

UNITED STATES DEPARTMENT OF EDUCATION

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NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL
QUALITY AND INTEGRITY

+ + + + +

MEETING

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WEDNESDAY
JUNE 8, 2011

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The Advisory Committee met in the Commonwealth Ballroom in the Alexandria Holiday Inn, 625 First Street, Alexandria, Virginia, at 8:30 a.m., Cameron Staples, Chair, presiding.

PRESENT:

- CAMERON C. STAPLES, Committee Chair,
Partner, Neubert, Pepe, & Monteith law
firm
- ARTHUR J. ROTHKOPF, Committee Vice-Chair,
President Emeritus, Lafayette College
- EARL LEWIS, Provost and Executive Vice
President for Academic Affairs, Emory
University
- WILFRED M. McCLAY, SunTrust Bank Chair of
Excellence in Humanities, University
of Tennessee at Chattanooga
- ANNE D. NEAL, President, American Council of
Trustees and Alumni
- WILLIAM PEPICELLO, Provost and President,
University of Phoenix
- SUSAN D. PHILLIPS, Provost and
Vice-President
for Academic Affairs, State University
of New York at Albany

BETER-ARON SHIMELES, Student Member,
Fellow, Peer Health Exchange
JAMIENNE S. STUDLEY, President and CEO, Public
Advocates, Inc.
LARRY N. VANDERHOEF, Former Chancellor,
University of California, Davis
CAROLYN WILLIAMS, President, Bronx Community
College of the City University of New
York
FRANK H. WU, Chancellor and Dean, University
of California, Hastings College of Law
FREDERICO ZARAGOZA, Vice-Chancellor of
Economic and Workforce Development,
Alamo Colleges

STAFF PRESENT:

MELISSA LEWIS
SALLY WANNER
KAY GILCHER
CAROL GRIFFITHS
ELIZABETH DAGGETT
KAREN DUKE
JENNIFER HONG-SILWANY
JOYCE JONES
CHUCK MULA
STEVE PORCELLI
CATHY SHEFFIELD
RACHAEL SHULTZ

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BREAK

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

2 8:42 a.m.

3 Welcome and Introductions

4 CHAIR STAPLES: I want to thank
5 you all for coming. This is a meeting of the
6 NACIQI and we are very eager to get started
7 with our business today. My name is Cam
8 Staples. I'm the Chair of NACIQI and I think
9 to start the meeting off what I would like to
10 do is welcome all the members. It's nice to
11 see you all again.

12 Then we'll go around the table
13 starting with the Vice Chair Mr. Rothkopf to
14 my right and ask everyone to please introduce
15 yourself for the purposes of the audience and
16 members of the Committee.

17 MR. ROTHKOPF: I'm Arthur
18 Rothkopf, Vice Chair of the Committee.

19 MS. PHILLIPS: Susan Phillips,
20 Chair of the Policy Subcommittee.

21 MS. NEAL: Anne Neal, President of
22 the American Council, Trustees and Alumni.

1 MR. SHIMELES: Aron Shimeles. I
2 work at Peer Health Exchange.

3 MR. WU: Frank Wu, Chancellor and
4 dean, University of California, Hastings
5 College of Law.

6 MR. LEWIS: Earl Lewis. I'm the
7 Provost of Emory University.

8 MR. McCLAY: Wilfred McClay,
9 University of Tennessee.

10 MR. VANDERHOEF: I'm Larry
11 Vanderhoef, University of California, Davis.

12 MR. PEPICELLO: I'm Bill
13 Pepicello, President of the University of
14 Phoenix.

15 MS. WILLIAMS: I'm Carolyn
16 Williams, President of Bronx Community College
17 of the City of the University of New York.

18 MS. STUDLEY: I'm Jamienne
19 Studley, President and CEO of Public
20 Advocates, an advocacy group in San Francisco,
21 California.

22 MS. WANNER: I'm Sally Wanner.

1 I'm not a committee member. I'm with the
2 Office of General Counsel, the Department of
3 Education.

4 MS. GILCHER: I'm Kay Gilcher with
5 the Accreditation Division at the Department
6 of Education.

7 MS. LEWIS: I'm Melissa Lewis,
8 NACIQI Executive Director, the Department of
9 Education.

10 Overview of Procedures

11 CHAIR STAPLES: Thank you,
12 everybody. Hopefully we'll get the
13 microphones fixed so we won't be torturing you
14 in the audience with sound.

15 As you all know, one of the
16 primary functions of NACIQI is to advise the
17 Secretary whether it recognized specific
18 accrediting agencies, state approval agencies,
19 and others. That's what we will be doing a
20 lot of today and tomorrow.

21 We also occasionally have requests
22 from federal institutions and make

1 recommendations to the Secretary about whether
2 those institutions should be granted degree
3 awarding authority. We have at least one such
4 request also during the course of this
5 meeting.

6 After that beginning tomorrow and
7 into Friday we will be responding, or
8 continuing to respond to a request from the
9 Secretary that we offer recommendations,
10 policy recommendations regarding the
11 reauthorization of the Higher Education Act.
12 That process will continue throughout the rest
13 of 2011 but we expect to make some significant
14 progress starting tomorrow and into Friday.

15 With that, why don't I recognize
16 Melissa Lewis who is, as she stated, our
17 Executive Director, for other opening remarks.

18 Melissa.

19 MS. LEWIS: Thank you, Cam. I
20 would like to welcome the members and our
21 guests to the NACIQI meeting and thank
22 everyone for coming. I would like to call

1 everyone's attention to the bottom of the
2 first page of the agenda and to the guidelines
3 for the third party oral presentations, both
4 of which are handouts available in the back
5 right corner of the room. Both list the order
6 of the presentations before the Committee.

7 I would also like to call your
8 attention to the procedures concerning public
9 commenters. Those interested in making public
10 comments at the meeting may sign up at the
11 table outside the meeting room. There will be
12 up to five public commenters per agency. You
13 fill out an application. It will be stamped
14 and the public commenters will be selected on
15 a first-come first-serve basis.

16 The opportunity to sign up to make
17 oral comments concerning an agency will close
18 once the maximum of five speakers have
19 registered or five minutes prior to the
20 agency's scheduled review time as shown on the
21 agenda depending on which comes first, which
22 occurs first. If a person or group requested

1 to make comments in advance, they cannot also
2 sign up to make comments today.

3 With respect to the members we are
4 very pleased that 13 of the 17 members are
5 joining us today. Bruce Cole, Brit Kirwan,
6 Art Keiser and Daniel Klaich are unable to
7 attend the meeting. Federico Zaragoza will
8 join us later today.

9 Due to recusals Carolyn Williams
10 will be here for the first agency's review,
11 and then will be recused for the rest of the
12 morning. Federico Zaragoza will also be
13 joining us later today.

14 Members, if you need to depart
15 early from the meeting, please announce your
16 departure or your return to the meeting for
17 the record.

18 Also, concerning recusals, I would
19 like to remind the members that if you have
20 any conflicts of interest that require you to
21 recuse yourself from a review of the agency,
22 please announce that you are recusing yourself

1 before the primary reader's introduction of
2 the agency and to please leave the table at
3 that time so that you will not confuse anyone
4 concerning your recusal.

5 The meeting is being recorded by
6 the Neal Gross Court Reporter Company at the
7 round table just behind us. Please speak
8 clearly into the microphone so that the court
9 reporter may hear your comments. Remember to
10 turn off the mic when you're done. I
11 have asked John to please let us know if he
12 can't hear us.

13 I have a few other items to cover.
14 I did mention the handouts earlier in
15 addition to the agenda and the third party
16 oral comment guidelines. There's also a menu
17 from the sandwich shop right outside the
18 meeting room, as well as the draft June 11
19 policy agenda which list the three issues that
20 we'll be considering in the reauthorization
21 portion of the meeting, as well as the sub-
22 issues under each and other issues that the

1 Committee may consider.

2 The rest rooms are located just
3 past the elevators to my left just outside the
4 meeting room. Restaurants. Although the
5 hotel restaurant is closed, there are several
6 other options in the area.

7 Again, the sandwich shop right
8 outside the meeting room. The Giant across
9 the street has a large salad bar and large
10 section of prepared foods and they are
11 expecting a crowd so they should have plenty
12 on hand.

13 Also, I've been told that if you
14 walk out the front door here, turn left or
15 right, go one block and turn left or right,
16 and there are a number of luncheon spots, both
17 sit-down and fast food available. Concerning
18 internet access, you may access the internet
19 anywhere in that front corridor along the
20 glass wall of the hotel.

21 Also, members, I gave everyone a
22 luncheon menu to choose from. The master list

1 will be circulated shortly. Please give Jamie
2 your money. Please attend to it promptly
3 because the order needs to go in by 10:00.

4 That's all I have. Thank you very
5 much. I look forward to a productive and
6 robust meeting.

7 CHAIR STAPLES: Thank you. I just
8 want to make one comment, too, to the members.
9 We have some information that has been handed
10 out. Sample Language for Motions is in your
11 packet for the readers who are going to be
12 looked to to make a recommendation to the
13 Committee after they've discussed their
14 review. You might want to take a look at this
15 in assisting you in formulating your motions.

16 I want to make sure you are aware of that.

17 Okay. At this time we'll call the
18 first agency, the Accrediting Commission of
19 Career Schools and Colleges. The primary
20 readers are Wilfred --

21 I guess it's you today, Wilfred.
22 Federico is not here.

1 Accrediting Commission of Career Schools and
2 Colleges

3 MR. McCLAY: Yes. I've been asked
4 to begin the discussion of the Accrediting
5 Commission of Career Schools and Colleges.
6 This is an accrediting agency that accredits
7 775 institutions located throughout the United
8 States and in Puerto Rico.

9 Schools offer certificates,
10 associate degrees, occupational associate's
11 degrees, baccalaureate degrees, master's
12 degrees, and distance education programs
13 primary in occupational trade and technical
14 career areas.

15 Most of the agency's accredited
16 schools participate in the Federal Student Aid
17 Program and this agency is a Title IV
18 gatekeeper for those programs.

19 In terms of its recognition
20 history the institutional history goes back to
21 1967. It started out as the National
22 Association of Trade and Technical Schools. I

1 won't go through the whole history of mergers
2 and metamorphosis until it became what it is
3 today.

4 It was last reviewed in 2004. At
5 that time requested expansion of scope to
6 include distance education. This was granted
7 by the Secretary in 2005. Then in 2006
8 expansion of scope was requested to include
9 master's programs and that, too, was granted.

10 The request that we have before us
11 is a petition for continued recognition for
12 five years with no change of scope. Staff has
13 recommended that this be granted, recommended
14 to the Secretary.

15 Do we call -- we can call Chuck
16 Mula.

17 MR. MULA: Good morning, Mr.
18 Chair, and members of the Committee. I will
19 be presenting a brief summary of the petition
20 for continued recognition of the Accredited
21 Commission of Career Schools and Colleges,
22 hereafter referred to as ACCSC, or the agency.

1 The staff recommendation to the
2 Senior Department Official for the agency is
3 that he continue the recognition of ACCSC for
4 a period of five years.

5 This recommendation is based on my
6 review of the agency's petition for continued
7 recognition, supporting documentation and the
8 observation of a site-team evaluation visit
9 for initial accreditation in Fairfax, Virginia
10 and an appeals panel session in Arlington,
11 Virginia, in the spring of 2011.

12 My review of the ACCSC's petition
13 found the agency in compliance with the
14 Secretary's criteria for recognition with no
15 issues or concern.

16 This concludes my report and I am
17 available for any questions that you may have.

18 CHAIR STAPLES: Thank you, Chuck.

19 At this time we'll ask for the
20 agency representatives to come forward.

21 MR. BLUMENTHAL: Good morning, Mr.
22 Chairman, members of the Committee.

1 CHAIR STAPLES: Good morning.

2 MR. BLUMENTHAL: My name is Ronald
3 Blumenthal. I'm the Chair of the Accrediting
4 Commission of Career Schools and Colleges. On
5 behalf of ACCSC Commission our professional
6 staff and the nearly 800 institutions that we
7 accredit nationwide, it is my distinct
8 pleasure to be with you here this morning.

9 I'm also joined this morning by
10 Dr. Michale McComis, Executive Director, and
11 Christopher Lambert, Director of External
12 Affairs, who led our organization's efforts
13 throughout the re-recognition process.

14 As you are aware, ACCSC has been
15 continually recognized by the Secretary since
16 1967. Needless to say, we are incredibly
17 proud of our track record. I believe that our
18 petition for re-recognition which is before
19 you today demonstrates that this agency takes
20 our responsibility to serve as a reliable
21 authority on quality education very seriously.

22 From my vantage point the

1 recognition process is rigorous and admittedly
2 challenging, but we believe that we are
3 stronger agents because of our participation
4 in re-recognition. We will continue to pursue
5 our goal of improvement as a means to enhance
6 institutional and student success.

7 As a former member of NACIQI I
8 have a great appreciation and admiration for
9 the important work that you do, fully
10 understand and appreciate the role that
11 accreditation plays in the higher education
12 regulatory scheme.

13 To that end I am very pleased, as
14 I know my fellow commissioners are, that this
15 agency has been able to demonstrate to the
16 Department that we meet every federal
17 regulation required as a recognized agency.

18 Accountability is a critical
19 component to our system of higher education
20 and I believe that our petition to the
21 Secretary has shown our commitment to this
22 task.

1 On behalf of the full Commission
2 and our staff I'd also like to extend my
3 thanks and appreciate to the accreditation
4 Department staff for their guidance throughout
5 this process. We are happy to respond to any
6 questions you might have.

7 CHAIR STAPLES: Thank you.

8 We have no third party commenters
9 signed up so we will proceed to the questions
10 portion if members of the Committee have any
11 questions.

12 Wilfred, if you would like to
13 start if you have any.

14 MR. McCLAY: No questions. I'm
15 ready to make a motion whenever you're ready.

16 MR. ROTHKOPF: I have a question.

17 CHAIR STAPLES: Arthur.

18 MR. ROTHKOPF: When you take
19 action when a report is done and the team goes
20 out and reviews an institution and the
21 Commission acts, what do you do with the
22 report? Is it made public? Any summary made

1 public? Is it required to be posted on the
2 institution's website? What action do you
3 require, if any, regarding the report of your
4 Commission on a particular institution?

5 MR. McCOMIS: The information that
6 we make public through the Commission actions
7 includes a summary of reasons an institution
8 is placed on probation, summary of reasons for
9 institutions that receive an adverse action
10 that would include either a denial or
11 revocation of accreditation.

12 MR. ROTHKOPF: So you report on
13 the action but you don't make public the
14 report of the Commission or the people who
15 conducted the site visit?

16 MR. McCOMIS: That is correct.

17 MR. ROTHKOPF: May I ask would you
18 consider doing that as something to inform
19 potential students of issues that exist
20 regarding that institution? Let's assume you
21 continue the accreditation but there are
22 issues that are of concern that come up. Is

1 there a reason you would not make that report
2 public, make it available to perspective
3 students?

4 MR. McCOMIS: Certainly I think
5 the Commission would take that into
6 consideration. It's not a current requirement
7 under the federal regulations but in an
8 attempt to create greater transparency that
9 would be something that I'm sure the Board
10 would be interested in looking at.

11 MR. ROTHKOPF: Just pursuing that,
12 do you require institutions to report on their
13 website or otherwise to prospective students
14 what the completion rate may be of the
15 program, actual employment of those who
16 complete the program or may not complete the
17 program? What sort of outcome information do
18 you require, if any, of institutions that you
19 accredit?

20 MR. McCOMIS: Effective July 1
21 we'll require the disclosure of employment
22 rates by program. Any other disclosures that

1 the institutions make have to be in accordance
2 and align with the data that the institution
3 has submitted to us through annual reporting.

4 Those are the current disclosures that we
5 require with regard to outcomes.

6 MR. ROTHKOPF: So now disclosure
7 on completion rate?

8 MR. McCOMIS: There is not a
9 current requirement for that. We do require
10 the institutions to report that to the
11 Commission on an annual basis by program.

12 MR. ROTHKOPF: Just to follow up
13 on that, is there any reason why you wouldn't
14 require an institution to tell perspective
15 students what the completion rate is of
16 students who are enrolled in the program?

17 MR. McCOMIS: The Commission has
18 considered that. I think one of the issues is
19 that there is not an uniform manner within
20 which institutions are required or do report
21 graduation rates and so it's a bit -- even
22 though you are giving some information some

1 students, it may be a bit like providing
2 information for them to compare apples and
3 oranges.

4 Certainly if that was something to
5 take into consideration, I think it would be
6 important to also include disclosures about
7 now that rate information is arrived at.

8 MR. ROTHKOPF: Thank you.

9 CHAIR STAPLES: Any further
10 questions?

11 Yes, Anne.

12 MS. NEAL: Good morning. You note
13 in the report that you all have on occasion
14 required an independent third party audit of
15 schools published rates of student graduation
16 and graduate employment. I just wanted to
17 hear your experience and have you considered a
18 plan yet across the board?

19 MR. McCOMIS: Well, our experience
20 has been one that the opportunity for the
21 independent third party is to take information
22 that the institution has reported to us, have

1 it verified through that independent third
2 party. Have that information sent directly to
3 the Commission at the same time that it's sent
4 to the institution so that they see it
5 directly from the independent third party.

6 It's currently being used in those
7 instances where there is some level of concern
8 either about the rates themselves or about the
9 documentation that has been previously
10 submitted where the information provided by
11 the institution may raise some level of
12 question in regard to either its veracity or
13 validity.

14 There hasn't been a current
15 discussion about making it a standard practice
16 but it is an additional arrow in the
17 Commission's quiver in terms of actions that
18 they can take when they have a certain level
19 of concern.

20 MS. NEAL: Can you tell me what is
21 your association's budget and how many staff
22 do you have?

1 MR. McCOMIS: The budget is
2 approximately \$7.5 million annually and there
3 are 34 full-time staff.

4 MS. NEAL: Do you assess when you
5 deal with the institutions you accredit what
6 the expenditure of the accrediting process is
7 for them in terms of man hours, FTEs, cost of
8 paper, etc.?

9 MR. McCOMIS: No, ma'am.

10 MS. NEAL: Thank you.

11 CHAIR STAPLES: Any further
12 questions? Okay. Thank you very much.

13 Wilfred, do you have a motion you
14 wanted to recommend?

15 MR. McCLAY: Yes. I would move
16 that NACIQI recommend that ACCSC's requested
17 renewal of recognition with its current scope
18 of recognition be granted for a period of five
19 years based on the agency's compliance with
20 the Secretary's criteria for recognition.

21 CHAIR STAPLES: Okay. Thank you.

22 That's been moved. Is there a second?

1 MS. NEAL: Second.

2 CHAIR STAPLES: Moved and
3 seconded. Is there any discussion on the
4 motion? Seeing none, all in favor of the
5 motion say aye.

6 ALL: Aye.

7 CHAIR STAPLES: Opposed, nay.
8 Motion carries.

9 The next agency that is up before
10 us is the American Psychological Association,
11 committee on Accreditation. Arthur and
12 Larry.

13 MS. WILLIAMS: Chair?

14 CHAIR STAPLES: Yes, ma'am.

15 MS. WILLIAMS: Carolyn Williams.
16 I am recusing myself from the next group.

17 MS. PHILLIPS: Chair, Susan
18 Phillips. I'm recusing myself from this
19 conversation.

20 CHAIR STAPLES: Thank you. The
21 record will note both of your recusals. Thank
22 you.

1 Yes, Frank.

2 MR. WU: May I ask a question? I
3 just wanted to clarify that when we recuse we
4 leave the table but we are permitted to stay
5 in the room. Is that correct?

6 CHAIR STAPLES: What is the
7 standard for that?

8 MS. LEWIS: That is correct. You
9 are free to stay in the back of the room to
10 listen to the conversation or to leave the
11 room but definitely do please leave the table.

12 CHAIR STAPLES: Thank you for
13 clarifying that. That's helpful for members
14 to know.

15 So who would like to lead off?
16 American Psychological Association, Commission
17 on Accreditation

18 MR. ROTHKOPF: I'll take the lead
19 and Larry will supplement as needed. Let me
20 give the background of the American
21 Psychological Association, Commission on
22 Accreditation. It is a programmatic

1 accreditor. It currently accredits over 900
2 professional education and training programs
3 at the doctoral and post-doctoral level in
4 psychology.

5 The agency has also identified
6 several federal programs that require the
7 Secretary's recognition of its accredited
8 programs as a prerequisite to participate in
9 non-Title IV federal programs and/or federal
10 employment. Some of them are listed in the
11 report including, for example, the graduate
12 psychology education program administered by
13 HHS, Department of the Federal Government.

14 American Psychological Association
15 Commission on Accreditation received its
16 initial recognition by the Secretary in 1970.

17 Has received continued recognition since that
18 time. It was last reviewed for renewal of
19 recognition at the fall 2004 meeting of
20 NACIQI.

21 Following that meeting the
22 Secretary granted continuing recognition for a

1 period of five years and found no compliance
2 issues. As part of this review the Department
3 staff reviewed the petition and supporting
4 documentation, observed a decision-making
5 meeting and a training workshop. That issue
6 of the continued accreditation or recognition
7 of the Commission for Accreditation of APA is
8 now on the table.

9 MR. VANDERHOEF: That was very
10 thorough. I have nothing to add.

11 CHAIR STAPLES: I will ask the
12 agency members to come forward now. Thank
13 you.

14 Joyce, come forward. There you
15 are. Go right ahead, Joyce. Now I got it.
16 I'm on track.

17 MS. JONES: Good morning,
18 everyone, Mr. Chair, commission members,
19 committee members. My name is Joyce Jones and
20 I would like to present a brief summary of the
21 staff analysis and recommendation after our
22 review of the American Psychological

1 Association Commission on Accreditation.

2 I think the agenda shows the
3 Committee on Accreditation and I would like to
4 make that correction to reflect that it is the
5 Commission on Accreditation.

6 The staff recommendation to the
7 Senior Department Official for this agency is
8 to continue the recognition. This is for its
9 accreditation in the United States of doctoral
10 programs in clinical counseling, school and
11 combined professional, scientific psychology,
12 predoctoral internship programs, and
13 professional psychology and postdoctoral
14 residency programs in professional psychology.

15 However, we would require, or
16 recommend that the agency also submit a
17 compliance report in 12 months on just a few
18 issues that are identified in the staff
19 analysis. We based our recommendation on our
20 review, as Arthur stated, of the agency's
21 petition, its supporting documentation, its
22 supplemental documentation, observation of the

1 new commissioner training workshop and of the
2 decision meeting.

3 Our view of the agency found that
4 it substantially complies with the criteria
5 for recognition. However, it needs to address
6 a few outstanding issues for which they have
7 already scheduled for their Commission meeting
8 next month.

9 That is to clarify its current and
10 projected financial viability and that is of
11 the Commission. To ensure, of course, that
12 their public representatives meet the federal
13 qualification requirements in way by
14 demonstrating that they need it.

15 It needs to revise its records
16 retention policy and it needs to work on its
17 enforcement actions so that they are
18 consistent with the criteria timelines with
19 respect to enforcement. Also to demonstrate
20 clear statements on what could cause these.
21 Lastly, to implement changes with regard to
22 the public information regarding senior

1 administrative staff.

2 Many of these issues the agency
3 has on its agenda to address at its commission
4 meeting. Therefore, we believe that these
5 issues do not place the accredited programs,
6 the students, or the federal aid they receive
7 from other federal programs such as HHS and
8 the VA among others and that the agency
9 certainly can resolve these concerns and
10 demonstrate compliance in a written report
11 within a year's time.

12 Therefore, as previously stated,
13 we are recommending to the Senior Department
14 Official that the agency's recognition be
15 continued but that the agency submit a
16 compliance report in 12 months that
17 demonstrates compliance with the issues
18 identified in the staff report. Thank you.

19 CHAIR STAPLES: Thank you, Joyce.

20 Any questions for Joyce at this time?

21 Joyce, I just have one question.
22 I'm skimming through trying to find the

1 location of it here. In your analysis you
2 mentioned concerning the financial stability
3 of the agency. I believe this is your
4 comment. "In addition, the agency has not
5 provided any documentation to support the
6 concern that there is financial stability."

7 I guess I want to understand that
8 a little better. I think earlier you
9 mentioned since 2008 there is no evidence
10 regarding the fund balance. How is it that
11 documentation isn't provided to you?

12 MS. JONES: The agency provided a
13 written narrative of what the stabilization
14 project but it presented no evidence that
15 this, in fact, existed such as an agreement
16 representing what they had supporting the
17 narrative and that's the kind of information
18 that we require.

19 It's just like hearsay. We had
20 this and we're suppose to believe it but
21 that's where the Department has now decided
22 that we want to see documentary evidence

1 sustaining what they are reporting.

2 CHAIR STAPLES: So did the
3 Department ask for that --

4 MS. JONES: Yes, we did.

5 CHAIR STAPLES: -- during this
6 review and it wasn't provided?

7 MS. JONES: What they provided was
8 not sufficient. It was in sufficient to
9 demonstrate that they had the financial
10 viability to continue because the budget had
11 shown four years of not quite having enough
12 money and not explaining where it came from.

13 CHAIR STAPLES: I guess I
14 understand. I'm trying to understand the
15 process but you asked for the documentary
16 evidence. You asked for some data about the
17 fund balance.

18 MS. JONES: Initially, yes.

19 CHAIR STAPLES: And they declined
20 to provide that to you?

21 MS. JONES: They provided a
22 narrative and, as a result, that was not

1 sufficient.

2 CHAIR STAPLES: So the narrative
3 is insufficient and please provide us with
4 more information.

5 MS. JONES: That has been the
6 funding or the staff determination on that
7 issue. It would not at this time be in the
8 record. We would not have reviewed it.

9 CHAIR STAPLES: Okay. I just want
10 to understand how you hadn't gotten it yet.
11 It seems like it makes sense that they would
12 have provided it to you. I'm sure we can ask
13 them that.

14 Any other questions from members
15 of the Committee?

16 MR. ROTHKOPF: Just as a follow-up
17 on that one, Joyce. Does the Commission on
18 accreditation have a financial report
19 independent of that of the APA and, if so,
20 does it show this \$1 million in a
21 stabilization fund?

22 MS. JONES: The agency, I believe,

1 provided a budget, a projected budget, and a
2 budget for the current year. They did provide
3 a report, a narrative, on the other factors.

4 Specifically I know the response
5 did not address with sufficiently what we
6 require in terms of evidence showing their
7 viability and that is one of the requirements.

8 We don't have it yet. It has not been
9 reviewed and we've asked the Board as part of
10 the demonstration in a follow-up report.

11 CHAIR STAPLES: Anne.

12 MS. NEAL: I need some
13 clarification. As I look at the entities we
14 have before us today, it appears that in two
15 cases the staff has recommended full
16 recertification and a clean bill of health and
17 that in all the other instances they need to
18 report back in 12 months.

19 As I heard you say it, we were
20 basically continuing the accreditation of this
21 entity. Am I correct in understanding that
22 when we say 12 months and come back with a

1 report, they will be coming back with a report
2 and if they don't meet the various issues that
3 you have addressed, then they either get good
4 cause shown or they are out of business or
5 potentially shut down. Is that correct?

6 MS. JONES: They are not shut
7 down. The recommendation from both parties
8 would be whether the compliance report
9 demonstrated that the agency complied with the
10 criteria for recognition. If it does not, the
11 recommendation would be not to renew or
12 continue the recognition at that point, at
13 least from the Department staff's standpoint.

14 MS. NEAL: I guess my question as
15 I look at these recommendations of 12 months,
16 in some cases there are seven citations of
17 problems, 13, 35, 12, 24, 17, 21, 19, but
18 obviously the same recommendation is made as
19 to each one of them regardless of the number
20 of problems that are raised. What is the
21 staff's thinking in terms of this?

22 MS. GILCHER: When we are looking

1 at the areas of noncompliance we are making a
2 considered decision about whether or not we
3 think the agency could indeed come into
4 compliance within that 12-month period of
5 time. If we are making that recommendation
6 with the 12 months it's on the basis of that
7 judgment.

8 The number of criteria that an
9 agency is out of compliance with is not
10 necessarily an indication of the severity of
11 the problems being brought forward in terms of
12 compliance to the agency. In many cases it's
13 a matter of lack of appropriate documentation.

14 Or that the council or the
15 Commission has not yet been able to meet in
16 order to make a change in policy. They have
17 certain requirements for periods of time and
18 they meet at only certain times during the
19 year.

20 MS. NEAL: In all these cases you
21 determined that you would not recommend, let's
22 say, a two-year period of accreditation or a

1 less than five year as opposed to the 12
2 months. How do you reach that determination?

3 MS. GILCHER: We are not at a
4 point in making a recommendation on their
5 actual renewal of accreditation until they
6 demonstrate compliance so we are continuing
7 that recognition with a requirement that they
8 demonstrate that they come into compliance
9 within that 12-month period of time.

10 At the end of that 12-month period
11 of time after they submit their report, in
12 reviewing that if there were still issues of
13 noncompliance, then we would make a
14 determination of whether we would recommend an
15 extension for good cause.

16 We also might say that, okay, they
17 have demonstrated that they are in compliance
18 but we still have concerns about the ongoing
19 viability of that agency in certain areas and
20 could recommend less than a five-year.
21 Actually it would be at that point only a
22 four-year period of recognition because the

1 one year of the five would already have been
2 taken up.

3 CHAIR STAPLES: Any further
4 comments?

5 Frank.

6 MR. WU: I'm just wondering how
7 often does an agency lose its status? I'm
8 just wondering so that we can establish a base
9 line to gauge when we see that there are X
10 number of problems or this type of problem.

11 How often is that cure? Is that it has never
12 happened, it rarely happens, it often happens?

13 Is it one agency in the past 10 years or 10
14 agencies in the past 10 years?

15 I recall the first meeting that we
16 had there was an agency that voluntarily
17 withdrew. It was one that primarily, as I
18 understood it, worked with K through 12 but
19 did a little bit in higher ed and then it
20 withdrew.

21 Just so we can set a baseline for
22 ourselves in understanding this, how often

1 does this happen that an agency just
2 altogether despite trying the staff finds they
3 don't meet all of the rules and then we think
4 the same and then they ultimately lose their
5 status?

6 MS. GILCHER: It's not a common
7 occurrence. However, it certainly has
8 happened. In fact, the last time around
9 another agency chose to withdraw after having
10 had a full review of its petition. We have
11 continued to work with them in order to help
12 them come into compliance and reapply for
13 recognition.

14 The way that we approach it is to
15 do our best to help an agency come into
16 compliance and to offer the advice and
17 assistance needed to do so.

18 MR. WU: Just one follow-up
19 question. So the typical end game here is the
20 agency withdraws. In other words, they never
21 push it all the way. If in the rare cases
22 where this does happen, they usually withdraw.

1 Is that what happens?

2 MS. GILCHER: That certainly has
3 happened. There are also agencies that choose
4 to go the distance and there may be a
5 determination that they are to be either
6 limited or to lose their recognition.

7 MR. ROTHKOPF: I'll just follow up
8 with Kay on the procedure points that Anne was
9 raising. We've got eight agencies assuming
10 the group, the Committee, and then the
11 Assistant Secretary agree that there are eight
12 agencies who have to do things to come back to
13 us.

14 We've now got eight items on our
15 agenda for either December or next June. Is
16 there a way -- I would have to say in some
17 cases I think some of these problems could be
18 resolved because the Commission is not meeting
19 until July and they are going to adopt a new
20 rule that's going to bring them in compliance.

21 Some of these are, I would use the term,
22 picky but they haven't complied. Some are

1 much more serious.

2 The question I guess I have is
3 there some way to dispose of these in a way
4 that doesn't require us to go through this
5 whole drill on each one and add eight more of
6 these organizations to our agenda for a full
7 discussion where the problems have, at least
8 in the review of the staff, and maybe some
9 part of the Commission or the Committee, that
10 the problems have been resolved in a good way?

11 I'm just trying to look at what we're doing
12 going forward.

13 CHAIR STAPLES: Do you want to
14 respond to that?

15 MS. GILCHER: I will respond and
16 then with backup of my counsel. The
17 requirement is that an agency demonstrate its
18 compliance with all the criteria. We do not
19 have the authority to say that they are in
20 compliance. We're not the decision makers.

21 The process would be that they
22 would need to be reviewed by us. We would

1 make a recommendation, reviewed by NACIQI and
2 they would make a recommendation. You do have
3 the option, or potentially have the option, to
4 use a consent agenda so if there were no
5 particular issues, they had resolved
6 everything, then that could be addressed on a
7 consent agenda.

8 MS. WANNER: I think that's
9 complete.

10 MS. GILCHER: The other question I
11 thought you were going to ask so I'm going to
12 answer it has to do with the length of time,
13 the 12 months, or less than 12 months. I just
14 wanted to let the Committee know that we did
15 out of the last meeting send a memo to all of
16 the agencies that had compliance reports and
17 offered them the option of determining when
18 they would submit that compliance report so
19 that they could submit it in less than that
20 12-month period of time if they chose to do
21 so.

22 Then laid out for them what impact

1 that would have in terms of the maximum period
2 of recognition that could be recommended for
3 them and which meeting of the NACIQI they
4 would come forward for review.

5 Of the agencies that had
6 compliance reports, six of them, two of them
7 chose to come early before the spring 2012 and
8 that was because their processes would allow
9 them to demonstrate that compliance within
10 that period of time.

11 MR. ROTHKOPF: Thank you. I was
12 actually going there.

13 CHAIR STAPLES: Thank you very
14 much. I think that is a useful discussion to
15 have had since we have this issue coming up
16 with a number of the agencies.

17 Are there any more questions for
18 Joyce at this time?

19 Larry. Or comment on the subject.

20 MR. VANDERHOEF: Just one quick
21 question. Given a circumstance like this I
22 agree with Arthur that -- maybe I go a little

1 further. I think most of the issues that have
2 been raised are not major issues and I don't
3 see that there will be problems coming into
4 compliance. In this circumstance can a move
5 to approve pending straightening these issues
6 out within six months or a year, can that be
7 made? Can we make that kind of
8 recommendation?

9 CHAIR STAPLES: Sally, do you want
10 to respond to that?

11 MS. WANNER: You can certainly
12 make a different recommendation than the staff
13 did if that is what the question is. If your
14 recommendation is that they come into
15 compliance or that they report back that they
16 have a six-month period to achieve compliance
17 and then submit a report within 30 days
18 thereafter you could do that.

19 CHAIR STAPLES: I don't know if
20 it's appropriate for you to respond to that
21 idea but I think I want to respond to that
22 idea. I have a concern in that with so many

1 agencies, granted some may be technical and
2 some may be substantive with issues, it would
3 concern me if we were to delegate such a large
4 amount of decision making to the staff even
5 though some may be technical.

6 If we were to say upon the staff's
7 understanding that all these conditions were
8 satisfied, they were deemed approved by us, I
9 would have concern. I am personally a little
10 surprised by the degree to which there is such
11 a lack of compliance given the length of time
12 these agencies have had. Several years in
13 many cases because NACIQI hasn't been in
14 operation. That's my two cents about that
15 concept.

16 MR. WU: I just wanted to ask does
17 the staff in some way signal --- and I have
18 not looked through everything thoroughly to
19 see this. Do they signal if the lack of
20 compliance is despite good faith efforts which
21 I assume it is in most of these cases? That
22 is, they are trying.

1 Due to the amount of detail and
2 the complexity of this they just haven't
3 provided all the proof. Or I also assume that
4 in some instances there is some foot dragging,
5 bad faith, or there is something else going
6 on.

7 Does the staff signal that to us
8 whether or not the agency is making a good
9 faith effort to comply and doing everything
10 versus will it signal to us if there is
11 something funny or odd that we should be more
12 attentive to.

13 CHAIR STAPLES: Joyce winks with
14 her right eye when she is trying to signal
15 that there is a real problem.

16 MS. GILCHER: The record that is
17 made available to you includes the response of
18 the agency to the draft analysis and then our
19 staff analysis of that response so there is
20 information available to you to make that
21 judgment. I think we are trying to just
22 present "just the facts, ma'am" in the

1 analysis.

2 MR. WU: Just so I'm clear on
3 this, what that means is we could figure it
4 out ourselves by looking at how detailed the
5 response was each time in sort of assessing do
6 we think they are really trying here. You
7 will not independently signal to us. We need
8 to sort of match, pull up on our screens at
9 the same time what you said and what the
10 response is and just look for ourselves to
11 see. Would that be accurate?

12 MS. GILCHER: Yes. I think the
13 process is set up such that there would be
14 independent review and recommendation .

15 UNIDENTIFIED MEMBER: Frank, I can
16 put just a little color on that having done a
17 number of these and looked at the
18 documentation versus what was in the staff
19 report. I think Kay is right. It's just the
20 facts but the facts are, for instance, there
21 is something in progress. There has been no
22 documentation received. Then we can go in and

1 put the color on it as to why that fact is as
2 it is.

3 CHAIR STAPLES: Any further
4 comments? If not, why don't we invite the
5 agency representatives to come forward. This
6 is the American Psychological Association that
7 we are still on. Little bit of a detour.
8 Hope that you enjoyed that discussion.

9 Why don't you introduce yourself
10 and proceed.

11 MS. ILLFELDER-KAYE: Good morning.
12 We would like --

13 CHAIR STAPLES: Just one second.
14 Sally had a comment.

15 MS. WANNER: I just wanted to
16 clarify on something earlier. I may have
17 misunderstood the question. The question
18 about whether NACIQI can ask the staff to
19 resolve a question and then not have it come
20 back. That would not be appropriate Neither
21 the staff nor the NACIQI are final decision
22 makers.

1 CHAIR STAPLES: Thank you.

2 Please proceed.

3 MS. ILLFELDER-KAYE: Good morning.

4 We want to thank you for the opportunity to
5 be here this morning on behalf of the American
6 Psychological Association Commission on
7 Accreditation.

8 I'm Joyce Illfedler-Kaye and I'm a
9 psychologist and I serve as the Associate
10 Director of the Center for Counseling and
11 Psychological Services at Penn State
12 University in University Park where I've
13 worked for the past 31 years.

14 I serve as the Director of
15 Internship Training there and I've served in
16 that role since 1983. We have an accredited
17 predoctoral psychology internship program
18 which has been accredited by APA for the past
19 28 years.

20 In addition to my job at Penn
21 State I've been involved in national
22 organizations related to training and

1 psychology for many years.

2 These roles have included serving
3 as President of the Association of Counseling
4 Center training agencies which is an
5 organization of university counseling center
6 psychology internship programs. I've also
7 served as Vice Chair of APIC which is the
8 Association for Post-Doctoral and Psychology
9 Internship Centers.

10 That's an organization that
11 includes psychology, internship, and post-
12 doctoral programs in a variety of settings
13 including VAs, community mental health
14 centers, university counseling centers, and
15 hospitals. APIC is the organization actually
16 that oversees the internship match process in
17 psychology.

18 I've served on the Commission on
19 Accreditation for APA for the past five years
20 and this is my second year serving as
21 Associate Chair for Program Review. In this
22 role I oversee the program review process

1 including the preliminary review process as
2 well as the program review process that takes
3 place at our meetings and I oversee the voting
4 on program accreditation status.

5 MS. KLONOFF: And I'll give you a
6 quick summary. I'm Elizabeth Klonoff. I
7 serve as the Co-Director of Clinical Training
8 for the San Diego State University, University
9 of California, San Diego, Joint Doctoral
10 Program in Clinical Psychology.

11 In terms of my work on the
12 national level, I'm the current chair of the
13 Council of the University Directors of
14 Clinical Psychology which represents the 165
15 or so clinical psychology doctoral programs
16 located in traditional university settings.

17 I also serve on the board of
18 directors for the Council of Clinical Health
19 Psychology Training Programs which represents
20 training programs at both the doctoral, the
21 internship, and the post-doctoral level.

22 On the Commission of Accreditation

1 I serve as the Associate Chair for Quality
2 Assurance so I'm the one who kind of looks and
3 crunches some of the numbers. Finally, I do
4 want to apologize. Joyce and I are both here
5 as associate chairs. Our chair is actually
6 out of the country and it takes both of us to
7 do what he usually does so, again, Joyce and I
8 are here in his stead.

9 MS. ZLOTLOW: And I'm Susan
10 Zlotlow. If you notice, there's a theme here
11 of all the tall people are at the table. I'm
12 the Director of the Office of Program
13 Consultation and Accreditation at the American
14 Psychological Association.

15 I have the good fortune of working
16 with the 32 commissioners of the Commission on
17 the 911 programs we accredit and that includes
18 pretty much contact with all the training
19 directors of all those programs. Sometimes
20 not on a daily basis but generally at least
21 once a month.

22 I want to thank Joyce for coming

1 to visit us, not once but many more than once.

2 Joyce came to one of our regular meetings and
3 also sat through a day and a half of training
4 of our new commissioners.

5 I also really want to thank Carol
6 Griffiths. I have been in this position for 15
7 years, 13 of which I've had contact with
8 Carol. One of the things I want you to note
9 is that Carol and I have gone back and forth
10 over the years and agreed to disagree on a
11 fairly regular basis and she has been very
12 good at listening to my saying, "But how does
13 this add value to what we do as accreditors?"

14 So we've had that dialogue for 13 years I
15 would say. I really appreciate her being open
16 and available to have that discussion with me.

17 The APA COA values ensuring that
18 we provide information to our programs, that
19 we provide information to you that adds value
20 to the process of what we do in the education
21 and training of professional psychologists.

22 We want that information to

1 continually improve the quality of programs
2 that the APA COA accredits and to demonstrate
3 that the programs that we do accredit provide
4 all of our publics, students, families of
5 students, and the public who will make use of
6 the services of the graduates of our
7 accredited programs with quality.

8 I'm also keenly aware that NACIQI
9 is developing and will continue to develop how
10 it operates in terms of dealings with issues
11 just as you had this discussion of how the
12 final analysis goes along, what is in the
13 purview of staff, what is in the purview of
14 NACIQI.

15 I want to just talk a little bit
16 first before going to the meat of the issues
17 here in terms of the themes that we talk about
18 as accreditors. Not just on COA but with
19 other creditors, and that is that we are
20 committed to doing what needs to be done to be
21 recognized by this agency.

22 There are times when we look at

1 the list of issues and say again, "How does
2 this add value to what we do?" Given that the
3 initial review was done with a fine tooth comb
4 to detail, which is the job of the staff, we
5 would ask that you on NACIQI look at the
6 bigger picture of how this relates to what we
7 do as an agency which we believe we do with
8 quality, and we understand that we can
9 continue to improve what we do again for all
10 of our publics.

11 We want to pose some questions to
12 you. One of the issues that has come up in
13 our review in terms of general issues, and
14 then I want to speak to specifics, was did we
15 provide the documentation?

16 I will discuss that again with the
17 specifics, but one of the things came up and
18 both Joyce and Carol were very gracious in
19 spending some time talking about this with me
20 and my staff person Erinn Monteiro, who is
21 here, in terms of what is the role of
22 providing you with documents as attachments

1 and what is the role of the staff person who
2 visits the agency.

3 In some cases I'm concerned that
4 if we provide documentation that we do
5 everything and provide documents from programs
6 that meet that, all of that is subject to
7 FOIA. That was the discussion during one of
8 the negotiated rule making. Every time we
9 would provide a document to you we have to
10 excise information.

11 One of the things I will say on
12 some of the issues we were cited on, we do
13 those things. In some cases our polices
14 aren't as specific or we didn't provide a
15 document to show that but we engage in those
16 and my belief is those are things that could
17 be handled in a staff review.

18 They are not currently part of the
19 process. Again, we will do whatever this
20 group and the staff say we need to do but
21 those are things that I think in moving
22 forward might need to be thought out.

1 I have some other things to say
2 about what I see as the biggest issue but I
3 want to discuss the financial issue because
4 that came up. One of the things I would point
5 to is in terms of our fiscal stability if you
6 look at the staff report on page 5 we did
7 provide staff with our budget for the last
8 several years, the budget that is public
9 information from APA that include our
10 information.

11 One of the things that all of you
12 who know budgets know is the budget isn't
13 final until well after the year is over. A
14 lot of the information on that budget includes
15 not the final, final budget but the final
16 aspirational budget.

17 We did make that note. If you'll
18 notice, we did provide information in that on
19 the fee stabilization fund and the belief of
20 how much was in that at the time. When we got
21 the initial staff review we were told we
22 needed more information. We met with Carol

1 and Joyce and discussed what would be needed.

2 I did not understand -- I'm going to blame
3 myself -- that we needed a document saying
4 that rather than our response.

5 To that end, I have brought a
6 document from the CEO of APA that verifies the
7 money in our account. I don't know how to
8 proceed with providing that to you. I have an
9 original and I have copies. What's your
10 pleasure?

11 CHAIR STAPLES: Sally, what is the
12 mechanisms for taking documents at a meeting?

13 There is none I don't think. Right?

14 MS. WANNER: I think it can be
15 included in the record here. It's true that
16 if it's looked at, I mean, the Committee
17 hasn't had the benefit of the staff's analysis
18 of it and I don't know that the Committee is
19 prepared here or has the time on its agenda to
20 analyze it without the staff and make a
21 decision.

22 MR. ROTHKOPF: I mean, there are,

1 I think I'm right in saying, seven issues that
2 have been raised. You are addressing one of
3 those seven.

4 MS. WANNER: Right.

5 MR. ROTHKOPF: I think that's
6 fine. I mean, I don't know that it's going to
7 necessarily change but I think we ought to
8 have it. Obviously Joyce and Carol and the
9 staff need to look at it and see whether it
10 deals with the concerns that they have raised.

11 I think it would be fine to submit it and put
12 it on the record.

13 CHAIR STAPLES: If we can take it,
14 I think it makes sense for us to take it and
15 Arthur and the staff can review it as well and
16 help us evaluate it. You want to present that
17 to the Sally?

18 [Letter from APA attached to transcript.]

19 MS. ZLOTLOW: Let me just say what
20 is in there is no different in reality than
21 our response. You have the budget in the
22 initial petition as well as the statement on

1 the stabilization fund in the initial
2 petition. When we were called upon we wrote a
3 statement with the input of all the financial
4 folks at APA.

5 This is a verification of that and
6 the statement that even though the APA
7 Commission on Accreditation is within APA it
8 is supported by APA and it has a history of
9 supported by APA and it has a history of
10 support by the Association.

11 I don't know if you want me to go
12 on with the other points or you want to take
13 this a point at a time.

14 CHAIR STAPLES: I think why don't
15 you proceed because we want to take a chance
16 to read this. Why don't you just continue to
17 go through the issues and then when we get to
18 the questions Arthur and Larry can help us
19 follow up on that.

20 MS. ZLOTLOW: Okay. The other
21 thing I would say is one of the things that
22 came up, as I see it probably the biggest

1 issue in the staff analysis, is dealing with
2 issues around probation and good cause.

3 I just want to say something very
4 general and then, again, come back to that and
5 that is that the APA COA has an educational
6 philosophy in terms of how it looks at
7 programs and how it accreditates them.

8 It looks at them very carefully.
9 Because we start accrediting programs at the
10 doctoral level, there's a lot of professional
11 judgment involved. There's a lot of time that
12 it would take to change the course of a
13 program. As such, the COA -- the APA COA,
14 because there are a lot of COAs, provides
15 significant feedback to programs during the
16 review process.

17 It's that educational philosophy
18 with a belief that by in large our programs
19 have integrity and mean to do a good job of
20 educating future psychologists that that
21 feedback has led us to our current policies
22 and procedures that when a program is found to

1 not meet the standards.

2 It is given notice through a show
3 cause letter and given an opportunity to
4 respond before being placed on probation and
5 then is given time, two years for a doctoral
6 program, one year for an internship or post-
7 doc, to do what it needs to take to come into
8 review.

9 The difference in terms of what
10 the staff has called to our attention and what
11 we do is that time frame. In reality in the
12 past we've always done probation the way we
13 currently do and revocation would come
14 afterwards.

15 The idea is that we wanted to give
16 programs the time to engage in educational
17 activities that they need to engage in to come
18 into compliance with us. The time is correct.

19 The actions that need to occur in that time
20 frame are the discussion here.

21 My understanding after spending a
22 lot of time with Joyce and Carol is the belief

1 that we should have another decision in the
2 two-year or one-year time frame as opposed to
3 programs demonstrating they meet that
4 compliance.

5 I just want to say in terms of
6 what we do parallels your process. If that
7 needs to change, we have already written as
8 staff some ways that could change and our
9 Commission on Accreditation meets beginning
10 July 14th and we'll look at that.

11 But it will be a significant
12 change in our educational philosophy and it
13 will change how we deal with our institutions
14 and it will be difficult for some of the
15 students in the pipeline. Again, we will move
16 forward with that. That, to me, is the
17 biggest issue because it is a huge change in
18 our philosophy.

19 In terms of looking at the other
20 issues, what I would say in terms of I'm going
21 to take them out of order. I already have.
22 The idea we do vet our public members.

1 We will add additional language to
2 make sure that we look for whether or not they
3 have spouses or children who are engaged in
4 the activities or basically the vocation which
5 we accredit. My qualifications will be part
6 of what is on our public website. As long as
7 I can say I'm six feet tall that would be
8 good, too. I'm kidding.

9 In terms of compliance with
10 602.15(b) we were found to be out of
11 compliance. Part of the reason we were out of
12 compliance was because we actually have a
13 records retention policy.

14 If we didn't have that policy, I'm
15 not clear that we would be out of compliance
16 because, in fact, we do keep records of
17 anything, any documentation from a program
18 citing that it has a substantive change and
19 our follow-up correspondence with them.

20 The issue is that the substantive
21 change we call them implementing regulations
22 but our policy on that says that we do have an

1 implementing regulation on substantive change.

2 We have one on records retention. Our
3 records retention policy says we will keep all
4 documentations between reviews in the programs
5 record.

6 We do not specifically state that
7 we will keep the substantive change
8 correspondence. We will amend our records
9 retention to state that we also will maintain
10 all such documentation on substantive change.

11

12 The other issue that has been one
13 for us is how we monitor the fiscal ability of
14 our programs to maintain their stability and
15 that is a tough one in that we accredit
16 programs, not departments, not institutions.
17 Most of the time our programs do not have
18 separate budgets.

19 When we look at does the program
20 have sufficient resources to provide the
21 education and training needed for our
22 students, interns, and post-doctoral

1 residents, we look at that more by indirect
2 means. We do that in depth during what we
3 call the periodic review.

4 As a way to monitor in between
5 times of periodic review, we do collect data
6 on the key resources that we monitor; faculty,
7 staff, and student and trainees. Every year
8 we get information on the number of faculty or
9 training supervisors in the program. We
10 collect that data every year, the number of
11 students, interns, post-docs.

12 We look and see if there has been
13 significant change from one to the other. If
14 there has, we ask the program for additional
15 information and we ask if there are other
16 issues we need to be aware of.

17 We also monitor key accountability
18 indicators like graduation, licensure, and
19 attainment of internships in between the time
20 they are reviewed. In that sense because we
21 look at resources in an indirect manner, what
22 we come up with is how do we know there has

1 been a change in resources and that for us is
2 the program is no longer able to maintain the
3 quality, accountability that it had
4 previously.

5 I understand that we are being
6 asked to look at more than that and that was
7 part of my discussion with the staff earlier
8 this week which is we can ask for additional
9 information as part of our annual monitoring
10 but, again, since we don't directly look at
11 fiscal indicators, it would have to be
12 something very indirect. Again, I'm not clear
13 how that would add value to what we do.
14 Again, if needed, we will do that.

15 As I said, I think the biggest
16 issue is probation and the idea of maintaining
17 a program on probation for good cause. We do
18 have an operating procedure that discusses --
19 not an operating procedure.

20 In the accreditation operating
21 procedures themselves there is a discussion of
22 how a program would be deemed to remain on

1 probation for good cause and that is after
2 review of a program on probation the program
3 has provided enough evidence that although in
4 the professional judgment of the commissioners
5 it's not ready to be accredited, it has made
6 some progress and that is in our operating
7 procedures.

8 Again, we are more than willing to
9 undertake a change in our educational
10 philosophy and we want you to understand that
11 will be something that will impact our
12 programs and will impact students. We also
13 understand that what you're saying to us is
14 maybe we need to change our world view of
15 saying that our programs should be trusted to
16 have integrity. That also will be a huge
17 culture shift for us.

18 I'm just going to turn it over.
19 Do you have anything?

20 CHAIR STAPLES: Okay. Did you
21 have anymore comments? No?

22 Joyce, did you have any response

1 to the agency presentation before we begin our
2 questions?

3 MS. JONES: Yes. Certainly the
4 expectation for all involved is that the
5 quality of the educational program is at least
6 meeting standards as set by a reliable
7 authority.

8 We, the Department, do rely on the
9 accrediting agencies to act in that role but
10 their role is also tied to the federal link
11 and that is that they are assessing through
12 their programs, in this instance, federal
13 money.

14 In that regard, there are concerns
15 that were cited in the staff report which do
16 include mechanisms related to our requirements
17 for recognition and that is compliance with
18 the statutes or with the regulations.

19 In terms of the financial issues I
20 think it would have been fair that the
21 Department have an opportunity to review this
22 in its totality rather than outside of a one-

1 page document in terms of putting together
2 with the other information that we've had to
3 review and their response for an assessment.

4 In that regard, I think
5 appropriately it would have been better to
6 assess it so I will maintain recommendation or
7 determination that the agency will need to
8 respond in total to that particular finding.

9 With respect to the manner in
10 which the agency respects its programs
11 assessment and diligence in trying to meet its
12 standards, the Department is still concerned
13 about the federal link and the quality of the
14 program. If it continues to fail, then it is
15 not meeting the requirements for compliance
16 with the enforcement timelines.

17 Over and over and over again these
18 timelines have been important to ensure that
19 students are not in some way affected by
20 ineffective review and enforcement of the
21 timelines required by the recognition
22 regulations.

1 Therefore, I'm glad to hear Susan
2 say that the Commission will be reviewing its
3 process at its Commission meeting in July. I
4 think that the message is very clear that
5 compliance to ensure the students receive a
6 quality education in the areas in which they
7 accredit is important to them as it is to the
8 taxpayer.

9 I think that's pretty much all I
10 have to say. I think that the agency in and
11 of itself is a good agency. It has certainly
12 addressed the specifics with a "we will do
13 this." They have not told us how long it
14 takes but they do have procedures.

15 Obviously with the length of time
16 that they devote to fixing a program, they
17 will certainly be very detailed in how they
18 fix these problems. I think we will maintain
19 our staff analysis and the recommendations.
20 Thank you.

21 MS. ZLOTLOW: Can I just say one
22 thing?

1 MS. JONES: Sure.

2 MS. ZLOTLOW: I just want to say
3 one of the reasons we started off with Joyce
4 and Liz kind of telling you what they do is to
5 make it very clear that for those of us -- and
6 I am a psychologist, although my credentials
7 aren't on the website. I am a psychologist.

8 This is not just about recognition
9 or accreditation. This is about the
10 discipline to which we've devoted our lives
11 and we very much want to make sure that means
12 quality not just for the students in the
13 program but for the public so that when
14 someone goes to see a psychologist and they
15 know that person has gone to an accredited
16 program, it has meaning and it has meaning
17 above and beyond recognition. Thank you.

18 CHAIR STAPLES: Thank you.

19 Members of the Committee, any
20 questions? Arthur or Larry?

21 MR. ROTHKOPF: Let me just follow
22 up this very interesting dialogue. I have to

1 say I'm a little surprised that some of these
2 seven items couldn't have been resolved before
3 we got here. To me the most simple would
4 have been if you knew about it posting your
5 resumes on the website.

6 I mean, why are we worrying about
7 that? Why are we worrying about whether
8 children of commission members work for an
9 institution? That should be sort of a simple
10 thing to resolve as it seems to me two or
11 three of these others shouldn't really be
12 something. There are a couple of serious
13 issues here which I think you've identified.

14 Somehow or another in the process
15 why are we faced with some of these what I
16 call picky items that could have been resolved
17 and why in the process weren't they resolved?

18 I'll ask the Commission people.

19 MS. ZLOTLOW: I think the issue on
20 some of them is just the timing because by the
21 time we got the initial staff report we
22 discussed it with the staff. We thought we

1 had resolved some of those. When we got the
2 final staff analysis there wasn't really time
3 to do some of those things.

4 For instance, the posting on the
5 website I don't know if that's an easy fix but
6 we have to go through our web people. That
7 will be done. In terms of changing some of
8 the information on the public member, that has
9 to go through our Commission.

10 Some of those things are just
11 based on the time frame. They're not big
12 issues. They will be resolved but the time
13 frame when we do exactly what it was that was
14 wanted didn't allow us to do it.

15 I was just going to say we were in
16 the unfortunate situation of having been
17 closed for a couple days in between then
18 because the power went out in our part of
19 Washington, D.C. There are things that just
20 couldn't be done in between when we got the
21 staff analysis and our report was due. Are
22 those things that will be done? Yes.

1 MR. ROTHKOPF: And we'll take one
2 other item which is the letter you present. I
3 mean, there must be a financial statement. I
4 would sort of like to look at an audited
5 financial statement. There must be something
6 that says is the million dollars there. It's
7 not a budget but it's a financial statement
8 that says there is a stabilization fund and
9 there's a million or whatever else. The
10 important thing is --

11 MS. ZLOTLOW: The budget is in the
12 initial petition but that doesn't have the
13 final amount that is in the current fee
14 stabilization fund. I have to say that as an
15 organization the larger APA is audited on a
16 regular basis and our budget. Accreditation
17 is separately audited. I do not get a
18 separate audit report, however. That is
19 monitored annually. What you have in the
20 letter is, in essence, no different from the
21 response we provided except we were told it
22 needed to be formal so we have formalized

1 that.

2 MR. ROTHKOPF: Going to, I think,
3 one of the most serious questions, I'll just
4 give my own view, there is no -- if you go to
5 a psychology department at a university,
6 there's probably no separate -- there is no
7 separate budget.

8 They are getting money through the
9 university system authorized by the provost
10 and it goes to that program. You just
11 expressed my own view that you look at what it
12 buys.

13 I mean, whatever the amount of
14 money is, how many faculty, what kind of
15 facilities, and you've got to make a judgment
16 as to whether to do the program that you're
17 running whether you have enough faculty, the
18 right facilities, the right programs, the
19 right internships for your students.

20 It's sort of in the result, not
21 necessarily -- I mean, you could get more
22 money and do a lousy job as opposed to getting

1 a certain amount. What kind of job do you do
2 and what's the results of what comes out of
3 this system as opposed to the amount of money.

4 That's my personal view. I assume you agree
5 with me.

6 MS. ZLOTLOW: Oh, yeah.

7 MR. VANDERHOEF: I want to just
8 follow up on that. Again, I still think, and
9 I think you've confirmed this, that every one
10 of these requested changes they may take time
11 and there are certain things that have to
12 happen between now and the time you make the
13 change.

14 I guess my sort of bigger question
15 is do any of them at all, do any of these
16 changes violate your values and your
17 principles about how you should be operating?

18 MS. ZLOTLOW: I'm going to turn to
19 the people who are paid big bucks to make
20 decisions. We pay their airfare to D.C.

21 MS. KLONOFF: In terms of values
22 and principles there are some things -- it

1 depends on what aspect of the values and
2 principles you're talking about. If you're
3 talking about does having Susan's vita on the
4 APA website impact our ability to evaluate
5 programs? Obviously not. So some of these
6 things have no relevance at all to our values.

7 Things like asking me to report to
8 -- I would be one of the people. That's the
9 other thing because we are at the final common
10 pathway of being the people who are also
11 accredited. We recognize, I think, when a
12 request is made that seems like an
13 unreasonable burden that doesn't really add to
14 the quality of our program.

15 Speaking as a training director
16 now asking me to report on the financial
17 aspects of my university, I'm in California
18 and I'm a joint program. Both of our
19 university systems just lost a half a billion
20 dollars.

21 The question really is not is the
22 program financially viable per se. I mean, I

1 would agree with you, sir. I can't really
2 answer that. The issue is has it affected the
3 outcome in terms of the students, in terms of
4 the courses, etc.

5 From a value perspective I think
6 the requests that you're making are not
7 unreasonable. They don't go against our
8 values. Some of it may just not make sense in
9 terms of how to implement it but I don't think
10 any of the things you are asking violate any
11 of our values or what we feel is important.

12 MS. ILLFELDER-KAYE: I did want to
13 comment. I agree with Liz that the content
14 doesn't -- they don't seem like unreasonable
15 requests. I do think the issue about asking
16 programs to document more about their finances
17 is complicated.

18 I think one of the things that I
19 have had an investment in working on the
20 Commission is not asking our members to have
21 to do things that don't add value but create a
22 real headache for them. As an internship

1 training director I can say from my own agency
2 it would be very difficult to say what is the
3 budget for the internship program.

4 The internship program happens in
5 the context of a service delivery agency.
6 There are staff people who teach seminars.
7 There are staff people who work as
8 supervisors. It's very hard to put a dollar
9 amount on their time connected to the program.

10 It could create, I think, a major
11 headache for the people filling out these self
12 studies and it's not clear to me what would be
13 gained by that. I think there is a value in
14 not creating headaches for people that don't
15 create any real gain in terms of documenting
16 something valuable about the program.

17 MR. VANDERHOEF: I would certainly
18 agree with that. The fact is that probably
19 everybody around this table has found
20 themselves in that circumstance. What you do
21 when that happens you go to whoever has to
22 carry it out and you say, "This is stupid" but

1 it happens to be what we have to do to
2 maintain -- that's the higher value, the
3 higher good.

4 Again, I just wanted to make sure
5 that you were not having to go contrary. You
6 might have to go ways that you don't
7 necessarily agree with. You might be going
8 ways that you don't think add value. The
9 bigger question is are they making you behave
10 in ways that you consider to be inappropriate.

11 MS. ZLOTLOW: Again, the biggest
12 thing would be if we change how we view the
13 process of putting the program on probation
14 and potentially revocation. It doesn't change
15 that we value certain things. What it does
16 change is it changes our timeline and it is a
17 different philosophy but I don't know that it
18 would change our values if that makes sense.

19 MS. KLONOFF: If I might respond.
20 The other thing I think maybe what we're
21 talking about is kind of a developmental stage
22 that the discipline is at. I think our

1 educational philosophy, our idea of educating
2 the programs as they were coming up, was
3 really a good one and made really good sense.

4 It may be that what you're
5 pointing out is that we're at a different
6 developmental stage. Maybe we could assume at
7 this point that people should have the basics
8 and that maybe we might want to consider
9 making that change so that now -- but it is
10 indeed a change. It will be a change for a
11 lot of people.

12 CHAIR STAPLES: Bill.

13 MR. PEPICELLO: Thank you. I have
14 a comment and sort of a rhetorical question
15 for the staff. I think we are also looking at
16 the developmental stage in the regulatory
17 environment for higher education right now.
18 One of the things that we've been talking
19 about so far this morning, and we are going to
20 continue throughout the day, is the fact that
21 the current regulatory environment requires a
22 level of granularity that we have not seen in

1 higher education previously.

2 It goes to things like people see
3 time and time again in the agencies that come
4 up today that there are issues of timing.
5 It's not that they are not willing to do
6 things but the timing isn't there.

7 It's not that there isn't
8 documentation but perhaps there's not
9 documentation that has been produced
10 previously. While it doesn't add value, it
11 does add transparency which is part of that
12 granularity that we are dealing with right now
13 in higher education.

14 I guess, to step down off the
15 soapbox, my question to the staff would be is
16 there a way that we could work to get to the
17 granularity in the first place because as I
18 read the staff reports, what I see is that the
19 back and forth is that the first time you say,
20 "Well, we need for specificity in this area."

21 I think sometimes the agencies
22 don't have enough of an idea of exactly what

1 it is that we need to be looking for. I think
2 that may speak for the timing and may get us
3 out of having these particular discussions for
4 agency after agency. It's a rhetorical
5 question obviously but something I wish we
6 could discuss and think about.

7 CHAIR STAPLES: Thank you, Bill.

8 Earl.

9 MR. LEWIS: Slightly different
10 kind of question. Of all the things I've read
11 and heard this morning the most important
12 question turns to your economic security.
13 Having read the letter I have a question. I
14 just want to make sure I understand.

15 Since hundreds, if not thousands,
16 of individuals depend upon the accreditation
17 process that you go through to be able to
18 establish themselves as independent
19 psychologists, there is a question about your
20 own economic health which is sort of implicit
21 in some of the things here, but there is also
22 an understanding, if I'm correct, that you

1 have structural support then from the larger
2 APA. There's not only in your own budget but
3 there is essentially back stopping so both
4 their reserves and their cash balances from
5 each year underwrite your own efforts. Is
6 that correct?

7 MS. ZLOTLOW: Yes. If you look at
8 our budget, which I think it was Appendix 17
9 in our initial petition, we have an operating
10 budget in terms of revenue close to \$3
11 million. We have on any given day 14 to 16
12 staff. They tend to even go on with higher
13 education which I think is a positive. We do
14 have mechanisms in place.

15 In fact, the fee stabilization
16 fund was a way for us to basically have a bank
17 account, if you will, for accreditation to
18 allow us to allow in more innovative
19 initiatives from one time to another beyond
20 our current budget.

21 In fact, we set it up to do that
22 and we'll monitor it and continue to monitor

1 it so that when those funds get lower, we will
2 raise fees. The idea was we wanted to become
3 more and more involved in going online with a
4 lot of our processes. You need funds to do
5 that. We do utilize services at APA. We have
6 an overhead that we pay to APA.

7 The reality is if you went in
8 dollars and cents it would be hard to say that
9 we didn't go over that in terms of some of the
10 processes provided at APA so we have a home in
11 APA. Although what is currently the
12 Commission on Accreditation has a longer
13 history than even its recognition here at
14 USDE, and that is as an accrediting body there
15 was the Evaluation Committee back then
16 starting in 1948.

17 That was totally underwritten by
18 APA so there is a very, very long-standing
19 commitment to the accreditation process and
20 the current form that goes back well more than
21 50 years.

22 CHAIR STAPLES: Thank you.

1 Jamie.

2 MS. STUDLEY: I am interested in
3 monitoring fiscal health and this doesn't go
4 for me to the specifics of our action related
5 to you but to take advantage of your having
6 thought about this one so much with us as we
7 go forward in the conversation. Bill is
8 talking about thinking about what overall
9 accreditation policy ought to be.

10 One quick fact. Do you know what
11 proportion of the programs that you review and
12 accredit are within institutions that are
13 institutionally accredited? Rough kind of
14 number most have?

15 MS. ZLOTLOW: It depends by level.
16 All our doctoral programs have to be in
17 regionally accredited institutions.
18 Internships vary because they are in different
19 settings. There are VA settings. The largest
20 two institutions in which we have internships
21 are Veterans Affairs and counseling centers in
22 universities. Those are all regionally

1 accredited.

2 If you look at it, it's 100
3 percent of the doctoral programs. I would say
4 at least 40 percent, or close to that, of the
5 internships and the post-doctoral residencies
6 right now that we accredit are all either in
7 Veterans Affairs medical centers or in
8 university -- well, medical schools
9 themselves.

10 MS. STUDLEY: The reason I ask is
11 that we are going to be coming back to
12 questions about the triad and the respective
13 responsibilities of the Department, the
14 accrediting agencies, and the states. The
15 Department, as many people know, carries out a
16 financial responsibility review that is the
17 essential part of the Department's role within
18 the triad.

19 Like Arthur and some others, I
20 think that what you're doing sounds like the
21 right kind of look, to look at the program
22 quality, the results of the training and to

1 ask questions if there are changes or program
2 gaps or variances that you think go to whether
3 they are capable of producing comparable
4 results into the future.

5 If you could get the kinds of
6 budgets that you've already acknowledged would
7 be difficult to get, would it change your
8 staffing of the teams, your staffing of the
9 organization to look at budgets in this way?
10 Is that something that you would have to
11 change your capacities to do or do you feel
12 that you have that ability right now?

13 MS. ZLOTLOW: To be honest with
14 you, there is no way to do that because --
15 okay, so we accredit programs. The programs
16 don't have separate budgets.

17 MS. STUDLEY: Right. I'm just
18 hypothetically saying if we said you had to do
19 a different kind of financial review, would
20 that -- would you need a different or
21 additional skill set or is that just
22 unanswerable for you?

1 MS. ZLOTLOW: I don't think it's
2 answerable because the reality is the majority
3 of programs we accredit, be it doctoral,
4 internship, or post-doctoral residency, do not
5 have a budget per se. They are in a larger
6 unit that has a budget.

7 Because they have other duties and
8 responsibilities, that's part of what they do
9 elsewhere. To ask for a separate budget for
10 the program, I mean, I would turn to my
11 colleagues here. I don't know how the
12 programs would do that in a way that reflected
13 anything that was real.

14 MS. STUDLEY: Do either of you
15 have a comment on that? I'm really trying to
16 get at your skill set, not the feasibility of
17 the budget being there.

18 MS. ILLFELDER-KAYE: I think it
19 does raise questions about our skill set, too,
20 because the people who go and do our site
21 visitors are people like us. We don't do that
22 while we're on the Commission but we're

1 psychologists who know about training.

2 We don't really know about
3 evaluating budgets. When we do site visitor
4 training we are not doing a component on how
5 to evaluate a budget for a program. When the
6 self-studies come to the Commission and we
7 review programs, again, the people who are
8 doing these evaluations are psychologists who
9 are invested in education and training.

10 We're not accountants so aside
11 from it being difficult as a program to come
12 up with a budget, I don't think we're skilled
13 people at evaluating those kinds of issues.

14 MS. KLONOFF: And if I could add,
15 I'm not even sure exactly what the skill would
16 be in that context. You know, I'll use my
17 program as an example because we actually are
18 a line item from the legislature.

19 That line item has long ago --
20 although there is a person on campus who could
21 pull out that line item and could identify
22 salaries that were associated with that line,

1 it doesn't support the program. It only
2 provides very little evidence of what's going
3 on.

4 It's antiquated by now so it's not
5 even clear to me what the skill set would be
6 that would allow one to go from a faculty
7 salary here and supplies, so you've got paper
8 and the faculty salary to a student outcome
9 here. I don't even know what that skill set
10 would be let alone whether or not we would
11 have the ability to do it.

12 MS. STUDLEY: Let me just ask one
13 final question the other way around. Are you
14 comfortable that you have the information that
15 you need in terms of using inputs and outputs
16 and looking at the delta when that's relevant
17 to evaluate and accredit these programs.

18 MS. ILLFELDER-KAYE: I would
19 absolutely say that we are comfortable with
20 that because I've been on the Commission for
21 five years. You can tell when a program is in
22 trouble. I mean, you think at their self

1 study they are losing faculty. They were
2 suppose to move to a new building. It hasn't
3 happened for X number of years.

4 MS. KLONOFF: They are doubling up
5 on something.

6 MS. ILLFELDER-KAYE: Yeah, there
7 are a lot of indicators. They are not taking
8 interns this year because their budget was in
9 trouble. There are a lot of indicators that
10 tell you when a program is in trouble. Then
11 sometimes we will do special site visits when
12 we think something is awry here. We have a
13 lot of indicators that are quality indicators
14 that tell you that there are resource issues.

15 MS. KLONOFF: And if I could, for
16 the doctoral programs on a year-to-year basis
17 we get a report of number of faculty and
18 number of students. We actually compute
19 changes on overtime year to year. All of a
20 sudden you had four faculty and 20 students
21 and the next year you had one faculty and 40
22 students, we would know that right away

1 because we monitor that on a year-to-year
2 basis.

3 Again, like Joyce, I'm comfortable
4 that looking at time to completion there are a
5 million variables that we look at as part of a
6 regular ongoing review on a year-to-year basis
7 that would provide us with the data that we
8 would need that actually are more meaningful
9 than looking at a spreadsheet.

10 MS. ZLOTLOW: In fact, our
11 standard for resources really discusses does
12 the program have enough resources to get from
13 what it says its curriculum is to showing us
14 that students who graduate from that program
15 are competent in the areas that are in the
16 standards and that are consistent with the
17 program's model.

18 When those things don't match,
19 when there is high attrition, low graduation,
20 students aren't becoming licensed or other
21 goals of the program, that is an issue for us.

22 If resources are involved, we look

1 at that but it's the broader issue of is the
2 program delivering the kind of education and
3 training it is saying it delivers and that is
4 what we monitor on a regular basis whether it
5 be through the self-study process or through
6 our annual monitoring.

7 MS. STUDLEY: Thank you.

8 CHAIR STAPLES: Frank.

9 MR. WU: I have two questions for
10 us as a body. The first is a follow up on
11 this issue of psychology departments and
12 programs typically not having their own stand-
13 alone budgets. It seems as if the APA would
14 not refuse to recognize such a program, nor
15 would it strip a program if it didn't have a
16 separate budget.

17 That presents to us the issue of
18 how much leeway do we have. If the way that
19 our rules are set up are focused on
20 institutions that, indeed, have budgets, and I
21 can't believe a college that wouldn't have a
22 budget but I could understand a department or

1 program not having a discrete budget, how much
2 leeway do we have if APA just can't do it?

3 It's not that they don't want to.

4 They could satisfy the sort of over-arching
5 goals that we have but because the programs
6 they are looking at don't have separate
7 budgets, if we insist that they insist those
8 programs have separate budgets, we'll be at a
9 standoff. It's not a rhetorical question,
10 just an actual question. Do we have any
11 leeway here?

12 CHAIR STAPLES: Does anybody have
13 anymore questions for the agency or for Joyce?

14 If not, I think we can proceed to a motion
15 and then we can discuss your questions in
16 light of the motion.

17 MR. WU: Sure.

18 CHAIR STAPLES: If there are no
19 more questions, why don't we ask you to step
20 back and thank you very much.

21 Do we have a motion?

22 MR. ROTHKOPF: I'm going to make a

1 motion but I want to make clear that I think
2 that I agree with the APA people here and I
3 look at, and this is preliminary to my motion,
4 602.19 which is, I think, the basis for saying
5 they've got to have a separate financial
6 statement.

7 It says they have to explain the
8 compliance with standards that takes into
9 account institutional program strengths. Must
10 include periodic reports, collection and
11 analysis of key data and indicators including
12 but not limited to fiscal information,
13 measures of student achievement consistent
14 with the provisions of 602.16(f).

15 I think -- I don't know if there
16 is anything in here, at least I'm going to
17 express a horseback opinion, that it requires
18 that there be a financial statement for a
19 psychology program at a particular
20 institution. I think there is a lot of other
21 information that can be collected.

22 I would move that NACIQI recommend

1 that the requested renewal of recognition be
2 granted for a period of five years and that a
3 compliance report be submitted within 12
4 months but there be further consideration by
5 the staff as to whether or not separate
6 financial information is required for that
7 department.

8 CHAIR STAPLES: Okay. There is a
9 motion. Was there a second to that, first?
10 Moved and seconded.

11 MS. STUDLEY: Second.

12 CHAIR STAPLES: Do you have
13 questions about that? I guess I want to
14 understand just procedurally we are providing
15 five-year recognition regardless of the
16 deficiencies that have been noted. What would
17 the mechanism -- what do you anticipate a
18 mechanisms if the deficiencies are not
19 corrected?

20 MR. ROTHKOPF: They've got to come
21 back. They have to come back and report on
22 their compliance with those items which they

1 are not in compliance on. The one wrinkle in
2 there is that I'm saying, or at least
3 suggesting, that there be further
4 consideration as to whether the item on
5 financial reports be part of that compliance
6 or whether or not they are not already in
7 compliance.

8 CHAIR STAPLES: Perhaps I could
9 just ask the staff. It sounds like we would
10 be extending their recognition for five years
11 without them being fully in compliance. Is
12 that an issue or am I misunderstanding that?

13 MS. WANNER: That's not an option
14 under the regulations. Our regulations are
15 either you are in compliance and we grant you
16 one, two, three, four, or five, or we say
17 you're not in compliance, you write us a
18 report.

19 You come back in however long the
20 Committee suggest up to -- or the Senior
21 Department Official decides up to 12 months.
22 Then if at that point they establish

1 compliance, then they can be granted a period
2 of recognition up to five years minus the time
3 of the continuation.

4 If you can conclude that your
5 recommendation is that the agency be out of
6 compliance at this time, you would be
7 recommending a continuation and not a renewal.

8 I would also mention that although
9 the staff cited the agency under monitoring,
10 by statute and regulation each agency has to
11 have standards that go to the fiscal and
12 administrative capacity as appropriate to the
13 specified scale of operation.

14 That is not something that we can
15 completely ignore. I don't think that the
16 staff in their analysis has required a
17 specific financial statement on the program.

18 In addition, the agency
19 apparently in its response said that their
20 standards or procedures say programs must be
21 represented in the sponsoring institution's
22 budget and plans in a manner designed to

1 enable the program to achieve its goals and
2 objective in a stable manner over time.

3 CHAIR STAPLES: So the motion as
4 worded sounds like it may be problematic.

5 MR. ROTHKOPF: I'm suggesting that
6 -- my motion is that they be continued
7 recognition, that they need to file a
8 compliance report within 12 months. I'm not
9 saying they are out of compliance.

10 I'm saying they must file within
11 12 months but I am raising a question as to
12 whether or not the staff report is correct on
13 the item as to the financial information. I
14 think that ought to be reviewed more closely
15 to see whether -- discussed with the agency
16 during this next 12 months or whatever the
17 period is.

18 CHAIR STAPLES: Karen, did you get
19 the motion? You have it? Okay.

20 There's a motion on the floor.
21 Larry, did you want to comment?

22 MS. WILLIAMS: No.

1 CHAIR STAPLES: Frank.

2 MR. WU: So the second question I
3 had I'll turn into more of a comment. It
4 seems to me from the tenor of the conversation
5 here we are interested in making a distinction
6 between on the one hand an agency that is out
7 of compliance where that is serious. You
8 know, real major problems.

9 Then on the other hand an agency
10 that is out of compliance but it's stuff that
11 on the face of it looks relatively easy to fix
12 and the agency appears to be proceeding in
13 good faith. We want to do something that
14 signals to the world because we're not
15 operating in a vacuum.

16 Lots of people watch this. My
17 sense is we don't want the chronicle of higher
18 ed reporting APA about to lose its status, you
19 know. We want to have some intermediate
20 option here. If it isn't exactly how the
21 motion is framed, perhaps there is some other
22 way, formally or informally, to signal that in

1 this case we don't expect that this is some
2 terrible virtually insurmountable set of
3 problems.

4 We expect this to proceed along
5 pretty smoothly if they have a little bit of
6 time and now that they understand. That
7 is what I understand the tenor of this motion
8 to be which I support, although I understand
9 from the staff technically we can't do that.

10 I wonder is there some other way
11 that technically is there work around here
12 that allows us to distinguish between out of
13 compliance and really out of compliance.

14 CHAIR STAPLES: I think the motion
15 is identical to what the staff recommends
16 which is that the staff recommendation is
17 continue the recognition and require the
18 agency to come into compliance within 12
19 months and submit a compliance report that
20 demonstrates their compliance.

21 That's the motion. The only other
22 wrinkle is I would urge that the staff and the

1 agency have a further discussion as to the
2 financial requirement.

3 PARTICIPANT: But that could be
4 outside the motion.

5 CHAIR STAPLES: Let me just
6 clarify because I don't think what you said
7 earlier is what you just said. I mean, there
8 is a difference between continuing for 12
9 months. That is not a renewal of five years.

10 Your original motion as up there says you are
11 giving them a five-year renewal.

12 I think if you're suggesting that
13 you want to continue for 12 months, then we
14 are deferring a renewal decision for 12
15 months. If that's how you want to make the
16 motion, that's fine but I want to make sure
17 that is not the same as what we have up there.

18 MS. LEWIS: It is now but that
19 wasn't the original motion.

20 CHAIR STAPLES: You put up this
21 motion regardless of what he said earlier.
22 Okay. That's okay but do you understand?

1 MR. ROTHKOPF: I understand all
2 that. I'm sort of picking up on Frank's
3 point. I don't want the word to go out that
4 the APA which, in my view, seems to do a very
5 conscientious job of looking at their program,
6 is somehow on some probation for the next
7 year. They are really not I don't think. I
8 think we're saying they've got to come into
9 compliance, meet these rules during the core
10 and, you know, come into compliance within the
11 year.

12 CHAIR STAPLES: I think further,
13 too, if I'm not mistaken, at the end of the 12
14 months with all the information, we could make
15 a judgment that we find them in compliance
16 based on what they provided regardless of the
17 staff recommendation.

18 The staff may say we still think
19 that we need an audited financial statement
20 and we could decide at that time we don't
21 think you do. We find them in compliance and
22 that's our recommendation. I think the

1 discussion is giving guidance to the staff.
2 We are still able to make that judgment in 12
3 months.

4 Jamie, you had a question.

5 MS. STUDLEY: It's a comment on
6 Frank's comment. I think that the motion
7 before us follows the same standard that the
8 staff have told me is their standard which is
9 can the agency reasonably accomplish these
10 final steps, the additional steps within the
11 12-month period.

12 We are nowhere near the virtually
13 uncertain, horrible or whatever you're afraid
14 of, at the far end of the spectrum of anxiety
15 since we're talking about the psychologists.
16 I wouldn't vote for an institution where I
17 thought that were the case.

18 Where we draw that line or how we
19 tell the difference I think we may have other
20 opportunities not doing it in the context of
21 the APA which might signal that concern about
22 them.

1 captures that. I don't know the answer so I
2 pose the question.

3 CHAIR STAPLES: I think those are
4 good questions. They may not be resolved
5 right now but I think those are good
6 questions. The question also is what
7 flexibility we have under the regulations. I
8 mean, whether we can continue or grant renewal
9 when there are technical flaws that cause them
10 to be out of compliance. It sounds like there
11 is a fair amount of rigidity to that.

12 Bill, did you have your hand up?
13 Or Larry?

14 MR. PEPICELLO: Yeah, I just
15 wanted to follow up also because I think for
16 consistency sake what we would do is have a
17 recommendation such as this because at this
18 point all of the recommendations are the same
19 regardless of what the severity might be of
20 the issues.

21 But I think it's important to say
22 if we're really concerned, I don't think I

1 would be really concerned until the compliance
2 report came back because we might be concerned
3 but it might be something that is fixed quite
4 easily by the agency as opposed to them coming
5 back in a year and saying, "Wow, you know
6 what? We can't do this. We can't come into
7 compliance."

8 UNIDENTIFIED MEMBER: And that is
9 exactly why I asked the question early on did
10 the agency feel any difficulty in reaching
11 compliance. Generally they said no, they
12 didn't, they could make it. There were these
13 other matters that might be problematic but
14 that didn't mean that they couldn't.

15 I just think we're carrying on a
16 little too long here frankly. I think we
17 should be okay with this. We may have some
18 questions when the compliance report comes in.

19 The people from the agency have said there is
20 not going to be any problem so we're there it
21 seems like to me.

22 CHAIR STAPLES: I think for what

1 value it has it may be giving a sense of what
2 our interests are when we see the report in 12
3 months in the sense that to the extent the
4 staff hears what we are talking about I think
5 it's relevant to what we might get back in 12
6 months and that is probably useful.

7 Anne.

8 MS. NEAL: If I may add to the
9 confusion. It seems to me what Arthur is
10 saying here is that one of the disputed areas
11 which is the accreditor's right to be looking
12 into the finances of the departments is
13 somewhat debatable.

14 Because of that he is willing to
15 conclude that they are constructively in
16 compliance and, therefore, willing to suggest
17 that they are entitled to something more than
18 a 12-month extension.

19 I think that is a very legitimate
20 question because it does seem to me in their
21 role in guarantors of educational quality is
22 their demanding financial data that is

1 probably not available and not necessarily
2 relevant in terms of the departments essential
3 to their role as accrediting bodies.

4 I guess I am wondering when we get
5 to this situation where the nit picking gets
6 to the point of just paper passing. Is there
7 ever a point where we just say, "Yes, this is
8 acceptable." Could we do it for three years?
9 Would that make people happier?

10 Then, alternatively, what we did
11 last time allow people to come back in
12 sometimes shorter than 12 months in order to
13 get their process moving along more rapidly.

14 MR. VANDERHOEF: Just one final
15 comment. I'm sorry, Cam.

16 CHAIR STAPLES: Go ahead.

17 MR. VANDERHOEF: I couldn't agree
18 with you more but I think our attorney said
19 that under our current circumstances
20 impossible. I would like it to be but I think
21 what we heard is we can't do that.

22 CHAIR STAPLES: I think we can

1 allow them to come back sooner. I think the
2 motions do allow them to come back sooner.
3 Logistically whether they can get on our
4 December agenda may be a different question.

5 MR. VANDERHOEF: They can come
6 back sooner but we cannot right now say we
7 think everything is going to turn on the case
8 so we are going to give you the five years.

9 CHAIR STAPLES: That's right.

10 In order to try to stay on
11 somewhat of our schedule, although we are a
12 little behind, if there is no further
13 discussion of significance --

14 Go right ahead if you want to.

15 MR. SHIMELES: I had a question
16 procedurally. When we continue the
17 recognition for 12 months and request that
18 they come back to submit a compliance report,
19 this is not probation. That is not the way I
20 understood it. It is a pretty standard
21 procedure. I'm sort of responding to what
22 Arthur is saying. Okay, that was my question.

1 I was just making sure because, in my
2 opinion, I mean, they are not going to have
3 any issue coming into compliance within 12
4 months or less.

5 CHAIR STAPLES: And, in fact, many
6 -- correct me if I'm wrong. Many of the
7 groups coming before us have had continued
8 recognition for quite a long time because
9 NACIQI hasn't been meeting. We are catching
10 up still with groups that have been continued
11 for years beyond the traditional cycle. I
12 don't think this is going to impact them in
13 anyway.

14 MR. SHIMELES: Another question I
15 had was with respect to allowing accrediting
16 bodies to come before the 12 months, when we
17 say that they are going to come back in 12
18 months to submit a compliance report, it's 12
19 months or less. Correct? So if we put
20 specific language in that says --

21 CHAIR STAPLES: Within a 12-months
22 period.

1 MR. SHIMELES: Yeah, within a 12-
2 month period. I mean, this isn't to denigrate
3 what is being said but is there any point to
4 making a motion that would say come back in
5 six months? Don't we want to give these
6 accrediting bodies the amount of time
7 necessary? If they see fit that they can come
8 in in six months, like they can, right?

9 CHAIR STAPLES: This permits them
10 the discretion, I think, which is a matter of
11 scheduling with the Department whether we
12 could have it on our December agenda.

13 MR. SHIMELES: Okay, great. Thank
14 you.

15 CHAIR STAPLES: So we have the
16 motion before us. Any further discussion
17 about the motion? The last time I did a voice
18 vote and I was asked this time to do -- it's
19 up on the board -- to do it by show of hands.

20 MR. LEWIS: Would you read the
21 motion? Will someone read it?

22 CHAIR STAPLES: Will somebody with

1 good eyes read the motion?

2 MS. LEWIS: I would be happy to
3 read it.

4 CHAIR STAPLES: Melissa, go right
5 ahead.

6 MS. LEWIS: I move that the NACIQI
7 recommend that APA's recognition be continued
8 to permit the agency an opportunity to within
9 a 12-month period bring itself into compliance
10 with the criteria cited in the staff report
11 and that it should submit for review within 30
12 days thereafter a compliance report
13 demonstrating compliance with the cited
14 criteria and their effective application.
15 Such continuation shall be effective until the
16 Department reaches a final decision.

17 CHAIR STAPLES: Any questions or
18 comments? If not, all in favor of the motion
19 please raise your hand. Any opposed? The
20 motion carries.

21 We'll now take -- let's make it a
22 10-minute break. Does that sound reasonable?

1 We're a little behind schedule.

2 MS. LEWIS: That would be fine. I
3 have one point, please.

4 CHAIR STAPLES: Go ahead.

5 MS. LEWIS: If the members would
6 please pay Jamie for their lunch.

7 CHAIR STAPLES: We'll see you back
8 in 10 minutes.

9 (Whereupon, at 10:39 a.m. off the
10 record until 11:01 a.m.)

11 CHAIR STAPLES: Welcome back. We
12 are slightly behind schedule but we will
13 certainly make the time that we need to make
14 for each of these reviews.

15 At this time we are going to take
16 up the Accrediting Council for Independent
17 Colleges and Schools.

18 Accrediting Council for Independent Colleges
19 and Schools

20 MR. PEPICELLO: Thank you. This
21 is a petition for continued recognition and a
22 change in scope.

1 The current scope of recognition
2 is accreditation of private and post-secondary
3 institutions offering certificates for
4 diplomas and post-secondary institutions
5 offering associate, bachelor's, or master's
6 degrees in programs designed to educate
7 students for professional, technical, or
8 occupational careers including those that
9 offer those programs via distance education.

10 The requested scope, the request
11 is to extend that scope to professional
12 doctoral degrees. Otherwise keeping the scope
13 the same but going to the doctoral level.

14 ACICS accreditation is a required
15 element for its accredited institutions to
16 apply for eligibility to participate in
17 federal student financial assistance programs.

18 Over 850 ACICS accredited institutions are
19 currently participating in Title IV programs.

20 The Secretary of Education first
21 recognized ACICS in 1956 under the agency's
22 former name the Accrediting Commission for

1 Business Schools. In 1985 the agency
2 requested an expansion of scope to include its
3 accreditation of master degree programs in
4 senior colleges of business which was
5 subsequently granted by the Secretary.

6 The last full review of ACICS took
7 place in June of 2006 at the NACIQI meeting.
8 After that review the Secretary renewed the
9 agency's recognition for five years and
10 granted the agency's request for an expansion
11 of scope of recognition to include its
12 accreditation of institutions that offer
13 programs via distance education.

14 In conjunction with the current
15 review the Department staff conducted an
16 observation of the agency's Intermediate
17 Review Committee held in Washington, D.C. in
18 November of 2010. In addition, Department
19 staff conducted an observation of the NACICS
20 site visit to Straford University's campus in
21 Woodbridge, Virginia, in February of 2011.

22 As I mentioned, in addition to the

1 continuation the agency is requesting an
2 expansion of scope to include professional
3 doctoral degrees that will be discussed in the
4 staff analysis.

5 With that I will turn it over to
6 Steve.

7 CHAIR STAPLES: Good morning,
8 Steve.

9 MR. PORCELLI: Good morning. I am
10 Steve Porcelli of the Department's
11 Accreditation staff and the staff
12 recommendation to the Senior Department
13 Official regarding the Accrediting Council for
14 Independent Colleges and Schools, or ACICS, is
15 to continue the current recognition of the
16 agency and to require compliance report in 12
17 months on the issues identified in the staff
18 report.

19 This recommendation is based on
20 our review of the agency's petition,
21 supporting documentation, and observation of
22 an ACICS on-site evaluation visit. Our review

1 of the agency's petition found that the agency
2 is substantially in compliance with the
3 criteria for recognition. However, there are
4 a number of issues that the agency needs to
5 address.

6 In summary, ACICS needs to
7 document the comparability of its doctoral
8 standards and its experience in accrediting
9 programs for which it is seeking an expansion
10 of scope. Until it does so, Department staff
11 is not prepared to recommend the requested
12 expansion.

13 The agency needs to have adequate
14 representation of both academic and
15 administrative personnel on all its entities.

16 The agency needs to ensure that all its
17 commissioners can access all the institutional
18 files before it makes its decisions.

19 ACICS needs to evaluate and
20 provide each institution with a detailed
21 written report assessing student achievement
22 while taking program level outcomes into

1 account, and to continue monitoring student
2 achievement under its new monitoring process.

3 The agency needs to clarify the
4 point at which an institution may be in
5 noncompliance with a threshold and to ensure
6 compliance within the mandated time frames.

7 ACICS needs to demonstrate that
8 its regular systematic review process
9 effectively involves all relevant
10 constituencies as appropriate and that they
11 remain involved throughout the standards
12 change process. ACICS needs to define when
13 substantive changes would require a new
14 evaluation visit.

15 Finally, the agency needs to
16 document its evaluation of teach-out
17 agreements to clarify its new process elements
18 and to provide examples of the required
19 adverse action summary statements.

20 In closing, we believe that these
21 issues will not place its institutions and
22 students with the financial aid that they

1 receive at risk and that the agency can
2 resolve the concerns we have identified and
3 demonstrate its compliance in a written report
4 in one year's time.

5 Therefore, as stated earlier, we
6 are recommending that the Senior Department
7 Official continue the agency's current
8 recognition and require a compliance report in
9 12 months on the identified issues. Thank
10 you.

11 CHAIR STAPLES: Thank you. Are
12 there any questions for Steve at this time?

13 Jamie.

14 MS. STUDLEY: I appreciate that
15 and I appreciate you articulating the standard
16 about whether this places the institution or
17 students at risk and whether the agency can
18 comply within 12 months.

19 I actually just want to signal
20 that I'll have some questions later and maybe
21 want to ask Steve about them because I think
22 this is a complicated one. Thank you.

1 CHAIR STAPLES: Thank you. Yes,
2 certainly Steve is available after the agency
3 makes it presentation as well for further
4 questions.

5 Any other questions? Seeing none,
6 could the agency representatives please come
7 forward.

8 Good morning. Please proceed.

9 MR. GRAY: Good morning, Mr. Chair
10 and members of the Committee. My name is Dr.
11 Albert Gray and I'm the Executive Director and
12 the Chief Executive Officer of ACICS, the
13 Accrediting Council for Independent Colleges
14 and Schools, which is based here in
15 Washington, D.C.

16 With me today are Dr. Gary
17 Carlson, Chair of our council on my left. To
18 his left Mr. Roger Swartzwelder who is the
19 Chair-Elect and will be Chair in 2012. And
20 our Deputy Executive Director Dr. Thomas
21 Wickenden on my right.

22 I appreciate the opportunity to

1 visit with you about the value we provide, not
2 only to the federal government as a gatekeeper
3 for student financial aid but as a quality
4 assurance guardian for more than 800,000
5 students in 46 states enrolled in one of the
6 870 career colleges and schools that we
7 accredit.

8 I've been the Executive Director
9 of ACICS for a little more than two years and
10 have significant experience both in education
11 and non-education accreditation as well as in
12 association management, nonprofit management.

13 It has given me great satisfaction
14 personally to see the effective application of
15 quality standards and expectations through the
16 ACICS accreditation program for the education
17 of students enrolled in these schools. I come
18 before you proudly to defend the record and
19 urge you to continue our agency's
20 recommendation for another five years.

21 ACS, by the way, will mark our
22 100th year anniversary in 2012. We were

1 founded as a voluntary quality assurance and
2 trade association for business schools in
3 1912, have grown and evolved a lot since then.

4 ACICS has been continuously recognized by the
5 Department since 1956.

6 The application for recognition
7 before you today represents a series of
8 extensive conversations, correspondence, and
9 dialogue with the Department regarding the
10 expectations and requirements for ongoing
11 authority as a quality assurance agency.

12 In general we have found the
13 conversations to be very helpful, respectful,
14 very informative. We do thank the Department
15 staff for their recommendation for continued
16 recognition.

17 We fully intend to respond to each
18 of the requests for additional information and
19 directions contained in the staff report.
20 However, for the record, we would like to take
21 exception to a few of these items that were
22 cited by the Department staff in their report.

1 First, the expansion of scope to
2 include the applied doctoral degrees which is
3 602.12(b). ACICS has worked diligently during
4 the past six years to establish pilot projects
5 that six institutions for several degree
6 programs that clearly demonstrate our capacity
7 to accredit doctoral level programs offered in
8 career institutions and universities.

9 Those programs cover the range of
10 applied professional doctoral degree programs
11 that we seek to include in our scope from
12 first professional degrees like the Doctorate
13 of Pharmacy degree, to advanced practice
14 professional degrees like the Doctorate of
15 Business Management and Doctorate of Computer
16 Engineering.

17 Under the quality assurance
18 authority of ACICS students have been
19 successfully graduating from those programs
20 and gaining employment in those fields for
21 several years. As the staff report notes, and
22 to our knowledge as well, there have been no

1 complaints to the Department or state
2 regulatory authorities regarding the quality
3 or integrity of those doctoral programs.

4 In addition, the knowledge and
5 expertise gained from these pilot
6 accreditation projects informed a series of
7 refinements and enhancements to the ACICS
8 standards, as well as to our procedures and
9 operating policies, all of which have been
10 provided in great detail to the Department.

11 Since we have explicitly excluded
12 the Ph.D. degree and the MD degrees, and at
13 the request of the Department we have limited
14 our request for accreditation for professional
15 doctorate degrees in several specific areas
16 where we have demonstrated experience and
17 capacity, we believe we meet the Department's
18 requirements concerning the range of degrees.

19 Those areas reflect a growing
20 demand for the accreditation of these degrees
21 among our member institutions. We know that
22 because we have asked them.

1 Since ACICS clearly meets or
2 exceeds the Secretary's expectations that the
3 agency "must demonstrate that it has gained
4 accreditation covering a range of the specific
5 degrees for which it seeks expansion of scope"
6 we respectfully request consideration for the
7 inclusion of professional doctoral degrees
8 ranging from first professional degree to
9 advanced practice professional degree within
10 our scope of accreditation. We ask that
11 NACIQI include the requested expansion of
12 scope in the recognition letter without
13 condition.

14 Secondary we would like to
15 highlight our exception to staff report is in
16 the area of academic and administrative
17 representation on site visit teams, policy
18 making and decision making bodies, which is
19 Section 602.15(a)(3). I'll say it this way.

20 Without exception and in complete
21 transparency ACICS utilizes an appropriate and
22 compliant mix of professional, administrative,

1 and academic expertise every time we send full
2 accreditation teams into the field, every time
3 we convene council-made policy or
4 accreditation decisions, and every time
5 council decision are appealed to the ACICS
6 review board.

7 So we take acceptance judgments in
8 the staff report regarding the proportion of
9 academic and administrative personnel
10 primarily because the report fails to
11 acknowledge that for many of the small and
12 medium-sized institutions that we accredit, a
13 bright-line between faculty and administrative
14 is not reflective of reality. Many of our
15 campus directors come from faculty rings and
16 continue teaching while they attend to
17 administrative obligations.

18 Likewise, many of our
19 accreditation evaluators, our commissioners
20 and other new board members, have extensive
21 experience both as faculty and as managers of
22 the enterprise. In addition, the status of

1 being a public representative or member
2 representative is not mutually exclusive with
3 being either a faculty member or a
4 administrator.

5 Therefore, there should be no
6 reason why a public representative cannot also
7 be a representative of the faculty or of the
8 administration or why the same does not hold
9 true for a member representative. So we are
10 asking that NACIQI remove from the condition
11 attached to Section 602.15 in its
12 recommendation for recognition of ACICS.

13 Finally, the third issue we would
14 like to call to your attention deals with
15 accreditation standards at the institution or
16 program level which is 602.16. Through its
17 history as a recognized authority on
18 institutional quality and integrity, ACICS has
19 consistently developed and applied standards
20 regarding student learning outcomes.

21 ACICS' student retention and
22 placement thresholds are transparent, bright-

1 line institution level standards by which we
2 hold all of our colleges and schools
3 accountable on an annual basis. ACICS's
4 standards and well-documented practices
5 regarding student learning outcomes at the
6 institutional level are explicit.

7 Every institution every year with
8 no exceptions always verified. In the past
9 the Department has deemed these standards and
10 practices to be in compliance.

11 For the record, although we
12 believe a clear reading of the Department's
13 regulations does not require the type of
14 program level standards that were cited in the
15 staff report for institution accreditors of
16 which we are one, ACICS has become developing
17 program level student learning expectations
18 and benchmarks.

19 We fully intend to codify these
20 expectations as written standards and
21 demonstrate ACICS' capacity to review and
22 evaluate program level accreditation.

1 In conclusion, ACICS is prepared
2 and eager to address the residual findings by
3 the staff and to demonstrate full compliance
4 in the report that we will provide within the
5 next 12 months.

6 I would now like to turn it over
7 to my colleague and our Chair Dr. Gary
8 Carlson.

9 DR. CARLSON: Good morning. My
10 name is Gary Carlson and I am the Chair of the
11 Accrediting Council for Independent Colleges
12 and Schools for 2011. I have served on the
13 ACICS Council Board for six years but my
14 tenure with the organization goes back much
15 further.

16 I began serving as a peer
17 evaluator for ACICS in 1990. During the
18 course of 21 years I have participated in many
19 site visits and accreditation reviews
20 including as Program Specialist, Education
21 Specialist, Student Service Reviewer, and Team
22 Chair.

1 The organization has earned a
2 reputation as being meticulous, perceptive,
3 and fair in its application of standards. I
4 can personally attest that the reputation is
5 based on performance and experience yielded
6 from hundreds of effective accreditation
7 reviews.

8 My path to Chair of ACICS began a
9 long time ago. It has been over 42 years I
10 have been working in this field. Through that
11 field I have been a adjunct faculty member at
12 Creighton University in Nebraska, as well as
13 ongoing instruction and academic duties at ITT
14 Technical Institutes. An online instructor
15 and continue to be an online instructor.

16 I also in the previous 21 years
17 was a special educator. I have a bachelor's
18 degree in secondary education, a master's
19 degree in special education. Then I have a
20 doctorate in administration, curriculum, and
21 instruction.

22 Throughout my tenure at ACICS,

1 like many of my colleagues, I have kept my
2 feet on both of the administrative and
3 academic worlds. I was a teacher first and I
4 have always been a teacher. I will continue
5 to provide instruction to adult learners for
6 the rest of my professional life.

7 That connection to the academic
8 site or the institution is applied regularly
9 as a peer evaluator, a member of the ACICS
10 council, and in the formation of policy that
11 applies to career colleges and schools.

12 The relationship between
13 administrative and academic is organic,
14 robust, integrated, and it represents strength
15 and adaptability in my case and the case of
16 most of the professionals at ACICS enlisted to
17 conduct site visits, review school files, and
18 shape policy.

19 I would like to reiterate that as
20 the Chair of ACICS I ask that NACIQI
21 specifically remove the condition related to
22 the agency's administrative matters. The

1 requested expansion of scope to include the
2 accreditation of applied and professional
3 doctorate is granted.

4 Those decisions will align with
5 the Secretary's regulations as well as with
6 the evidence and information provided to the
7 Department through the extension transparent
8 process that reflect the best interest of
9 students served by ACICS accredited
10 institutions as well. Thank you.

11 CHAIR STAPLES: Thank you very
12 much.

13 Steve, did you want an opportunity
14 to respond? I think you are next to respond
15 to the agency's presentation. Well, I mean,
16 that was your presentation, correct? I guess
17 the question is would you prefer to go before
18 the questions of the members of the Committee
19 or do you want to wait for questions?

20 Can we have questions for the
21 agency representatives? Bill, do you have any
22 questions or anybody else?

1 MR. PEPICELLO: I don't have any
2 further at this time.

3 CHAIR STAPLES: Anybody have any
4 questions at this time?

5 Jamie.

6 MS. STUDLEY: I thought this
7 particular proposed extension raised some more
8 complicated questions. It goes back to what
9 Frank asked earlier, in my mind, about the
10 appropriateness of extensions or when we see
11 more serious concerns. I thought there were
12 some here that went to the substance of the
13 really important role of accreditors.

14 I would be interested in part in
15 knowing what the staff thinks are the most
16 serious substantive issues. The one that
17 struck me as critical was the evaluation of
18 student achievement on a program as well as
19 institutional level, the tracking of licensure
20 with respect to program, and the ability to,
21 if I'm reading the report as intended by the
22 staff, to report back to the institution about

1 those student outcome measures.

2 The heart of the accreditation
3 process is being able to make judgments about
4 the learning expectations, the goals for the
5 program and the institution and student
6 achievement, and the back and forth between
7 the accrediting agency and the institution.

8 I would be interested in hearing,
9 I guess, first from the agency. You didn't
10 mention those particular areas that were
11 flagged by the staff and were part of the
12 twelve-month completion. Yet, that to me are
13 quite important ones so I would be interested
14 in your response to the staff view that you
15 are not there yet, that there is work to be
16 done in regard to those standards. Why don't
17 we start there.

18 MR. GRAY: I'll start and then ask
19 my colleagues to also speak to this. One of
20 the three issues that I raised that we took
21 exception to in the staff report, No. 3 was
22 accreditation standards at the institutional

1 or program level.

2 We have, as been mentioned here,
3 been continuously recognized by the Department
4 every five years since 1956 as an
5 institutional accreditor. Our understanding
6 of the regulations as well as the Department's
7 administration of the regulations concerning
8 institutional accreditors has always been and
9 still is, as we read it, institutional
10 accreditors are responsible for holding our
11 institutions to student outcomes which we
12 think are the most important part of any
13 quality assurance program at the institutional
14 level.

15 We certainly in that context
16 evaluate programs. Obviously when we accredit
17 an institution we accredit it to provide
18 educational programs specifically within its
19 scope of accreditation. We are looking at
20 programs, at their efficacy in providing
21 education, at their quality assurance, but we
22 are not reporting their outcomes because as an

1 institutional accreditor that has not been
2 required of us, nor have we been advised to do
3 so.

4 However, in the last year or so
5 our commission has been looking at that. As I
6 mentioned in my testimony, they have made the
7 decision to start to put together a mechanism
8 for tracking student outcomes at the program
9 level and recording those.

10 They are expected to come out with
11 something in the next few months to do that at
12 which time we'll advise the Department of
13 where we are on that. We will have an
14 explicit monitoring mechanism and approach in
15 place before this 12-month interim period is
16 up if we still feel that it is not really an
17 appropriate reflection of our compliance with
18 the Department's regulations regarding our
19 recognition as an accreditor.

20 MR. SWARTZWELDER: Good morning.
21 Let me just add on to what Al said. We heard
22 during the discussion this morning that there

1 is a renewed focus, a new level of, I think
2 the word used was, granularity in documented
3 compliance with these standards.

4 As Al mentioned, as an
5 institutional accreditor we have been
6 collecting institutional level data for a
7 number of years in making decisions based on
8 those data without focusing at any great
9 detail at the individual program level bases.

10 It is clear from the discussion
11 this morning from the staff analysis from a
12 review of the regulations that perhaps there
13 is a renewed requirement to focus at that
14 lower more detailed program level basis. As
15 Al mentioned, the council has been talking
16 about this now for several months and is in
17 the process of developing standards.

18 It does require a change in the
19 way we go about our business and how we
20 evaluated institutions and how we make
21 decisions based on the data that we collect
22 but we are certainly committed to following

1 through with development of that process so
2 that we can demonstrate full compliance.

3 MS. STUDLEY: Could you tell us
4 how you reached the institutional criteria of
5 60 percent retention and 65 percent placement
6 rate as the key measures?

7 MR. WICKENDEN: I'm Tom Wickenden,
8 Deputy Executive Director. I'm responsible in
9 part for accountability reporting.

10 I can tell you the history of that
11 was that ACICS took a very standard
12 statistical approach initially where you look
13 at the average or mean of your institutions
14 and you drop down one standard deviation which
15 is a measure of the dispersion and you set
16 your threshold at that level so that you're
17 putting on reporting so to speak, or setting
18 your threshold so that approximately five to
19 10 percent of your institutions would fall
20 below that level.

21 Then as those institutions begin
22 to improve and come up above, you can then

1 ratchet that level up a bit.

2 After doing that for a few years,
3 our commissioners decided that rather than
4 have this moving target they would establish
5 an absolute percentage level. At that point
6 they took what they felt was a satisfactory
7 minimum threshold of 60 percent for retention
8 and 65 percent for placement.

9 Our current averages are in the
10 70s for both of those but we still do each
11 year have institutions that fall below those.
12 We put them on reporting and also apply other
13 sanctions to them.

14 MS. STUDLEY: One of the staff's
15 comments is that licensure is not used as one
16 of the institutional criteria. Are there
17 licensure measures applicable to some of the
18 programs within institutions that you
19 accredit?

20 MR. WICKENDEN: Yes, ma'am. A
21 number of our institutions have a number of
22 programs where a licensure is required for

1 entry level employment so they do require --
2 we require them to collect that information
3 and report it.

4 But as with a number of other
5 requirements that we have, we analyze
6 licensure pass rates on a qualitative basis.
7 For example, we also require institutions to
8 survey their graduates and ask them how
9 satisfied they were with their preparation for
10 their career.

11 We also require them to survey the
12 employers of those graduates so we take into
13 account not only pass rates but also
14 satisfaction levels of the students and the
15 graduates.

16 We also require them to report
17 learning outcomes such as faculty graded
18 externships and internships, senior projects,
19 portfolio, graded portfolios, etc., and take
20 those also into account. We actually report
21 to the institution on each program the results
22 of that kind of qualitative analysis of all

1 those metrics.

2 For example, we have a question
3 about asking our evaluators to judge whether
4 the program meets the needs of the students.
5 If it doesn't, they have to specify in what
6 areas and what the evidence was. Even though
7 we don't have a bright-line quantitative
8 criteria for licensure pass rates, we included
9 with a number of other criteria in a
10 qualitative analysis.

11 MR. GRAY: And I would add to that
12 we do look at licensure because in some cases
13 licensure is required, as Tom mentioned, as
14 required for employment in a field. But
15 setting acceptable pass rates is a very
16 problematical exercise.

17 For example, I'm a licensed
18 engineer in five states. The pass rates for
19 engineers, graduate engineers, for the
20 licensing exam in the 50 states is different
21 drastically in every state. It varies all
22 over the map.

1 If we were to try to take an
2 institutional approach looking at a particular
3 program and say what is a good or acceptable
4 licensure pass rate without taking into
5 context the variabilities across the
6 geographical area, as well as the different
7 types of licensure, it becomes a very
8 difficult thing to do.

9 It's a whole different world than
10 setting a standard for placement or retention.

11 We do track it and we understand the
12 importance of it. In fact, we also require
13 that if licensure is a requirement for
14 employment in a particular program, that the
15 school must disclose to the student that that
16 is part of the requirement for that program.

17 MS. STUDLEY: You went just where
18 I was going to go. In terms of the
19 requirements for what is disclosed to
20 students, do you expect institutions to share
21 the retention and placement and licensure
22 rates as part of the consumer information side

1 of the accreditation standards?

2 MR. WICKENDEN: As was mentioned
3 earlier, placement rates are required as of
4 July 1 to be reported and disclosed to
5 students. Regarding the other measures, a
6 number of our institutions do disclose those
7 because they are proud of them and they use
8 them for recruiting purposes. When they do we
9 check to validate that they are actually based
10 on the data that we've collected and analyzed.

11 MS. STUDLEY: I would like to see
12 if other people have questions. I do have a
13 couple more but I don't want to -- I would
14 like to see how other people --

15 CHAIR STAPLES: Earl.

16 MR. LEWIS: I have a question that
17 comes actually out of the report and I'll
18 quote it. It says here, "Department staff
19 find the ACICS expansion of scope to be so
20 broad that it cannot be justified based on the
21 agency's total experience which is the
22 accreditation of three doctoral programs to

1 date."

2 I would ask a question on your own
3 organization and administrative apparatus and
4 the fiscal sort of elements to underwrite
5 that. How do you respond to the statement
6 that was in the report? Do you have the
7 administrative apparatus, the fiscal
8 capability, and the experience to actually
9 increase the scope to include a broad range of
10 doctoral programs?

11 MR. GRAY: We do. The senior
12 staff that are involved with managing our
13 accreditation programs hold doctorates of
14 different types. We, as mentioned, piloted
15 over six years three different types of
16 applied doctoral programs that represent the
17 range of applied doctoral programs.

18 Keep in mind, we're not talking
19 about academic or research doctorates. We're
20 talking about doctorates that apply to
21 employment in a specific field. The three
22 areas that we piloted are representative of

1 that range. Furthermore, when we looked at
2 our criteria, we formed a committee.

3 Many of our members are whole
4 doctors in those areas that we are proposing
5 to accredit. We put a committee together and
6 they looked at our criteria in light of their
7 experience and their own employment in
8 academia and made recommendations.

9 We also hired an outside
10 consultant who is an expert in higher
11 education at the advanced level to critique
12 our approach, our criteria, and our policies.

13 We put all of that together in developing the
14 set of revised criteria.

15 What the staff is seeing are not
16 the criteria that we went through the pilot
17 program and from which we successfully
18 graduated a number of students, but improved a
19 more advanced criteria based on the input from
20 all of these resources. When I look at those,
21 as I said, you're looking at -- we all have
22 experience and haven't gone through doctoral

1 programs.

2 The criteria, the credit
3 requirements, the specific faculty
4 requirements that are set forth meet the
5 standard of any doctoral program that I know
6 of. I think we do have those standards in
7 place as we sit.

8 CHAIR STAPLES: Thank you.

9 Anne.

10 MS. NEAL: I would like to pursue
11 just a little bit further the issue regarding
12 the programmed success rate and student
13 achievement. It's my understanding that when
14 a regional accreditor accredits an institution
15 it is institutional accreditation and in no
16 way certifies the quality of particular
17 programs within the institution. It simply is
18 an institutional accreditation.

19 As I hear you saying, that is in
20 fact what you're doing but now you are being
21 asked to look at programs in addition. Could
22 you just explain and help me understand that a

1 bit more.

2 MR. GRAY: I'll be brief and start
3 out on that and let some others fill in on
4 that. We are an institutional accreditor.
5 Every institution is an amalgam of educational
6 programs. We are responsible, or have been
7 responsible, for maintaining quality assurance
8 at the institutional level in terms of student
9 outcomes and at the program level in terms of
10 program quality.

11 We're talking about things like
12 the syllabi, the curriculum, the program
13 adequacy, the faculty, preparation of faculty,
14 all of the standards that go into creating a
15 robust strong program. We have specialized
16 experts that go out on site visits and verify
17 that all of those elements of a program are
18 satisfactory.

19 That is part of our scope of
20 accreditation. We do have programmatic
21 involvement but we're talking about our
22 responsibility to report and monitor outcomes,

1 student achievement. Again, there is even
2 some of that but I'm going to stop here and
3 let time, and maybe Roger, and Gary fill in on
4 that.

5 MR. WICKENDEN: Obviously for an
6 institutional accreditor the programs offered
7 by the institution are really the heart of the
8 educational activities. As Dr. Gray said, we
9 do analyze each program. Every evaluation
10 report includes a separate report on each and
11 every program. As I mentioned, we do a
12 qualitative analysis of all the indicators of
13 educational quality including licensure and
14 pass rate where that's applicable.

15 The difference, however, I think
16 that the Department is pointing to is that at
17 the institutional level in addition we have
18 some bright-line standards for retention and
19 placement rates. They are asking why we don't
20 have those same or apply those same standards
21 down at the program level.

22 I think our answer is that it's

1 much better and more appropriate to have a
2 qualitative approach at the program level
3 because you have so many factors that are
4 involved there including the size of the
5 program and the stability of the metrics, etc.

6 At the institutional level it makes more
7 sense to have a actual bright-line standard,
8 quantitative standard. Their expectation is
9 that we develop those kinds of standards at
10 the program level.

11 MR. SWARTZWELDER: And if I could
12 just add to that. You know, as we look at the
13 regulations, the actual regulatory language,
14 if we start, for example, in 602.16(a) it
15 talks about the agency having standards for
16 accreditation that are sufficiently rigorous
17 to ensure that the agency is a reliable
18 authority regarding the quality of the
19 education or training provided -- and here is
20 the key language -- by the institutions or
21 programs it accredits.

22 This agency does not accredit

1 programs. This agency accredits institutions
2 and includes within that grant of
3 accreditation to the institution the approval
4 of individual programs. That is how this
5 agency has operated historically. It is our
6 understanding that has been the interpretation
7 of this regulation historically.

8 I appears that we now have a new
9 interpretation of what this language means.
10 As we said earlier, if complying with the new
11 interpretation of the regulations is something
12 that we are expected to do we, of course, will
13 do it but we respectfully suggest, as Tom and
14 Al have said, that accreditation at the
15 institutional level is, in fact, that. It is
16 accreditation of the institutions with review
17 and evaluation of the various components of
18 that institution including the programs.

19 CHAIR STAPLES: Susan.

20 MS. PHILLIPS: I wanted to come
21 back to clarify something about the scope
22 relative to offering doctorate level programs.

1 You had mentioned that many of the
2 commissioners and yourselves had been in
3 doctorate programs. To what extent are there
4 individuals who have designed, administered,
5 worked in the programs, not as their consumers
6 but as their creators in the commission?

7 MR. WICKENDEN: Yes. A number of
8 us on the staff as well as on the commission
9 have been involved in the administration,
10 development, implementation of programs up
11 through the doctoral level.

12 I would like to add, however, that
13 in addition addressing the issue of capacity,
14 in addition to commissioners we also, of
15 course, will need to identify and develop and
16 train a cadre of our evaluators who go out and
17 do on-site visits to institutions offering all
18 these programs.

19 In doing that, at least in our
20 test phase, our pilot phase, we would proceed
21 very cautiously. In other words, we wouldn't
22 take on accreditation of a program until we

1 had a sufficient group of evaluators as well
2 as members of our intermediate review
3 committee and, of course, our commissioners.

4 One last comment. The set of
5 degrees that we are proposing to approach does
6 not include every professional doctoral
7 degree. We have limited to four categories of
8 degrees the ones that we are currently
9 accrediting.

10 In addition, a number of our
11 institutions offer master's degrees and they
12 are proposing to offer doctorate degrees in
13 those same areas so we currently accredit the
14 master's degree level and we have a cadre of
15 volunteer evaluators who we can build on and
16 make sure we have the capacity.

17 Then another category is
18 doctorates in fields where there might not be
19 a masters yet but where there are related
20 master degrees. For example, in the allied
21 health fields in nursing.

22 We fully intend to proceed very

1 carefully. We have limited the specific
2 degrees to 13 in number so we feel that we are
3 covering the range as well as proceeding to
4 develop the capacity.

5 DR. CARLSON: And from a
6 commission perspective I just want to assure
7 you that from being a doctoral person that has
8 served on many dissertation committees and
9 many committees as an outsider and doing that
10 that we compose a committee that not only
11 represented the commission.

12 It was from outsiders also that
13 was on that group as a committee. As Al has
14 already said, we went very, very carefully
15 with that as we moved through and we did
16 approach it from a comparable standpoint.

17 The only knowledge that I have is
18 what I have already done for the other
19 committees that I've served on with other
20 universities that are mostly, quite honestly,
21 regionally accredited and worked with those
22 schools to move forward with where we are at

1 today.

2 MR. GRAY: And I would also add, I
3 don't know if it's been stated but in terms of
4 the schools that we accredit, over 80 percent,
5 or approximately 80 percent, of schools that
6 accredit are degree-granting institutions.
7 Most of our evaluators, the academic
8 evaluators, come out of teaching roles in
9 those institutions.

10 Not surprisingly since they are
11 degree granting many of them hold doctorates.

12 When we look to the pool of our evaluators
13 coming from those institutions in terms of
14 building capacity to look at degree programs
15 at that level, we have a pretty good resource
16 pool to go to to build that capacity just by
17 nature of the fact that the vast majority of
18 our schools are granting degrees.

19 MS. PHILLIPS: Excuse me. Not
20 doctoral degrees but --

21 MR. GRAY: No, no. Typically the
22 faculty that -- Tom mentioned there are a lot

1 of master's programs that would be logical
2 programs from which you would proceed to a
3 doctorate, business being an example. Many of
4 the faculty that teach in those master's
5 programs hold doctoral degrees and they end up
6 being evaluators of our programs.

7 MS. PHILLIPS: Just one last
8 piece. You mentioned that you thought that a
9 number of the commissioners and yourselves had
10 been involved in the creation and
11 administration and offering of doctoral
12 programs. A small proportion, large
13 proportion, all, half? What is your sense of
14 that quantity?

15 DR. CARLSON: Well, one thing as
16 chair, and I think as chair-elect and the past
17 chair, the makeup of that particular committee
18 basically was anybody that was on the
19 commission at that time had to have a
20 doctorate degree on that committee who had
21 experience with actually getting a doctorate
22 and serving on committees and that type of

1 thing.

2 I wasn't myself on that committee.

3 Past commissioners that are now off that
4 committee, I would say there was probably --
5 if you say 15 commissioners there's probably
6 five of us that was on that committee. Then
7 we did get outside people on the Committee,
8 too.

9 Tom, do you remember about how
10 many? I know Richard was one it. Gary Nears
11 was on it.

12 MR. WICKENDEN: Just to elaborate,
13 we have three official public representatives
14 who are not associated with a member
15 institution. Each of those have doctoral
16 degrees and has been involved in a doctoral
17 university or is currently teaching as part of
18 a doctoral program. Some of our other
19 commissioners also had in addition to
20 currently being members, a number of
21 institutions have worked at doctoral granting
22 institutions.

1 MR. ROTHKOPF: Just a couple of
2 questions. The history of your agency is that
3 of business schools as I understand it. To
4 what extent are they business schools now or
5 what percentage do they represent of the
6 total?

7 MR. GRAY: The majority of
8 students enrolled in ACICS institutions are
9 enrolled in allied health programs. Second to
10 that would be business programs. We have a
11 mix.

12 There are probably, I don't know,
13 12 or 15 lead programs right now at ACICS
14 institutions but the top few would be the mix
15 of allied health which includes nursing and a
16 lot of other things, and various types of
17 business programs and law enforcement programs
18 are some of the top. Information technology
19 would be another area.

20 MR. ROTHKOPF: On the question of
21 student outcomes, I think you indicated that
22 if an institution wanted to report it, you

1 would check for the accuracy. Did I
2 understand that correctly?

3 MR. WICKENDEN: Yes, sir.

4 MR. ROTHKOPF: Have you considered
5 or do you require all of your institutions to
6 report on student outcomes? If not, why not?

7 MR. GRAY: All of our institutions
8 are required to report student outcomes. We
9 have an annual institutional report.

10 MR. ROTHKOPF: I mean report to
11 the public, not report to you. If they are
12 reporting to you are to what the student
13 outcomes are, which you do require, have you
14 considered requiring them to report to
15 perspective and current students as to what
16 the outcomes are?

17 MR. GRAY: Well, we considered
18 that. As of this time the commission has not
19 elected to make it a requirement for schools
20 to make public disclosure of that information.

21 I would say this, though, If you go to
22 catalogs and other information from these

1 schools, you'll find most of them voluntarily
2 do that because these outcomes are areas that
3 they feel they are proud of.

4 As Tom said, the averages are
5 actually not at all bright-lines. They are
6 closer to low 70 to mid 70 percentage ranges.

7 They have been voluntarily disclosing that
8 information. I'm not saying that in the
9 future that wouldn't be a consideration.

10 MR. WICKENDEN: Also, I should
11 note that ACICS does disclose a lot of these
12 outcome measures in our key operating
13 statistics report. It's a published report
14 that is also available on our website. We
15 summarize them by state so students in a state
16 can look at the average placement rate, for
17 example, retention rate, etc., and they can go
18 to a school and say, "How do you compare to
19 the average for your state?"

20 MR. ROTHKOPF: If it's recorded by
21 state, I'm not sure I understand. Why
22 wouldn't you require them to actually report

1 them by school? Why not?

2 MR. GRAY: It's just something
3 that the council can consider and we'll go
4 back to the council with your thoughts on
5 that. There's no real why not at this point
6 unless one of you guys know something.

7 DR. CARLSON: My response, and I
8 can hear you loud and clearly, that being
9 around a long, long time, I mean, we are
10 always in transition and there is always -- we
11 make adjustments as we go forward. I've been
12 in this since 1990, as I explained, in the
13 proprietary side.

14 Since I've been here we've been
15 reporting placement and retention for a long,
16 long time. There is a new community, more
17 than just students. It's your own community
18 where your school is at. Schools in the past
19 for those years have not reported that but I
20 think we got a new era and the era is the
21 accountability era and that accountability.

22 I as a commissioner believe that

1 in the future, and I think something that we
2 are not just considering but looking at very
3 closely, is how we do that professionally and
4 do it right.

5 CHAIR STAPLES: I would like to
6 follow up with one question around the
7 doctoral comparability, doctoral standards.
8 You said you had done some analysis of that.
9 As you know, the staff analysis that they
10 presented says that there was nothing that was
11 provided by you.

12 I guess my question is is this a
13 timing issue again that we've had, that we had
14 a prior discussion, or in the sense are you
15 planning on providing this information or is
16 there some reason why you haven't provided the
17 information regarding what the comparability
18 committee found, what the areas of improvement
19 were, which I gather the Committee found there
20 should be some strengthening of that, what
21 your process was.

22 I mean, it sounds like the

1 Department -- you told the Department the
2 result of your committee's deliberation but
3 you didn't tell them what you did, how you did
4 it, what the recommendations were, how you are
5 implementing those which would certainly
6 strengthen their view of what it is that your
7 process was. I guess I'm just wondering why
8 that hasn't been provided.

9 MR. WICKENDEN: In this back and
10 forth process of our petition and the staff
11 response we initially did provide information
12 about what we did, how we did it, and the
13 results of it. It was only in the very last
14 request or response from the Department that
15 they said, "We want to actually see a
16 crosswalk of comparability for all the
17 standards."

18 They did raise some specific
19 issues regarding comparability and we address
20 those. For example, they raised an issue of
21 faculty preparation and asked what were our
22 requirements and we said like all other

1 accreditors for doctoral programs we require
2 faculty to have a doctoral or terminal degree.

3 We actually in our criteria said
4 that a professional certification in the field
5 is not the equivalent of or adequate in place
6 of a doctorate degree. Then they came back
7 and asked, "Well, why aren't you requiring
8 professional licensure certification?"

9 We then pointed out that other
10 comparable accreditors do not require
11 licensure certification because it depends on
12 the field and the conditions of the program.
13 We do have a general requirement as others do.

14 I looked particularly at SACS as an example
15 of a fairly rigorous regional accreditor and
16 they have almost exactly the same standards
17 that we have.

18 We did even on the issue of
19 comparability regarding the specific questions
20 the Department had we did respond but it looks
21 now that they are asking for a comparability
22 demonstration for all of the requirements of

1 standards and we would be glad to provide
2 that.

3 CHAIR STAPLES: So some of this
4 information was requested recently or at a
5 stage where you have not yet been able to
6 comply but you are going to provide them what
7 they are asking for?

8 MR. GRAY: Most of the
9 information, as Tom said, came back as a
10 response to our response to the staff report
11 and we can readily provide that. As I said
12 earlier, our standards are comparable across
13 the board with doctoral standards so we can
14 provide that information.

15 CHAIR STAPLES: Any further
16 questions?

17 Jamie, I'll go back to you. It
18 doesn't look like anybody else has any right
19 now. Go right ahead.

20 MS. STUDLEY: Coming back to the
21 question of academic and administrative
22 personnel and the balance within the review

1 and team, I certainly heard you, Mr. Gray, and
2 I believe Mr. Carlson, to speak to an issue
3 that I agree with.

4 In this world of wearing multiple
5 hats and doing different things over different
6 times that theoretically people can qualify
7 for bringing the academic experience to
8 qualify as an academic participant in the
9 process even if they are doing something else
10 at a given moment, but that is not automatic
11 or permanent as the staff's comments reflect.

12 My own experience includes time in
13 academic institutions as an administrator,
14 sometimes teaching as a lecturer, sometimes
15 being outside academic institutions teaching
16 as an adjunct but never claiming to fit the
17 academic slot.

18 I have no dispute with your point
19 that people might be qualified for the
20 academic positions on the teams. What I hear
21 the concern to be is whether you are clear
22 about what those standards are, consistent in

1 the application, and have sufficient academic
2 personnel involved to carry out the
3 accreditation responsibilities.

4 Could you speak to those
5 questions, whichever of you is appropriate?
6 As I say, I have no disagreement with what you
7 said as far as you went that people might but
8 I think the staff's comments were different in
9 a kind of as-applied measure here.

10 MR. GRAY: I'll speak
11 administratively and ask Gary to speak
12 academically. As you have stated very
13 eloquently, we have people on our council who
14 have been and are -- I mean, here is a prime
15 example. Gary currently teaches.

16 He's been in academic
17 administration in a large institution for many
18 years. Taught for years before that so his
19 administrative and academic world has not only
20 been sequential, it's been interwoven and
21 continuous. He's not unique on our council in
22 that respect.

1 But I also understand now, based
2 again on the staff analysis, that the
3 Department wants to see some level of
4 representation on the council which is
5 strictly academic and doesn't have any
6 intermingling, currently anyway, of
7 responsibilities with administration, as well
8 as separate administrative duties without
9 academic.

10 We understand that now. Again,
11 five years ago when we went through this
12 process we had a council composition which is
13 reflective of what we have now and the
14 Department found that to be an acceptable
15 composition and to meet academic,
16 administrative, and public needs.

17 That being the case, we actually
18 changed our by-laws to now define that
19 composition of council to include an academic
20 representative, at least one, who is strictly
21 an academician who teaches, current teaching
22 responsibilities, as well as current

1 administrative.

2 Our bylaws now require the
3 composition of all of our decision-making
4 bodies which includes our council and our
5 review board to have some strict academic and
6 some strict administrative. Of course, we've
7 always had the three public members
8 requirements. That hasn't changed.

9 We have all that now codified.
10 Our council meets those conditions. As time
11 goes by we work through a nominating process.

12 You can't make council changes over night
13 because they all have five years, you know,
14 and it's with staggered terms so the
15 nominating committee is constantly faced with
16 a diversity challenge. They want academic.

17 They want administrative. They
18 want public. They want representatives
19 geographically. They want representatives
20 from all types of backgrounds, ethnic and
21 otherwise. Within a 15-member group finding
22 all those diverse resources is a challenge but

1 they are faced with that challenge and they
2 are up to it.

3 However, with respect to meeting
4 the needs right now that the staff has
5 identified for academic, administrative, and
6 public, we have done that. We have shown how
7 we've done it. We are record as having done
8 it. We will improve it as time goes by but we
9 do have that. We see a different now as a
10 result of going through this process between
11 having that mixed experience and that discrete
12 experience.

13 Gary, you may want to pick up on
14 that.

15 DR. CARLSON: I'll be real short.
16 I'm going to tell you that I have a personal
17 bias there. Being an administrator, being a
18 teacher, you know, 42 years I've always felt I
19 was a teacher and I've been doing -- I have
20 continued to teach.

21 I think what we are really looking
22 for, hopefully we are looking for, any mix

1 that we do when we visits schools that we're
2 getting people with great experience that
3 understand teaching and academics from that
4 point of view. But there are some great
5 talent out there. They are also
6 administrators.

7 There are great teachers and
8 sometimes we get so defined we exclude some
9 people that could be very good on these teams
10 that have been very good teachers also. I
11 think we have to be careful that we put people
12 that have experience in that realm and they
13 have been teachers.

14 I don't know it's good to say
15 you're an administrator or a teacher when you
16 are actually, as you all know that have been
17 involved in academics or any sort, you've all
18 been doing administrative duties since the day
19 you started being a teacher. I just don't
20 know if you can define it that well. Thank
21 you.

22 MS. STUDLEY: I think part of what

1 its getting at is a set of things in addition
2 to being a teacher that the academic slot is
3 partly program design as Dr. or Provost
4 Phillips was talking about, and evaluation of
5 the effectiveness of programs. That's
6 different from being a capable teacher. I've
7 struggled with those same kinds of things.

8 I wonder if he staff has anything
9 they want to add to any of these because we've
10 been following up on some of their points.

11 CHAIR STAPLES: I think if we're
12 done at this point in time, I think that would
13 be appropriate. Thank you very much,
14 gentlemen.

15 MS. STUDLEY: I didn't mean to
16 close it off for you.

17 CHAIR STAPLES: You may want to
18 ask further questions.

19 MS. STUDLEY: No, no. No further
20 questions. I didn't want to drive your
21 process.

22 CHAIR STAPLES: I think we'll have

1 Steve come up at this point.

2 MR. PORCELLI: Thank you for this
3 opportunity to add a few comments. I guess my
4 biggest concern would be in 12 months how the
5 agency responds to the materials. I hope most
6 people and then the audience also realizes the
7 complexity of this situation and the
8 application and regulations to protect
9 students and for-profit schools.

10 We have that uppermost in mind
11 while applying the regulations. I also
12 realize that 180-page document it is hard to
13 see all the nuances in there. I would
14 encourage the four gentlemen not to take other
15 people's characterizations of what staff said
16 but to actually read it for themselves because
17 there was quite a bit of mischaracterization
18 going on.

19 When you are dealing with an
20 agency that has 850 or some odd schools and
21 they run them through a process in a very
22 speedy fashion, it's very important that the

1 fine points are very clear and very well taken
2 care of. That was the concern throughout this
3 process.

4 The expansion of scope if you get
5 a chance to look very closely at that, you
6 will see that right now they accredit in their
7 pilot program computer, engineering, doctor
8 pharmacy and -- the other one slips my mind at
9 the moment.

10 Anyhow, they are asking for 13 --
11 they specified 13 programs which they really
12 have no experience with. They want to
13 accredit doctor of osteopathic medicine. They
14 want to accredit doctor of veterinary
15 medicine. They want to accredit lawyers.
16 They have such a broad expanse.

17 They say in their materials and
18 they also nuance their materials. You have to
19 be very careful in reading their materials.
20 They say, "Right now we will avoid doctor of
21 medicine." That's not a very strong statement
22 that they will not accredit medical doctors

1 and they have zero experience in that.

2 It's just very hard for staff to
3 recommend an expansion of scope in such a
4 broad area. Especially since it wasn't clear
5 how broad the request was when it was first
6 put out in the Federal Register.

7 I think other agencies and the
8 public should have an opportunity to at least
9 comment on the broadness of this rather than
10 to just grant this expansion of scope at this
11 point. We wouldn't have the benefit of the
12 other comments which we could certainly
13 disagree with but it would be only fair to
14 give the other agencies an opportunity in
15 public to comment on them.

16 On the academic and administrators
17 on the bodies, the spirit of the regulation is
18 really to give the students the best program
19 as possible. When they send out a team you
20 need the best of the best to go out there and
21 look at those programs. They are all
22 individual programs. Most of them go into

1 professions.

2 Also the decision-making body. I
3 understand that most -- many people consider
4 themselves super men and super woman. "I did
5 this 20 years ago. I did that 30 years ago.
6 I can wear all hats. I am wonderful." That
7 is not reality as far as evaluating programs
8 for students.

9 You want the people to be current
10 academics, that they know what is the best
11 methods right now so they can evaluate that.
12 You want the people that are the best
13 administrators right now, not somebody that
14 ran a little program 30 or 40 years ago.

15 Yes, the regs if you want to push
16 the regs to the very limit they don't specify
17 any of this but the spirit is clear to protect
18 the students and to give the best evaluation
19 possible.

20 If you are only going to send a
21 team out to a school five, 10-year period, you
22 want the best of the best to go out there and

1 the most up-to-date people at that point.
2 That's what we were aiming for. We ask for
3 academic personnel -- personnel is a plural --
4 and they said, "We're going to have one
5 academic on our committee." It doesn't even
6 meet the letter of the regulation, let alone
7 the spirit.

8 The final one, that they argued
9 with anyway, the outcome standards at the
10 program levels. In my back and forth with the
11 agency they have already said, "We are going
12 to work on these things." Nobody asked for
13 bright-line. How is there any consistency?
14 They don't have any guidance for their people.

15 It's just all hit or miss.

16 The good thing is that this is
17 really a reputable agency. I have a lot of
18 faith in how they are doing. I've seen their
19 team in operation and they are very well
20 trained. They do a very excellent job so
21 there is no question about any of these
22 things.

1 We are talking about how to better
2 meet the regulations. A lot of these items
3 they responded and they said, "We are working
4 on this and we will have it in place."
5 Obviously it's not in place right now so in 12
6 months if they wish to work in the spirit of
7 cooperation, I believe they will be in
8 compliance in 12 months. If they wish to
9 fight everything, then we will have a problem
10 in one year. Anyhow, I don't know if you have
11 any questions.

12 CHAIR STAPLES: Bill, go ahead.

13 MR. PEPICELLO: A comment as
14 someone who probably put in more time on this
15 than most of the folks had an opportunity to
16 do. As I read it, and I want to make this
17 clear to ACICS, I don't think that, as I read
18 things, that you are doing anything wrong. I
19 think probably you are doing all the things
20 that Steve just mentioned as far as
21 composition, as far as diligence.

22 You gave us some of the outcomes

1 as far as graduating people and their having
2 jobs in their fields for the doctoral
3 programs. I have no doubt that you had a
4 rigorous process for putting together the
5 doctoral programs that you did, I want to
6 make that very clear.

7 Steve's comments give us a broader
8 context which is part of the discussion we've
9 been having this morning which is there was
10 not sufficient documentation in many of those
11 cases for us to know exactly what the quality
12 process was. I think that is where there is
13 sort of a question of level of compliance.

14 Not that we're saying, at least in
15 my mind, saying that no, there's not
16 compliance there. I think it's a matter of
17 doing the cross-walk, for instance, for the
18 doctoral programs. I will speak as someone
19 who has put together a professional doctor
20 programs at my university and had them
21 accredited.

22 I understand what kind of

1 documentation we might be looking for. I
2 think it's that spirit that I read this in. I
3 think that is the spirit in which I will make
4 my recommendation shortly.

5 CHAIR STAPLES: Thank you, Bill.

6 Any questions for Steve?

7 I just have one question, Steve.
8 Given the lack of experience that you feel
9 they have, the agency has, with a range of
10 doctoral programs that they are seeking
11 approval for regardless of whether they intend
12 to do them anytime soon, are you confident
13 that can be addressed, that issue can be
14 addressed in the next 12 months?

15 MR. PORCELLI: Yes. The materials
16 are accessible to you but everything is so
17 extensive. We had asked how did they compare
18 their doctoral standards to other common
19 practices and so on. They sent a very, very
20 lengthy document.

21 Ninety-eight percent of it was the
22 consultant's resume and there was just a few

1 paragraphs on what they did and it just wasn't
2 sufficient. Did they submit a document? Yes.
3 Did they submit a very lengthy document?
4 Yes. Was it useful? No. So that's part of
5 the problem with the wording and the need to
6 really drill down as to what is being
7 supplied.

8 They said, "We tell our schools
9 their standards must be comparable to other
10 schools." Just because they tell them they
11 have to be comparable doesn't help me as a
12 staff person understand what they are looking
13 for.

14 CHAIR STAPLES: Let me be more
15 specific. What I was asking, in your
16 interpretation they are looking for the
17 ability to accredit MD degrees, JD degrees.
18 That is within the scope of the 14 new
19 doctoral programs that they are seeking
20 approval for accreditation.

21 MR. PORCELLI: They did say they
22 would avoid MD at this moment.

1 CHAIR STAPLES: But is it within
2 their request though? I mean, whether they
3 avoid it or not is it something they could do
4 if we grant --

5 MR. PORCELLI: Yes, they could.

6 CHAIR STAPLES: How in the next 12
7 months are they going to sufficiently document
8 to you their capacity to review MD degrees? I
9 mean, it sounds like they are not intending
10 to.

11 MR. PORCELLI: I think the only
12 solution, and I'm not sure if this is even
13 satisfactory to them, would be to limit the
14 request to the three programs that they
15 already credit. They already have the
16 experience and they haven't gotten bad
17 feedback from the public.

18 We haven't received any negative
19 comments on those three programs. The
20 criterion does say they have to show their
21 experience. There is experience in the range
22 but they really showed experience with those

1 three programs.

2 I know they like to compare
3 themselves to a regional. They are not
4 regional. They are a national agency and the
5 regionals do predominately the academic
6 degrees which is research based. These
7 degrees they are asking for are specific skill
8 sets and practices.

9 Several of the ones they are
10 asking for are life and death doctors. They
11 are asking to accredit medical doctors, doctor
12 of osteopathic medicine, acupuncture, oriental
13 medicine and so on. We are really dealing
14 with a very serious request. If it wasn't so
15 open-ended, you know, staff could recommend,
16 "Yes, they do a fine job."

17 I saw how they went when they
18 evaluated the master's programs at schools.
19 They are very thorough. People are very
20 thorough so there is no question about their
21 qualifications or the qualifications of the
22 people they send out. It's just for

1 consistency's sake. How do we know they can
2 handle all these different practical doctoral
3 degrees? That's a concern.

4 CHAIR STAPLES: Thank you.

5 Jamie.

6 MS. STUDLEY: Just procedurally.
7 I would be interested to hear what motion Bill
8 or his co-reader make. Isn't it likely that
9 it will be at least a recommendation for
10 renewal of their current authority in 12
11 months and that the time table for an
12 expansion of scope does not have to follow
13 that same timing.

14 If they want to make that request,
15 they can make it in the appropriate time but
16 it's not that we have a rush in order to
17 maintain their current standard. I'm just
18 separating those two procedures.

19 CHAIR STAPLES: That is true.
20 Unless there's other questions of Steve, maybe
21 we'll get to Bill and his motion.

22 Go ahead, Bill.

1 MR. PEPICELLO: Okay. I will try
2 to speak slowly and deliberately so you can
3 get it up there. I move that the NACIQI
4 recommend that ACICS recognition be continued
5 to permit the agency an opportunity to within
6 a 12-month period bring itself into compliance
7 with the criteria cited in the staff report
8 and that it submit for review a compliance
9 report demonstrating compliance with those
10 cited criteria.

11 I further move that the NACIQI
12 recommend to defer the decision regarding the
13 agency's request for expansion of scope
14 pending the receipt of the compliance report
15 and consideration of the materials contained
16 in it.

17 CHAIR STAPLES: I thank you.

18 Is there a second?

19 MR. McCLAY: Second.

20 CHAIR STAPLES: It has been moved
21 and seconded. Any further discussion about
22 those motions?

1 Frank.

2 MR. WU: I just wanted to note that
3 I have now heard a number of agencies say they
4 take issue with the staff's view on this or
5 the staff's view on that. I thought I would
6 try to categorize the types of responses that
7 I have heard so far and ask if on at least one
8 of these categories it's worth our providing
9 some guidance both to agencies and to staff.

10 One category of response is, "We
11 agree with what the standard is that is being
12 applied. We also believe we have not met it.

13 Give us some time, we'll meet it. We just
14 need to submit some more stuff, some
15 documents," or whatnot. That's one type of
16 response when the agency has been found to not
17 meet the standard. That's No. 1.

18 No. 2, I've heard some of them
19 say, "We don't quarrel with the standard and
20 we think we've met it. In other words, we
21 think we've submitted the appropriate stuff
22 that meets the standard. We want you to look

1 at our stuff more closely than staff and find
2 contrary to what staff did that, in fact,
3 we've complied."

4 Those two responses are just about
5 that particular agency. There is a third type
6 of response that I think I'm hearing. I'm not
7 sure I'm hearing but I think I am. This is
8 the one where I wonder should we as a body
9 offer guidance.

10 The third type of response I think
11 I'm hearing every now and then is, "We take
12 issue with how staff understands the
13 applicable statute and regs. We don't think
14 that is what the law is here. I'm hearing
15 implicitly so we are not going to do anything
16 more."

17 I'm wondering if, indeed, some
18 agencies are saying that, at least to some
19 specific provisions. If they are saying that,
20 then I wonder if we as a body should say
21 something such as, "Agency, you're right.
22 Staff is wrong," because we are not bound by

1 the staff.

2 Or if we should say, "Actually,
3 the staff is right here and we would recommend
4 consistently with the staff." In other words,
5 should we be giving guidance not just to the
6 agency in front of us but all the other
7 agencies sitting here and to the public when
8 an issue like that arises because it is not
9 uncommon that agencies sit down and say, "We
10 take issue with what the staff said on X, Y,
11 and Z.

12 But taking issue can mean
13 different things. Taking issue with whether
14 or not we've met the standard or taking issue
15 with the whole standard itself. That's just
16 an open-ended question for us to think about.

17 CHAIR STAPLES: I think that is
18 worth us thinking about. I don't pretend to
19 be able to respond for everybody now but I
20 think some of that is implicit in the motion
21 or the action that we take. I understand what
22 you're saying.

1 Is there discussion about Bill's
2 motion? I think we can still discuss it.
3 It's up there and we've heard it. Anybody
4 have comments about the motion?

5 Jamie.

6 MS. STUDLEY: I would just
7 appreciate if staff, and this may be one for
8 Sally, could just remind us what the different
9 steps or stages are of approval. Bill has
10 recommended one in this motion, continuation
11 of approval for a 12-month period with certain
12 conditions.

13 Are there any other options?
14 There's terminating an accreditation at one
15 end. There's clean and go forward for five
16 years version. Is there anything else in
17 addition to this option in the space between
18 those two?

19 CHAIR STAPLES: Sally?

20 MS. WANNER: Um --

21 CHAIR STAPLES: There is a
22 document, by the way, Sally is going to talk

1 about. There is a document in your packet
2 that describes the options.

3 MS. WANNER: Yes. In addition,
4 you can do a limitation that is between denial
5 and continuation. Earlier I think Arthur
6 brought up a suggestion that you essentially
7 put a sense of a committee in the motion. You
8 could do that.

9 You could say it's the sense of
10 the Committee that the agency is in compliance
11 or should work with the staff on this or
12 whatever. That kind of thing. Really you can
13 put in the motion any sort of message to the
14 agency or to anyone else that you would like.

15 It's simply that as far as
16 procedurally if you are going to renew the
17 agency, there can't be any findings. If you
18 are going to continue them, it can't be over
19 12 months. Then there's the option if you
20 want to take a sanction that is short of
21 denying them, you can limit them.

22 And the limitation, that's where

1 factors like limiting as to only continuation
2 of already accredited agencies or significant
3 change restriction.

4 MS. WANNER: This is an area where
5 you can be creative but there aren't that many
6 alternatives that we have identified. It's
7 not to say that you couldn't identify other
8 things that would be acceptable but such
9 things as we are not going to recognize you
10 for any new schools that you accredit.

11 We are not going to recognize your
12 approval of additional substantive changes to
13 the institutions you accredit. Those are some
14 of the things that we have come up with in the
15 past.

16 MS. STUDLEY: Thank you.

17 CHAIR STAPLES: Any further
18 discussion about --

19 Yes, Kay.

20 MS. GILCHER: I just wanted to add
21 something which may be obvious but to point it
22 out that you also could say that you are

1 continuing with the compliance report and
2 specify different subset of the criteria that
3 we have said they are out of compliance with
4 or different criteria you are not required to
5 say as identified in the staff report.

6 CHAIR STAPLES: Frank.

7 MR. WU: So in this particular
8 instance I have a question. Do we want to
9 signal to this agency that we take some of the
10 staff's concerns more seriously than perhaps
11 the agency takes them? Has that already been
12 signals by the discussion or is it worth in
13 some way saying that more formally?

14 CHAIR STAPLES: That is the
15 Committee's prerogative. I mean, I think if
16 the motion doesn't have that in it now, if
17 anybody wanted to add some language, you are
18 certainly free to propose that.

19 MR. WU: I'll add one thing that
20 staff pointed out which is not specific to
21 this agency but in general I'm not sure that
22 it's appropriate for us to authorize an agency

1 to do certain things on the understanding that
2 the agency is reluctant to do it right now but
3 we are giving them the authority.

4 That just doesn't seem to me a
5 great way to proceed because if we give them
6 the authority and they have it for X number of
7 years such as with respect to med schools and
8 so on, even if now they are expressing they
9 are hesitant to do that now, that in no way is
10 binding.

11 After the fact will be really hard
12 to correct if we or our successors are sitting
13 here five years from now and it turns out that
14 they got less reluctant 18 months from now.
15 That isn't phrased formally to go into the
16 motion but I wonder if that thought has any
17 support among my colleagues.

18 MR. PEPICELLO: I guess my
19 response would be assuming good intent on the
20 part of the agency that I'm not sure I'd be
21 willing to make a judgment at this point that
22 they definitely didn't take some things as

1 seriously as the staff or the rest of us.

2 I think part of what goes on in
3 this discussion is informing the agency of the
4 broader context and some of the specifics. I
5 think whether or not they take things
6 seriously or not will be discovered in the
7 compliance report.

8 MR. WU: Right. I should be more
9 clear. What I'm saying is with respect to
10 what they want to do, maybe we just take this
11 up 12 months from now with respect to
12 accrediting the doctoral programs.

13 I'm reluctant to say you may
14 accredit these programs on their understanding
15 that they are hesitant or reluctant to do so
16 and won't start doing it at this time because
17 my sense is once the authority has been
18 granted, being reluctant or hesitant is not a
19 legally binding category of any sort.

20 CHAIR STAPLES: I agree. I'm
21 sorry. Go ahead.

22 MR. PEPICELLO: But wouldn't it be

1 the case then that the agency would have the
2 opportunity in it compliance report to say we
3 want to scale back? I think that might be the
4 mechanism for that.

5 MR. WU: I'm fine with that.

6 CHAIR STAPLES: In fact, Steve
7 when discussing it mentioned he had similar
8 concerns about what the programs were so I
9 think we've signaled that is an issue that
10 might come back either in staff analysis or in
11 our review in 12 months.

12 CHAIR STAPLES: Susan.

13 MS. PHILLIPS: Just clarify where
14 I think the motion is and maybe I'm not
15 understanding it correctly. The motion is
16 saying make no decision about the expansion of
17 scope. If that were accepted, the outcome
18 would be there would be no authority to expand
19 the scope.

20 If I understand, also the staff
21 analysis was completely silent on the question
22 of scope. I'm not fully sure I understand

1 what silence means.

2 MS. GILCHER: We are silent in
3 terms of the recommendation itself. The first
4 compliance issue is the issue of expansion of
5 scope.

6 Having them not in compliance with
7 the expansion of scope, having demonstrated
8 compliance with what they are requesting as an
9 expansion of scope, is implicit in our finding
10 that they should not be given the expansion of
11 scope at this time. The decision on that
12 comes at the end of the compliance report.

13 CHAIR STAPLES: Bill, I think, in
14 his motion is just building that in that we
15 are going to not extend their recognition.

16 MR. PEPICELLO: Yeah, I discussed
17 that with staff. As I read it in detail, I
18 understood why they remain silent but I
19 thought it's important that we put it in the
20 motion so that it is clear to all of us going
21 forward exactly what our intent is.

22 CHAIR STAPLES: Any further

1 discussion around the motion? Do people
2 understand the motion?

3 Yes, Jamie.

4 MS. STUDLEY: I just wouldn't want
5 it to do anything to press the agency to come
6 forward regarding its expansion of scope. I
7 think the important thing for us is that we
8 are saying you as an agency are authorized to
9 continue accrediting institutions. I pulled
10 out my phone.

11 I have never used the calculator
12 before and apparently it's got limited
13 capacity so I could not multiply 800,000
14 students times Pell times federal loan
15 eligibility. I just got some physics formula
16 that was beyond my zeros, but it was a big
17 number.

18 My concern is that they come into
19 compliance or not and that we know that by the
20 end of this year. I don't want that to get
21 burdened by them thinking that they only have
22 a year on the expansion of scope issue which

1 is they are entitled to seek that when they
2 want to but I don't want it to get dragged
3 along or jeopardize their attention to the
4 other issues. That is not a signal, that's a
5 statement.

6 If people read this motion to be
7 consistent with what I've just said, then
8 fine. It is a separate sentence but if it
9 needs to say "if they want to continue to seek
10 an expansion of scope," they can do that
11 whenever they are entitled to do that but we
12 are not pressing them to do that within 12
13 months.

14 What we want from them in 12
15 months is to finalize their -- to make it
16 clear whether they meet our standards for
17 continued approval as an accrediting agency,
18 if others agree with me on that.

19 CHAIR STAPLES: Frank.

20 MR. WU: May I suggest a potential
21 amendment that captures that which is at the
22 end of this. The current text ", to such time

1 as the agency should submit said request." So
2 the agency doesn't have to submit the request
3 in 12 months, to such time as the agency
4 should submit the request.

5 CHAIR STAPLES: At the end of the
6 paragraph?

7 MR. SHIMELES: That's right. If
8 this agency came back 12 months from now for
9 renewal and 36 months from now, that would be
10 okay. That is what Jamie wants to capture.

11 MS. STUDLEY: Never is also
12 acceptable but sooner is acceptable, too, if
13 they feel they can meet those criteria.

14 MS. NEAL: Can I ask staff is that
15 possible they are not constrained in terms of
16 the cycle in terms of the request they can
17 make? They can come back at any time for just
18 the scope issue?

19 MS. GILCHER: That's true.

20 CHAIR STAPLES: So that's an
21 amendment that you're proposing, Frank?

22 MR. WU: It is a motion to amend.

1 CHAIR STAPLES: Is there a second
2 to that?

3 MR. PEPICELLO: Second.

4 CHAIR STAPLES: Seconded by Bill.

5 Do we have that?

6 MS. LEWIS: Could you please
7 repeat that?

8 MR. WU: I think I said at the end
9 ", to such time that the agency submits said
10 request for expansion of scope."

11 MS. LEWIS: One moment.

12 CHAIR STAPLES: Any discussion? I
13 know we're not going yet but any discussion
14 around the amendment? Okay. It's been moved
15 and seconded. Can we proceed to vote on that?
16 Do you want to wait until it's up there?

17 CHAIR STAPLES: Acceptable, Frank,
18 the edit?

19 MR. SHIMELES: Yes.

20 CHAIR STAPLES: Bill, you were the
21 seconder. Is that acceptable?

22 MR. PEPICELLO: Yes.

1 CHAIR STAPLES: Any further
2 discussion around -- we are going to vote on
3 the amendment first. Any further discussion
4 around the amendment? If not, please all
5 raise your hand in favor of the amendment.

6 So that is now the motion that is
7 before us, amended motion. Any further
8 discussion around the motion? If not, all in
9 favor please raise your hand. Any opposed?
10 The amendment and the motion carries as
11 amended.

12 Because we are one session behind,
13 we'll take a 15-minute break and then we will
14 reconvene and then we will hear the Commission
15 on Accrediting of the Association of
16 Theological Schools that was normally
17 scheduled for 11:15. We will hear them and
18 that might allow us to get back on our
19 schedule after lunch. Fifteen minutes we go
20 get our lunch and come back and then proceed.

21 (Whereupon, at 12:34 p.m. off the
22 record for lunch to reconvene at 1:00 p.m.)

1 last review by NACIQI in 2004.

2 The actual commission became an
3 independent agency. As I said, the last review
4 was in 2004 with an expansion of scope to
5 include distance education which was granted.

6 The action under consideration is petition
7 for the renewal of recognition.

8 I wonder, the folks over there, if
9 you could take your conversation elsewhere,
10 please? Excuse me. Please refrain from
11 having conversations while we are having a
12 presentation. Thank you.

13 MR. McCLAY: The recommendation of
14 staff has been to continue recognition for 12
15 months allowing time for the agency to come
16 into compliance with regard to the numerous
17 findings of staff.

18 Is Chuck not here? Oh, there you
19 are. I looked in the wrong place for you. I
20 think we should get Chuck up here as quickly
21 as possible to kind of cut through and
22 identify the things that are most worthy of

1 identification among the points at issue and
2 maybe give us some sense of relative
3 seriousness of the various points.

4 Chuck, if I may.

5 CHAIR STAPLES: Frank, do you want
6 to defer until after Chuck's presentation?

7 MR. WU: I don't have anything to
8 add other than --

9 CHAIR STAPLES: Microphone.

10 MR. WU: I have nothing to add
11 other than in the last go-around distance ed
12 was brought within their scope.

13 CHAIR STAPLES: Go ahead, Chuck.

14 MR. MULA: Good afternoon, Mr.
15 Chair, again, and members of the Committee. I
16 will be presenting a summary of the petition
17 for continued recognition of the Commission on
18 Accrediting of the Association of Theological
19 Schools, hereafter referred to as ATS, or the
20 agency.

21 The staff recommendation to the
22 Senior Department Official for ATS is that he

1 continue the agency's recognition and require
2 ATS to come into compliance within 12 months
3 by submitting a report that demonstrates the
4 agency's compliance with issues identified in
5 the Department staff analysis.

6 This recommendation is based on my
7 review of the agency's petition, supporting
8 documentation, and the observation by staff of
9 a joint site visit conducted by ATS in the
10 Middle States at Wesley Theological Seminary
11 in Washington, D.C. on October 25 through 27
12 in 2010.

13 The review of the agency petition
14 found that there are outstanding issues that
15 the agency needs to address. I also found
16 that while most of the agency's policies
17 address the processes required by the
18 Secretary's criteria it did not provide
19 sufficient evidence of the application of a
20 number of the requirements.

21 These concerns fall primarily in
22 the area of this organizational and

1 administrative requirements, required
2 standards in their application, and the
3 agency's required operation policies and
4 procedures.

5 Specifically, I found that ATS
6 needs to demonstrate that it has and that it
7 trains the required personnel on its
8 evaluation policy and decision-making bodies.

9 The agency also needs to provide adequate
10 documentation demonstrating the application of
11 a standard review process required by the
12 criteria specifically cited in the staff's
13 analysis.

14 And to also demonstrate that it
15 has followed its own policies and procedures
16 including the application of its new and
17 revised standards, policies and procedures
18 required by the regulations effective July 1,
19 2010.

20 We believe that these issues will
21 not place its institutions or programs, its
22 students or the financial aid they receive at

1 risk and that the agency can resolve the
2 concerns I have identified and demonstrate its
3 compliance with a written report in a year's
4 time.

5 Therefore, as I stated earlier, we
6 are recommending to the Senior Department
7 Official that the agency's recognition be
8 continued and that he require a compliance
9 report in 12 months on the issues identified
10 in the staff report.

11 This concludes my report. I am
12 available for any questions you may have.
13 Thank you.

14 Actually, Mr. Chair, as asked, I
15 will make comment on the seriousness of the
16 issues that were cited. It has been almost 11
17 years since it actually had its last review.

18 With the new regulations and the
19 processes and procedures that have been
20 required and because it did not get reviewed
21 before NACIQI disbanded the first time, it's
22 had a lot of catch up to do. Basically the

1 agency is in the process of doing that.

2 It has remained in continuance
3 communication with staff as continue to ask
4 for guidance on how to do this. The
5 applications of their processes need to be
6 demonstrated so that we can verify that,
7 indeed, they are actually applying their own
8 standards and procedures.

9 CHAIR STAPLES: Thank you. I want
10 to make sure that both Frank and Bill, do you
11 have anymore that you want to add before we
12 get to the open questions.

13 Bill.

14 MR. McCLAY: Well, Chuck, you may
15 have already said this. We had a conversation
16 this morning before we began. I asked him
17 basically what gives here when in the last
18 evaluation they were given virtually a clean
19 bill of health and then all of these things
20 are adduced.

21 I think he has given the
22 explanation for that, that it's the length of

1 time that's elapsed. It's the introduction of
2 new departmental accounting and accountability
3 procedures and data and not any sort of
4 latitude or lacking on the part of the agency
5 itself. I just wanted to emphasize that.

6 MR. MULA: That's correct.

7 CHAIR STAPLES: Thank you.

8 Arthur.

9 MR. ROTHKOPF: Just sort of
10 following up on the point just made. I'm
11 curious. How many -- is this a programmatic
12 or institutional accreditor and, I guess, how
13 many programs or institutions are currently
14 accredited and do you think they've got the
15 staff and the personnel to do the job?

16 MR. MULA: Great questions.
17 Actually, the exact number of institutions I'm
18 not real sure of. You might have to address
19 that. It's quite a few. They do have
20 adequate administrative financial capability
21 to do the accreditation function.

22 We reviewed their budget and their

1 financial statement that was audited. We
2 reviewed the members, their resumes and
3 qualifications to hold the positions that they
4 have for their accreditation staff. We found
5 them in compliance in an administrative and
6 fiscal capacity.

7 CHAIR STAPLES: Bill.

8 MR. PEPICELLO: I have one
9 question for you. There are a number of
10 findings here, several pages worth. As I note
11 on timelines here, some of these will probably
12 not be addressed until February 2012, if I
13 read this correctly. I guess my question is
14 do you think there is enough time to address
15 all these issues and have some documentation
16 that things are implemented and moving along
17 within 12 months?

18 MR. MULA: Actually, we have
19 communicated with the agency our concerns and
20 they know exactly what is needed to do and
21 they have assured me that they will work with
22 us in order to provide that documentation.

1 If we do find that there is a
2 problem because of either a commission meeting
3 or the inability to do a site visit where they
4 have to have documentation to do that, then we
5 will consider that and at that time we'll try
6 to make some other kind of arrangements and
7 we'll talk to leadership and our legal staff
8 to see what we can do.

9 MR. WU: I just wanted to provide
10 the answer. It's 204 institutions. One
11 hundred and 39 of them are free standing
12 schools so this agency is the gateway for 83
13 of the 139. The remaining 65 are part of a
14 larger campus.

15 MR. ROTHKOPF: Thank you.

16 CHAIR STAPLES: Thank you, sir.

17 Any further questions for Chuck?

18 Okay. I guess not at this time. Thank you.

19 Will the agency representatives
20 please come forward.

21 MR. ALESHIRE: I'm Dan Aleshire
22 and I'm the Executive Director and would like

1 just to make a couple of comments as we begin.

2 I don't want to occupy too much time but want
3 to say a few things.

4 To my right is David Esterline who
5 is a faculty member at McCormick Theological
6 Seminary in Chicago who is chair of our board
7 of commissioners. And to my left is William
8 Miller, one of our accrediting staff members
9 who prepared the petition and who has been
10 attending to the changing scope of NACIQI's
11 work and the Department work and the
12 Secretary's resignation -- recognition. I can
13 see where this is going.

14 First and most importantly I want
15 to assure NACIQI and the Department staff that
16 the Commission on Accrediting of ATS will seek
17 to comply with the criteria for recognition.
18 We do need a year to get it all done. We
19 actually need a year and two weeks but we'll
20 take a year if we can get it from you.

21 We need the two weeks because some
22 of the changes are required changes to the

1 corporate by-laws and our members meet at the
2 end of June next year. The first time they
3 will have a chance to vote as a membership
4 will be just slightly more than a year from
5 now.

6 We have evaluated each of the
7 concerns that have been raised and have
8 developed a strategy for responding. First
9 several policies will need to be initiated or
10 changed by the Board of Commissioners.

11 We just finished our board meeting
12 for spring last night and they will meet again
13 in February so there is a work plan of what
14 will be done between now and February with the
15 task force of the board but it will be the
16 February meeting before they will be able to
17 take action and then we implement a number of
18 things in the spring of '12 based on that
19 action.

20 Second, there are some procedures
21 and practices that we can put in place
22 immediately and we are working on those at

1 this time. Then, as I mentioned, there are
2 some changes to corporate by-laws and
3 procedures which are the vote of the member
4 schools and will take us to the membership
5 meeting in June of '12 to get those votes
6 taken.

7 Secondly, if I may, just because
8 we represent a kind of boutique area of higher
9 education I would like to just say a few
10 things about the schools that ATS accredits.
11 You have heard the number of accredited
12 institutions.

13 As you also heard, about 70
14 percent are free standing, special purpose,
15 higher education institutions. The other 30
16 percent are educational units of colleges or
17 universities. About 15 percent are in Canada
18 and the rest of the U.S.

19 Of the U.S. freestanding schools
20 80 percent are duly accredited by the
21 Commission on Accrediting of ATS and a
22 regional agency so they could theoretically

1 use either of those agencies as their
2 gatekeeper.

3 The typical theological school
4 enrolls about 200 students in its various
5 degree programs. It has about 15 to 20 full-
6 time faculty equivalent, and an equal number
7 of professional level administrators. The
8 commission data, as best we can construct it,
9 suggest that about 80 percent of the students
10 who begin the Master of Divinity, which is the
11 one program offered by all of our schools,
12 complete it.

13 While the MDIV is generally
14 offered as a three-year degree it takes
15 students on average just over four years to
16 complete it because of the small percentage
17 who can go to seminary full-time.

18 On average these schools receive
19 25 percent of their income from gross tuition,
20 about 38 percent of their income from
21 individual and religious organizations, and 20
22 percent from endowment or long-term

1 investments. Then the other 17 comes from
2 rent for student housing, rent on unused
3 seminary facilities.

4 This past year ATS member schools
5 spent on average \$43,000 per full-time
6 equivalent student and the average net tuition
7 after grants and scholarships excluding loans
8 paid by the student was about \$9,500. This is
9 not a tuition-driven community of schools.
10 It's a contribution and endowment-driven
11 community of schools.

12 We just reaffirmed the
13 accreditation of almost 15 schools. We
14 checked and of the seven who identified us as
15 gatekeepers who were having their
16 accreditation reaffirmed, the average default
17 rate was 2.8 percent.

18 Third, I want to comment on the
19 current process of review just briefly. I
20 suppose the oldest joke in higher education is
21 about the reason the faculty meeting went
22 long. It went long because everything had

1 been said but not everybody had said it.

2 I'm old enough to remember when the joke was
3 first told.

4 Very smart people in the higher
5 education community have raised fundamentally
6 important questions with very smart people in
7 the Department and I don't presume to have
8 more insight than has been shared, but this is
9 the fourth comprehensive review of the
10 commission's work that I have been involved in
11 across the past 21 years.

12 If at some point after we have
13 demonstrated compliance and the Secretary
14 chooses to renew the commission's recognition
15 for another five years, the prospect of a
16 fifth comprehensive departmental review is a
17 significant motivation for retirement.

18 The first review I did was in 1991
19 and then revised to 1992. I wrote that
20 petition. The higher education was struggling
21 with bad student default rate and a lot of
22 changes were introduced in that most recent,

1 at that time, reauthorization of the Higher
2 Education Act and resulting regulations
3 because we were really trying as a community,
4 as a government, as independent accrediting
5 agencies and as schools to deal with that.

6 That has been addressed to some
7 extent. We are now in a different regulatory
8 environment and we are in a regulatory
9 environment that, as the word of the morning
10 was, it has a certain granularity to it. The
11 issue of granularity is not the issue.

12 Is the granularity covering the
13 right areas in infinite detail. Can the
14 closer watch of higher education by this lens
15 accomplish the social goals that are needed
16 for a more educated citizenry. I don't know
17 the answer to that question. I just thought I
18 would let you know I know the question.

19 We will comply. Some compliance
20 is going to make us better. We need to
21 demonstrate that our commissioners are trained
22 in issues related to distance education.

1 Currently the commission standards don't allow
2 any degree that is offered by an ATS school to
3 be granted solely by distance education models
4 but more schools are implementing distance
5 education as part of it.

6 Theological education has
7 historically been very residential. Our
8 commissioners need to get more informed for
9 better decision making. We think that will
10 make us a better agency.

11 Some compliance will not change
12 the commission's work for the better or worse.

13 It will require new systems of record keeping
14 for issues that have not to this time occurred
15 often in accredited theological education. We
16 are post-baccalaureate schools.

17 There are some things that the
18 regs call us to do that just don't occur much.

19 We will invent the structures. We will move
20 forward but they are not going to make us a
21 better accrediting agency in that sense.

22 And there are some compliance

1 issues that we will comply with and with
2 integrity but we have a concern that they will
3 make us a less effective agency. For example,
4 we need to change who are the public members
5 on our commission.

6 We have historically gone to
7 public members who we understood as sort of
8 the consumers of the graduates of our schools,
9 denominational officials, adjudicatory
10 officials, persons who supervise the work of
11 graduate.

12 The conclusion is that because we
13 are an institutional accreditor of special
14 purpose institutions we also fit the category,
15 and I think it's appropriate for professional
16 education, that means no ordained clergy could
17 be considered for public members so that it
18 eliminates from our public membership the
19 constituency that is most closely connected to
20 the work of the graduates of our schools.

21 We will make the change. We will
22 find people who will contribute to the work of

1 the board of commissioners, but we think we
2 will have lost something in the process.

3 It is going to take us a year.
4 The task force is under the Chair's
5 appointment. It will begin work later this
6 summer. Some of these will take a significant
7 amount of work to revise documenting systems.

8 Some of the documentation is going
9 to be complex it looks to us because we have
10 to be able to document what we haven't done so
11 we have to create a kind of documentary
12 process that says we never had the occasion to
13 do this.

14 Therefore, we didn't do it. That
15 is a complex documentary issue. We appreciate
16 the work as other agencies of the various
17 staff who have worked with us, Steve Porcelli,
18 for part of this review, and then Chuck Mula
19 in the conclusion of the review. Thank you.

20 CHAIR STAPLES: Thank you. Any
21 questions for the agency representatives?

22 Anne.

1 MS. NEAL: Given your wonderful
2 institutional history here and longevity, as I
3 have looked at various petitions this time
4 around, it struck me that so many of them were
5 dealing with the same criteria and different
6 criteria than what I've seen in the past.

7 There was for a while a major
8 focus on student achievement.

9 This time around I'm seeing a lot
10 on public members, complaints, conflict of
11 interest. I just would be interested in your
12 comments in terms of did the staff go in waves
13 or does the focus go in predictable waves or
14 unpredictable waves? How as an accreditor do
15 you deal with the different emphases that
16 appear to arise over time?

17 MR. ALESHIRE: As I mentioned,
18 this is my fourth comprehensive petition.
19 There is a bit of a phenomenon of the
20 interpretation du jour that we experience. I
21 think if one were to look at the work of our
22 board of commissioners over 20 years its

1 interpretive frames have changed from time to
2 time. That happens.

3 The Higher Education Act has been
4 reauthorized several times. That has led to a
5 new round of regulatory expectations. Then
6 that leads to a new round of interpretation of
7 regulatory expectations. There is a sense in
8 which the focus on sort of the unidentified
9 public person is interesting and new and I
10 suppose that it reflects a concern that the
11 industry can't be trusted.

12 We need external and so there is
13 this sense. What occurs to me as an agency we
14 need to have more people, for example, on our
15 board who know less about these schools and
16 then bring them up with a sufficient amount of
17 training. The issue of more public is
18 accompanied by more training.

19 Peer evaluation is an expertise-
20 driven pattern of evaluation. I think that we
21 assume that we were more in compliance than we
22 were found to be but preachers find other sins

1 from time to time so we'll take our medicine.

2 I do think that there is -- I
3 would say that many of the things we will do
4 will make us a better agency. Many of the
5 things we will do are just going to require
6 work and energy and will do that with
7 integrity, but in the end we won't be
8 advancing the work of theological schools as
9 they try to educate a generation of religious
10 leaders anymore because we have responded to
11 these areas.

12 MR. ROTHKOPF: Could I follow up
13 and maybe it kind of leads to a discussion
14 we're going to have in the next couple of
15 days. Do your institutions as you go through
16 the process of viewing your accreditation
17 work, are they complaining about the burden
18 and the question of whether the cost and
19 efforts that go into the accreditation process
20 are really worth while?

21 MR. ALESHIRE: I will respond, and
22 if my colleagues want to respond, too. I want

1 them to feel free to.

2 A significant portion of ATS
3 schools are financially stressed. They are
4 small free-standing schools. They live close
5 to the margin. We monitor that very
6 carefully. They also have a way of out-
7 performing their resources so they do more
8 effective education than you would think they
9 might given the resources they have.

10 They are always worried about
11 expenses. They have always been willing to
12 pay the cost of the accrediting dues and the
13 accrediting fees. If they complained about
14 it, they don't necessarily complain to the
15 accrediting agency about it. We try to keep
16 those as inexpensive as possible.

17 As I mentioned, students bear such
18 a small percentage of the cost in the average
19 theological school environment. They tend to
20 be older students so their living expenses or
21 their relocating of family to pursue
22 theological education create expenses but I

1 don't think they associate that with the
2 burden of accrediting.

3 We've moved from one staff member
4 in accrediting, that was me in 1990, to four
5 full-time professionals in accrediting now. I
6 would attribute one of those positions to the
7 changing regulatory environment. I would
8 attribute two of them to the growth of the
9 number of schools and the expansion of the
10 programs they are offering. We are tracking
11 more distance education. We are tracking more
12 extension site education, etc.

13 I suppose for me the issue is not
14 is it unduly expensive but is the expense
15 gaining the best bang for the buck for the
16 public good of what we want in an educated
17 citizenry.

18 CHAIR STAPLES: Any other
19 questions or comments? Okay. Thank you very
20 much.

21 Chuck, did you want to respond to
22 anything that was said? Okay. Which of our

1 primary readers --

2 Yes, Kay.

3 MS. GILCHER: I just wanted to
4 clarify something about your two weeks. The
5 date when the 12-month clock starts is the
6 date where the Senior Department Official
7 signs the letter. He has 90 days following
8 this meeting to write that letter.

9 MR. ALESHIRE: Please encourage
10 him to get out of a vacation if he can.

11 CHAIR STAPLES: Thank you, Kay. I
12 think that's helpful.

13 Okay. Who might I recognize for a
14 motion? Is it you, Bill?

15 MR. McCLAY: I'm just going to use
16 the recommended language here. I move that
17 NACIQI recommend that ATS's recognition be
18 continued to permit the agency --

19 By the way, I think there should
20 be a comma after continued there.

21 -- to be continued, to permit the
22 agency an opportunity to within -- it says

1 here 12-month period. Should we make it 12
2 months and two weeks? Thirteen months maybe.

3 We can talk about that.

4 -- bring itself into compliance
5 with the criteria cited in the staff report
6 and then submit for review thereafter a
7 compliance report demonstrating compliance
8 with the cited criteria and their effective
9 application. Such continuation shall be
10 effective until the Department reaches a final
11 decision. I'm not sure we need that last
12 sentence.

13 CHAIR STAPLES: Thank you for that
14 motion. Is there a second?

15 MR. ROTHKOPF: Second.

16 CHAIR STAPLES: Moved and
17 seconded. Any comments or questions about the
18 motion? Everyone can see it up there. Okay.

19 No questions about the content of the motion.

20 All in favor of the motion, please raise your
21 hand. Any opposed? The motion carries.

22 Melissa.

1 MS. LEWIS: I would like to note
2 for the record that Frederico Zaragoza joined
3 us immediately following lunch and
4 participated in the review of the Commission
5 on Accrediting of the Association of
6 Theological Schools. Arthur Keiser will be
7 joining us later. Carolyn Williams is
8 rejoining us as well. Thank you.

9 CHAIR STAPLES: Okay. Why don't
10 we proceed right to the next agency, the
11 Accrediting Bureau of Health Education
12 Schools. Aron and Jamie are primary readers.
13 Accrediting Bureau of Health Education Schools

14 MR. SHIMELES: The Accrediting
15 Bureau of Health Education Schools is a
16 national institutional and programmatic
17 accreditor.

18 It's current scope of recognition
19 is the accreditation of private, post-
20 secondary institutions in the United States
21 offering predominately allied health education
22 programs and the programmatic accreditation of

1 medical assistant, medical laboratory
2 technician, and surgical technology programs
3 leading to a certificate, diploma, associate
4 of applied science, associate of occupational
5 science, or academic associate degree
6 including those offered via distance
7 education.

8 The agency is requesting
9 recognized scope that would include its
10 accreditation of programs at the baccalaureate
11 level.

12 ABHES accredits 211 institutions
13 and 161 programs. The Secretary's recognition
14 of the agency enables it accredited
15 institutions to seek eligibility to
16 participate in the student financial assistant
17 programs administered by the Department of
18 Education under Title IV of the HEA of 1965 as
19 amended. Consequently, the agency must meet
20 separate independent requirements established
21 in the regulations.

22 And to move on to a little bit

1 about the recognition history. The agency
2 received initial recognition in 1969 for its
3 accreditation of private and public medical
4 laboratory technician programs. The agency's
5 recognition has been periodically reviewed.
6 Continued recognition has been granted after
7 each review.

8 In '74 the agency was granted an
9 expansion of scope to include accreditation of
10 medical assistant programs in the private
11 sector. In '82 the agency was granted another
12 expansion of scope with the accreditation of
13 private post-secondary institutions offering
14 allied health education.

15 In '95 it was granted expansion of
16 scope to accredit institutions and programs
17 leading to the associate of applied science
18 and associate of occupational science degrees.

19 In '98 the agency was granted an expansion of
20 scope to accredit institutions offering
21 predominately allied health education
22 programs.

1 In '07 the agency was granted an
2 expansion of scope to accredit institutions
3 and programs leading to the academic associate
4 degree and programs offered to be in distance
5 education.

6 The last full review the agency
7 was conducting in December of '04 NACIQI
8 meeting at which the Committee recommended and
9 the Secretary concurred the agency's
10 recognition be reviewed for five years and
11 that it send an interim report addressing
12 issues identified in the staff analysis.

13 In addition, the Secretary granted
14 the agency expansion of scope to include the
15 accreditation of surgical technology programs.

16 The interim report was reviewed during the
17 June '06 meeting with the Committee. The
18 Secretary accepted the interim report.

19 In conjunction with the current review, the
20 agency's renewal petition and supporting
21 documentation, Department staff conducted a
22 review on the agency in April 2011.

1 CHAIR STAPLES: Thank you.

2 Jamie, anything to add?

3 MS. STUDLEY: Nothing to add.

4 CHAIR STAPLES: Okay.

5 Elizabeth Daggett, you want to
6 come forward.

7 MS. DAGGETT: Good afternoon, Mr.
8 Chair, and members of the Committee. My name
9 is Elizabeth Daggett and I am the member of
10 the Accreditation Division staff that
11 completed the review of the petition for re-
12 recognition for ABHES.

13 The staff recommendation to the
14 Senior Department Official for this agency is
15 to grant the agency's request for an expansion
16 of its scope of recognition to include its
17 accreditation of baccalaureate degrees,
18 continue the agency's current recognition, and
19 require a compliance report in 12 months on
20 issues identified in the staff report.

21 This recommendation is based on
22 our review of the agency's petition, its

1 supporting documentation, and a file review at
2 the agency's offices in April 2011. Our
3 review of the agency's petition found that he
4 agency is substantially in compliance with the
5 criteria for recognition.

6 There are 12 outstanding issues
7 that the agency needs to address in the
8 recognition areas of organizational and
9 administrative requirements, required
10 standards and their application, and
11 implementation of required operating policies
12 and procedures.

13 In brief, the issues concern the
14 agency's definition of a public member,
15 commissioner and evaluator training, and
16 documentation of a new report, substantive
17 changes, and teach-out plans and agreements.

18 We believe that these remaining
19 issues will not place the agency's
20 institutions, programs, students or the
21 financial aid they receive at risk and that
22 the agency can resolve the concerns we have

1 identified and demonstrate its compliance in a
2 written report in a year's time.

3 Therefore, as I stated earlier,
4 the staff is recommending to the Senior
5 Department Official to grant the agency's
6 request for an expansion of its scope o
7 recognition to include its accreditation of
8 baccalaureate degrees, continue the agency's
9 current recognition, and require a compliance
10 report in 12 months on issues identified in
11 the staff report. Thank you.

12 CHAIR STAPLES: Thank you. Any
13 questions?

14 Okay. Seeing no questions, do we
15 have any motions?

16 MS. STUDLEY: Do we have
17 Representatives of the Agency?

18 CHAIR STAPLES: That's what I
19 meant. I was just testing you. Very good
20 catch, Jamie. Got too excited about moving
21 forward, I guess.

22 Agency representatives, please

1 come forward.

2 MS. SWISHER: Nice test. Mr.
3 Chair, committee, and members of the staff, my
4 name is Linda Swisher and it is my pleasure to
5 be here with you today and to represent ABHES
6 as the commission chair. I would like the
7 rest of my colleagues to introduce themselves
8 and then we'll open it up for your questions
9 and discussion.

10 DR. GIOFFRE: Good afternoon,
11 everyone. My name Dr. Delores Gioffre and I
12 am an ABHES member of the Committee on Degree
13 Policies and Procedures. I'm very happy to be
14 here today. Thank you.

15 MR. WHITE: I'm Michael White and
16 I'm a member of the ABHES staff.

17 MS. MONEYMAKER: Hello. I'm Carol
18 Moneymaker. I'm the executive director of
19 ABHES. On behalf of the commission we found
20 the review and the staff report to be very
21 thorough, rigorous and fair, and we really do
22 not see any problem coming into full

1 compliance within the 12-month period. We are
2 here for any questions you may have.

3 CHAIR STAPLES: Are there any
4 questions of the agency representatives?

5 Okay. I think you're all set.
6 Thank you very much.

7 Elizabeth, do you have any further
8 comments? No?

9 Would someone care to make a
10 motion?

11 MS. STUDLEY: Yes, I would be
12 happy to make a motion. I think you're just
13 in the post-lunch smooth process window. If
14 you traveled here, I'm sure you have a
15 subcommittee meeting this afternoon while you
16 are together or you can celebrate.

17 The motion is in a slightly
18 different format because of the recommendation
19 related to scope so I will proceed to track
20 the staff recommendation as the motion.

21 I move that the NACIQI recommend
22 that ABHES' request for an expansion of scope

1 that would now include bachelor's degrees be
2 granted and that the agency's recognition be
3 continued to permit the agency an opportunity
4 to with a 12-month period bring itself into
5 compliance with the criteria cited in the
6 staff report and that it submit for review
7 within 30 days thereafter a compliance report
8 demonstrating compliance with the cited
9 criteria and their effective application

10 Such continuation shall be effective until the
11 Department reaches a final decision.

12 If the recorder does not have that
13 language, I will provide it to you.

14 CHAIR STAPLES: So that is the
15 motion.

16 MR. ROTHKOPF: I'll second it.

17 CHAIR STAPLES: Made and seconded.

18 MS. STUDLEY: It is extensive but
19 the content is to grant the expansion of scope
20 to include bachelor's degrees and to carry
21 forward for a 12-month period to get a
22 compliance report through which time the

1 agency would be renewed. It will take a
2 second to catch that.

3 CHAIR STAPLES: While it's being
4 typed up, any discussion about the proposal,
5 about the content of it? Okay. Why don't we
6 just wait a minute so people can actually see
7 that motion.

8 I apologize for an oversight. We
9 have our first third party commenter and it is
10 on this item. Before we proceed, Mr. Omar
11 Franco.

12 Sit at the table and use the
13 microphone, please. Go right ahead.

14 MR. FRANCO: Hi. My name is Omar
15 Franco. I work for Becker and Poliakoff and I
16 represent Dade Medical College. I just wanted
17 to let you all know that we've been going
18 around just talking to some congressional
19 members and we have letters of support for
20 full consideration of this request from
21 Senators Menendez, Rubio, Nelson, and
22 Congresswomen Debbie Masserman Schultz,

1 Frederica Wilson, and Congressman Mario Diaz-
2 Balart to fully support the recommendations
3 that have been given here.

4 I've given copies of those letters
5 to staff but it was after the comment period
6 so I just wanted you all to be fully aware of
7 that.

8 CHAIR STAPLES: Okay. Thank you
9 very much for coming today.

10 MR. FRANCO: Thank you.

11 CHAIR STAPLES: Do we have the
12 motion? There it is. Can everybody see that
13 or does it need to be read again? Okay. If
14 there are no questions about the motion, then
15 I would ask all in favor of the motion to
16 please raise your hand. Any opposed? Motion
17 carries. Thank you very much.

18 Okay. We'll now proceed to the
19 Accreditation Commission for Acupuncture and
20 Oriental Medicine. Bill Pepicello and Susan
21 Phillips are the two readers.

22 Who is proceeding first? Susan.

1 Accreditation Commission for Acupuncture and
2 Oriental Medicine

3 MS. PHILLIPS: The Accreditation
4 Commission for Acupuncture and Oriental
5 Medicine is a national programmatic and
6 institutional accreditor currently accrediting
7 and preaccrediting throughout the United
8 States in first professional master's degree
9 programs, professional master's level,
10 certificate and diploma programs in
11 acupuncture and Oriental medicine, as well as
12 free-standing institutions and colleges of
13 acupuncture for Oriental medicine that offers
14 such programs.

15 They are requesting an expansion
16 of recognized scope to include accreditation
17 and pre-accreditation of professional post-
18 graduate doctoral programs in acupuncture and
19 in Oriental medicine.

20 They currently accredit three
21 doctoral programs and have four additional
22 programs in pre-accreditation status. In

1 addition, they accredit or pre-accredit
2 programs in institutions in 21 different
3 states, 47 of the agencies. Sixty-one
4 accredited and candidate programs are in
5 single purpose free-standing institutions of
6 higher education.

7 Only the accredited free-standing
8 institutions of acupuncture and Oriental
9 medicine may use the agency's accreditation to
10 establish eligibility to participate in
11 student financial aid and other related
12 programs under the Higher Education Act.

13 They were first recognized by the
14 Secretary in 1988 for accreditation at the
15 professional master's degree level in
16 acupuncture. In 1992 the recognition was
17 expanded to include accreditation of first
18 professional master's degree and professional
19 master's level certificate and diploma
20 programs.

21 The last full review was in
22 December 2005 and following that meeting the

1 Secretary granted the agency continued
2 recognition for a period of five years and an
3 expansion of scope at that time to include the
4 agency's pre-accreditation candidacy status.

5 Anything that you care to add,
6 Bill?

7 Then I would turn to the staff.

8 CHAIR STAPLES: Okay. Rachael, go
9 right ahead.

10 MS. SHULTZ: Good afternoon. I'm
11 Rachael Schultz and I will be presenting
12 information regarding the petition submitted
13 by the Accreditation Commission for
14 Acupuncture and Oriental Medicine, or ACAOM.

15 The staff recommendation to the
16 Senior Department Official is to continue the
17 agency's current recognition and grant the
18 agency's request for an expansion of scope to
19 include the accreditation and pre-
20 accreditation of professional post-graduate
21 doctoral programs in acupuncture and Oriental
22 medicine while requiring the agency to submit

1 a report within 12 months that demonstrates
2 the agency's compliance with the issues
3 identified in the staff analysis.

4 This recommendation is based upon
5 the staff review of the agency's petition and
6 supporting documentation, as well as the file
7 review in the agency's offices conducted on
8 June 1, 2011. Our review of the agency's
9 petition revealed outstanding issues in
10 several areas of the criteria.

11 In particular, issues related to
12 the area of Organizational and Administrative
13 Requirements include the need for more
14 information about the agency's site visitor
15 pool and appeals panel pool including the pool
16 members' qualifications, assignments, and
17 training. More information is also needed
18 regarding the agency's records retention
19 policy and file management.

20 The issues related to the area of
21 Required Standards and Their Application
22 largely involve the need for more

1 documentation from the agency including more
2 information on assessment criteria, the
3 materials reviewed by the Commission during
4 the decision-making process, information on
5 Commission training and the Commission review
6 process, and information on the standards
7 review process.

8 Issues related to three findings
9 in the staff analysis in this area were
10 further underscored during the file review at
11 the agency's offices that was conducted last
12 week. The agency must provide additional
13 information and documentation regarding its
14 annual reports, follow-up actions, and
15 timelines.

16 It should be noted that the agency
17 is operating with a relatively new staff but
18 has kept open communications with ED staff
19 during this transition and is making progress
20 in researching and providing the needed
21 documentation.

22 The majority of issues related to

1 the area of Required Operating Policies and
2 Procedures involve the need for policy
3 revisions and additional documentation in the
4 areas of substantive change, review of
5 complaints, changes in institutional
6 ownership, teach-out plans, submission of
7 information to ED and other agencies, and the
8 appeals panel process.

9 Since many of these issues involve
10 slight policy modifications or the need for
11 additional documentation, and because we have
12 received no record of complaints or concerns
13 regarding this agency, we believe that these
14 issues will not place ACAOM's institutions,
15 program, students, or the financial aid they
16 receive at risk and that the agency can
17 resolve the concerns we have identified and
18 demonstrate its compliance in a written report
19 in a year's time.

20 Therefore, as I stated earlier, we
21 are recommending to the Senior Department
22 Official that ACAOM's recognition be

1 continued, that its expansion of scope be
2 granted, and that the agency submit a
3 compliance report in twelve months on the
4 issues identified in the staff report. Thank
5 you.

6 CHAIR STAPLES: Thank you very
7 much.

8 Any questions?

9 Would the Representatives of the
10 Agency like to come forward?

11 MR. MCKENZIE: Thank you, Mr.
12 Chair and members of the Committee. Thank
13 you, Rachael.

14 My name is Mark McKenzie. I'm the
15 current Chair of the Commission. I am dean of
16 the College for Acupuncture and Oriental
17 Medicine, Northwestern Health Sciences
18 University in Minneapolis. I've been a
19 commissioner for three years. I took over as
20 chair in February of this year.

21 I'm going to go ahead and let our
22 Interim Executive Director introduce himself.

1 MR. GODING: My name is William
2 Goding. I am the Interim Executive Director,
3 a position I've held for approximately 10
4 months. We would just like to start by
5 thanking the staff for its thorough review
6 which helped us tremendously in guiding us to
7 what we need to do to come in compliance.

8 We are working aggressively to do
9 that and we are confident that we will be in
10 full compliance in 12 months. We would be
11 happy to respond to any of your questions.

12 CHAIR STAPLES: Thank you. Are
13 there any questions? Bill, Susan, anybody
14 else?

15 Okay. I guess that's all we have
16 for you. Thank you.

17 Is there a motion?

18 MS. PHILLIPS: I would move that
19 NACIQI recommend that the agency's current
20 recognition be continued and to require the
21 agency to come into compliance within 12
22 months and submit its compliance report that

1 demonstrates compliance with the issues
2 identified in the staff report.

3 I would further move that its
4 request for expansion of scope of recognition
5 to include its accreditation and pre-
6 accreditation of professional post-graduate
7 doctoral programs in Acupuncture and Oriental
8 Medicine (DAOM) be granted.

9 CHAIR STAPLES: Is there a second?

10 MR. PEPICELLO: Second.

11 CHAIR STAPLES: It's been moved
12 and seconded. We'll wait one minute until
13 that comes up.

14 Okay. The motion is up there.
15 Can everybody see it? It's not finished.

16 The motion is before us. Any
17 questions about it? Can people see it who
18 need to see it?

19 Susan, maybe you should repeat it
20 just because it's been a couple of minutes to
21 make sure everyone understands what we're
22 doing.

1 I would move that NACIQI recommend
2 that the ACAOM's recognition be continued and
3 to require the agency to come into compliance
4 within 12 months and submit its compliance
5 report that demonstrates the agency's
6 compliance with the issues identified in the
7 staff report.

8 I would further move that its
9 request for expansion of scope of recognition
10 to include its accreditation and pre-
11 accreditation of professional post-graduate
12 doctoral programs in Acupuncture and Oriental
13 Medicine (DAOM) be granted.

14 CHAIR STAPLES: Thank you.
15 Anymore discussion, or any discussion, about
16 the motion? Seeing none, all in favor please
17 raise your hand. Any opposed? Motion
18 carries. Thank you very much.

19 We are now going to take a 15-
20 minute break and we will be back at that
21 point.

22 (Whereupon, at 1:56 p.m. off the

1 record until 2:21 p.m.)

2 CHAIR STAPLES: I would call the
3 meeting back to order and invite or begin the
4 discussion of the American Osteopathic
5 Association, Commission on Osteopathic College
6 Accreditation petition for renewal of
7 recognition. At this time I would like to
8 recognize Carolyn Williams.

9 American Osteopathic Association, Commission
10 on Osteopathic College Accreditation

11 MS. WILLIAMS: Thank you. In
12 terms of background, the agency is, as was
13 indicated, the Commission on Osteopathic
14 College Accreditation and the American
15 Osteopathic Association.

16 The Commission on Osteopathic
17 College Accreditation is a standing committee
18 of the American Osteopathic Association. The
19 COCA currently accredits 23 osteopathic
20 colleges of medicine and provisionally
21 accredits another three.

22 Because these osteopathic medical

1 education programs may be offered in either
2 free-standing institutions offering only these
3 programs or in larger institutions offering
4 other educational programs, the agency is
5 considered both an institutional and a
6 programmatic accreditor.

7 Of the 26 colleges of osteopathic
8 medicine accredited or provisionally
9 accredited by the agency three are located in
10 free-standing institutions. The agency is up
11 for renewal of recognition.

12 In terms of history, the agency as
13 previously configured was first recognized by
14 the U.S. Commission of Education in 1952 and
15 has received periodic renewal of recognition
16 since then.

17 The agency was last reviewed for
18 continued accreditation in 2005. In 2006 the
19 Secretary granted continued recognition to the
20 agency for a period of five years and granted
21 it a waiver of the separate and independent
22 requirements. An interim report was submitted

1 in 2007 and at that time it was granted
2 acceptance and renewed.

3 I think our staff person,
4 Jennifer, is going to fill in the rest.

5 CHAIR STAPLES: Go right ahead,
6 Jennifer.

7 MS. HONG-SILWANY: Good afternoon,
8 Mr. Chair, and Committee members. My name is
9 Jennifer Hong-Silwany. I'll be providing a
10 summary of the staff recommendation for the
11 American Osteopathic Association, Commission
12 on Osteopathic College Accreditation.

13 The staff recommendation to the
14 Senior Department Official is to renew the
15 agency's recognition for a period of five
16 years for its accreditation and pre-
17 accreditation, or the agency's equivalent of
18 provisional accreditation, throughout the
19 United States of free-standing public and
20 private non-profit institutions of osteopathic
21 medicine and programs leading to the degree of
22 doctor of osteopathy or doctor of osteopathic

1 medicine.

2 This recommendation is based on
3 our review of the agency's petition,
4 supporting documentation, and an observation
5 of a decision-making meeting on April 30th
6 through May 1st 2011 in Chicago, Illinois.

7 Our review of the agency's
8 petition found that the agency is now fully in
9 compliance with the criteria for recognition.

10 The issues identified in the draft staff
11 analysis were fully addressed and documented
12 in the agency's response to the draft staff
13 report.

14 Therefore, as I stated earlier, we
15 are recommending to the Senior Department
16 Official that the agency's recognition be
17 renewed for a period of five years. Thank
18 you.

19 CHAIR STAPLES: Thank you. Any
20 questions for Jennifer? Seeing none, will the
21 Representatives of the Agency please come
22 forward?

1 MR. VEIT: Good afternoon, Mr.
2 Chairman.

3 CHAIR STAPLES: Good afternoon.

4 MR. VEIT: My name is Ken Veit and
5 I am the current Chair of the Commission of
6 Osteopathic Medical School Accreditation.
7 I've been the chair for approximately one
8 year. I sat on the commission for a prior six
9 years.

10 My day job is I am the provost and
11 dean of Philadelphia College of Osteopathic
12 Medicine. The job that I take most pride in
13 is I am an osteopathic family physician. I
14 have participated over many, many years in
15 review processes and I'm very proud to be the
16 chair of an entity that I believe strongly in
17 and our colleges also believe strongly in.

18 At this time I would like to turn
19 it over to Andrea.

20 MS. WILLIAMS: I'm Andrea Williams
21 and I am the Assistant Secretary of the COCA.

22 MR. MISKOWICZ-RETZ: Good

1 afternoon, Mr. Chair, Mr. Vice Chair, and
2 members of the Committee. I'm Konrad
3 Miskowicz-Retz. I am the Secretary to the
4 Commission. I am the Director of the
5 Department of Accreditation at the American
6 Osteopathic Association.

7 We appreciate this opportunity to
8 be here before you this afternoon. This is
9 the third petition that I have submitted and I
10 can say that we have found each time we've
11 gone through the process that it has been a
12 process that has helped us to strengthen our
13 program. We've learned something from it each
14 time we go through it. Certainly I can also
15 say that we accept the findings of the staff
16 analysis.

17 We would be happy to answer any
18 questions.

19 CHAIR STAPLES: Are there any
20 questions?

21 Arthur.

22 MR. ROTHKOPF: Yes. I would be

1 interested in your reaction to this. We've
2 seen a fair number of organizations come
3 before us today. You probably were sitting
4 through most of those, or many of them. Many
5 have had great difficulty in meeting these
6 requirements and sometimes a long laundry list
7 of requirements not met.

8 You all seem to have met them.
9 What is the message here? Why are you able to
10 do it and others are struggling and have five,
11 10, 15 items that they've got to deal with and
12 come back to us in a year?

13 MR. MISKOWICZ-RETZ: Well, Mr.
14 Vice Chair, I think there are a couple of
15 points here. No. 1, we have a very great deal
16 of respect for the democratic process in this
17 country that gives us statutes and
18 regulations. We fully accept that once
19 regulations are issued, they are regulations
20 that apply -- in the case of accrediting
21 agencies, of course -- that are regulations
22 that we will fully meet.

1 The second one is one that I think
2 may sound a little bit tired but really you
3 have to live this every day. You have to
4 always be looking at how can you make your
5 programs better. In some cases that is a
6 matter of documentation admittedly, the
7 documentation you keep.

8 In other cases it's also a matter
9 of following what's going on with the external
10 publics around you. What's going on with the
11 Congress. This is certainly an area, higher
12 education accreditation, that is a very active
13 one today in the Congress.

14 What's going on with the
15 Department of Education. We heard a talk
16 earlier this morning about granularity. As
17 I've told my colleges, I remember the days
18 when you had the Higher Ed Act, the
19 authorization, you had one set of regs, and
20 you waited for the next reauthorization.
21 That's not where we're at today.

22 Today you have to keep yourself

1 attuned to what's going on around you so that
2 you're not always in a reactionary mode when
3 it comes to good accreditation practice but
4 that you can be proactive and respond and stay
5 ahead of where you think things are going.

6 MR. ROTHKOPF: Thank you.

7 MS. STUDLEY: Speaking of where
8 things are going, I noticed that you accredit
9 23 colleges and provisionally accredit another
10 six -- six?

11 PARTICIPANT: It's 23 and three.
12 I was corrected in my notes.

13 MS. STUDLEY: Oh, then it has
14 changed since the documentation that we
15 received. If it was six, I was going to ask
16 whether that reflects new entrants because
17 it's an unusual balance. If it's three, then
18 my question is off the table.

19 MR. MISKOWICZ-RETZ: We had going
20 into the Commission last meeting 20 fully
21 accredit and six provisional. Three of those
22 moved from the provisional, or the federal

1 career accreditation, over to the accredited
2 so there was not a net gain by those actions
3 but rather a movement.

4 MS. STUDLEY: So 20 and 6 becomes
5 23 and three.

6 MR. MISKOWICZ-RETZ: And three,
7 yes.

8 MS. STUDLEY: Okay. So while the
9 provisionally accredited knew, and maybe it's a
10 different term if somebody slides out of
11 accreditation after being fully accredited.

12 MR. MISKOWICZ-RETZ: I understand
13 your question. The provisionally accredited
14 schools are schools that are in the
15 development phase.

16 They have not yet graduated their
17 first class of students but they have been
18 evaluated over all of the standards before
19 they are allowed to take students and then
20 they are evaluated annually with annual
21 reports and annual site visits until they
22 graduate the first class and that is the time

1 at which a decision on accreditation is made.

2 Accreditation is for a seven-year period of
3 continuing review.

4 MS. STUDLEY: Is this a rising
5 pattern? Are there more schools coming into
6 your field at a higher rate than in the past?

7 MR. MISKOWICZ-RETZ: Like all of
8 the other healthcare professions that I am
9 aware of there is an intense interest in
10 attempting to meet the healthcare needs of
11 this country by making sure that there are
12 adequate numbers of students who are being
13 educated.

14 We are right now working with
15 additional schools at the level prior to
16 provisional accreditation. We have one school
17 in our pre-accreditation. Then we have a
18 couple other applicants who are seeking to be
19 evaluated for pre-accreditation.

20 MS. STUDLEY: And do you have a
21 number for the number of students covered by
22 the accreditations that you grant?

1 MR. MISKOWICZ-RETZ: Right now in
2 this current year I believe our authorized
3 class size is about 5,000 to 5,100 students so
4 if you multiply that out by four it's a little
5 bit over 20,000 students total in the
6 osteopathic colleges.

7 MS. STUDLEY: Thank you.

8 CHAIR STAPLES: Any other
9 questions?

10 Yes, Anne.

11 MS. NEAL: The question I asked of
12 some others. How big is your budget and your
13 staff and do you ask your institutions to
14 quantify what they spend in terms of their
15 accreditation process; FTEs, hours,
16 duplication, etc., in terms of the cost to
17 them?

18 MR. MISKOWICZ-RETZ: With regard
19 to the last question, we do not ask for that
20 information. With regards to our budget, our
21 budget is approximately 1 to 1.1 million
22 dollars. We have six full-time staff.

1 MS. NEAL: Thank you.

2 CHAIR STAPLES: Any other
3 questions? Okay. Thank you very much.

4 We have a third-party commenter,
5 Dr. Massood Jallali.

6 Good afternoon. Turn your
7 microphone on. Just so you are aware, we have
8 a three-minute time limit for third-party
9 commenters. I know that's a tight time frame
10 but maybe you can highlight your remarks in
11 three minutes.

12 DR. JALLALI: Good afternoon.
13 Again, as I said, I think this time I'm in the
14 right place at the right time. I believe my
15 written comments clearly speak that this
16 agency paints a rosy picture of doing a
17 wonderful job. As a matter of fact, this
18 agency is the most corrupt incompetent agency
19 that is out there.

20 This is an agency that was trusted
21 by the United States Government and this
22 Committee to do the job and the criteria of

1 that job was clearly made under Section 602,
2 subpart B and numerous subsections. This
3 agency failed to do the job that it was
4 supposed to do.

5 It was suppose to monitor the
6 universities and colleges that are certified
7 and give them basically license to participate
8 in Title IV of Higher Education Act. By doing
9 so, as you all heard today, there are almost
10 26 colleges. That is almost 20,000 students.
11 Each student attending those schools cost
12 about \$50,000 a year.

13 That is close to a billion dollars
14 that this institution oversees. This billion
15 dollars comes from the taxpayers and from the
16 government but, yet, they don't even spend the
17 time to monitor their universities' procedures
18 and policies when it comes to substantive
19 change and class size change which clearly in
20 the CFR 34 Section 602.22 states any
21 substantive change, any class size change must
22 be first given approval by the agency.

1 I attended NOVA Southeastern
2 University in 1998. That university
3 unilaterally changed the graduation
4 requirement without telling me and submitting
5 fraudulent student loans in my behalf and
6 receiving. Then in 2002 notifying me that,
7 "Now we have changed your graduation
8 requirement."

9 Where was this agency when I filed
10 a complaint and I said to them, "According to
11 your policy and standards and procedures this
12 university is violating those standards and
13 procedures that you guys accredited." They
14 did nothing. Nothing. As a matter of fact,
15 they did the opposite. They supported the
16 university.

17 Mr. Konrad Miskowicz he gave a
18 deposition in behalf of the university in the
19 legal litigation that I had with the
20 university that I want a jury verdict on.
21 Nevertheless, business is not going to be as
22 usual for them because I have recently filed

1 what is called a related complaint which was
2 under seal.

3 The United States Government and
4 Justice Department had 60 days to review the
5 merit of that complaint. After the United
6 States Government and Department of Justice
7 reviewed that complaint, it found my complaint
8 had enough merit to allow me to file --

9 CHAIR STAPLES: Excuse me, Dr.
10 Massood. You have exceeded your time. Also,
11 I think it's important that you wrap up and
12 you can make your closing comments to the
13 standards that we're looking at today and
14 whether the agency meets those standards. I
15 think the details of your particular complaint
16 are not relevant for us.

17 DR. JALLALI: My statement is that
18 they have violated the standards called
19 insuring consistent decision making. While
20 the agency was asking in their own standard
21 that passing NBOME Part II is only required
22 for the entering class of 2004-2005. My

1 school, NOVA Southeastern University, imposed
2 on me way before that entering class comes in.

3 Second, 602.19, monitoring the
4 accreditations. We told them in the complaint
5 that NOVA is not complying. They did nothing.

6 Section 602.20, enforcement of standard.
7 They have the job and duty. As I said, it is
8 a billion dollars a year business that these
9 people oversee. They did nothing.

10 Also, at the same time 602.22,
11 substantive change. In their own policy and
12 procedure it requires university to obtain
13 approval before they add or subtract classes
14 or courses, or asking that the National Board
15 of Osteopathic Medical Examiners become as
16 part of graduation requirement.

17 That is a significant substantive
18 change. Now I left with no degree, almost a
19 couple hundred thousand dollars owed to U.S.
20 Government because they failed to do their
21 job.

22 CHAIR STAPLES: Thank you very

1 much for your testimony.

2 DR. JALLALI: Thank you.

3 CHAIR STAPLES: Appreciate that.

4 Now there is an opportunity for
5 the agency, if they choose, to respond to the
6 third-party presentation.

7 MR. MISKOWICZ-RETZ: Thank you,
8 Mr. Chair. We have given you a detailed
9 written response to the third-party comments.

10 I don't know if all the commissioners receive
11 that or just the primary readers receive that.

12 Does everyone receive that?

13 CHAIR STAPLES: It's available to
14 all of us.

15 MR. MISKOWICZ-RETZ: Everyone has
16 the availability of that. In that one we
17 describe in detail the handling of the
18 original complaint that was filed by the
19 commenter, I believe, the end of year 2005 to
20 2006. At that time we looked at the complaint
21 that had been made. It was reviewed
22 independently by a subcommittee. You have

1 before you the complete file of the review of
2 that complaint.

3 Since that time there has also
4 been a variety of litigation involved
5 regarding this matter. As we mentioned in our
6 detailed comments, which are found in the
7 supplemental narrative to this complaint, the
8 third-party commenter does have an active
9 legal complaint with the American Osteopathic
10 Association at this time.

11 I would point out that the key
12 point, I believe, that the commenter is trying
13 to make and made in his original complaint in
14 2006 was around the issue of the fact that the
15 NOVA Southeastern University College of
16 Osteopathic Medicine had changed its
17 graduation requirements to require not only
18 taking but passing Part II of the National
19 Board of Osteopathic Medicine COMLEX
20 Examinations.

21 The commenter is correct in
22 pointing out that this was done prior to it

1 being a requirement for all of the colleges of
2 osteopathic medicine. This was a requirement
3 that was under change at that time. It was
4 announced and was one that did not go into
5 effect for a couple years after that time.

6 This matter was brought before the
7 Department of Education, I believe in early
8 2007. You have in your materials the letter
9 of response that came from the U.S. Department
10 of Education pointing out that it was
11 certainly within a college's purview to have
12 standards that exceeded the standards of its
13 accrediting agency.

14 It was also pointed out by the
15 Department of Education at that time that they
16 were supportive of increasing the standards
17 for graduation in colleges of osteopathic
18 medicine.

19 You heard in the oral comments
20 today some concerns about monitoring of
21 substantive change and of class size change.
22 Both of these are well covered in our original

1 petition and in the petition materials.

2 With respect to class size change,
3 unlike many other accrediting agencies we have
4 considered this a substantive change since the
5 time that accrediting agencies were required
6 to monitor substantive changes. We have an
7 extensive procedure for monitoring the sizes
8 of the classes at our schools and for also
9 monitoring requests for changes in the class
10 size increase.

11 It is stated that the accrediting
12 agency, that is the AOA-COCA, did nothing with
13 response to the original complaint. As you
14 see in the materials we provided to you, the
15 complaint was handled. The complaint was
16 processed.

17 The findings at that time were
18 that there was no evidence that the college
19 was in violation of any standards of
20 accreditation by raising its standards for
21 accreditation to include the passing of the
22 Part II exams.

1 If you look through the record
2 that we have provided you with, you will find
3 that the college provided a very detailed
4 explanation of how this was handled with
5 regard to the third-party commenter.

6 If you look also through the
7 records, particularly of the findings of the
8 State of Florida Appellate Court, you will see
9 that they essentially found as facts the same
10 facts upon which the AOA-COCA relied upon when
11 it evaluated the initial complaint.

12 With that, I would be happy to
13 answer questions, Mr. Chair.

14 CHAIR STAPLES: Thank you. Are
15 there any questions? Doesn't appear so.
16 Thank you very much.

17 Jennifer, do you have any
18 additional comments? Okay.

19 Carolyn, any comments or a motion,
20 whatever you choose.

21 MS. WILLIAMS: Ready for a motion.

22 I move that the NACIQI recommend that AOA-

1 COCA requested renewal of recognition with its
2 current scope of recognition be granted for a
3 period of five years based on the agency's
4 compliance with the Secretary's criteria of
5 recognition.

6 CHAIR STAPLES: Is there a second
7 for that motion?

8 MR. ROTHKOPF: Second.

9 CHAIR STAPLES: It's been moved
10 and seconded. Any comments or discussion? Is
11 the motion up there for everyone to see it?
12 Okay. No further discussion. Then all in
13 favor of the motion please raise your hand.
14 All opposed? The motion carries.

15 Thank you and that completes our
16 agency reviews for today.

17 Melissa, do you have any -- we do
18 have continued discussion among ourselves but
19 that is the finishing of our public portion.

20 MS. LEWIS: No. I would just like
21 to remind everyone that tomorrow's session
22 starts at 8:30 in the morning. The first half

1 of the day will be a typical NACIQI meeting
2 where we review agencies for recognition.
3 Then starting at noon we'll turn our attention
4 to the reauthorization of the Higher Education
5 Act and of the Secretary's -- the Committee's
6 recommendations concerning that.

7 CHAIR STAPLES: Do you want to
8 mention what we're doing next? We may have to
9 take a break because we may not have Marcella
10 here yet. She's coming at 3:00?

11 MS. LEWIS: Right. For the
12 audience's information, as well as the
13 members, the rest of the day will be spent
14 giving the members their annual required
15 ethics training. It's an administrative
16 session so that everyone will feel comfortable
17 asking questions. Thank you very much and we
18 look forward to seeing you tomorrow.

19 CHAIR STAPLES: Thank you very
20 much as well. We'll take a break until 3:00
21 when we hope Marcella will be here for that.

22 PARTICIPANT: She's here.

1 CHAIR STAPLES: Okay. We'll take
2 about a 15-minute break.

3 (Whereupon, the recorded
4 proceedings went off the record at 2:47 p.m.)

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