives that we listed as helping the Federal
9 Government achieve its goals and making sure that
10 others hold up the part of this complicated mix that
11 allows us to assure that there's quality in not just
12 billions of dollars of federal money, although that is
13 important, but years and years of people's invested
14 time, people who have only one chance to get an
15 education and need to know that the places that are
16 listed as accredited by an accreditor approved by the
17 Federal Government, that that actually means something
18 and that there's a good chance that if they do their
19 part, that they will be able to get a quality of
20 education there.

21 So B and C, I think to the extent we included
22 them, were our efforts to try and say is there a better

1 combination because there are ways in which this
2 current combination is not doing the job adequately.

3 Anne?

4 MS. NEAL: To address the delinking, there
5 seems to be a premise that if we delink that invariably
6 means that we have more federal intervention. I don't
7 think the two necessarily go together. In fact, it
8 seems to me that if we essentially have the Feds
9 looking at the financial stability issues and grad
10 rates, which is what I've suggested, and that the
11 institutions themselves supply information, I don't see
12 that that is a brooding federal presence. It seems to
13 me that's less of a federal presence. So I want to
14 simply raise that and disagree with those who feel that
15 that's the inevitable outcome of delinking.

16 My goal in delinking is to get the Feds out of
17 the institution's business, not more into them.

18 CHAIR STUDLEY: Anyone else who wants to speak
19 to this complex of issues?

20 (No response.)

21 CHAIR STUDLEY: Susan, do you think
22 we've -- was there anything you wanted to focus us in

1 on or is there -- okay.

2 So we are going to, as we described, do a
3 straw poll for each item, starting with the A, B, and C
4 group. As Susan just said, we see these as non-binding
5 expressions of current thinking, non-binding in one
6 sense, as we go through the rest of this meeting today
7 and tomorrow.

8 If we find that we want to double back or
9 somebody, you know, learns something about an item and
10 says now, you know, I think differently or we have a
11 breakthrough that says, aha, we can do even better on
12 something that we did before, we can, you know,
13 continue to live through those together and non-binding
14 in the sense that on a number of issues, it will not be
15 possible to cast a final vote or make an ultimate
16 choice until you see the words in which it's expressed.

17 You may think in general I'm comfortable with
18 that direction or I'm not comfortable with it, but it
19 may be that in the drafting we work out something that
20 either brings more people into agreement or you say I
21 thought I'd like it but not as expressed that way. So
22 that's another reason that there is still some

1 flexibility in it.

2 So we will now address in these terms how
3 many -- what I will ask is how many are in general
4 support of including the item, name the item, in the
5 final document, pending final language, and how many
6 are opposed to including the item in the final document
7 and then we will remember the vote count, not just for
8 or against, but what the votes were because there may
9 be items on which there are very high degrees of
10 agreement and others where we are more divided and that
11 knowing that difference will make it easier for the
12 drafters to convey the degree of agreement or
13 difference among us when we get to that.

14 So with that, let's take a look at each of
15 these items separately. At one point we wondered
16 whether we could cluster them but why don't we just say
17 in terms of Item A, how many of you are in general
18 support of including the item in the final document?

19 MS. NEAL: I'm not sure what we're looking at.

20 CHAIR STUDLEY: Okay. Are we looking -- do
21 you want us to be looking at the report, Page 2, or
22 some other --

1 DR. PHILLIPS: On your purple document, on
2 Page 2, it says Option to Consider A. That's a direct
3 copy from --

4 CHAIR STUDLEY: It's actually on Page 1, the
5 way it comes in our -- it starts at the top of 1, the
6 way ours printed out.

7 DR. PHILLIPS: Okay. Sorry. I'm looking at
8 the wrong one. This is the material that was taken out
9 of the report that was put out for public comment.

10 (Off microphone comments.)

11 CHAIR STUDLEY: Yes. No, not necessarily.
12 The underlined portion is retention of accreditation in
13 the institutional eligibility process. It would
14 probably -- if we said it, we might still edit those
15 words or change the way in which we talked about
16 opposing viewpoints, but you are saying in general this
17 approach is an approach you would support and associate
18 yourself with saying most or, you know, if it had a
19 minority number of votes, it might already believe the
20 following. Is that clear enough?

21 VICE CHAIR ROTHKOPF: Going to Larry's point,
22 it would be in support of A but not B and C?

1 CHAIR STUDLEY: Correct.

2 VICE CHAIR ROTHKOPF: I think if you're for
3 A, --

4 CHAIR STUDLEY: You will vote consistent with
5 it but I don't think we need to try and cluster the
6 votes. You will know if you have voted for A, if it's
7 inconsistent with something else because you could vote
8 for A and a hybrid role, I think. You could vote for C
9 but A and B, you would have to choose one or the other.

10 MR. WU: And it's non-binding.

11 CHAIR STUDLEY: We're getting a sense. Okay.
12 So, right, we're giving a sense of the body at this
13 point. So let's see what we've got. So all in favor
14 of -- all who would support, a general support of Item
15 A being in the final document?

16 (Show of hands.)

17 CHAIR STUDLEY: I count nine. All opposed?

18 (Show of hands.)

19 CHAIR STUDLEY: Okay, okay. And, I'm sorry, I
20 saw one no -- two. So when we get -- right. I think
21 you will vote yes when we get to B, is that correct?
22 Yes.

1 DR. VANDERHOEF: What was the total?

2 CHAIR STUDLEY: Let's do them one at a time.

3 (Off microphone comments.)

4 CHAIR STUDLEY: I didn't get there yet. I
5 said you vote for either A or B and then because C is a
6 hybrid, you could vote if you think that is worth
7 pursuing. You could vote -- why would you vote against
8 something?

9 (Off microphone comments.)

10 CHAIR STUDLEY: Okay. No, you do not have to
11 vote for A or B, isn't that right? Right. Did
12 we -- okay. So, well, why don't we try that. Let's
13 just vote the positives and see what we get. That may
14 be sufficient to give us the power of that. Okay.

15 General support for Item A. That's still
16 nine. I'm doing -- no, no. Let's just vote again
17 under that description.

18 (Show of hands.)

19 CHAIR STUDLEY: One, two, three, four, five,
20 six, seven, eight, nine. Okay.

21 For Item B being included in the report.

22 (Show of hands.)

1 CHAIR STUDLEY: I see --

2 MS. NEAL: I don't know that I necessarily
3 agree with the words.

4 CHAIR STUDLEY: But the concept. Two yeses
5 for the concept.

6 And C, which we've described as the
7 modification of the linkage.

8 (Show of hands.)

9 CHAIR STUDLEY: Okay. Three. I see three.
10 All right. One, two, three on C.

11 Okay. I think that gives us a sense of it.
12 Do you want to move on to -- Susan?

13 DR. PHILLIPS: Since we did so well with that
14 first round, --

15 CHAIR STUDLEY: The others are easier to vote
16 on.

17 DR. PHILLIPS: -- it's all downhill from here.

18 CHAIR STUDLEY: Right.

19 DR. PHILLIPS: I want to take up the --

20 CHAIR STUDLEY: I think smooth sailing, not
21 downhill.

22 DR. PHILLIPS: Well, you're not the skier,

1 right?

2 CHAIR STUDLEY: Right.

3 DR. PHILLIPS: We move to the next set in this
4 cluster which are the triad of actors options to
5 consider, 1, 2, and 3. These are -- Number 1 is a
6 statement to clarify and articulate common
7 understandings about the responsibilities of each
8 member of the triad. All of the comments that was
9 classifiable was in favor of that.

10 Option 2 was triad communication,
11 coordination, and increased communication among actors
12 would serve to achieve greater commonality and so
13 forth. All of the classifiable comment was in favor of
14 that.

15 And Item 3 was removing financial analysis
16 from accreditation. This is sort of a two-part item,
17 all of which is intended to reduce overlap and increase
18 specialization. It is to assign financial issues,
19 compliance stability, viability, and so on, exclusively
20 to the federal level, promote states' engagement with
21 consumer protection and investigation, and focus
22 accreditor activity on program quality improvement.

1 Comment was divided on that item. It's a compound
2 item, so it may well promote different combinations.

3 So if we take up those three items, these are
4 all of the items concerning the triad and have
5 discussion.

6 DR. KIRWAN: This is --

7 DR. PHILLIPS: Excuse me?

8 DR. KIRWAN: This would be a yes or no vote?

9 DR. PHILLIPS: It would be a discussion to
10 start and then there would be a straw poll that would
11 say I'm in favor of including option to consider 1, I'm
12 in favor of including Number 2, Number 3.

13 CHAIR STUDLEY: Some of you have asked how
14 long we'll go tonight. We are scheduled to end at 5
15 o'clock. I think that, given the level of energy and
16 complexity of these, we'd like to begin another topic,
17 so that we aren't too overloaded tomorrow, but that if
18 we plan to end no later than 5:15, 5:10, if we can, and
19 let's just see what we can get on the table here and at
20 least identify whether these are relatively
21 comfortable, what kinds of questions people want others
22 to think about. So we'll make a judgment whether we

1 vote tonight or in the morning, depending on the
2 discussion.

3 VICE CHAIR ROTHKOPF: Question. Item Number
4 3, and I think Cam may have raised this at a prior
5 meeting, I'm not sure, but I know someone did. How can
6 you take away anything from the states? That's not the
7 way our Constitution reads. I mean, the states can do
8 whatever they want and I don't know how we can report
9 to say they shouldn't be doing something. We might
10 encourage them not to do something but I don't think we
11 can -- this looks as though we're making -- assigning
12 in some way from Washington what the states ought to be
13 doing.

14 CHAIR STUDLEY: Let me just clarify. On
15 Number 3, let me just tease out some of the words. The
16 assignment of financial issues in the first sentence is
17 only specifically between the federal level and the
18 accreditors, recognizing that the Higher Education Act
19 can make -- can assign responsibilities along those
20 lines, assuming accreditors want to play and
21 participate, and it doesn't address states, and the
22 second sentence, "Promote the states' engagement,"

1 promote is intentionally chosen because we understand
2 that states decide what they will do, but we could
3 encourage them to take a particular role or reduce
4 their sense of responsibility for others.

5 It's also true that the Feds do have, through
6 state authorization and other requirements, we do have
7 certain expectations of states as part of this. But I
8 think we tried to be sensitive to that, Arthur, by
9 saying promote the states' engagement, especially if we
10 had adopted 1 and 2, to have closer communication with
11 them, to see about how we could align and use our
12 resources well, and the next sentence, "Focus
13 accreditor activity," is as we do the statute and
14 assign responsibility.

15 So your point is very well taken, but I think
16 we thought we had maneuvered in the writing those
17 shoals, but obviously you can take that into account
18 whether you think these are doable or what limits you
19 want to put on them.

20 Art?

21 MR. KEISER: I would speak against the removal
22 of the financial, you know, and consumer information

1 from the accreditors, especially the financial reports
2 which they receive may or may not violate the federal
3 composite scores, but they certainly can indicate a
4 whole lot of other things if they are doing a good job
5 reviewing the financial statements.

6 That load potential future financial
7 weaknesses, which impact the educational quality of an
8 institution. If you don't have the budget, you don't
9 have the potential for spending the money where it's
10 supposed to go. So to remove that, I think, takes one
11 of the important parts of a comprehensive review of an
12 institution's educational quality and limits that
13 accreditor from considering all aspects.

14 Most schools fail because of their financials
15 and that affects the quality of the institution
16 obviously as they're going down.

17 CHAIR STUDLEY: Thank you. Would anybody like
18 to speak to -- I think the way you're most
19 comfortable -- any part of 1, 2, and 3 since we're
20 looking at them as related at the moment for comments
21 from any members of the committee? Cam?

22 MR. STAPLES: I agree with Art's point. It's

1 hard to separate out financial stability from other
2 issues, but I thought when we talked about this, we
3 were really talking about not so much prohibiting
4 accreditors from looking at that but strengthening the
5 federal role in reviewing financial stability. I mean,
6 I don't know if we need to mandate what others don't
7 do, as long as we're saying that we thought that there
8 needed to be a heightened role at the federal level in
9 ensuring financial stability. Maybe that's just my
10 recollection of it, but I thought that was more the
11 direction we were going with that.

12 CHAIR STUDLEY: Susan?

13 DR. PHILLIPS: One of the issues that arose as
14 we put this out -- I agree that there's a question of
15 who's supposed to be doing what to whom on this. One
16 of the things that we heard in the data sections of the
17 conversations since February was that institutions were
18 feeling ill-equipped or accreditors were feeling
19 ill-equipped with dealing with the kind of Title IV
20 accountability dimensions that they might need to use
21 to adequately evaluate some of the Harkin's group, so
22 to speak, or others, and as we put this out for

1 comment, I think we heard back from the accreditors,
2 no, we need that information. We just need, I think,
3 some additional source looking at the Title IV issues.

4 So we can't do our job without looking at the
5 financials. Don't remove that from us. But if you
6 could get some better watchdog on the Title IV
7 compliance issues that would be better.

8 I think that's sort of what I heard as an
9 overall issue.

10 CHAIR STUDLEY: Anne?

11 MS. NEAL: I find that troubling because again
12 we keep coming back to the value of accreditation being
13 that of peer review and my understanding of most
14 academics and administrators is that, with the
15 exception of Brit and the people who are here at this
16 table, is that looking at finances is not necessarily
17 what is their area of expertise and what has happened
18 in the past is the accreditors will second-guess
19 trustees who get involved who are legally responsible
20 for the financial integrity of their institutions and
21 so it seems to me we don't want to have mission creep
22 here for the accreditors because we already have legal

1 entities that are responsible for these institutions
2 and the Feds and so I am concerned that we not
3 overburden what is supposedly a quality peer review
4 assessment that deals with academic matters which the
5 financiers don't deal with.

6 CHAIR STUDLEY: Are we not hearing comment
7 about Options 1 and 2 because they are so unarguable or
8 because you hate them?

9 MS. NEAL: I just have the same problem about
10 telling the states what they are going to do. That
11 would be my concern with 1, as it was Arthur's concern
12 with 3.

13 CHAIR STUDLEY: Why don't we take them one at
14 a time and just directly discuss Number 1? It may be
15 that if anyone wants to clarify what it means, not ask
16 it to clarify what others think it means, feel free.
17 Does anybody have a comment or question related to
18 Number 1 or clarification related to Number 1?

19 DR. KIRWAN: I mean, it does seem to me that
20 the Federal Government could set its expectations as
21 not requiring -- 1 doesn't require anybody to do
22 anything. It just says clarify understandings and so

1 to your point, Anne, I don't think it's forcing states
2 to do anything. It's just trying to create the Federal
3 Government's understanding and expectation of the
4 various roles which it's hard to argue against that.

5 CHAIR STUDLEY: I would say on this one, there
6 are many different ways to do that. It could include
7 people meeting together and understanding what's
8 falling through the cracks or how they work well or
9 what they wish they had or what they count on others
10 for that isn't coming through.

11 To the extent that these are recommendations
12 about the Higher Education Act content, if those
13 discussions left the Secretary saying something ought
14 to change, then it could yield content in the Act but
15 we're not saying here what the nature of that
16 clarification should be.

17 So are people ready to do a straw vote on
18 Option 1? All in -- yes?

19 EXECUTIVE DIRECTOR LEWIS: I just wanted to
20 note for the transcript that George left, so there's a
21 total of 10 voting members here. So did Frank. Thank
22 you.

1 CHAIR STUDLEY: Okay. Thank you very much.
2 With that, how many are in general support of including
3 Option 1 in the final document?

4 (Show of hands.)

5 CHAIR STUDLEY: 10, 10 and 10. Okay. 10 out
6 of 10 present.

7 Number 2, Triad Communication. Short enough
8 that I'm assuming you can read that one, but for the
9 benefit of the audience that may not have the exact
10 same language, coordinated and -- oh, they do? Okay.
11 You have the language.

12 Okay. Option 2. Art? Oh, okay. Are there
13 any comments or discussion? I would just add then that
14 this seems to be a place that we might in the writing
15 of it consider adding exploring explicit data-sharing,
16 barriers within the statute that we might want to
17 suggest the Department look at in order to allow the
18 coordination. So I don't think we know -- okay, okay.
19 Elsewhere in the document. Never mind.

20 Option 2, all in favor?

21 (Show of hands.)

22 CHAIR STUDLEY: 10. Okay. Option 3. Further

1 discussion?

2 (No response.)

3 CHAIR STUDLEY: Seeing none, all in favor of
4 including Option 3?

5 MS. NEAL: With the qualifiers, though, that I
6 think Art had raised.

7 CHAIR STUDLEY: Why don't we do a straw vote
8 on it as it stands and then if there's not support for
9 this, we can deconstruct -- well, either talk about it
10 and say what you like and don't like about it and we
11 can see if we need to separate the pieces. It's true
12 that there are several parts to it.

13 Yeah. Let's see what the feeling is about it
14 as it stands and then you can see if there's any part
15 that you want to act on if it does not prevail.

16 So all in favor of including Option -- oh, did
17 you have a comment?

18 DR. KIRWAN: I feel like saying I feel
19 strongly both ways on this one. I mean, is there an
20 option of, you know, this is an idea that may be we
21 need to think --

22 CHAIR STUDLEY: Yes.

1 DR. KIRWAN: Is there some middle ground here?

2 CHAIR STUDLEY: Yes, there is.

3 DR. KIRWAN: And how would you vote if you
4 wanted to do that?

5 CHAIR STUDLEY: I think it would be helpful if
6 you told us what about it appeals to you, so that we
7 can -- you know, other people can have the same notion.
8 We said that other tiers include support of the item
9 in the document. We can add provisions to it or we can
10 identify an item as being recommended for the Secretary
11 to study further and we can shape an option, although I
12 don't think we can edit, word edit by a dozen people,
13 but we could put a new cast to it and see if it flies,
14 but we might want to still do the straw vote on it as
15 it stands to know whether there is strong interest in
16 this and then work from there for just a moment after
17 that.

18 Larry?

19 DR. VANDERHOEF: I don't mean to complicate
20 issues but if we thought that it could be improved,
21 don't we have to vote to keep it in?

22 CHAIR STUDLEY: Susan?

1 DR. PHILLIPS: Would it be easier for you to
2 take pieces of this? Just take a sentence at a time
3 just to see what the sentiment is?

4 CHAIR STUDLEY: Sure.

5 DR. PHILLIPS: Because I have a sense that
6 people are liking one part and not another.

7 CHAIR STUDLEY: Okay. Let's do it that way.
8 So if we take the first sentence, "Assigning financial
9 issues exclusively to the Federal Register to reduce
10 the burden on accreditors," all generally in favor of
11 that item?

12 (Show of hands.)

13 CHAIR STUDLEY: Okay. There was one hand for
14 that.

15 DR. KIRWAN: Half a hand.

16 CHAIR STUDLEY: Do you want to share your
17 thought?

18 DR. KIRWAN: Well, I don't know that I have a
19 profound thought, unfortunately, but I just am
20 intrigued by this possibility. What I don't know are
21 what are the unintended consequences of it. So I would
22 like to see this concept developed a little further. I

1 think it has potential but I need people who understand
2 the consequences better than I do to tell me how
3 this -- could this have negative impact on
4 accreditation that I'm not seeing?

5 CHAIR STUDLEY: Okay. How about if we do
6 this? There was -- was it one or two? One vote yes on
7 that but let's see if there are straw votes for what
8 Brit just said. It might be worth exploring further.

9 DR. KIRWAN: All right.

10 (Show of hands.)

11 CHAIR STUDLEY: One, two, three. Okay.

12 DR. KIRWAN: All right.

13 CHAIR STUDLEY: Okay. Second sentence then.
14 "Promoting state engagement with consumer protection
15 and investigation and decrease the state responsibility
16 for the evaluation of program content." Would you be
17 in favor of keeping that in the document? All
18 in -- excuse me?

19 MR. KEISER: That's a tricky one for two
20 reasons. First of all, before a school ever gets to
21 us, the school is going to be evaluated -- to an
22 accrediting agency, it's going to be evaluated by a

1 state licensing board and that state licensing board
2 may or may not -- the schools are not accredited and
3 there must be some form of educational quality
4 indications or indicators in the state law which
5 unaccredited schools need to be very much the same for
6 accredited schools.

7 The school has to operate for two years before
8 it can become accredited. So to suggest that the state
9 should not be evaluating that doesn't make any sense.

10 CHAIR STUDLEY: Other comments? We haven't
11 voted. Let's see if there's a show of hands in the
12 general concept of promoting the states' responsibility
13 for consumer protection and investigation. There may
14 not be but let's just walk through that. That seems
15 like an implementation or a practical question but is
16 there any interest in keeping that sentence?

17 (Show of hands.)

18 CHAIR STUDLEY: Okay. Four, five, six, seven,
19 eight.

20 The next sentence, "Focus accreditor activity
21 on program quality improvement." All in favor of
22 keeping that concept? Query whether that's a change or

1 not.

2 MR.KEISER: What does that mean? I'm not sure
3 I understand.

4 CHAIR STUDLEY: Well, I think -- do you want
5 to describe it? I think it doesn't make sense standing
6 by itself.

7 DR. PHILLIPS: In the original writing of
8 this, it was part of a package. I'm not sure that it
9 stands.

10 VICE CHAIR ROTHKOPF: Is there any
11 sense -- just a suggestion -- to take what's sort of
12 left of Number 3, which I see being reducing overlap,
13 and putting it up into Option 1, which is clarifying
14 what the triad is doing? In other words, why can't we
15 say let's clarify what it's supposed to do and reduce
16 to the extent possible, if the parties can agree, there
17 be less overlap? I mean, I don't know. I thought the
18 language but that's the idea.

19 CHAIR STUDLEY: Perhaps everybody might agree
20 with address overlap and consider the value of
21 specialization because there is some positive.

22 What I'm hearing is that there's no

1 inclination to vote on -- "the focus accreditor
2 activity" is not a stand-alone policy recommendation.
3 It's only the relationship of the other items. I'm not
4 going to do a straw vote on it, unless somebody would
5 like there to be one.

6 We will move the concept in the last sentence
7 probably as Arthur suggested and I think that's as far
8 as our energy, blood sugar, and mental capacity will
9 take us today.

10 Thank you all very much for coming, both the
11 committee members and the audience, and we will
12 reconvene tomorrow morning here. I look forward to
13 seeing you. We'll be here at 8:30 and as you know, we
14 will end no later than 3 tomorrow.

15 Good-bye. Thank you very much.

16 (Whereupon, at 5:10 p.m., the meeting was
17 adjourned, to reconvene the following morning, Friday,
18 December 16th, 2011, at 8:30 a.m.)

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