

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
NATIONAL ADVISORY COMMITTEE ON  
INSTITUTIONAL QUALITY AND INTEGRITY [NACIQI]

MEETING  
VOLUME II

Wednesday, December 12, 2012

9:19 a.m.

Washington Marriott-Wardman Park  
Wilson ABC Rooms  
2660 Woodley Road, N.W.  
Washington, D.C. 20008

P A R T I C I P A N T S

## COMMITTEE MEMBERS PRESENT:

JAMIENNE S. STUDLEY, J.D., Chair  
MR. ARTHUR J. ROTHKOPF, J.D., Vice Chair

DR. JILL DERBY  
DR. GEORGE T. FRENCH  
DR. ARTHUR E. KEISER  
DR. WILLIAM "Brit" E. KIRWAN  
MS. ANNE D. NEAL, J.D.  
MR. CAMERON C. STAPLES, J.D.  
MR. FRANK H. WU, J.D.  
DR. FEDERICO ZARAGOZA

## COMMITTEE MEMBERS ABSENT:

DR. BRUCE COLE  
DR. EARL LEWIS  
DR. WILFRED M. McCLAY  
DR. WILLIAM PEPICELLO  
DR. SUSAN D. PHILLIPS  
MR. BETER-ARON (ARON) SHIMELES  
DR. LARRY N. VANDERHOEF  
DR. CAROLYN WILLIAMS

## U.S. DEPARTMENT OF EDUCATION STAFF PRESENT:

MS. CAROL GRIFFITHS, Executive Director, NACIQI  
MS. KAY GILCHER, Director, Accreditation Division  
MS. SALLY WANNER, General Attorney, Postsecondary  
Division, OGC

MR. HERMAN BOUNDS, Ed. S.  
MS. ELIZABETH DAGGETT  
MS. KAREN DUKE  
DR. JENNIFER HONG-SILWANY  
MR. CHUCK MULA  
MR. STEPHEN PORCELLI  
MS. CATHLEEN SHEFFIELD  
DR. RACHAEL SHULTZ  
MS. PATRICIA HOWES

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Council on Education, AVMA	
Dr. David E. Granstrom, Director	
Education and Research Division, AVMA	
Third-Party Oral Comments:	
Dr. Paul D. Pion	
Co-founder and President	
Veterinary Information Network	
Dr. Robert R. Marshak, Dean Emeritus	
University of Pennsylvania	
School of Veterinary Medicine	
Dr. Deborah Kochevar, DVM, Ph.D., DACVCP	
Dean and Henry and Lois Foster Professor	
Cummings School of Veterinary Medicine	
at Tufts University	
Mr. Andrew Maccabe, Executive Director	
Association of American Veterinary	
Medical Colleges	
Dr. John Pascoe	
University of California Davis	
Dr. James F. Wilson, DVM, JD	
Priority Veterinary Management	
Consultants	
Mr. Mark Cushing	
Tonkon Torp LLP	
Founding Partner, Animal Policy Group	

Dr. Frank E. Walker  
 Practitioner and Former Member of  
 the COE  
 Dr. Nancy Brown, VMD, DACVS, DACVIM  
 Hickory Veterinary Hospital  
 Plymouth Meeting, Pennsylvania  
 Dr. William Kay  
 Practitioner and Former Member of  
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 Mr. Arthur Rothkopf

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Representatives of the Agency:  
 Dr. Barbara Barzansky, Co-Secretary  
 LCME (American Medical Association)  
 Dr. Dan Hunt, Co-Secretary, LCME  
 (Association of American Medical  
 Colleges)  
 Dr. Christopher C. Colenda, Chair, LCME  
 Dr. Jeffrey Gold, M.D., Chair-elect, LCME

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 Dr. Charles R. Bendit, Regent  
 Dr. John B. King, Jr., New York  
 State Commissioner of Education and

President, University of the State of  
New York  
Dr. Russell K. Hotzler, Chair  
Regents Advisory Council on Institutional  
Accreditation  
Dr. John L. D'Agati, Deputy Commissioner  
New York State Education Department  
Ms. Shannon Tahoe, Esq.  
Assistant Counsel for Legislation  
New York State Education Department  
Dr. Robert M. Bennett  
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P R O C E E D I N G S

CHAIRPERSON STUDLEY: Good morning, everyone. Thank you very much for your patience. Let me explain. We will begin our meeting now. Let me explain that we are awaiting one additional Committee member who is on his way, and after consulting counsel since that member is necessary to our quorum and that we cannot start discussion of any agencies without the additional member being here, but we can introduce the day, and we have a question that has been asked that doesn't apply to a specific agency.

So we will start our meeting and hope that he arrives shortly. As I started my notes for today, I realized that today is 12/12/12, which is a fascinating observation. I hope I say that, that there is not some strange or mystical reference to it, but the news show I was listening to this morning made a big deal about it so why don't we begin that way.

We are meeting in a time of substantial change in higher education expectations, and,

please, I hope you all realize that NACIQI and the Department are well aware of the new opportunities for how we think about higher education, and NACIQI intends to participate in the policy conversations at the Department and use all of what we learned from you, both collectively through our policy process and specifically through the consideration of each agency that comes before us, to try and help the Department and Congress reach the wisest possible approaches to assuring the integrity of higher education in as a responsive, responsible, non-burdensome and thoughtful way that we can.

So just know that we hear the guidance and reactions that you bring to us, and we'll incorporate them in our thinking as we go forward.

I have been asked a question that we summarize one of the requirements that applies to all organizations. This is in a very general way, just for the background of the audience and a refresher for the Committee members, and the staff of the Accreditation Office and the General Counsel's Office have agreed to give us a refresher

on the separate and independent requirement, which comes up in the context of all of the agency reviews.

So if the two of you could do that, and then we'll see if any Committee members have questions or want further clarification. Thank you very much.

MS. GILCHER: Okay. The regulations identify four types of accrediting agencies. There are those that accredit institutions and that are Title IV gatekeepers. That type of agency has to satisfy the separate and independent requirements. There's also the programmatic accrediting agencies that also accredit freestanding institutions or some other type of institution that also serves as a Title IV gatekeeper, and those types of agencies are also subject to the separate and independent requirements.

The other two types of agencies, one being a State agency, and we'll see an example of that today, and the other being a programmatic that is not a Title IV gatekeeper, they are not subject to

the separate and independent requirements.

So the regulations also define--actually a statute defines "separate and independent", and it means that there are several specific criteria that the agency has to meet to satisfy that.

One is that the members of the agency's decision-making body, and in that case, it's anybody that makes a decision, so that would be an appeals body as well as a commission, and also the policymaking body who decide accreditation, preaccreditation status of institutions or programs, establish the agency's accreditation policies, or both, cannot be elected or selected by the board or chief executive officer of any related, associated or affiliated trade association or membership organization.

There had been some understanding in the community, I believe, that this applied only to trade associations, but the language is very specific about membership organizations as well.

There is also requirement in terms of having at least one public, one member of the

agency's decision-making body is a representative of the public, as defined in regulations, and at least one-seventh of that body consists of a representative of the public.

There is also a requirement that the agency has established and implemented guidelines for each member for the decision-making bodies to avoid conflicts of interest and that the agency dues are paid separately from any dues paid to any related, associated or affiliated trade or membership organization.

And, finally, the agency must develop and determine its own budget without any review or consultation with any other entity or organization.

Yes?

MR. WU: Oh, I was going to wait until you finished.

MS. GILCHER: Okay. I was just going to say that we have had actually a number of agencies that have come before us in the last few years who have had some interesting difficulties in meeting the separate and independent requirements, and I

think you'll remember from the last meeting, we had a couple such agencies, and this time around, we had one agency that applied for a waiver. There is an option for a waiver of the separate and independent requirements, and the components of that waiver, what's required for that, are also detailed in the regulations.

Basically, they still have to have authority over their own budget, and they have to be able to operate independently in terms of their accreditation activities.

CHAIRPERSON STUDLEY: Frank.

MR. WU: So I've understood it this way, and if I could just repeat back in a very simplistic way, if you would just let me know if this is right.

If they are not a Title IV gatekeeper, this requirement does not apply.

MS. GILCHER: That's true.

MR. WU: Okay. And then if they are a Title IV gatekeeper, I took away as the key point, and I know there are several details, but as the

biggest piece of this, the phrase itself, "separate and independent." I had wondered when I first began this work, separate and independent from what, and I understand you to be saying separate and independent from the bigger structure, whether it's a trade association or membership group. So some accrediting entities are inside "a bigger thing," and they have to be separate and independent from that bigger thing. Is that right?

MS. GILCHER: That's true.

MR. WU: Got it. Okay. Thanks.

MS. GILCHER: And the only type of agency that can apply for a waiver is the programmatic specialized accrediting agency.

CHAIRPERSON STUDLEY: Okay. Are there any other clarifications or questions from the Committee?

We are ready to begin, and I will start by--I think it's worth our reintroducing ourselves to the folks present here today. My name is Jamiene Studley, and I am Chair of NACIQI.

Arthur.

MR. ROTHKOPF: Yes. I'm Arthur Rothkopf, Vice Chair and President Emeritus, Lafayette College.

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

DR. KEISER: I'm Art Keiser, Chancellor of Keiser University.

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

DR. DERBY: I'm Jill Derby, former Nevada Regent and Governance Consultant with the Association of Governing Boards.

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

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

DR. ZARAGOZA: Federico Zaragoza, Vice Chancellor, Alamo Colleges.

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

MS. WANNER: I'm Sally Wanner. I'm with

the Office of General Counsel at the Department of Education.

MS. GILCHER: Kay Gilcher, Director of the Accreditation Group, Department of Education.

MS. GRIFFITHS: Carol Griffiths, Executive Director for NACIQI.

CHAIRPERSON STUDLEY: I want to thank, again, all of the Committee members for being here and the staff for their helpful preparation for these meetings.

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AMERICAN VETERINARY MEDICAL ASSOCIATION,

COUNCIL ON EDUCATION [AVMA-COE]

CHAIRPERSON STUDLEY: Let's get rolling with the American Veterinary Medical Association, Council on Education. The primary readers were Cam Staples and Federico Zaragoza. Which of you will be--

DR. ZARAGOZA: I will, Madam Chair.

CHAIRPERSON STUDLEY: Looks like Federico is on deck. Thank you.

DR. ZARAGOZA: The American Veterinary Medical Association, AVMA, was formed in 1863 to recognize the veterinary medical profession in the United States. It began accrediting schools of veterinary medicine in 1906 through its Committee on Intelligence and Education.

In 1946, the AVMA was recognized, and the Council on Education replaced the Committee on Intelligence and Education.

The AVMA is a programmatic accrediting agency that currently accredits 28 schools of veterinary medicine located in regionally-

accredited universities. These programs use the agency's accreditation to participate in professional student loan programs offered through the U.S. Department of Health and Human Services.

Recognition of the agency does not allow its programs to seek eligibility to participate in Title IV programs. Their current scope of recognition includes granting accreditation and preaccreditation in the United States for programs leading to doctorate level professional degrees in veterinary medicine.

The Council of Education of the AVMA was on the Commissioner of Education's first nationally recognized list of accrediting agencies published in 1952. Since then, its recognition has been renewed several times. The agency was last granted a period of recognition for five years in 2007.

In preparation for the current review of the agency for continued recognition, the Department staff reviewed the agency's petition and supporting documentation and observed a council decision-making meeting in Schaumburg, Illinois on

July 9, 2012.

13 third-party written comments recommending against the agency's continued recognition were received by the Department.

Madam Chair, at this point, I would defer to Dr. Jennifer Hong-Silwany for staff comments.

CHAIRPERSON STUDLEY: Thank you very much. Jennifer.

DR. HONG-SILWANY: Thank you. Good morning, Madam Chair and Committee members.

My name is Jennifer Hong-Silwany, and I will be providing a summary of the staff recommendation for the American Veterinary Medical Association, Council on Education.

The staff recommendation to the Senior Department Official is to continue the agency's recognition but require the agency to come into compliance within 12 months and submit a compliance report that demonstrates the agency's compliance with the issues identified in the staff analysis.

This recommendation is based on our review of the agency's petition, supporting documentation,

and an observation of a decision-making meeting on October 7 through 9th, 2012, in Schaumburg, Illinois.

The outstanding issues in the staff analysis pertain to changes that the agency must make to its accreditation processes and policies, some of which are related to concerns cited by 12 of the 13 third-party commenters that recommended against the agency's continued recognition.

For example, the agency must ensure that it has and adheres to a process for selecting and training site visitors that adhere to conflict of interest guidelines. The agency must also ensure that it provides detailed site-visit reports that evaluate all criteria of its student achievement and curriculum standards and make clear and consistent compliance determinations in each of these areas.

Overall, the agency must amend its policies and practices and develop written guidance to ensure that it clearly stipulates and applies compliance determinations.

The agency must also ensure that it has and adheres to policies of when enforcement action and attendant timeframes apply to areas of noncompliance.

Therefore, as I stated earlier, we are recommending to the Senior Department Official to continue the agency's recognition but require the agency to come into compliance within 12 months and submit a compliance report that demonstrates the agency's compliance with the issues identified in the staff analysis.

Thank you.

CHAIRPERSON STUDLEY: Thank you very much.

Do Committee members have any questions at this time for Dr. Hong-Silwany?

In that case, let's hear from the agency, and, as you know, we may have questions later in the process. Welcome. Would you please introduce yourselves? And we appreciate your being here.

DR. ALLEN: Good morning. My name is Sheila Allen. I'm the Dean of the College of Veterinary Medicine at the University of Georgia,

and I'm currently serving as Chair on the Council on Education.

I have served on the COE--I'll call it COE from now on--I've been serving on the COE for six years. My role on the COE is a representative of the American Association of Veterinary Medical Colleges. I've been Dean for seven years. Prior to that, I was Associate Dean for Academic Affairs at the University of Georgia for eight years and before that a faculty member. So I have over 30 years of experience in higher education, and I'm very familiar with and respectful of accreditation procedures.

And if my colleague, Dr. Granstrom, will introduce himself.

DR. GRANSTROM: My name is Dave Granstrom. I'm the Director of Education and Research for the AVMA.

MR. ROTHKOPF: Could you speak up a little? I'm having trouble.

DR. GRANSTROM: That's a common problem for me. I'm sorry. It's not intentional. So my

name is Dave Granstrom, and I'm the Director of Education and Research for the AVMA. I've had that position for about five years. Before that, I worked for the USDA, Ag Research Service. Before that, I was on the staff at AVMA, once again as an Assistant Director, and before that, I was a faculty member at the University of Kentucky in the Department of Veterinary Science.

I provide staff support to the Council and attend all the site visits.

DR. ALLEN: I want to thank the USDE and Ms. Hong-Silwany for the thorough review of our application for recognition.

On behalf of the COE, I'd like to make a few comments in response to the review and answer any questions you may have.

All the COE members reviewed the draft staff report. It was discussed via conference call, and the COE response was prepared and reviewed by all members. It is agreed that the following measures will be taken in response to the staff report:

The COE will provide more detailed evidence to document that its appointments of public members are in compliance with USDE guidelines.

The COE will change the composition of site teams to be in compliance with USDE guidelines.

Thresholds for student achievement, such as licensing exam pass rates, will be made more clear in the standard.

Site visit reports, hereinafter referred to by our language as "Report of Evaluation," or ROE, will be written with more detail to document compliance or noncompliance with student achievement and curriculum standards.

Procedures for preaccreditation will be made more clear, and the documents related to schools currently under consideration will be submitted to the USDE as evidence of implementation of these procedures.

The difference between substantial compliance and noncompliance and the time limits

for such designations will be more clearly stated in policies and procedures, and descriptions with examples of what might justify as good cause for extension of such time limits will be included.

The COE will continue to solicit feedback on proposed standards revision and will ensure that the minutes of COE meetings reflect the discussion of that feedback, as has been done in the past.

The COE will revise its policies and procedures for preaccreditation to ensure compliance with USDE criteria.

The COE Web site lists the accreditation status and date of next review for all accredited institutions, and notices about accreditation decisions are posted within 24 hours.

Institutions under preaccreditation review are listed on the Web site and in the COE newsletters. The COE will ask for USDE staff input on how we can make such information more visible to the public.

In regard to the public comments received and made known to the COE, AVMA staff, COE staff and AVMA officers do not participate in COE

decisions. The policies and procedures for COE are under its own purview and discretion. COE staff provide administrative support for meetings and site visits only and do not vote in decision-making at any level. A case in point is that a former COE member who resigned from the COE when she became President-elect of the AVMA.

As mentioned previously, COE members have fully participated in the application for USDE recognition and the response to the staff report.

The concerns raised about Western University of Health Sciences and its compliance with the standards have been raised without evidence. Western University went through a ten-year-long rigorous preaccreditation process during which it demonstrated the effectiveness of a unique model of delivering veterinary medical education with a positive outcome for its students.

The standards for accreditation were applied consistently as they have been for all institutions. The COE will provide the ROE and the decision letters to USDE staff as evidence of this

review.

Finally, in response to the concerns of the public commenters and among COE members themselves regarding the manner of appointment of COE members, the COE has already met with the AVMA and AAVMC leadership to set the groundwork for revising these procedures. The COE maintains that the makeup of the COE is well-balanced among veterinary medical educators, practicing veterinarians, and the public. However, the manner in which members are appointed merits thorough review and reconsideration.

The COE will study and learn from the procedures employed by other health professions accrediting agencies and will take these into consideration when revising its procedures over the coming year.

In conclusion, by far the most significant challenge for the COE since its last review is the perception within our profession that the COE should function as a workforce gatekeeper. Not only is this not the COE's charge, but

accreditation has minimal impact on workforce. Americans have been attending nonaccredited schools of veterinary medicine outside the U.S. for over 40 years and subsequently become licensed in the U.S. after graduation from these institutions.

The charge of the COE is to uphold the standards for accreditation. In contrast to the public commentary, demand for enrollment in colleges of veterinary medicine remains robust, and the number of applicants per seat has remained relatively constant for the last decade. That new schools of veterinary medicine, whether government supported, private not-for-profit, or private for-profit, should seek accreditation will only serve to ensure that educational quality will be attained and maintained.

Regarding our thorniest challenges relating to the Criteria for Recognition, the COE is confident we can respond in a timely fashion to the concerns raised in the staff report, as I've mentioned in my remarks.

And, finally, we believe that the COE is

well-balanced in its membership, representing the entire profession. The COE believes there is value in having current COE members participate in site visits to ensure consistency of evaluation and to answer questions raised at full Council meetings.

However, having stated this, it is understood that having multiple COE members participate in a site visit could lead to the perception of a favorable bias towards the institution under consideration if the site team members subsequently had a vote in the accreditation decision.

Therefore, the COE will employ an alternative model for constructing its site teams that will ensure consistency of application while eliminating potential for bias at the full Council level.

CHAIRPERSON STUDLEY: Thank you very much. I appreciate your comments. Cam.

MR. STAPLES: Thank you.

I have a question about the finding from the staff relating to the curriculum standards, and

this has to do with the determination of whether a school is in substantial compliance or has limited accreditation status, and I'm a little confused by your guidelines around limited accreditation.

It appears to suggest that you can only find a program or are only warranted limited accreditation status when the program--let me find the language here--has a few deficiencies that relate to student outcomes or safety. And in the case of the finding of the staff, it related to curriculum, and I guess my question for you is do you think under your own guidelines, when there are curriculum deficiencies, you can find an institution in a limited accreditation status?

Is that something that is permissible under your own procedures?

DR. ALLEN: The short answer is yes. If an institution is found to be not in compliance with the curriculum standard, then that could be true.

Substantial compliance typically is assigned to institutions where the curriculum

standard is, to a great degree, met, but there may be some minor deficiencies noted that do not affect the student's outcome, meaning their learning and their ability to become licensed and functional veterinarians, however, the site visit team and the Council feels still needs to be corrected to be maximally effective. So I hope that answers your question.

We can certainly find them to be noncompliant which--

MR. STAPLES: I guess in the case of one of the institutions that the staff reviewed, they found that you had determined there were several deficiencies in the curriculum, and yet you found the school in substantial compliance. So I guess in that particular case, how did you find substantial compliance when there were several deficiencies in the curriculum?

DR. ALLEN: Well, again, I think if the instance you're referring to is the one I'm familiar with, these were deficiencies that were felt to be minor and not significant enough to find

the school to be noncompliant for the overall curriculum standard, which, as you can see, has quite a few listed criteria in it.

Do you wish to add anything?

DR. GRANSTROM: No. I think you've covered it. They're very minor. It's a large standard, complex, and when the Council, in my view of watching them work, when there are minor deficiencies that don't warrant noncompliance for the entire standard, that's how they do it. They use their professional judgment. There are a number of educators on the Council. There's 20 members. Probably half of them are academics.

During the decisions that you're reviewing, there were three sitting deans, several associate deans for academic affairs, some of them on the site visits in question. And so they reviewed these data and discuss with the folks that were there what they saw and what are the consequences of that, and in their judgment, they were substantially compliant with the standard.

They can find any standard out of

compliance and that program is automatically on limited accreditation. If there are two standards that are in substantial compliance, the Council can go ahead and give them full accreditation with substantial compliance.

If there is a third, then that automatically, in the policies that they've created, puts that school into limited accreditation or probational status. Does that help?

MR. STAPLES: A little bit, I guess. The primary criticism that you, I'm sure, have read all the commentary that is submitted, and we'll be hearing from them later, is around the charge that you have veered off of your standards. I mean there are a series of charges, and we'll talk about them later, but the primary one that I was concerned about was that when you accredited other institutions, you did not follow your standards consistently.

And could you respond to that? I know there are other allegations about that, those

approvals, that I'm a little less concerned about than that one, and if you could provide whatever response to that in some detail, I would be appreciative of that.

DR. ALLEN: Well, regarding the curriculum standard, I was just looking, and there are eight different criteria that are evaluated, and I guess the bottom line would be if an institution has minor deficiencies in those standards, we would consider them to be substantially compliant, and an example of a--I'll have to think for a minute--what a typical, well, not a typical, what a previous example might have been of a minor deficiency in the curriculum standard. But--

MR. STAPLES: I'm sorry. Maybe I wasn't clear. I'm now talking about the complaint that when you approved four new schools, three of which were foreign schools, the principal complaint about all of those approvals was that you were not following your standards beyond curriculum so I guess I would like you to respond to that.

DR. ALLEN: Well, I can say with

conviction that it was a very rigorous process, and we followed the standards completely, precisely, and they were evaluated both by the site team and the full COE, and we felt that we did apply the standards consistently, and I have yet to see any evidence that we did otherwise.

DR. GRANSTROM: Just to add to that, as we pointed out in the response, it took these schools, each of the ones in question, at least ten years to gain accreditation, and they asked many times, and each time, the Council responded to the evidence provided, and they did what was asked, and they came back and asked again, and they were told no again, and that went back and forth for at least ten years, and it involved many site visits.

In the case of Western University, I was just there last week for the last site visit that we did, and I think it was the fifth one. They're comprehensive. We traveled the State and looked at 51 distributed sites, core sites that were specialty practices, some of the finest practices I've ever seen in my life, in that network.

So it's about evidence and continuous improvement and watching this evolve. In the case of Western University, we had this letter of reasonable assurance, and it allows domestic programs to be--it's not preaccreditation; it's before preaccreditation--to approach the Council and propose a plan to meet each of the 11 standards, and if that plan appears to be feasible if executed, then the Council will grant them a letter of reasonable assurance, but there is monitoring throughout, and once they admit students, they become provisionally accredited, and there's going to be a site visit.

And if there is any question anywhere along the way, there's going to be a site visit, and there were many. They didn't get a pass. It's a unique model. It takes tremendous oversight by the faculty. The Council is on record as saying that the curriculum is the purview of the faculty; it's not the purview of the practitioner delivering the education.

The educational objectives, learning

objectives, are established by the faculty and monitored by the faculty. They've got an extensive system in place, and not in any small part due to the requirements of the Council on Education and the site visits and the monitoring that went on.

CHAIRPERSON STUDLEY: Brit.

DR. KIRWAN: I find it a little surprising and somewhat disconcerting that there is so much third-party criticism and coming from 20 percent roughly of the accredited schools. So with all this discontent, I mean is there a means by which the Council interacts with the community to address concerns?

I mean how is it that there could be so much unhappiness and I'm just wondering about the processes you use to respond to and interact with accredited institutions?

DR. ALLEN: Well, first of all, I think one of the commenters later will provide documentation that the commenters are not necessarily representing the institutions from which they either currently or previously were

employed, and I think that will be documented later.

Regarding how the COE interacts with our profession and with our stakeholders, if you will--

DR. KIRWAN: Right.

DR. ALLEN: --we have interactions with the AAVMC leadership, which represents all the deans and associate deans for academic affairs and the administrators of all the veterinary colleges that are accredited. We attend their meetings; we have a feedback session at their meeting. We also do the same thing as the annual AVMA convention. We distribute a COE newsletter to all the membership, all the veterinarians who are members, and that letter goes out electronically.

We also have lots of communications in our Web sites regarding what's going on with the COE, what schools are being considered, et cetera, but there is a fair amount of resistance to evaluating different models of delivering veterinary medical education. I'm sure you've had that happen before. And also there is some resistance to considering

the accreditation of schools outside North America.

CHAIRPERSON STUDLEY: Any other questions or comments from Committee members? Anne and Arthur, did you--

MR. ROTHKOPF: Maybe.

CHAIRPERSON STUDLEY: Okay. Anne.

MS. NEAL: Yes. In anticipation that we will hear from some of the commenters, and I share the same concern that Brit raised, that obviously there are a quite a number of individuals with fairly impressive titles, emeritus or current. It does appear that there is a coterie of folks from Cornell and Pennsylvania and UC Davis.

Quite frankly, the fact that the President of Cornell wrote in probably got my attention more than any of the others, and I just would like to hear you address the concerns about the politically driven electoral process. What I think I heard you say is that you all are going to be looking at that, possibly to change it or to change it.

And would you also address the concerns that essentially there is potentially a problem

with, as they refer to it, vocational type vet schools which outsource for clinical training, and the potential academic bias against veterinarian scientists and clinical educators?

DR. ALLEN: Well, first of all, I will speak for myself and also as Chair of the COE, we agree with the concerns of Dean Kotlikoff and President Skorton regarding the manner in which COE members are appointed. As I mentioned in my remarks earlier, we've already set the groundwork with the AVMA leadership and the AAVMC leadership to make changes to that, and we will do so.

And I frankly thank them for giving us a little bit more incentive to get those changes made and to convince the AVMA leadership that it's prudent and appropriate.

And your second question regarded the so-called "vocational schools," and I don't agree with that moniker. I believe they're referring to, for example, Western University that Dr. Granstrom just referred to. It does have a unique, distributive model of providing clinical education. I think

this is something that's embraced by other health professions. It's very commonly done, and it is new and unique for veterinary medicine, and there is a fair amount of resistance to that, and I think that is where those comments are coming from.

Having said that, we still hold all schools to the research standard, and the research standard states that you have to have a culture of discovery within the school that integrates with the DVM program. And those schools that have--as I'm sure you are well aware, you're going to have a spectrum of schools with strengths in different areas.

Some schools are very steeped in research, such as Cornell. I'm an alum of there by the way. And other schools have less of an emphasis on research, but yet they may have great strength in the agricultural aspect of veterinary education that some of the research schools don't have. That's just an example.

And I think that our COE standards for accreditation and the way in which they are

enforced and implemented provides for the flexibility among the schools. Having said that, some schools are more likely to provide biomedical scientists, DVM Ph.D.s, et cetera, than other schools, and I think that veterinary medical education needs to provide room for that.

DR. GRANSTROM: May I? In addition, one of the things that the Council likes to say, and I believe is in the policies and procedures, is that they don't compare schools; they compare the schools to the standards--each school individually to the standards. So it's possible for someone from the outside that has no evidence, or limited evidence, limited view, has not read a self-study or interviewed everyone on campus or something like that, to not really fully appreciate what's going on in that school.

As Sheila said, some schools have got a real great strength and far, far exceed the research standard, and that's great, that's fantastic, but it doesn't mean that another school that doesn't have a massive research program, as a

Research 1 institution, can't meet the standard.

CHAIRPERSON STUDLEY: Thank you very much. I know that there are some other questions. Let me just advise members of the Committee and all of you, we have ten commenters signed up to comment. They'll each have two minutes. I say that for the commenters' ability to prepare, and I give the Committee members the option to ask your questions now or after you hear the comments.

So I have Art Keiser. Anyone else? And then you'll obviously have another opportunity after you hear the comments to speak to both the agency and the Department staff and to inquire of the commenters.

So, Art, go ahead.

DR. KEISER: I'm going to take a little different position than Anne. It would appear that the separate, you know, the separation is working here, that the profession does not want new schools. There are only 28 veterinary schools. That's a very small amount in my mind for a country as large as ours, and if I read this correctly--I'd

be interested to hear from the commenters--but it sounded to me in a number of lines, one being anti-competitive, that they do not want competition in their accredited schools; two, they do not want a glut of new veterinarians, which would from a consumer protection--I have three animals that are very dear to me. They get veterinary treatment. The costs are going up, not down, and I'd like to see the costs coming down.

And, then, thirdly, it was kind of what bothered me were the comments of the for-profit nature, the comments of foreign institutions, that they were not very open to--and different methodologies in delivering veterinary education--they were not very open to change, and I think, I applaud you for standing up to that process and doing your job, and that's accrediting institutions that meet standards, which is what I heard you say in your presentation.

DR. ALLEN: Absolutely.

CHAIRPERSON STUDLEY: With that, let's go to the public comments, and we appreciate your

comments and may ask you to return if we have questions for you after that.

We will begin with the third-party commenters who signed up in advance, and whose names you see in the agenda, Dr. Pion and Dr. Marshak, and then move to the other eight, and if you would just be prepared, each of you, to come forward when I call your name. So Dr. Pion--

DR. PION: Pion.

CHAIRPERSON STUDLEY: Pion. First. As I said, two minutes, and we're doing that to allow us to hear from all of the commenters, and Ms. Griffiths will give a signal at two minutes if the speaker has not concluded, and we would ask you to do so at that time.

Welcome. Thank you very much.

DR. PION: Thank you. I came with five minutes prepared. I thought that was it but will cut it down.

My name is Paul Pion. I'm a board certified veterinary cardiologist, an NIH Physician Scientist Award recipient among other honors in the

profession. I'm also a former educator at UC Davis and co-founder and President of the Veterinary Information Network, which is the largest on-line community of veterinarians. We have 49,000 veterinary clinicians, academics, students. And I'm also an AVMA member.

I hope you read my written submission, and I also trust that the actions of my colleagues on the COE are driven by good intent and the momentum of past decisions, but I am concerned in how it has been used to address and advance the agenda of the AVMA, dismissing the voice of educators, practitioners, and employers in the profession in violation of many regulations, including CFR 602.13.

Despite AVMA's claims to the contrary, a significant portion of the profession has concerns with how it applies accreditation powers, and most don't speak up because they're busy clinicians.

I'm going to skip down to the main points, is that AVMA uses accreditation as a marketing tool. Foreign institutions use the AVMA

accreditation as a marketing tool to attract U.S. students and Federal student loan dollars to a rapidly increasing number of seats in their institutions, and AVMA facilitates this law, perpetuating the false notion that there is a scarcity of veterinarians.

I want to jump to address the for-profits, and they are pumping out a very large number, almost a diploma mill, and the largest donor of a school in the Caribbean, DeVry, is on the list of schools facing gainful employment questions in Senator Harkin's investigations.

But I want to address one main point, and that is it's troubling for the purpose of today's discussion these foreign activities have taken place outside the oversight of NACIQI, yet per CFR 600.56(a)(4).

As of 2015, accreditation by an organization acceptable to the Secretary will be requisite for veterinary students attending foreign institutions to be eligible for foreign student aid dollars.

It's my understanding NACIQI has been operating under the assumption that as a programmatic accreditor, AVMA's international accreditations were without consequence to the Federal Student Loan Program. Therefore, NACIQI has not been concerned with AVMA's foreign veterinary school accreditation activities, and yet AVMA specifically markets itself as the gatekeeper for student loans for foreign schools.

On its Web site, AVMA's response to the question, "what is the value of accreditation," is that beyond streamlining the processes to licensure, accreditation also makes a number of Federal loans available to veterinary students. If I'm understanding the rules correctly, and currently, this only, and currently indirectly, benefits foreign schools since all domestic schools are accredited by regional accreditors.

The CFR--

MS. GRIFFITHS: Could you wrap it up now?

DR. PION: Sure--refers to a yet unnamed organization that will be required to accredit any

foreign veterinary institution for them to be eligible to participate in the Direct Student Loan Program come July 2015.

There are currently 3,700 new graduates coming into the country. It's not a concern foreign nationals will be coming in, but a thousand of these are being educated at foreign schools which are consuming 100 to \$200 million of Federal student loan dollars, mostly under the nod of AVMA accreditation, and come 2015 will require AVMA accreditation, and I urge the Committee to not ignore the foreign activities because they will, in fact, strongly impact Federal student loan funds, and I would question who will be the accreditor and who will be the person overseeing that foreign accreditation?

Thank you.

CHAIRPERSON STUDLEY: Thank you very much.

Do any Committee members have questions for this speaker? Cam and then Art.

MR. STAPLES: Just a quick comment. The tenor of a lot of the written comments, and of your

comments, are that it's the role of an accreditor to manage the market of schools and of students. You say no, but it certainly sounded like that to me, and it certainly reads like that to me.

As the agency said, if a school meets its standards, then it should be accredited without regard to whether the market can bear more veterinarians or not. So I guess my concern, my question to you is, is there anything about the way in which they apply their standards? Any specific evidence you have or anybody else has where you would suggest that they did not uphold their standards when accrediting those institutions?

DR. PION: I would--others who will speak I think can address that better so I won't use the time for that. But there is, you know, the manner in which accreditation, the COE has operated has been so much in secrecy, and those of us who have asked questions have been marginalized and publicly tried to be disgraced for asking those questions which raises more concern what's going on.

I do know in the case of Western, they

were denied accreditation until there was a threat of a lawsuit, and, you know, it's just all the innuendos surrounding the process that is hidden from public, and we do have members who will speak who are former Council members who can speak better to it because I have never participated in that and have only heard it secondhand from these people.

CHAIRPERSON STUDLEY: Art.

DR. KEISER: You talked about foreign dollars going overseas. Are you aware that in order to be eligible for any Title IV aid, you have to be an American citizen?

DR. PION: Yes. I'm not talking about foreign nationals. I'm talking about all U.S. citizens going overseas and being eligible for these Federal student aid dollars.

DR. KEISER: So U.S. citizens shouldn't be eligible for aid no matter where they go to school? They pay taxes.

DR. PION: Yeah. I'm not denying that, but I'm saying--

DR. KEISER: Well, but that's what you're

saying, that it's student aid, it's not institutional aid.

DR. PION: Right. My concern is--

DR. KEISER: And second of all--

DR. PION: --that these schools are adding these seats, purely financial gain overseas.

DR. KEISER: Do you have evidence of that?

DR. PION: I have. People have told me this at the schools, yes.

DR. KEISER: Do you have evidence--

DR. PION: I don't have direct evidence I can give you on paper, no.

DR. KEISER: And then you made the aspiration about DeVry and the Harkin hearings. Did you read the final report of the Harkin hearings? Was DeVry--

DR. PION: DeVry was one of the ones they said were on the upswing at the end, yes.

DR. KEISER: Did they find anything that DeVry did that was a violation of any law or activity of the Federal government?

DR. PION: No, and they didn't find that

for a lot of our banking institutions.

CHAIRPERSON STUDLEY: Frank.

MR. WU: This is a question not for the speaker but for us and also for our legal counsel. This agency presents two policy questions that I think will recur, and I just wanted to identify those questions and ask is it within the purview of NACIQI as a body to address these issues, to not address them; should we comment on these?

The first policy issue is to what extent are accrediting agencies responsible or not responsible for looking at the marketplace overall? So this could be said not just of veterinarians but of many other professions where arguably some would claim there are too many schools or people in those schools and others would claim to the contrary.

I'm not taking a position on that. I'm just asking, is it within the purview of NACIQI under the laws that constitute us to consider this? So that's the first question.

The second question is with respect to foreign institutions, understanding that they're

both Americans and foreigners who train at those foreign schools, my understanding, it's been alluded to briefly a few times, is that our jurisdiction doesn't extend to the accrediting activities of agencies to the extent they do work outside the U.S. But I wonder if we might revisit that? And I'm expressing no view on the substance. I just wonder where is that contained?

Is there an express prohibition on NACIQI doing that? Is it just assumed? So, again, this is for us as a body, I'm just wondering, one, what do we have to say, if anything, about the marketplace; and two, what do we have to say or can we say about activities outside the borders of the U.S.?

CHAIRPERSON STUDLEY: Frank, to the extent that there are technical answers to those questions, or historic answers, would you like them--I'm inclined to ask the staff to give you the basic structure of those answers right now.

MR. WU: Right.

CHAIRPERSON STUDLEY: If there is a policy

question for us, we can go back to that later.

MR. WU: That's right. Yes.

CHAIRPERSON STUDLEY: So Sally and Kay, could you just--because there are some formal responses to that, as I understand it.

MR. WU: Right. So--exactly. Both these questions have two levels. One is if there is a clear black and white answer, if there is just a statute or regulation, it would--but if it isn't, if it's ambiguous, and it's something that we can discuss, well, then we should discuss it.

CHAIRPERSON STUDLEY: There are basics on each, I believe, and why don't we give you those. That doesn't mean that there isn't a policy discussion for another time.

MS. WANNER: The statute provides that recognition is to be based on the criteria in the statute and nothing else. Agencies can have other policies, and the marketplace is not one of the criteria. The extent to which, you know, various professionals are needed or not needed is not, is not one of the criteria.

The second issue, as far as foreign schools, that's found in the--as far as our recognition, we can't recognize an agency for its international operations. That's in the statute. It says, you know, the agencies that we recognize will be either state, regional or national. So that's the nature of that limitation.

However, that being said, the foreign veterinary schools participate in Title IV under a separate authority that says that the Department is to set up eligibility criteria that are comparable to those that apply to domestic schools, and under that authority, the Department has put in place a regulation that he's referred to that speaks about this particular agency and is looking to that kind of assurance as far as the quality of a foreign veterinary school in which U.S. and foreign school students would participate. The U.S. students would be eligible for Federal loans.

Our role here can include, I think, making certain that the agency does, applies their standards to foreign schools just as it does to

everybody else. They have to be consistent. They have to apply them. So it doesn't really matter to which school they're applying their standards. If there's a problem with that under our criteria, we can--so I hope that's helpful.

MR. WU: So if I could just repeat back to make sure I got this right. On the first question, as a body, is NACIQI authorized to, able to look at the effect on the marketplace of the agency's actions, the answer is no, that is not a criteria, and there is a specific part of our authorization that says we can only look at the criteria. So if it's not on the list, it's out of bounds. Okay.

As to the actions of an agency with respect to foreign schools, though, it is appropriate for us to ask are they maintaining their standards? So that is a permissible area for us to inquire into and to discuss? Great. Thanks.

CHAIRPERSON STUDLEY: Let me just clarify that. With respect to foreign schools, is that in the context of schools where there is this additional eligibility requirement because the

Department has to make findings about Title IV eligibility for U.S. students at those schools, or is that across the board, if any accreditor elects to approve international schools or programs, we should be inquiring about their consistency?

MS. WANNER: I think it's within your legitimate range to look at anything that the accrediting agencies do, accrediting-wise. It could be that an agency would have a special procedure for these schools where it's not seeking anything from us, and in that case, I would think this body's interest in those separate procedures would be very small, but--

CHAIRPERSON STUDLEY: And just a footnote. As I think about the marketplace issue, the only way in which I see us having any kind of connection between market issues and accreditation standards lies in the information provided to students, and each school--there are standards related to clear, non-misleading information to students at the recruitment stage, and a school would need to be accurate in its information to students with regard

to opportunities or to the state of the market.

That's more of a consumer protection-- that's part of the consumer protection element that could crosswalk to market, and which lies within a standard, but other than that, we do not say you can only accredit up to the market's needs or so forth.

So Frank and then Federico.

MR. WU: Is it possible also to consider gainful employment as a way of thinking about this so that even if we're not looking directly at a specific number of schools, if the accrediting agency is in a area where many institutions are having trouble meeting the gainful employment reg, would that fall within our purview?

CHAIRPERSON STUDLEY: I'll also look to counsel, but I think that, if I understand your question, you're describing that it's not up to the agency to determine what the chances are that the graduates of a school will be able to find employment or not. They are not supposed to determine that. They're supposed to determine

whether applicants to the agency meet their criteria for approval.

If there are later consequences, and some of the schools do not meet the accreditor's performance standards, for whatever reason, then they can take that into account.

Sally, do you want to--

MS. WANNER: I would just tweak that slightly to say that subject to the antitrust laws, if an accrediting agency wanted to take on that sort of inquiry, that would be its business. It's not within our authority to require that, that they do that, and it's not within our authority to evaluate how they do that if they choose to do it.

MS. GILCHER: Just one additional. In the standard on student achievement, there is a requirement for an agency to have, address specifically for those institutions that prepare students for, you know, vocational fields, that they look at placement rates among other things. It's as appropriate, and "as appropriate" is if, indeed, it's to prepare people to practice, then we

would see that as appropriate.

So if that agency had a standard for placement, that would tie in in some way to gainful employment.

CHAIRPERSON STUDLEY: Federico and then let's hear from Dr. Marshak next.

DR. ZARAGOZA: Kay addressed my point. That's 602.16, that very point is student achievement.

DR. PION: May I just say something in response?

CHAIRPERSON STUDLEY: Yes. A quick moment.

DR. PION: I just wanted to clarify. So two purposes--and I appreciate that I thought NACIQI had not been understanding the impact of their accreditation on the foreign schools, and I appreciate that you're considering looking at that. And from the perspective of what you consider antitrust or protectionism, it's not really that. It's trying to make sure that we're attracting people, as you said, that understand what their

return on investment will be, and what it means to be in that kind of debt, and also as a taxpayer, what's the odds of that money being repaid?

Thank you.

CHAIRPERSON STUDLEY: Thank you very much.

Dr. Marshak. And then just so that you are prepared, the next three people in order are Ms. Kochevar, Mr. Maccabe, and Mr. Pascoe. I apologize if you're doctors.

DR. MARSHAK: I worked hard to get this down to four minutes.

CHAIRPERSON STUDLEY: Thank you.

DR. MARSHAK: I'll try to read it with the speed of lightning or speed of light, and I hope you'll bear with me because I really want to get my message across.

My perception on the issues before you, whether or not to recognize the AVMA as the accrediting agency of schools of veterinary medicine, has been shaped by nearly seven decades of observations and experiences as a dairy cattle practitioner, a professor and chair of medicine,

veterinary school dean, principal investigator of NIH-funded research and training grants, founding member and president of the American College of Veterinary Internal Medicine, and an AVMA member.

During those years, I was a participant in lifting veterinary medical education out of an entrenched trade school mode to one rooted in cutting-edge science, deeply invested in laboratory-based research, and in the core belief that teaching, research and technology and patient care should be integrated.

Hence, I am alarmed that despite AVMA assurances that its Council on Education standards are non-negotiable, we have witnessed a wave of accreditations of schools that clearly fail to comply with multiple Council standards. These schools, whose primary missions are to produce entry-level practitioners, most of whom will enter companion animal practice despite a looming surplus, share many characteristics:

Their operating costs are low, but they charge the highest tuitions; located in non-

research universities, they lack teaching hospitals; and, with inadequate oversight, for example, at Western at 730 or 750 sites, they outsource their students for most of their clinical training. They lack a core of critical scholarly faculty engaged in high-impact research or graduate level training. Their student numbers are inconsistent with school resources, and some are unaffiliated with any institution of higher learning.

At a time when biomedical knowledge grows at a blistering pace, these recent accreditations represent a startling regression to a more primitive era. Students poorly grounded in the sciences basic to medicine and unexposed to authentic discovery graduate with an abridged view of existing knowledge and a narrow view of their profession.

A further concern is the pending proliferation of similar substandard schools where, for example, clinical education will be fully distributed to community-based practices. This

expansion is especially troubling when we consider the nation's real need is for more veterinarians trained for academic and scientific careers, more veterinarians equipped to contribute to the global issues of emerging zoonotic diseases, food safety and security, public health and ecosystem health, sustainable food animal production systems that can meet the explosive global demand for animal protein, and for veterinarians to serve a broad swath of industries that advance the public good.

The view that AVMA--

MS. GRIFFITHS: Could you wrap that up, please?

DR. MARSHAK: --accreditation practices--

MS. GRIFFITHS: Dr. Marshak.

DR. MARSHAK: --threaten irreparable damage to the quality of animal health education in the United States is shared by veterinarians in all sectors of the profession as evidenced by a recent resolution passed overwhelmingly by the Pennsylvania Veterinary Medical Association Trustees on behalf of its 2,200 mainly practitioner

members.

Quote: "That PVMA take the position of support that an independent agency be created to oversee the accreditation of veterinary medical schools similar to the model in human medicine and that the standards for accreditation regardless of the governing body be reevaluated for effectiveness and appropriateness." End of quote.

I believe--

CHAIRPERSON STUDLEY: Could you please--

DR. MARSHAK: --the obvious remedy for the present unfortunate situation is to replace a politically-driven agency, rife with conflicts of interest, with one modeled after the Liaison Committee for Medical Education, which conducts evaluations and makes decisions autonomously with no discussion, no review or no participation by its sponsoring organizations.

In the national interest, I urge the National Advisory Committee, perceived by the profession and the general public as the guarantor of institutional quality and integrity, to withhold

recognition of the AVMA until, in concert with the American Association of Veterinary Medical Colleges, veterinary school deans, and representatives of the profession at large, and informed by the Liaison Committee model, it establishes a truly autonomous, not a half-baked one, a truly autonomous agency, one that will garner respect and universal acceptance within the profession and by the public at large.

CHAIRPERSON STUDLEY: Thank you, Dr. Marshak.

Do any Committee members have questions for Dr. Marshak? Cam.

MR. STAPLES: Thank you. I just have a couple of questions.

I'm looking at your written testimony, or your written submission, as well, and I'm trying to understand more specifically how you claim that the accreditation of the new institutions, the foreign institutions, violated the standards, and their standards, and one of the things you say is that there is inadequate oversight of the clinical

training, and that the schools don't have a basic acceptable level of quality. And I guess I'm trying to understand on what basis you make those conclusions?

DR. MARSHAK: Well, for one thing, I have visited the Western school twice, and I have met with faculty and students, and I sat in on some of their case-based learning sessions so I know the school quite well. I know quite a lot of faculty on the school, and on the question of how you can have oversight of 750 sites where you send students, it's an impossibility, and, in fact, they don't. It's impossible for anybody to know that.

Those settings, and this is now an AVMA standard, the settings that they're supposed to have at every place that they go, is to have reference resources; subject matter faculty that are there that are competent in the subject matter that is involved in clinical education. They have to have a clinical laboratory that is as good as the ones in the school. They have to have advanced instrumentation, and they have to have necropsy

facilities and do necropsies. It doesn't happen. It doesn't happen.

And that school also, the managerial system is very authoritarian, and it's virtually impossible to produce an educated--the most important thing--excuse me--is that--I'm trying to rush for time--is that the students get their basic science education through a system of case-based learning, and what that amounts to is that the students--and I sat in on one of these sessions--the students meet several times a week, six students in a group, and they discuss a case, and they're supposed to derive from that, those discussions, a basic science foundation.

We're now talking about physiology, pharmacology, and microbiology, parasitology, immunology, molecular genetics, all of those disciplines. They're supposed to dig this out through these cases. It's impossible. They don't do it. They don't have a good foundation in basic science, and without a good foundation in basic science, you cannot say that you've had a good

education because clinical medicine is applied biology. And what they're teaching is yesterday's science. They're not teaching today's science even. They're teaching yesterday's science, and they're not preparing these students properly for the future, which is moving at a fast pace towards, very fast pace towards molecular medicine and towards genomics and so on.

CHAIRPERSON STUDLEY: Cam, did you have another question? And then I have Art and Frank.

MR. STAPLES: Yeah, just a quick follow-up. So you're essentially saying the visiting team that went to these institutions--

DR. MARSHAK: Sorry. I can't quite hear you.

MR. STAPLES: Are you questioning--you're questioning the quality of the visiting team and their evaluation of these institutions?

DR. MARSHAK: Yes, I am.

CHAIRPERSON STUDLEY: Art.

DR. KEISER: That's kind of where I want to ask you. My understanding, the school was under

evaluation for ten years, had multiple visits by multiple qualified, you know, veterinarians and folks who are part of veterinary science, and then 20 members of an accrediting commission all missed all of these things that you talked about?

I've been in accreditation a long time. It just seems somebody would have raised these issues either on a visit or either faculty or, you know, that are part of that institution, which I would assume are proud of their institution, and why do you have a better understanding of the process than probably 50 other people who have been involved in evaluating this institution?

DR. MARSHAK: Well, first of all, I can tell you that two members of the Council on Education that were originally involved in the accreditation process of those schools, one of them was kicked off the Council, and another one left in disgust, and that is a question that hasn't been raised.

But the issue is that the Council on Education is not properly constituted. First of

all, it's a political process that should have no role in developing a Council on Education. These people are--the Council on Education is elected. The voting members are elected by the House of Delegates based on campaigning, and generally the people who get on the COE tend to be those with a lot of name recognition. They're the sort of political types.

DR. KEISER: Sir, if you would answer my question. Why would all these people who are supposed professionals--they're not all elected--the visiting team members are chosen through their experience in doing this to visiting institutions, like Cornell. They've all been and usually are deans or associate deans from accredited institutions. Why would they all be fooled to not see these grievous issues that you're talking about?

DR. MARSHAK: Well, as I say, the Council on Education is improperly constituted. It has half practitioners and half people from the academics and from other areas, the public sector

and so on, and it is not a balanced type of agency. It should be much more like the Liaison Committee for Medical Education, which consists essentially of people who are highly recognized in medicine, almost--I think there are only two practitioners on the whole thing. It's unbalanced, and there is a lot of politics that goes into the Council on Education.

There's like a revolving door between the Board and the members constantly--

DR. KEISER: But, sir, we're not involved in politics. We're trying to involve accreditation. And I assume, like other accrediting agencies, the members are voted by a process, and the process is usually the industry that elects these people, and if they've made that decision that they want practitioners, that's fine with me.

I'm not here to evaluate your political process and your profession, but what I'm concerned about is you've made accusations that the process is flawed, and I keep trying to understand how all

these people who are part of your profession, associate deans, deans, have missed critical elements that you are talking about, which would raise serious concerns.

DR. MARSHAK: Well, one would have to also go back, for example, to the origins of the first of these schools that I'm talking about that have been accredited. That's Western. That process was a process that was pushed by a particular Board member and by outside interests, by the commercial interests whose business is to buy practices in a corporate sort of sense. I think they now have a thousand practices. I'm talking about Banfield.

There was a lot of--and there was a lawsuit. And once a school gets accredited--once a school gets reasonable assurance, it's almost certain in the way the present COE operates that they're going to be fully accredited. These schools just don't measure up. I can't, without going into a great deal of detail, say very much more about it except it doesn't work, and they're not an autonomous, independent agency.

There's too much involvement, for example, of staff, like Dr. Granstrom always goes along. He's always there. He shouldn't be there. He reports to the CEO of the AVMA. He's had no business involved in the accreditation of schools, and yet in a recent accreditation, he took four practitioners with him. There was no academic present, and he accredited a school so that in a sense the AVMA has excessive and undue influence on the process of accreditation. And that's not autonomous, it's not independent, and it's not a fair process.

CHAIRPERSON STUDLEY: I have Frank and then Jill and George.

MR. WU: So I'll start with an observation, but then I have a question for the speaker. The observation is following up on something that Brit has pointed out a few times before, which is that ultimately all this has to connect in some way with the quality of higher education. That's what the accrediting agencies are in some sense there to do, we hope, and that's

what we're here to do, to make sure that they do that.

So sometimes I wonder to what extent we can link our conversations with the actual quality of higher education that's being done at the schools, and many of the speakers ask us very directly about that issue, and I think it's important for us to take those concerns seriously.

So my question for the speaker is I'm trying to understand if you're saying--which of two possible things you're saying that others are saying about this agency. So let me offer you two versions of what I'm hearing, A and B, and if you could tell me is it A or is it B?

Is it A, that you're saying that this agency has accredited at least one institution that through use of the case method and distributed learning and lack of research should not have been accredited?

DR. MARSHAK: Exactly.

MR. WU: So that's A. Or B, are you saying that the willingness to accredit any

institution that uses the case method and distributed learning, any institution, that that would, in your view, be improper? Is it A or B?

DR. MARSHAK: No, not at all. In fact, Cornell has such a system. Harvard uses it. But the Cornell system is a balanced system. In addition to--it has a superb basic science faculty, incidentally, and in addition to the case-based--I love problem-based learning.

I think it's one of the best things you can do. But it has to be done in a proper way so the students get their basic science vegetables very firmly in place, and they have laboratories, they have tutorials, they have lectures. There are no lectures---there is one lecture, one-hour lecture, in the Western school in their case-based learning thing. The students, essentially all they do--I've sat in on the session--is they do a differential diagnosis.

They don't learn any physiology. They don't learn any biochemistry. In fact, the faculty doesn't have a biochemist on its faculty. It only

recently acquired a physiologist. They don't have the tools to do it with, and it's a cheap way of educating students. You don't have to have much faculty. The students are responsible for their own basic science. It doesn't work.

MR. WU: And as to the distributed aspect, are you saying that this particular institution that was accredited is doing a distributed learning model poorly, or are you saying that no institution should be accredited that has a distributed--

DR. MARSHAK: No, on the contrary. I visited a school, the Calgary School in Canada, and it has a distributed model. It has 28 practices. But it has a very strong basic science faculty. They're integrated with the medical school faculty. They have a superb research program, and they have an excellent clinical program on campus, and the 28, just 28 distributed models, 28 practices, they spend an enormous amount of money, time and energy in making sure that those are working.

In fact, the practitioners in those practices come back to campus, work with the

students and the faculty, and the faculty goes to those sites. So it's an entirely different thing. So I'm not against the distributed model. I'm not against experimentation in veterinary education.

MR. WU: Okay. Thank you.

CHAIRPERSON STUDLEY: Jill and then George.

DR. DERBY: Just to be clear then, your statement about AVMA as an accrediting agent particularly applies to this one institution that they are accrediting, but not to the other institutions that they--

DR. MARSHAK: Yes, it does. What happens is no dean is going to argue with, as long as they get accredited, they're not going to say you should be more rigorous with us. What's happened is that this is a practitioner-oriented group. Basically, the AVMA is a practitioner organization. It's an excellent one. I've been a member for 50, 60 years or 65 years.

But they essentially look at it from a practitioner's point of view. And when you do

that, and you neglect the fact that you have to also produce scientists. You have to produce clinical specialties. You have to do various things in addressing other fields, some of them I mentioned. So what happens is that over the years, because they're not rigorous, they haven't been rigorous, now I have sat through many accreditations when I was a dean at Penn. I was at Penn for 37 years, and I was always amazed that they didn't really care about what was going on in the laboratories; they were more worried about a centrifuge in the hall or that there's an expired vial of medicine in the refrigerator in the clinic than they are about what's going on.

They don't, they didn't even want to go in. One lab is as good as any other. They didn't really want to know what was going on there, and they didn't understand. The practitioners are just--they're wonderful, but they're not, just not equipped to make this kind of a judgment.

DR. DERBY: So just so that I'm clear, then, because I appreciate your very informed

testimony here. It's been very helpful, but then it's really, you're using Western as an example of how this agency really fails in its responsibility to accredit--

DR. MARSHAK: And not only Western, but Ross and St. George's.

DR. DERBY: Okay.

DR. MARSHAK: And there's a school in the Caribbean coming up called St. Matthew's. They'll soon be asking for reassurance and so on. Once they accredited Western, which was the first one, they ensnared themselves in a trap because what happens is how do you now turn down another school without getting sued? How do you turn down the next crummy school?

There is one coming up at Lincoln Memorial University. It's coming up next year. It's going to ask for reassurance.

DR. DERBY: So some of these are affiliated with universities and others aren't?

DR. MARSHAK: They're affiliated with non-research type universities.

DR. DERBY: Non-research type.

DR. MARSHAK: And the Ross School is affiliated with no university.

DR. DERBY: Oh.

DR. MARSHAK: Which is--a standard one is a must standard, that is you must be part of an institution of higher learning. Now how do you accredit a school like Ross which doesn't belong, is an isolated freestanding, for-profit school? This is tearing down the profession, and in the end if these schools continue to proliferate, we're going to be a trade rather than a profession.

DR. DERBY: Is Western a for-profit institution?

DR. MARSHAK: It's essentially--they wouldn't call themselves that, but essentially that's what the case is. They charge enormous tuitions. You do the arithmetic, and it's astonishing how profitable they are.

CHAIRPERSON STUDLEY: George.

DR. FRENCH: Yes, Dr. Marshak, I think you may have just answered my question. I note on your

written comment, you had three points of--

DR. MARSHAK: I can barely hear you, sir.  
I'm sorry.

DR. FRENCH: You had three points of contention in your written comment, 602.15, 17 and 18. I was interested specifically in 602.18 where you indicate that the standards were applied inconsistently, and I was going to ask you for examples of how the standards are applied inconsistently by the agency?

DR. MARSHAK: Well, if you ignore-- different accreditation sites, different institutions, some places they ignore some standards; in other places, they ignore other standards.

DR. FRENCH: Can you be specific, Dr. Marshak?

DR. MARSHAK: I'm sorry?

DR. FRENCH: Can you be more specific?

DR. MARSHAK: Well, let's see. In the case of Western, the clinical operation, the outsourcing of students, where the students get

their education. The only education on campus is a Banfield hospital run with computerized Banfield system. It's run by a Banfield clinician.

The next, the students are then outsourced to Banfield, to a hospital outside the school, into a group of specialty practitioners, and then in the senior year, they have 750 choices to go to, and there's no way in the world that you can possibly monitor 750 places and know that they have the settings with the resources that they should have, and, in fact, they don't. It's a chaotic year, and the school has no idea whether or not students are exposed properly to all the clinical specialties.

The Western School has virtually no clinical specialties on its faculty, hasn't got an ophthalmologist; it hasn't got a neurologist; it hasn't got a gastroenterologist. How do they know what's happening out there? They don't. Nobody possibly could monitor 750 sites. It's just--

DR. FRENCH: So do you posit that the Western accreditation is the most egregious situation?

DR. MARSHAK: It's the most egregious. Yes, it is in many ways. I know a great deal about it because it's a school I visited. When I tried to get information from Ross, they wouldn't talk to me, and two associate deans wouldn't talk to me, and one hung up on me without saying a word.

It's that kind--I've never had that experience in my collegial life as a professor or a colleague.

CHAIRPERSON STUDLEY: Thank you very much.

Our next public commenter--by the way, if any of you intended your comments to be about another agency, and not about COE, would you please let me know when I call your name. Deborah Kochevar.

Thank you very much, Dr. Marshak.

DR. MARSHAK: Thank you.

DR. KOCHEVAR: First, I'd like to thank you all for allowing us to make public comment. My name is Deborah Kochevar. I'm a veterinarian. I'm a diplomat of the American College of Veterinary Clinical Pharmacology and a past President of that

body. I have a Ph.D. in cellular and molecular biology and have been a veterinary scientist. For the last 27 years, I've been in academic veterinary medicine, 21 of those at Texas A&M as a faculty member and an associate dean, the last six at Tufts University, Cummings School of Veterinary Medicine, as the Dean, and I'm the current President of the Association of American Veterinary Medical Colleges.

The next speaker will be reading a statement on behalf of the AAVMC that all of the Board members have signed.

So I'm here to present a statement on behalf of veterinary stakeholders in support of continued recognition of the AVMA COE for the accreditation and preaccreditation of veterinary medical programs.

We feel that veterinary medical educators are key stakeholders and active participants in upholding the standards of accreditation evaluated by the COE. Past and current COE members, including myself, are among the most active and

engaged veterinary educators. Many chair curriculum committees or serve as associate deans of academic affairs or deans of schools or colleges.

We all share a passion for education and recognize that the COE's evidence-based and dynamic processes underpin the quality of veterinary education and veterinary medicine in the United States and have for decades.

We the 50 signatories on this statement believe that the COE offers a proven process for educational evaluation, and we support the continued recognition of the COE for accreditation and preaccreditation of professional veterinary medical programs.

The individuals included here represent 22 of 28 U.S. schools and colleges of veterinary medicine and include two provosts, both of whom were previously deans of their veterinary medical institutions at those institutions, 18 current deans, three emeritus deans, 16 associate deans, one emeritus associate dean, and ten department

chairs or hospital or diagnostic lab directors. I have a full listing if you'd like that list.

I would note that the dean of UC Davis, the associate dean of LSU, and the dean of LSU, in the form of the Board statement from AAVMC, have all endorsed our support of COE. Those institutions are on your list of five who you've heard from opposing views as far as the COE recognition goes.

So this group, we believe, is well informed about COE practices. These individuals are or have been in a position to observe key functions of the Council. Many that oppose continued credentialing of the COE have not had this advantage and have based their views on incomplete or possibly inaccurate data.

In the case of specific accreditation decisions, many of those who have offered negative comment have either never been to the institution in question nor, even if they've been there, they haven't evaluated the extensive data upon which accreditation decisions are based.

Some of the models of clinical education considered unacceptable by some of the critics of the COE are, in fact, ones that have been embraced by the medical profession for many years. As current and former academic leaders in schools and colleges of veterinary medicine, we have no desire to undermine the quality of our educational processes or of our profession. Further, we do not see evidence that quality has diminished.

Objective indicators of the continual progress in our profession include the quality and sophistication of clinical practice, expansion of our understanding of health and disease, development of One Health partnerships, creation of nontraditional career paths, including biomedical research, public health and laboratory animal medicine, conservation and international medicine. We also would note a sustained admission of applicants who by quantitative and qualitative measures, including grade point averages, entrance exam scores, undergraduate research experience, international studies, are all well or even better

qualified than in the past.

COE accreditation standards and processes used for their review provide for a wide and thorough discussion by Council members and others of educational quality and of need for change.

Staff to the COE support the work of the Council and assure continuity of organization and quality control required for a rigorous process. Staff members are not decision-makers in the accreditation process. Voting on the accreditation status of institutions is restricted solely to members of the Council.

Staff do provide operational stability and knowledge of the accreditation process that enables members of the Council to focus on educational evaluation and constructive assessment of the process itself.

We find no credible evidence--

MS. GRIFFITHS: Excuse me. Could you wrap it up, please?

DR. KOCHEVAR: Yes. We find no credible evidence that veterinary educational progress is

slowing or that the COE has abandoned its long-held adherence to ensuring the rigor of all the established standards.

On the contract, with regular input from veterinary school deans, the COE process constantly evolves to meet the changing societal professional needs and remains widely recognized as a global gold standard.

Importantly, new ideas and approaches enhance the COE's ability to do their work. We acknowledge that no system is perfect, and we support the openness of the COE to change and are encouraged that the Council does take input seriously, does take input from this body seriously. So we're convinced that they remain the best qualified source to serve as an accreditation body for veterinary profession.

CHAIRPERSON STUDLEY: Thank you very much.

Does anyone on the Committee have questions for Dean Kochevar, and I apologize for mispronouncing your name.

DR. KOCHEVAR: No, you did that very well.

CHAIRPERSON STUDLEY: George.

DR. FRENCH: Thank you. Dean, congratulations on your impeccable credentials. I was impressed.

[Laughter.]

DR. KOCHEVAR: I wish everyone thought so.

DR. FRENCH: Let me ask you. The Secretary's Criteria for Recognition under 602.13, the agency is going to have to demonstrate that, the evidence that they are widely accepted among educational institutions. That's one of our findings, one of the staff's findings.

How do you think they're going to be able to do that? I see that you have a petition with 50 individuals, but more widespread than that, how would the agency demonstrate?

DR. KOCHEVAR: Well, I guess the fact that there's 22 of 28 U.S. schools, their institutions have signed this letter, and 18 of those, the deans have signed the letters, and in other cases, it's the associate deans that have signed. So that's a, you know, those folks are really the best informed.

They've been through accreditation processes. Yes.

DR. FRENCH: Good enough for me.

CHAIRPERSON STUDLEY: Arthur.

MR. ROTHKOPF: Yeah. It's sort of a similar point to George's. Perhaps you could indicate your sense, because of your knowledge of the field, of the profession, how widespread is the discontent? In other words, is this a small minority that we're hearing from, or is it more than that? I mean how significant is the concern, and if you think it's significant, how could this body address it, and are they addressing it? Are they open to the comments or the discontent that certainly exists to some extent and maybe to a larger degree than just the people who show up here today?

DR. KOCHEVAR: I think, in fact, that there's been a disproportionate amount of time spent on the negative aspects, that, in fact, there are a lot of people out there who would say the COE has been a primary reason why we keep using the phrase "gold standard," and I know you're not in

the business of looking at international accreditation, but because of the quality of this process, it is widely held to be a global gold standard.

So I think there's a depth of support for the COE, and, importantly, those who know the most about it have a lot of support for it.

The last paragraph in my statement said no group is perfect, and I think we've already addressed the fact that there's concern about the way members are appointed to the COE. At a January meeting of the deans, that is an agenda item. We've already approached the AVMA leadership with how can we make this a better process? It's a process that needs to change.

I think that is a widespread view. I think there is a variety of opinion on these accreditation decisions that have been, if you will, nontraditional, that have accredited schools that were not the typical own your own teaching hospital, do a traditional curriculum. And change is always difficult. So there are certainly those

who are concerned about that. I would say the majority trust the Council. They trust that it's a very rigorous process because they have all been through it, and so I would say I'm in that camp.

So there is diversity of opinion, but I think the majority, as witnessed by the numbers and the people who have been willing to put their name on this statement, suggests that we don't want to throw the baby out with the bath water here. The COE is a proven entity that's done a good job. It is not perfect. We need to work on some elements of it.

Every indication is the COE is very interested in doing that. You have a dean who's chairing it. I used to chair the Council. I was not a dean at that time. So I guess my answer is I think there is a depth of support, but there is not unanimity of opinion.

MR. ROTHKOPF: If I just might follow up, so you don't share the view expressed so far, and I of course don't know what others will be saying, that the organization is heading down the garden

path having approved Western, and now we've got these other groups that have been named? That doesn't concern you?

DR. KOCHEVAR: I don't think the sky is falling. I think that, in fact, when I look at the students that we educate today, they are, as I said, very well qualified. They come into our profession because they see multiple pathways including research. All of our institutions are held to a research standard.

I'm sensitive or sympathetic to the fact that the COE spends limited amount of time doing in-depth assessment of research programs. I don't believe that's their job. I think if I have a physiology program that needs peer review, I'm going to get three physiologists from outside the institution to come and review my graduate programs, and perhaps those should be, that kind of admonition should be part of our process, but I think we do an appropriate job now of assessing research. I don't think that we are declining in our ability to produce very talented research

scientists who are also veterinarians.

So I appreciate the different perspectives on this, but I haven't, at least at the level of my institution, or several others, witnessed that decline. I don't know where the evidence is of that.

MR. ROTHKOPF: Thank you.

DR. KOICHEVAR: You're welcome.

CHAIRPERSON STUDLEY: Brit.

DR. KIRWAN: I may have misunderstood something that was said earlier, but I got the impression that one of the criteria for accreditation is that the program must be associated with a university, and that there was an accreditation where the institution was not part of a university. Is that accurate? And did it violate the fundamental standard of the COE?

DR. KOICHEVAR: I believe that is inaccurate, and that it did not violate the standard.

DR. KIRWAN: So it is not required that a program be part of a university?

DR. KOCHEVAR: It is required, and Ross University meets the standard.

DR. KIRWAN: So it is, Ross is part of a larger university?

DR. KOCHEVAR: Yes.

DR. KIRWAN: Thank you.

CHAIRPERSON STUDLEY: Are there other questions from the Committee members? Thank you very much. Appreciate your testimony.

Mr. Maccabe.

DR. MACCABE: Good morning. My name is Andrew Maccabe. I'm a veterinarian and an attorney, and I'm the Executive Director of the Association of American Veterinary Medical Colleges.

The AAVMC represents all of the 28 institutions in the United States with accredited programs leading to professional degrees in veterinary medicine. The AAVMC Board of Directors supports continued recognition of the AVMA Council on Education for the accreditation and preaccreditation of professional veterinary medical

programs.

Accreditation through the COE is a standards-driven, evidence-based process relying on key quality control features. Programs are assessed against clearly articulated standards through the analysis of appropriate data sets. Rather than comparing one program to another, this approach allows a high degree of flexibility for each program to demonstrate how it is meeting the standard.

The COE accreditation process is constantly evolving to meet changing societal and professional needs. The accreditation standards must necessarily change to address new ideas and approaches to education. The standards are under constant review by the COE.

The deans of the accredited colleges have the opportunity to comment on any recommendations for changes to the standards, and their comments are carefully evaluated before any changes are finalized.

The composition of the 20-member COE

represents the broad spectrum of stakeholders in the veterinary medical profession. All candidates must have their credentials reviewed by the Candidate Qualification Review Committee before they are eligible to be elected to the COE. The COE functions independently from the AVMA, and we are not aware of any control or interference by the AVMA with the COE accreditation process.

The purpose of accreditation is not to regulate or limit the number of veterinary graduates produced, nor the educational model employed. It is to provide assurance that accredited colleges produce qualified entry-level veterinarians on graduation.

We believe that the current accreditation process largely accomplishes this, and continued recognition of the COE best serves the interests of the veterinary medical colleges, the veterinary medical profession, and the public. AAVMC is committed to working with the COE to address any shortcomings and ensure the best possible accreditation system.

Thank you.

CHAIRPERSON STUDLEY: Thank you very much. Are there any questions for Dr. Maccabe? We appreciate your testimony.

Mr. Pascoe. Just so that you are prepared, the next folks up are Mr. Wilson and Mr. Cushing, or doctors. Welcome.

DR. PASCOE: Thank you for the opportunity to speak. My name is John Pascoe. I am a boarded veterinary surgeon, a professor of surgery. I serve as the Executive Associate Dean of the University of California Davis School of Veterinary Medicine. I currently serve as a sitting member of Council on Education.

For the public record, I'd like to state that the three written opinions that you received from faculty at the University of California at Davis are not representative of the faculty. They represent less than one percent of the entire body of the faculty, and they're not representative of the views of the administration about the accreditation process.

I'd also like to inform you that I have seen this process work from both sides. The UC Davis School of Veterinary Medicine, which is arguably one of the best veterinary schools in the U.S., if not the world, has been on limited accreditation. I led the appeal on that. We were placed on limited accreditation for three standards. In the process of the appeal, two of those were overturned, but we remain on limited accreditation, and we addressed those issues.

We are currently on substantial compliance for one of the standards, and we are addressing those concerns of the Council.

I'd also like to just quickly give a couple of brief bullet points for topics that have come up this morning. I think it's important that you recognize that not all accredited schools outside the U.S. admit U.S. citizens to their programs, and not all of the what I would consider top schools internationally seek accreditation by the COE.

Having said that, it is arguably looked at

as the gold standard, and I recently participated as a site observer in the European process, and it was very clear that they emulate the standards of the COE.

Contrary to the comments by Dr. Marshak, I also serve on the American Association of Veterinary State Boards, which is the national group that represents licensing agencies for veterinarians in the United States. I'm unaware of any evidence, and this has been brought up on a number of occasions, that graduates of schools, accredited schools, outside the United States or of Western University are any different than any other graduates of accredited schools within North America as far as licensing violations go.

I didn't think I would ever defend Western University, and I was a skeptic of their program, and, living in the same State, have to deal with a for-profit private institution, but I think it's important to know that this is a health sciences university. They train more health professionals than the UC System does. They train more

physicians in California than the UC system, the five medical schools, Stanford and USC.

And I think as a recognition of the quality of their programs, we have admitted graduates of Western University into our specialty residency training programs. They've competed actively for those positions, and I believe that graduates of Western University are developing into leadership positions in the profession, which is a mark not only of their own ambition and volition, but also of the quality of the education that they have received.

There have been numerous comments about research. This is a difficult one for people to grapple with. But as has been said, it's not about the size of the research program, but what the standard says, which is that an institution must maintain substantial research activities of high quality that integrate with and strengthen the professional education program, and that is how that standard is evaluated.

Thank you.

MS. GRIFFITHS: Are you finished? Thank you.

CHAIRPERSON STUDLEY: Thank you very much. Let's just see if anyone has questions for you. Does anybody on the Committee have any questions for this witness? That's okay. We appreciate you rushing to do it in two minutes. Thank you. We appreciate your testimony. Thank you very much.

Mr. Wilson.

DR. WILSON: Hi there. This is on. Yes. After listening to what I've heard so far, I've completely redone and revised my presentation.

I'm Dr. Jim Wilson. I'm a veterinarian and a lawyer. I teach at 15 to 18 veterinary schools all over the USA today, and I kind of represent the students and their perspective in this process.

I know that NACIQI is not supposed to look at workforce issues when it comes to evaluating the acceptability of this country's accrediting bodies. However, because of the absence of State funds, our

USA State schools are expanding by ten to 50 percent per school, most of which are non-residents who pay 45 to \$55,000 per year for tuition and fees, accumulating 250 to \$350,000 worth of debt by the time they graduate with salaries starting at \$66,000.

The for-profit and foreign veterinary schools accept between 700 and 1,000 of these same kinds of students, all incurring debt levels in the \$300,000 range in the future. All of our schools, including the State schools, now see the U.S. Department of Education as their source of revenue and support for the future of those schools.

This is producing massive anxiety and depression among our students. It is also producing anxiety for me as a taxpayer who witnessed the bubble in the real estate market and now see the same bubble in the educational market.

As a taxpayer and advisor to students, I acknowledge Frank and your thoughts about whether or not maybe the core functions of NACIQI need to include workforce issues in addition to pure

accreditation standards?

The schools today are funding their existence on the backs of the students, to their detriment, and that of the already bankrupt Federal government. When do we start including workforce issues as part of the overview of NACIQI because as a taxpayer of this nation, we're seeing a disastrous train wreck ahead?

Thank you.

CHAIRPERSON STUDLEY: Thank you very much.

Do Committee members have any questions for Mr. Wilson? Thank you.

Next presenters, just in order so you can plan are Cushing, Walker, Brown and Kay. Mr. Cushing.

MR. CUSHING: Good morning. My name is Mark Cushing. I live in Portland, Oregon. I'm a partner in a law firm there and also founding partner of the Animal Policy Group. I have a unique practice. [Phone rings]. Hopefully not my mother calling me.

I specialize full time in animal health.

I represent the largest private employer of veterinarians in the United States. I represent the largest pet food company globally. I represent a large animal welfare organization, a number of pharmaceuticals, but my relevance here is I consulted to and advised three universities through the process of COE accreditation.

I'm here in support of the COE, notwithstanding how difficult a process was and is. I have tried complex lawsuits. I know we have a dean here from UC Hastings. I've never done anything that is more complicated, more difficult, more heavily examined, than go through the COE process. There's a reason why it takes the time it takes.

I've represented a for-profit. I've represented one of the largest public universities in the world. I'm in the process now of working in the early stages with a private not-for-profit. The COE process is not driven by practitioners. It is appropriately driven by academic leaders, and that's been the case in each of these schools.

I find the charge that I heard earlier that practitioners drive it surprising. To your good question, sir, about whether there is evidence of support for the process, three comments:

First of all, 13 individuals out of a 75,000 person profession and a multi-thousand academic profession raised critical concerns. They do not reflect a significant portion of the veterinary profession, but the good news, sir, is that the AVMA, I think, even doing a better job than the American Bar Association, provokes a tremendous amount of public discussion and debate among the profession regularly at regional, but more importantly, annual meetings, and just two years ago, there was an effort made to question whether foreign schools should even be accredited, and there was not a private but a very public debate by the House of Delegates, and they did not agree with the attempt to restrict it.

So it's a profession that actually, to my, very much impressing me as a lawyer, takes up the policy issues, and I think you can infer from that

that a strong majority support it.

A few more comments. What's sad to me is you have reputable institutions that work very hard and teach good students that have been subject to very sweeping attacks here and in the commentary, and to your good question, sir, about what are the specific examples, and the examples fall short, and I can tell you in some cases, the critics have literally no idea about the programs.

In one case, there was a great, great scare raised by one of the prior speakers, that if the National University of Mexico was accredited, that we would have a flood of Spanish-speaking veterinarians, God forbid, come into the U.S. and take the jobs of American veterinarians.

Interestingly, the number of graduates of that school before they were accredited that came to the U.S. was eight annually. It's now six. The point is you've been subject to sweeping assertions, and I'll tell you as a lawyer and as someone involved in the process, I know you'll do this because this is a very impressive and very

thoughtful group, please take the time to really dive into the basis of the charges because I did, and I was unimpressed.

My last point. If you were to take up the question of workforce, which I don't think is your charter, but if you did, and you found out, in fact, the unemployment rate, which is extraordinarily low for veterinarians, you'd conclude it's not an issue. But I bring up one other thing: nearly 50 percent of American pet owners and America's pets do not seek veterinary care annually. So to your good point, sir, about the anti-competitive issues here, in fact, nearly half of the consumers or potential consumers of veterinary care don't seek it in this country. It is hard to argue that we have too many veterinarians in that context.

Appreciate your attention and good luck with your decision.

CHAIRPERSON STUDLEY: Do any of you have questions for this speaker? I do have one question. Since you have dealt with multiple

entities in going through the COE process, how would you describe the expectation of attention to standards? Did you feel that those institutions were reviewed on a standard-by-standard set of criteria?

MR. CUSHING: The COE is relentlessly consistent in going through the 11 standards. The schools take those standards as a benchmark, and the entire process is driven by capturing all the activity of the school within the 11 standards. It's completely standards driven, and I have seen, and again, I've been involved in difficult accreditations, and I've seen no politicization, and the charge I find just interesting. I'll just leave it at that. It's a very standards-driven process, as it should be.

CHAIRPERSON STUDLEY: Art.

DR. KEISER: Madam Chair, can we keep to the two minutes or not keep to the two minutes because we're not keeping to it?

CHAIRPERSON STUDLEY: We are asking people at two minutes to summarize, and we appreciate the

cooperation of those who do. I think the Committee's questions don't obviously count toward that time.

Mr. Walker. Thank you very much, Mr. Cushing. Mr. Walker.

DR. WALKER: Good afternoon, or morning, I guess yet it is, but I guess I'm a practitioner and probably one of those few that you're going to see today. I'm not going to say I'm the only one here, but I think that I probably am.

MR. ROTHKOPF: Speak up a little bit.

DR. WALKER: Sorry. I'm a practitioner and probably the only one here today, and I think there is some concern in this profession from the standpoint of practitioners. I had the privilege to--my name is Frank Walker. I am from North Dakota. I had the privilege to serve on the Council of Education and represent private clinical practice.

And I had the privilege also of building and owning my own clinical practice in New Rockford and doing a mixed animal practice, primarily food

animal, small animal, and serving the needs of an agricultural community.

I've also had the privilege to serve on numerous organized veterinary medicine at local and state and national levels in multiple capacities. In 2004-2010, that was my tenure on the Council of Education, and the Council is guided by the Policies and Procedures Manual.

The Council, as far as I was aware and present on the Council, we never ever had the opportunity to look at the USDE regulations and standards and rules that were promulgated I guess for that policies and procedures, and yet we, you know, did deliberations and so forth in our meetings in regard to those rules.

And I guess my concern is, is that the COE's functioning without an independent legal counsel versed in accreditation and USDE rules and regulations, as much as you have that counsel here today, has created some of these problems that we're seeing here today and these questions in terms of transparency and in terms of

accountability.

So I believe that if we had this counsel, that they would provide the guidance in the deliberations of the Council; issues on confidentiality would have been resolved; conflict of interest, governance, control and continued enforcement of the firewall between the Council and the political entities of the AVMA would have been recognized and pursued.

I also believe that the Council needs to have autonomous and independent authority. There are issues of the Council--

MS. GRIFFITHS: Could you wrap it up and summarize, please?

DR. WALKER: Okay. There are issues of the Council members who were prior AVMA Executive Board members serving on the COE, the current AVMA Committee members' service concerning foreign accreditation, and the other political AVMA entities in the Council presence. This brings into question again firewall issues.

CHAIRPERSON STUDLEY: Would you please

summarize your conclusion?

DR. WALKER: Okay. I think the Council would function best if it was autonomous and if it had access to independent legal counsel in dealing with the accreditation and government rules and regulations.

CHAIRPERSON STUDLEY: Thank you very much.

Do any Committee members have questions for Mr. Walker--Dr. Walker? Thank you very much, sir. Appreciate that.

Nancy Brown.

DR. BROWN: Hello. Nice to talk to you this morning. I am a graduate of the University of Southern California with a master's degree in occupational therapy. I am a graduate of the University of Pennsylvania.

CHAIRPERSON STUDLEY: Could you speak up, please?

DR. BROWN: Graduate of the University of Pennsylvania School of Veterinary Medicine. I'm a Diplomat of the American College of Veterinary Surgeons. I'm a Diplomat of the American College

of Veterinary Internal Medicine - Oncology.

I have spent 15 years in clinical practice. I've spent 15 years in academics and clinical research. I see both sides of the street. I have treated both two-leggeds and four-leggeds. Everybody you're hearing from today has had over 25 years of experience in veterinary medicine. They are honored members of the profession. They are not the young members coming into the profession.

And I think it's important at the white coat ceremony at the School of Veterinary Medicine, University of Pennsylvania, the third-year class president one month ago said why would anyone want to be a veterinarian today--at the white coat ceremony. His comments were educational debt. His comments were lack of job offers. His comments were low salaries. What a sad outlook for a 26-year-old entering our profession.

And why? Is it because of the economy? No. Is it because of the decreasing population of pets? No. Is it because of a decreasing numbers of pet owners? No. It is because of the huge

expansion of the numbers of schools, the increasing tuitions, the increasing numbers of veterinarians entering the job market. It is a tsunami and there is nothing holding back the floodgate.

The AVMA is the American Veterinary Medical Association. It has become the IVMA, International Veterinary Medical Association. We as citizens of the world have the responsibility to assist, to advise and to help those in the world around us. We as citizens of the American population have the responsibility to support the standards and career paths of our own citizens so that their futures can be looked upon with optimism and enthusiasm.

The COE has 21 members. They serve a six-year term. They have no formal training in accreditation. They have more work now with the number of institutions piling up at their door. They have no legal representation. Their members continue to work in conflicting roles in the AVMA, and they are financed through AVMA to visit sites around the world.

The materials in support of the COE process are voluminous. Volume does not equate with value. Western University sued the AVMA. Why? What were the conditions? Who resolved the problem? Was there appropriate legal defense? Has this served as a model for others? Where is the information? Are the mediators still influential in the current decisions in the AVMA and the COE?

This is only one example. Standards were altered to accommodate the current practices of the COE, and some terms do not have definition. In 1997, the COE suspended consideration of foreign schools. In 1999, it reversed this decision.

MS. GRIFFITHS: Could you please summarize?

DR. BROWN: Yes. In 2010, the AAVMC was given the right to vote on the COE Council. What is an off-campus teaching hospital? What is review of a clinical experience? What is an institution of higher learning? What is an affiliate of a veterinary school? What is distributive model? What is full service teaching hospitals? What is

clinical competency and what is equivalency? These are all ambiguous undefined terms.

Veterinary students deserve a promising future--

CHAIRPERSON STUDLEY: Would you please conclude?

DR. BROWN: --not incomes half of dental students or one third of MBAs. AVMA has a responsibility to support the profession with valued data, appropriately analyzed, evenly distributed and legally documented.

CHAIRPERSON STUDLEY: Thank you very much. Do any Committee members have questions for Dr. Brown? Brit.

DR. KIRWAN: Yes. Thank you very much for your testimony. A question I have is that there are, I think, 14 conditions that COE must address or 14 items that they must address within the next 12 months to remain, to sustain its recognition.

If these 14--presumably you've read these--if they were satisfactorily addressed, would that respond to your concerns?

DR. BROWN: I think the information has to be made public, reviewed as it's being processed, discussed as it's being processed, and if that can come to the fore and be agreed upon, I think great progress could be made.

DR. KIRWAN: Thank you.

CHAIRPERSON STUDLEY: Any other questions? Mr. Kay. William Kay.

DR. KAY: Thank you. I've been a veterinarian for almost--good morning and thank you--for almost 50 years. I've been a fan of AVMA. I've been very active in AVMA. I'm a double-board certified veterinary internist in internal medicine and neurology. I was a staff member and chief executive of the world's largest veterinary hospital for 21 years. I was the first member of that non-university group within the veterinary medical colleges group between 1984 to 1996, and I have attended on my own nickel the last eight meetings.

I'm disturbed to have to sit here and argue against the significance of our own

profession, but I'm going to do that. Western University--and I was offered a job there in 1999--cannot comply with the standards of accreditation because the standards cannot go where the institution or the program actually teaches the students. Nearly 50 percent of the four years are offsites, and now the 300 and some offsites that were listed when Western was accredited is now over 700 in about 45 States and 11 or more countries.

The students pick most of those sites. There is very little, if any, connection by either the sites with Western or the people within. The school in Mexico does not teach veterinary medicine as it is taught and studied and practiced in the United States of America. It's simple. When I first was on the Council of Education--I'm the person that was kicked off, by the way, so I'm happy to answer questions about that--three Council members went to Mexico and wrote very detailed and precise reports.

Four of those reports were given to us as Council members. The fifth report was withheld.

It was the most potent report because it was about the UNAM, or Mexican Veterinary School, which is now accredited.

Between the American Civil War and the end of 1997, there were 41 private institutions that ultimately closed, some after the First World War, occasionally later, and veterinary medicine moved forward. One foreign school survived or was accredited in 1973. We now have 13. How many more are in the pipeline? As many as ten. And how many American schools, all based basically on the Western model, which cannot be evaluated?

And so in order to conduct a site visit, which I had argued against as much as I could, though not successfully since I got booted off, they choose a small number of these 300 or 400 or 600 or 700 sites because that's all that can be evaluated.

MS. GRIFFITHS: Dr. Kay, you'll have to wrap it up and summarize, please.

DR. KAY: Ma'am?

MS. GRIFFITHS: Please summarize, wrap up

and summarize your comments, please.

DR. KAY: Yes. I believe there needs to be fundamental reform. An attorney, which I argued for as a Council member, would be a giant step forward. None of us knew anything about the regulations. Nothing. None of us participated in the application of petition recognition. Nothing. That's serious stuff.

I could go on, but--

CHAIRPERSON STUDLEY: Thank you very much.

DR. KAY: --unfortunately--

CHAIRPERSON STUDLEY: Thank you very much.

DR. KAY: Thank you.

CHAIRPERSON STUDLEY: Do any Committee members have questions for Mr. Kay, Dr. Kay? Thank you.

The Committee members now have an opportunity--the agency now has an opportunity to respond to comments, the Department staff can respond to comments, and then we can ask questions of Department staff and/or the agency representatives. Have I got the order right?

MS. GRIFFITHS: Yes.

CHAIRPERSON STUDLEY: Yes. So first the agency representatives have an opportunity to respond to or comment on the comments that we've just heard, the Department staff, and then we can ask questions of any of them. If there's a question that you think would be helpful now to put on the table so that we avoid duplication, I'm happy to hear those, and then we can do it at any point.

Jill, do you have one that you'd like to--

DR. DERBY: Well, I think this is an important question, and I want to know whether or not the agency monitors licensure passage rates for these various institutions, and if you could comment on that, please?

DR. ALLEN: Yes, we do. That's one of the standards, the student standard. They have to--

MR. ROTHKOPF: Speak up a little.

DR. ALLEN: Every institution seeking accreditation has to report annually, not just when they come up for re--site visits, the passage rate

on the North American Veterinary Licensing Exam.

DR. GRANSTROM: The pass rate at Western is 98 percent. The pass rate at Western is 98 percent. I guess that's a comment, an overall comment, that I'd like to make. You made some comments yesterday and others did as well about the trees in the forest. I think it's useful to look at the outcomes of the accreditation process for veterinary medicine. What is reported to us by the colleges, we require placement rates, and those are annually reported to us. We ask what is the placement rate within a year of graduation? It's virtually always 100 percent.

It's true, the AVMA as a profession conducts regular surveys, annual senior surveys, and those are published in the Journal of the AVMA, and you can look at those, and you can see that over time, there have been somewhat decreasing rate of offers, but there are still multiple offers.

So there are a number of students that are entering internships and looking for advancement. I guess the bottom line is the placement rates are

good. The average pass rate of all accredited colleges in the United States is typically around 95 percent. If you look at the pass rate of students that take the NAVLE and have gone through another route, it's 30 to 35 percent lower. So we have outstanding placement rates.

The attrition rates are typically--

DR. ALLEN: One to two percent.

DR. GRANSTROM: One to two percent.

You're talking about some of the finest educational programs in the United States, if not the world.

CHAIRPERSON STUDLEY: So you have an opportunity to comment on the comments that you've heard so far, briefly, if you can, but you do have that chance if there is anything that you would like to correct or explain.

DR. ALLEN: I will make my comments mercifully brief. I want to reiterate that the Council on Education agency is a very standards-driven process. I want to make a couple of corrections to the comments that were made today. One is that the USDE criteria and all reports made

to the USDE and from the USDE staff are made available to the Council members. We can't force people to read them, but they are made available, and most of the Council is very active in the process, as I explained earlier.

Secondly, legal counsel is available to the COE, and we've never been denied it when we've requested it.

Also, we have three public members, and during my tenure on the Council, at least one of them has been an attorney. And so I do feel as though we do have some influence, some availability of legal advice during our deliberations and our discussions.

The cost of foreign site visits is borne by the sites, by those institutions, and, finally, I want to make a point that it is the responsibility of the veterinary medical educational institutions to provide veterinarians for all the needs of society. I think we do a very good job in all of our institutions in doing so. We make no apologies for producing entry-level

veterinarians. They are needed by society, and I think that that is something that there is no reason that an institution shouldn't aspire to do so.

The faculty/student ratios, we do pay attention to, and we are very receptive on the Council to unique models of delivering veterinary medical education. However, we need to see that the outcome of that education is appropriate and standards driven, and it is.

Thank you. I'll be happy to answer any questions.

CHAIRPERSON STUDLEY: Brit, and are there others, just so we can--Brit and Jill.

DR. KIRWAN: Yeah. The last speaker before you mentioned that Western provides its instruction at some 300 sites, many of which are, most of which, I guess, are at international locations. So, first of all, if that's true, is that a concern in terms of ensuring that standards are met and facilities are appropriate? So could you respond to that?

DR. ALLEN: Yes, thank you. I'll make a few comments, and then I'll ask Dr. Granstrom to provide information because he has been to Western multiple times, and I have not.

I will say, however, that most veterinary institutions allow their students to go to other sites for part of their clinical training. We call them externships, and so if an institution--at University of Georgia, for example, I would not be surprised if we didn't have several hundred different places that students have gone to, could go to.

There's a difference between what we would call a core site, where we expect them to get a core education, or it's an externship, and I think that may be a distinction that needs to be here. And I don't think it's true that most of the sites that Western students go to are foreign, and I do know for a fact that many of the Western students actually go to accredited institutions, such as ours, for their clinical training.

So I'll ask Dr. Granstrom to provide any

further clarification.

DR. GRANSTROM: That was good coverage. They are required to designate the core clinical sites, and they have to have extensive oversight of those sites so they have to conduct site visits on a regular basis.

A faculty member visits once per rotation for all students of all core clinical sites. This occurs in the third and the fourth year. Their curriculum is heavily vertically integrated in that clinical relevance is extremely important. In the problem-based learning cases that Dr. Marshak mentioned, those are heavily coordinated, and sitting in one is certainly of interest, but it tells you very little about the sum total and the extensive curricular planning that goes into the development of those cases and the follow-up that goes into determining that they have achieved those learning objectives. That goes on throughout the curriculum.

They have a system called E\*Value, which many people can use. It's a Web-based software

tool to track every clinical case that every student sees throughout their career, and a clinical evaluator is assigned, a faculty member is assigned to evaluate what they're doing, and if there's a problem, go visit that preceptor or the veterinarian, the adjunct that is delivering the education. It's under very tight control. And the Council wouldn't have it any other way.

DR. KIRWAN: Okay. Thank you.

CHAIRPERSON STUDLEY: Jill.

DR. DERBY: Well, just a follow-up because that's really my question, too, and I heard there is somewhere between 300 and 700, and there's a distinction then between the core sites and the site, and the core sites, you have adjunct faculty that provide oversight over the instruction that's going on. Is that what I understood?

DR. GRANSTROM: The core sites, there's third year and fourth year. There are some primary care core sites. Most of the sites that I visited were specialty hospitals in southern California and an organic dairy in Denver. I saw facilities that

were as good as any veterinary college I've ever been to, extensive ICU monitoring, CAT scans, MRIs, they're extremely impressive, extremely well educated, board-certified folks providing that education under the learning objectives of the faculty of the College of Veterinary Medicine.

Did that--

DR. DERBY: Yes.

DR. GRANSTROM: The faculty members, the course leaders, will go and visit the sites, visit the students on the site. They have virtual rounds. They have journal club. These students are getting primary literature. Far from being outdated, they are getting the very latest. They are getting more primary literature, and it's required in their PBL courses, than any other veterinary school I've ever been to, and I've been to 40.

DR. DERBY: Thank you.

CHAIRPERSON STUDLEY: Thank you. Arthur.

MR. ROTHKOPF: Yes. One of the commenters suggested that the right model for the veterinary

medicine profession was the one adopted by the medical, by the AMA and the Association of Medical Colleges. It's a group called the Liaison Committee on Medical Education, and I'm just asking, have you, in your experiences, has your organization ever considered adopting that particular model, and if not, why not?

DR. ALLEN: We actually have begun conversations with the LCME, and we are going to invite a representative from that agency to speak to us at the deans' meeting in Naples and to discuss the pros and cons of not only how they go about their accrediting processes, but how they constitute their accrediting body. So, yes, we plan to talk to them, as well as the dental and other health professions, as I mentioned in my commentary. We want to hear the pros and cons of how they do their work, and then we will make appropriate proposals accordingly.

DR. GRANSTROM: There's a bit of apples and oranges going on. I've heard all kinds of descriptions of LCME, and perhaps they could

comment on how they actually work, whether they're truly independent or whether they're sponsored by the AMA and the AAMC.

Our staff member, Dr. Hong-Silwany, has pointed out that, you know, the staff believes that it's a conflict of interest for the AVMA to have sitting Council members go on the site visits, and so the construction of the COE and how it works is somewhat different than LCME. The LCME, as one of the commenters noted, is almost all deans--the decision-making body.

MR. ROTHKOPF: I'm having trouble hearing you.

DR. GRANSTROM: I'm sorry. The decision-making body for the LCME is almost all deans, and they send site visitors that are not members of the sitting body. It functions differently. If we are going to be compelled to go to a different model, and I think what evolves from that and the discussions that we have with LCME, with CODA, the dental accreditors, we're going to be taking a look at all of those and trying to come up with the best

possible model, trying to evaluate best practices.

No one has ever approached the AVMA with the idea to follow the LCME model until we saw these comments.

MR. ROTHKOPF: Thank you.

CHAIRPERSON STUDLEY: Federico, and do any other Committee members have questions for the agency? Go ahead.

DR. ZARAGOZA: Several of the speakers noted that you're currently in the process of reviewing new applications. Can you confirm that? And if so, how many?

DR. ALLEN: Yes, we are. One for Midwestern University and one for Lincoln Memorial University.

DR. ZARAGOZA: You've seen staff recommendations. You've got 14 items that will need to be addressed in a 12-month period. Do you have the capacity to consider new applications while you'll be addressing 14 non-compliant issues?

DR. ALLEN: Yes, we can accomplish that, I'm confident.

CHAIRPERSON STUDLEY: Any other questions for the agency representatives? Does anyone have questions for Dr. Hong-Silwany? I do. So if you would please come up. You can stay there--that's fine--in case anything prompts any other questions for you.

Do any Committee members have any questions for the agency reviewer? Brit.

DR. KIRWAN: I have a comment later, but not, go ahead with your--

CHAIRPERSON STUDLEY: Okay. My question goes to the, I think the core of the matter. In your review of this agency, did you find that they applied their standards consistently to all of the institutions that they reviewed?

DR. HONG-SILWANY: Well, I guess I stand by the Department's findings, that the agency has some significant work to do. And two of the, two of the findings have to do with the application of their student achievement and curriculum standards so it is a question of the way their policies are written and whether they can, you know, improve

their policies to make sure that they do apply their standards consistently.

So certainly there is room for improvement for them to ensure that they apply their standards consistently. When I attended their decision-making meeting, if I could say something laudatory of the agency, they definitely were a committed group of professionals, no doubt about it. Their care for the educational quality for veterinary education was evident.

All that being said, they did spend a lot of time kind of going back and forth on compliance determinations, which I think could be remedied by more written guidance and by, you know, revisiting their Policies and Procedures Manual, that they have better written material to draw from when making compliance determinations.

CHAIRPERSON STUDLEY: Are the items that you referred to relating to documentation of application of standards, which is often the case in our final items for agencies to complete, or was it in a question about whether the standards were

applied in a substantively and consistent and appropriate way to the institutions?

DR. HONG-SILWANY: It's a matter of written policy. Some of their policies were frankly confusing, and the ways that they applied them were contradicting at times. For example, Cam pointed out that they had a policy that would compel the agency not to put a program in limited accreditation unless--and I don't have the language in front of me, but--you know, unless student safety and student outcomes were at stake.

So language like that, you know, not only exposes agencies to legal liability, but it made it difficult for them to apply a judgment, which I mean, you know, in this world of accreditation, we allow room for judgment, but that could have been narrowed a little bit by revisiting their policies.

CHAIRPERSON STUDLEY: Issues I'm particularly interested in here are in the issues of, well, that may be substantive, that it's sounding also somewhat procedural, are in the academic standards for institutions. But the

agency would like to comment.

Do you want to add something to that?

DR. ALLEN: Yes, I'd like to make one comment regarding that, and I do agree that our policies and procedures could be improved with more detail in distinguishing the difference between compliance, noncompliance and substantial compliance.

But I will say the whole issue of safety and outcomes comes into play when there are minor deficiencies. They're considered to be minor deficiencies, but if there are multiple, the determination between whether to put an institution on substantial compliance versus noncompliance, if there are minor deficiencies, if it's a minor deficiency but yet--meaning it's something that could be easily remedied, but yet if we don't remedy it, student outcome or safety could be at risk, then that would compel us to put them in noncompliance, if that explains it, and we would definitely over the next 12 months make sure that we make it very clear what the difference is and

how those determinations should be made.

CHAIRPERSON STUDLEY: Brit.

DR. KIRWAN: Well, of course, we haven't taken a vote yet on what we do, but I just, if we do move forward with the recommendation, I just want to express the hope, you know, because I'm quite troubled by a number of the findings, and I think there are real deficiencies, and so that I just want to express the hope that if we do move forward and they come back in 12 months, that the critics will take it upon themselves to assess whether or not they feel the agency's response has addressed their concerns.

CHAIRPERSON STUDLEY: Are there any other questions for the agency or Dr. Hong-Silwany? Federico?

DR. ZARAGOZA: Madam Chair, for staff, I want to commend you on the review. It was very, very thorough. Much of the testimony really captures the spirit of the review. One of the questions that I had was in terms of your recommendation. Given the number of areas and

complexity of areas and kind of the substance behind some of these issues, your recommendation basically would allow 12 months to address all of them.

Did you consider limiting them, though, on accepting additional certifications, accreditation requests? Did you consider that as an option? Would that have been an appropriate consideration given the fact that there's two that probably are coming to the forefront as we speak?

DR. HONG-SILWANY: You know, for this agency, we did not consider that, simply because in my interactions with them, there's always been a spirit and a will there that though they have significant work ahead of them, they've certainly expressed a willingness to listen to third-party commenters and be responsive.

I think Dr. Kirwan, you just asked of a third-party commenter whether the remedy for these noncompliance findings would satisfy her, and Dr. Brown responded that, yes, so long as it's a transparent process, that, you know, the agency

worked together with its constituency, that they could find a common ground, and that's promising to hear because that's what this process is all about.

So, you know, I do, I'm hopeful that they will remedy the noncompliance findings within 12 months.

DR. KIRWAN: Thank you.

CHAIRPERSON STUDLEY: Are we ready to move to a motion or the Committee members have additional comments or questions? Okay. Would you like to make a motion?

MR. STAPLES: I would like to. I would like to make the motion that is up on the screen, that the agency's recognition be continued for 12 months with a compliance report that demonstrates their compliance with the issues identified in the staff report. I'm summarizing, but the actual language is up there.

DR. ZARAGOZA: I will second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Thank you.

Is there any discussion of the motion?

MR. STAPLES: I just want to very briefly say I want to just comment also on the staff report. I think it was a really well-done report, and I think that there are substantive issues which have been well-identified that I think they have to address in the next 12 months, and then there are just philosophical issues that seem to divide some people within the community that I don't think are really our purview, frankly, or even issues that we need to see resolved.

I think we need to see transparency. We need to see that the process and the requirements that have been outlined are met, but there just may be a division of thought about whether foreign schools are accredited or not, and I don't think that's really our purview, but I do think the recommendations of the staff that they are going to have to meet will move them in the right direction, and I think that's an appropriate thing for us to require.

Thank you.

CHAIRPERSON STUDLEY: Any other comments

on the motion? Committee members, would all in favor of the motion as it appears on the screen, please signify by saying aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Abstaining?

[No response.]

CHAIRPERSON STUDLEY: Thank you very much.

The motion passes. Thank you very much to the agency, to the staff, and to the public commenters for bringing us your thoughts, and to all of you for your patience.

Let me ask the Committee members, we can continue forward with our work. As you know, it's like an accordion, and we think we should still be fine, or would you like to take a short break?

[Chorus of "break's."]

CHAIRPERSON STUDLEY: Break. Okay.

Please, we will resume at five of. Ten minute break.

[Whereupon, a short break was taken.]

LIAISON COMMITTEE ON MEDICAL EDUCATION[LCME]

CHAIRPERSON STUDLEY: The next agency up is the Liaison Committee on Medical Education. I apologize for the--I'm sure everybody understands the challenge of estimating the timeframes for different organizations. We will make a judgment about whether we can continue straight through or whether we need a break. Committee members are welcome to eat during the meeting if that would make you more comfortable.

And next up is the Liaison Committee, as I mentioned, and the primary readers are Art Rothkopf and Jill Derby. Which of you will be presenting? Jill, just in the nick of time. Thank you very much.

DR. DERBY: Yes. Good. The Liaison Committee on Medical Education, and let me provide you with a little background here, it accredits medical education programs leading to the M.D. degree. Currently, LCME accredits 125 M.D. education programs in the United States and the

Commonwealth of Puerto Rico, which are operated by universities and medical schools that are chartered in the United States.

LCME is a programmatic accreditor and thus does not have to meet the separate and independent requirements as set forth in the Secretary's Criteria, and thanks for that clarification earlier to the staff.

By way of recognition history, the AMA and the Association of the American Medical Colleges, AAMC, initially evaluated medical schools independently. In 1942, the AMA and the AAMC formed the Liaison Committee on Medical Education whose mission is to certify the quality of North American medical education programs.

The last full review of the agency continued recognition by the Secretary was conducted at the Spring 2007 NACIQI meeting, and again the Secretary granted the agency continued recognition for a period of five years.

Our staff is recommending to continue the agency's recognition and require the agency to come

into compliance within 12 months and submit a compliance report that demonstrates the agency's compliance with the issues identified below, and the particular issues and problems that our staff have brought forward to us is:

Number one, the agency's need to revise its policy regarding the granting of good cause extensions and include under what kinds of circumstances such extension would be granted; the agency needs to provide documentation of its timely notice regarding negative decisions to all the entities listed in the criterion; and finally, the agency needs to provide documentation of the effective application of its policies regarding negative actions by other accreditors or indicate that it has not had the opportunity to apply its policy. That is provide the Secretary with an explanation if it accredits a program that is under sanction by another recognized agency or State that it has not had the opportunity to apply it.

CHAIRPERSON STUDLEY: Thank you very much.

We'll now hear from Chuck Mula, the staff

member who reviewed the agency. Thank you very much, Chuck.

MR. MULA: Good afternoon, Madam Chair, members of the Committee. Since Dr. Derby has taken the words right out of my mouth, my report will be very brief, and the staff recommendation, again, to the Senior Department Official, for LCME is to continue the agency's recognition and require a compliance report in 12 months on the issues identified in the staff report.

This recommendation is based on my review of the agency's petition and the supporting documentation, and we are very confident that the issues will be resolved within that time period of time. The agency has been in communications with the Department, and they're well on their way to doing that, and that concludes my report.

I'm available for any questions if you may have any.

CHAIRPERSON STUDLEY: Do we have any questions at this time for Chuck or for the primary readers?

Seeing none, let's hear from the agency representatives. Thank you very much for being here, and after you take your seats, would you please introduce yourselves?

DR. COLEND: Good afternoon, Madam Chairman. I am Chris Colenda. I am currently the Chair of the LCME. My day job is I am Chancellor for Health Sciences at West Virginia University. Prior to that experience, I was Dean and Vice President for Medical Affairs at Texas A&M, and I served as interim Dean at Michigan State prior to that. My background is in geriatric psychiatry, and I'm currently in my sixth year of being a member of the LCME.

I'll let my colleagues introduce themselves.

DR. GOLD: Thank you very much, and we appreciate this opportunity. My name is Jeff Gold. I am the Chair-elect of the LCME. I am in my fifth year of service. I have previously chaired the Policy Committee and currently chair the Strategic Planning Committee of the LCME.

I am a nearly completely recovered children's heart surgeon from the East Coast, but currently serving as the Chancellor and Executive Vice President of Health Affairs and the Dean of the College of Medicine at the University of Toledo.

I have been surveyed by the LCME as an institutional leader many times, and I have chaired survey teams for the LCME many times. My only real conflict of interest is that I'm the proud parent of a medical student, and I'm very dedicated to the fact that the quality of medical education in this country remains as high as possible.

Thank you.

DR. BARZANSKY: Hello. I'm Barbara Barzansky. I'm one of the two Co-Secretaries of the LCME. I'm based at the American Medical Association. I've been with the LCME for about 22 years. Previous to that, I was involved in medical education research and then in basic science teaching.

DR. HUNT: My name is Dan Hunt. I'm the

other Co-Secretary. I'm in the Association of American Medical Colleges. Prior to that--I've been doing that for five years. Prior to that, I was the founding Academic Dean for Canada's first new medical school in 30 years. Prior to that, it was 27 years at the University of Washington School of Medicine as a professor and oversaw their educational program for the M.D. degree for 17 years.

DR. COLEND: We want to thank Mr. Mula for his very careful and thorough review of the LCME. We appreciate the feedback and have made plans to address the cited areas. New resources have been assigned to ensure that the appropriate notifications occur in a timely manner to the Department of Education and to relevant accrediting bodies after the LCME has taken accreditation actions.

The LCME also will clarify its policy and its reporting language on granting extensions for good cause. We will submit a timely report back to the Department that will address these issues.

We have prepared comments to the three questions that the Advisory Committee has asked to address by the accreditations that are being reviewed this cycle, and we would entertain any questions that you might have or, if in the interest of time, if you would wish us to have our written comments submitted to you, we'd be more than happy to do either verbal or written comments.

CHAIRPERSON STUDLEY: Why don't we focus on the agency's re-approval and see if there are questions and issues related to that, and then we'll come back to your other kind offer.

Have you concluded your introductory comments?

DR. COLEND: Yes, ma'am.

CHAIRPERSON STUDLEY: Okay. Are there any--I'll give the primary readers first crack. Is there anything that you want to ask about or add? Otherwise I'll open it to--

MR. ROTHKOPF: Let me just ask, if I might ask one question.

CHAIRPERSON STUDLEY: Okay.

MR. ROTHKOPF: Two parts. One, is there any other accreditor out there for medical schools in the United States or are you the sole one? And then, two, is there a pipeline at all of additional schools seeking to be accredited because we read of the need for more physicians, particularly primary care, as a result of millions more people being covered by insurance?

DR. BARZANSKY: We're the only accreditor of M.D. granting programs. There is a separate accrediting body for D.O. granting programs, and they reside based in the American Osteopathic Association.

DR. HUNT: There's been a dramatic expansion of the enrollment for the M.D. There's been a dramatic expansion of the enrollment. 85 percent of the existing schools have expanded enrollment in response to this concern about this shortages, and we're in the process of reviewing 18 new schools. There was about a 25-year period, there hadn't been one new school. In the last six, seven, it's been busy.

DR. COLEND A: Those questions are actually part of our discussion that we could submit for the record.

MR. ROTHKOPF: Thank you very much.

CHAIRPERSON STUDLEY: Committee members, other questions or comments on this agency? If you'd like to tell us the point that relates to that question about enrollment, and otherwise submit your comments for the record, that would be very helpful. But just briefly what was your quick observation on that point?

DR. COLEND A: Well, as Dr. Hunt said, between 1980 and 2006, there have been no increase in the number of medical schools in the United States, and since that time, we've moved from 126 medical schools to 141 that are currently under consideration or have received preliminary accreditation.

The perceived need to increase the number of medical school graduates has also led to class expansions in existing medical schools, often supported by creation or enlargement of

distributive campus models.

In the dynamic environment, these new models of medical school organization and governance have created the opportunity for the LCME to remain flexible but vigilant in ensuring that these new models and organizations of medical education meet the standards, and we work hard to maintain that balance between being a regulator, as well as being able to foster continuous quality improvement and innovation.

We also are working continuously to keep our standards up to date, related to emerging areas in medical and health care professions education, such as interprofessional education, competency-based education, and trying to enhance the continuum between medical school education and the next level of training, which is graduate medical education, so there's a seamless continuum of training and expectations across the training period for young physicians.

CHAIRPERSON STUDLEY: Jill.

DR. DERBY: Following up on Art's

question, we hear often of the shortage there is in generalist practice, family medicine, particularly, and internal medicine. Is there any way that the agency addresses that in your standards or oversight?

DR. BARZANSKY: We do have standards that require that students are given experiences in primary care, that they need to be trained in both inpatient and outpatient settings. We do also require that schools have a good career counseling system so that students understand what their options are and what those kinds of experiences will lead to.

We don't prescribe that, but we do try and make sure that schools are giving the kinds of experiences that will allow students to make a good choice.

DR. COLEND: And those experiences increasingly are in ambulatory care settings at which point students get in-depth and focused experiences with primary care, not only in family medicine, but in general pediatrics, general

medicine, family medicine.

DR. GOLD: We're also quite focused on the diversity of our student populations, of our faculty and of our training sites, which we think is going to foster more career selection into primary care settings and also into underserved settings although only time will tell. Obviously, many other factors determine that.

DR. DERBY: Thank you.

CHAIRPERSON STUDLEY: Frank.

MR. WU: I have a question, but I have a question for the Chair and staff before I ask my question, about whether it's appropriate to ask a more general question. So here's my question that I'd like to ask if it's okay.

It's what does this accrediting agency think of online modalities and their development out there? Is that an appropriate question?

CHAIRPERSON STUDLEY: I think it's an appropriate question at this time if it goes toward their standards or the application of their standards. If it's a general question about the

future of education, I think it might make sense to wait till at least after the motion is made.

MR. WU: I'll just add what you suggested, as pertains to your standards.

[Laughter.]

DR. GOLD: I would say there's a tremendous focus on the use of distance learning, blended learning and other types of educational modalities across all of higher education.

In my responsibility, I have a college of pharmacy, a college of nursing, several allied health programs, as well as medicine, and the real critical issues here are that the distance learning and blended learning programs need to be managed in tight conjunction with the curricula control of the program and the outcomes have to be tracked meticulously.

There is great blended learning, and there is awful blended learning, and I would, our feeling about it is, and I think the LCME's feeling about it is, as long as it's done well, the outcomes are tracked, you have comparable learning experiences

across sites, we embrace it. If any of those things is not true, it does not meet our standards for curriculum management and therefore would result in a finding of noncompliance.

DR. COLEND: I would add that curriculum management is a core principle that we use, and with the emphasis on interprofessional education and the emerging emphasis within the electronic health record and the ability to tie educational opportunities with clinical, direct clinical services within a team setting, the application of new modalities of pedagogy is very much part of the innovation that we're talking about, but, as Dr. Gold says, that has to be tied back to maintaining relevance to the curriculum map and the competencies that we're trying to achieve.

DR. BARZANSKY: About five years ago, the LCME had a task force on distance learning, and it resulted in a report that looked at what the relevance to distance learning would be to each of our standards, and so how far you could go in certain standards that would still result in

compliance.

MR. WU: So to follow up, I'm not hearing you say that you're opposed to online or distance ed just as a matter of principle?

DR. GOLD: That is correct.

CHAIRPERSON STUDLEY: Arthur.

MR. ROTHKOPF: I'd like to make a motion here that, and I'd move that NACIQI recommend that LCME recognition be continued to permit the agency an opportunity to within a 12-month period bring itself into compliance with the criteria cited in the staff report and submit for review within 30 days thereafter a compliance report demonstrating compliance with the criteria and their effective application, and the continuation shall be effective until the Department reaches a final decision.

DR. DERBY: I'll second the motion.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Is there any discussion by members of the Committee of the motion? All in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Abstaining?

[No response.]

CHAIRPERSON STUDLEY: Thank you very much.

Thank you very much for your appearance. We would appreciate those comments, and we will share them with the rest of the Committee.

DR. COLEND: Thank you.

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NEW YORK STATE BOARD OF REGENTS[NYBRE]

CHAIRPERSON STUDLEY: The next agency coming before us is the New York State Board of Regents. The primary readers are Brit Kirwan and Anne Neal. Which of you is going to be--

DR. KIRWAN: Anne is going to take the lead on this.

CHAIRPERSON STUDLEY: Thank you.

MS. NEAL: The New York State Board of Regents has been engaged in the evaluation of quality in higher education since 1787. It is the State approval agency that authorizes the establishment of all educational institutions in the State, and it is the only State agency recognized by the Secretary for its institutional accrediting activities.

Currently, the Board of Regents accredits 24 institutions, all of which are located in the State of New York.

The New York Board of Regents appeared on the initial list of recognized agencies in 1952 and

has received continuous recognition since that time.

And I think with that, I'll turn it to Herman.

CHAIRPERSON STUDLEY: And we welcome the staff member who reviewed this agency. Mr. Bounds, would you please make your presentation?

MR. BOUNDS: Good morning. Good morning, Madam Chair and Committee members. My name is Herman Bounds, and I will be providing a brief summary of the staff recommendation for the New York State Board of Regents and the Commissioner of Education in their role as a State accrediting agency.

CHAIRPERSON STUDLEY: Could you bring the microphone a little closer?

MR. BOUNDS: Sure. The staff recommendation to the Senior Department Official is to remove distance education from the agency's scope of recognition, continue the agency's recognition under its revised scope, and require the agency to come into compliance within 12 months

and submit a compliance report that demonstrates the agency's compliance with the issues identified in the staff report.

This recommendation is based on our review of the agency's petition, supporting documentation, and the observations of a Regents Advisory Committee meeting.

The outstanding issues noted in the staff report were found in the following sections of the Criteria for Recognition: organizational and administrative requirements; required standards and their application; required operating policies and procedures.

In brief, the outstanding issues in these sections consist of the need to provide additional documentation regarding the agency's application of policies as well as evidence of final revision to policies in accordance with the findings in the staff report. The agency must also establish new policies to address issues cited in the staff report that are not addressed in its current standards of policy publications.

The recommendation to revise the agency's scope of recognition to remove distance education is based on the agency not demonstrating its ability to evaluate distance education. The agency requested that distance education be included in its scope of recognition in 2009, and this is the first opportunity we have had to review the agency's evaluation of distance education.

However, none of the institutions accredited by the agency employs distance education as a mode of instruction. We require that an agency demonstrate it has granted accreditation or preaccreditation covering the range of specific degrees, certificates, institutions, and programs included in its scope of recognition, including distance education, which the agency has not been able to do.

Although there is a substantial amount of work for the agency to complete in order to bring itself into compliance, we believe the agency can resolve the concerns we have identified and demonstrate its compliance in a written report

within 12 months.

Therefore, as I have stated earlier, we are recommending to the Senior Department Official that he remove distance education from the agency's scope and to continue the agency's recognition under its revised scope and require the agency to come into compliance within 12 months and submit a compliance report that demonstrates the agency's compliance with the issues in the staff report.

Back to you.

CHAIRPERSON STUDLEY: Are there any questions at this time for Mr. Bounds? I have a question for you. Some Committee members have mentioned that there are a number of items for this agency. I just wonder if you could give us a sense roughly, unless you have a specific count, what proportion of them are related to documentation of existing process or finding an example of something for you, and which ones require real either policy change or something more complicated than simply providing documentation?

MR. BOUNDS: I would probably say there's

maybe 30 percent, 30 or 40 percent, and I could be off, that requires, you know, demonstration of application, and the other 60 may be policy, you know, policy changes or amendments to bring themselves into compliance, and I could be wrong. I could be off on that, but that's--

CHAIRPERSON STUDLEY: That's all I want. That answers my question. Anne.

MR. BOUNDS: That looks about it.

MS. NEAL: Jamienne, I think that's a very good question, and I think that is something I want to explore once the agency appears. I know that Dr. Bounds and I spoke yesterday. My sense is that part of the problem here is we're putting a square peg in a round hole. This is a State body and that, therefore, many of the problems that are raised are trying essentially to frame what the State body needs to do in the context of what would otherwise be a nonprofit membership organization.

So I find many of the issues that are raised to be ones of difficulty in terms of dealing with the one State agency that we have rather than

substantive issues.

I also will be very interested in hearing from the agency about its reaction to the distance education denial. Again, the question I will raise, is this a damned-if-you-do/damned-if-you-don't situation? They would like to proceed with that authority. In fact, they do not have a specific example that they can prove they've done, but is that a reason not to allow them to continue? That will be a question I'd like to hear addressed by them.

CHAIRPERSON STUDLEY: Okay. Sounds like it would be timely to ask the agency representatives to come before us then. Thank you very much.

Thank you very much for being here today. As the holder of a Regents Diploma from a New York State high school, I go way back with you guys.

[Laughter.]

MR. ROTHKOPF: I have one of those as well.

CHAIRPERSON STUDLEY: The gold standard.

DR. KING: Fantastic. I assume that doesn't present a conflict; right?

[Laughter.]

DR. KING: Thank you for the opportunity to address the Committee. I'm John King, the Commissioner of the New York State Education Department and President of the University of the State of New York.

It's an honor to be here representing the only State accrediting agency in New York recognized by the Secretary. I'm joined by Regent Charles Bendit, who is Co-Chairman of the Board of Regents Higher Education Committee, and who after my brief remarks will address the Regents role in the accreditation function.

It is also my privilege to be joined by Dr. Russell Hotzler, Chair of the Regents Advisory Council on Institutional Accreditation and President, New York City College of Technology.

In addition, I am joined by my colleagues, Dr. John D'Agati, Deputy Commissioner for Higher Education; and Shannon Tahoe, Assistant Counsel for

Legislation.

The Secretary's continuous recognition of the Regents is a source of pride. It is also a charge and commitment we understand deeply as an education agency. Since we hold a unique position among accrediting agencies, I would like to touch on our history and the value we bring to the accrediting function.

The Board of Regents has guided higher education policy in New York since 1784. Today, the Board's comprehensive responsibilities encompass the full spectrum of education activities from early learning through higher education and into the licensed professions.

That spectrum includes 271 degree-granting institutions of higher education, elementary and secondary schools, museums and libraries, the learned professions, non-degree granting postsecondary schools, vocational education, and a variety of programs that support our mission to raise the knowledge, skill and opportunity of all people in New York.

You may not know that the Board's original charge was solely in higher education. It was the first governing body of what was then known as King's College, and which is known today as Columbia University. The Board's role expanded shortly thereafter, but its direction of the quality assurance function in higher education has continued unabated for 228 years.

Unique among accrediting agencies, the Board is at the helm of a public agency rather than a membership organization. We believe there are advantages to operating as a public agency. Regents standards are comprehensive and rigorous with a strong emphasis on an institution's effectiveness in promoting high quality student achievement.

The Board of Regents as a public agency is particularly sensitive to the values of broad participation in setting and reviewing standards relevant to a diverse and vibrant State.

As a public agency, the Board of Regents values evenhandedness, objectivity, transparency,

and consistency in the application of standards. Board of Regents meetings and accreditation reports are public, as are the credentials of decision-makers and administrative staff.

In summary, the Board is a deeply experienced, independent decision-making body that is driven by the public interests. While the institutional authorization and program registration functions are distinct from our responsibilities as an accrediting agency, they are another reflection of the Board's deep investment in institutional quality, access and accountability.

We thank our U.S. Department of Education analyst, Mr. Bounds, for his ready ability to provide technical assistance. The Department's review identified actions we need to take to ensure our continuing compliance. In response, we will make changes to Regents rules as well as policy updates that will be published in our accreditation handbook. These will specifically address the actions cited in our review.

We believe these updates will demonstrate with absolute clarity that our appeals, substantive change and other technical processes align with the Secretary's expectations.

The initial work of the policy updates is underway pending review of our advisory and decision-making bodies. Amendments to Regents Rules will proceed through the State's public rulemaking process in the early months of the next year.

We will undertake the work needed to satisfy the Secretary of our ability to carry out this critical function. We also appreciate that this function is under intense scrutiny and for good reasons.

We respectfully ask the Committee, as it recommends action to the Secretary, to consider the Regents accomplishments and demonstrated leadership in assuring quality in higher education. We would like to clarify that under the mandatory New York State rulemaking process, we plan for and consider public comments on proposed changes in

accreditation standards.

As a public agency, we must give notice of proposed changes in the State Register as part of a mandatory 45-day public comment period. In addition, we actively solicit comment from interested parties and representatives of rural areas, local governments and small businesses among others. We believe it should be understood that we are obliged to and do consider those comments that we receive in response to this public outreach. This is fundamental to our role as a public agency.

I must say we are puzzled by the recommendation to remove distance education from the scope of our agency's recognition as we have not had the opportunity yet to apply our distance education standards to one of our accredited institutions.

To assure the Committee of our capacity in this area, I will describe a few elements of our quality assurance efforts in distance education. In 1999, the Regents established a 16-member Task Force on Distance Education, comprised of faculty

and administrators from public and independent institutions and a representative of the Middle States Association.

The task force defined principles of good practice for distance education. The five principles include organizational commitment, learning design, learner support, outcomes assessment, and program evaluation. Specific operational criteria support each principle.

These principles drive our registration of distance education programs. We periodically review these principles with leaders in the field of distance education. In fact, we will shortly convene a successor to the task force to renew our quality assurance principles.

Under Regents review of distance education program proposals, we consider both the institution's overall capacity as well as elements specific to the particular program under review. In terms of overall capacity, staff look for a strong institutional commitment that includes how the college handles administrative processes at a

distance, training for faculty who will teach online courses, and resources, support services and orientation opportunities for online students.

Our proposal-specific review addresses the program learning design, outcomes and assessment, and program evaluation. In addition, reviewers look to see what safeguards the college has put in place to help ensure students are doing their own work.

Our evaluation also includes a review of faculty and their qualifications, course listings and sequences, and syllabi for new courses, to ensure academic standards are consistent with classroom-based programs.

We also ask colleges to describe their methods for ensuring the integrity of distance education programs. These may include proctored exams, secure log-ins and passwords, use of remote testing facilities, training for faculty in recognizing individual students' writing style, typical errors, thought patterns, and more, and require one-on-one Skype sessions to check

understanding of material, to name just a few of the methods.

In addition, our staff reviews screen shots, links to training and orientation materials, and/or sample courses. This allows staff to see exactly what students will see.

Staff that perform these reviews are the same staff that lead institutional accreditation visits with teams of peer reviewers. Of the approximately 27,500 degree programs offered in New York State, there are currently 1,375 programs on our inventory of registered programs that are registered with the distance education format.

In essence, our staff have conducted nearly 1,400 distance education reviews in keeping with criteria that exceed the Federal distance education standards. We intend to maintain our leadership in the field. As noted, the Regents will convene a successor to its original distance education task force to renew our quality assurance principles.

Likewise, specific to our accreditation

function, we were pleased recently to name Dr. Meg Benke to the Regents Advisory Council on Institutional Accreditation. Dr. Benke led our Colloquium on Distance Education this past spring. She's the acting President of Empire State College and a nationally-recognized expert in distance education.

She is currently on the Board of Directors for Sloan-C, a national consortium for distance learning providers, and for the years 2007 and 2008, she served as that organization's national conference chair.

We will bring this distance education experience to the review of any offerings under our accreditation authority. Site visits, for example, will be informed not only by our staff but by peer reviewers with distance education experience.

We ask the Committee respectfully to consider our deep experience as it considers the Department's recommendation to remove the distance education recognition from our authority. We are aware of at least one institution that we accredit

that will be coming to us in the next six to eight months for renewal, and that application will include review of a distance education program.

In closing, the quality assurance function in higher education has never been more critical. The stakes for our students, traditional and nontraditional alike, have never been higher. Regents commitment to quality assurance remains strong, more than 200 years into our charge, and we would be honored to continue that function.

I will respond to the questions we received in advance of this meeting just to comment on our distinguishing characteristics. I have spoken about our unique status as a public accrediting agency and the advantages that imparts. Under the full array of the Regents higher education functions, including oversight of distance education programs, we offer a depth of experience and field involvement that we believe is unmatched.

One challenge we face is the significant diversification and growth in the demand for higher

education. Higher education and our quality assurance standards will need to keep pace with the evolving delivery mechanisms and the demographic needs of our student population.

In terms of the Criteria for Recognition, the Department's close and often literal reading of Federal regulation has challenged us to focus our responses on the technical elements of our accreditation activities. Our challenge is to ensure that we make every effort to interpret the technical criteria correctly so that the evidence we present is consistent with the requirements.

Once again, thank you for this opportunity and for the Committee's work to help higher education students achieve their goals and dreams.

With your permission, Regent Charles Bendit, who co-chairs the Regents Committee on Higher Education, will provide a quick overview of the Board's role in this area.

DR. BENDIT: Thank you, Commissioner.

My thanks to the Committee for the opportunity to speak with you today. I'm sure you

have questions for us so I will keep my comments brief.

As the Commissioner noted, the Board of Regents sets education policy in New York State. Our Board members are appointed by the State Legislature and include one member from each of the 13 judicial districts and four at-large members. Our members include life-long educators as well as those who, like me, offer the perspective of employers, consumers and other education stakeholders.

The Regents have embarked on a reform agenda that takes advantage of the Board's ability to reach across the spectrum of New York's education-related institutions.

Our bottom line is to provide the support needed to ensure that our citizens are career and college ready. The Commissioner highlighted our focus on institutions' effectiveness in promoting high quality student achievement. Allow me to speak to that function, both as a Regent and from the perspective of a businessman who has practical

expectations for what our graduating students know and should be able to do.

The Board understands the importance of setting high standards, but we also know that that alone is not enough. Those standards must be accompanied by metrics that assure and measure outcomes. I have a particular interest in how students' skills and knowledge translate to the ability to succeed in work and civic life.

This is not to oversimplify the complex processes and goals of education. We are fortunate in New York to have a wide array of higher education institutions from large public systems to traditional liberal arts colleges and highly specialized graduate institutions.

This profile applies to the subset of institutions that have selected us as their primary accrediting agency. 24 New York colleges and universities hold institutional accreditation by the Regents. Among these are notable research centers like Cold Spring Harbor Laboratory, the Elmezzi Graduate School of Molecular Medicine, and

the Gerstner Graduate School of Biomedical Science at Memorial Sloan-Kettering Cancer Center.

The Regents also accredit such highly regarded institutions as the Rockefeller University and the Graduate School at the American Museum of Natural History. Four Regents-accredited institutions feature distinct religious missions. Other institutions offer career and specialized instruction in fields ranging from nursing and other health professions to construction, studio art, business and technical fields.

Each institution has the ability to contribute to the success and enrichment of our State. We do not insist on a single set of outcomes for all, but we do insist that our institutions define their outcomes consistent with their mission and measure their success against them.

The Board considers each application for institutional accreditation. All of us here at the table today can assure you from firsthand experience that our discussions can be quite

lively. What did the peer review team find? What actions has the institution taken to respond to those findings? How do graduation or examination pass rates compare with other institutions? How have graduates succeeded post-graduation? And how will the institutions add value to the students and employees of the State?

Our deliberations are informed by a full range of accreditation materials and resources at our disposal. If we have questions of staff or our advisory council or the institution themselves, we ask. No decision is taken without a careful review by the Board.

The analysis of staff and the Accreditation Advisory Council is vital to the comprehensive review of the Board. Their analysis provides a foundation for our discussion and decision-making process. We formulate our accreditation actions at a public meeting based on the full record of the institution's review. This includes the institution's self-study and responses to the peer team.

As a public body, we take accreditation gatekeeping function seriously. It aligns with our charge to assure quality in education from pre-K through post-graduate studies, including the investment we make in the resources of the State's cultural institutions and libraries to help students succeed.

The Board of Regents is proud of the work we do to ensure students of the State get a high quality education to prepare for their post-graduate success. Our role as an accrediting agency enables us to ensure those same high standards are met in our institutions of higher education.

I want to thank you again for the opportunity to speak with you today. My colleagues and I welcome your questions.

CHAIRPERSON STUDLEY: Thank you very much.

Would the members of the Committee who know at this point that you have questions or comments, please let me know? Anne, you said that you did. George. Anne, George. Okay. Anne. Go

ahead. Anne. George. I was going to--

MS. NEAL: Thank you so much for the presentation.

I would just like to follow up briefly on the student achievement and assessment. As I reviewed the material, am I correct in understanding that you actually have established benchmarks for graduation rates based on every type of institution that you evaluate?

DR. HOTZLER: Yes, we do. The Regents-- I'm Russ Hotzler. I chair the Regents Advisory Committee. I currently serve as President of the New York City College of Technology, and since we're into credentials this morning, I'll just indicate that I previously served as the Vice Chancellor for Academic Planning for the City University of New York, as President of Queens College. York College, I was University Dean for Teacher Education. I've been a provost and a faculty member at both CUNY and Polytechnic University.

And I'm privileged to chair a group of

well-qualified and experienced individuals that serve in an advisory capacity to the Regents with regard to the review of these institutions that come before us. The Regents have in their underlying regulations a number of standards that we hold all institutions to, and one of those speaks to graduation rates.

And if an institution's graduation rate falls below five percent of the average of the statewide average, it's a trigger, and it then requires that that institution develop a plan over the next two years to come back to us with evidence of improvement.

There is a similar regulation for job placement, if you will, where there is an 80 percent benchmark, and anyone that falls below that or below the statewide average has to, again, come back to us in short order with an improvement plan.

MS. NEAL: Thank you.

CHAIRPERSON STUDLEY: George.

DR. FRENCH: Good afternoon. A couple of quick questions. In the initial petition, it

indicates, the staff report indicates that there was no policy for distance education in place. Subsequently, I understand in June, the Board implemented a policy dealing with distance education, but the report seems to indicate there has been no assessment of any other distance education programs that have been approved.

How many distance education programs has the Board already approved in New York?

DR. KING: Part of the challenge here, and I'll ask our counsel to expand on this, but part of the challenge here is that we have a variety of functions in higher education at the Department including our regulatory authority over all higher education institutions in the State.

So we have reviewed and approved distance education programs well over a thousand times in institutions across the State. However, we only accredit a relatively small number of institutions, and none of those institutions has come to us with a distance education based proposal.

Now we do have one institution that we

accredit that we expect will be coming to us in the next six to eight months with such a proposal, and that will be the first opportunity for us to evaluate distance education in an institution that we accredit, but we have a long track record of evaluating distance education programs across the other higher institutions in the State that we regulate.

And, Shannon, if you want to add to that?

MS. TAHOE: Yes. I think the Commissioner is correct. In June of this year, we adopted regulations to conform with the Federal distance ed standards, and since then we have had no opportunity to review a distance ed program because none have come before us. However, as the Commissioner indicated, in the next six to eight months, we have one institution that we already accredit that we know has distance ed programs that will be coming to us for approval as a renewal in the next upcoming year.

So at that point, we would be able to review the program, and that's why we would ask

that you remove our distance education removal essentially or at least give us six to eight months to look at this new program that's coming before us to see if we can implement our standards and apply the new Federal standards to that institution.

CHAIRPERSON STUDLEY: I have Art Keiser, Brit, and I think Anne again. Yes.

DR. KEISER: Help me understand. I have been doing this awhile, and I've never seen a report with over 40 noncompliant issues. I mean that's a lot of work not to do. Why? How? And to say in your report that it was because you have a technical understanding or difference of the way you approach the problem, I don't understand that, especially from a governmental agency that obviously is well-funded and, listening to your reports, does a lot of good things.

How could you miss so much?

DR. KING: I'll ask Russ to expand on this, but I would say that the key difference here is that our approach to this work differs from most of the organizations that you oversee, in that we

are a State entity with wide range of responsibilities in higher education. So our approach to our work in this area has tended to parallel our work in the other areas of higher education where we have regulatory authority, the program approval process that we follow and so forth.

So I think there are places where our regulatory scheme has not aligned with the Federal standards here in form but has in substance. But I'd ask Russ to add to that.

DR. KEISER: Let me do some follow-up on that. You are recognized. You've been recognized for a long time. These are Federal statutes that you have agreed to participate and follow. Most of them are like you don't have a policy for, a certain type of policy for train-out or you don't have a certain--you know, these are things that most of them have been in place a long time, some are new in the reauthorization, which is now over two-and-a-half years old.

I still don't understand. Because you

follow the New York policy, does that mean that you should not follow the Federal policy?

DR. KING: No, the way I would characterize is that because we have a relatively small number of institutions that we accredit, and our approach to most policy issues is consistent with our approach to other areas of our higher education regulatory authority, there are many circumstances that we have not had to address. I think we have had one appeal in recent memory, and so we had an ad hoc appeal process. One of the recommendations here is to adopt a permanent appeal body, which we certainly can do. We haven't had to have an appeal body for this purpose.

So I think it's a question of aligning some of our rules here, but again I think the substance of what we've done has reflected the Federal standards.

DR. KEISER: But having a formal appeals panel has been in place for decades. It's not just a new policy. Not having one would have you out of compliance with our standards.

MS. TAHOE: No, we did have a--it was a formal appeals process. It was actually just a standing subcommittee of the Board, and that's been in regulation. It's been formalized in regulations before we were last actually renewed for accreditation, but we're just revising our policies, and, essentially, I think Herman Bounds was expressing an interest in having somebody other than a standing body of the Board of Regents, having it be an independent body. So we're revising our regulations to formalize an independent body appeal process going forward that the Commissioner would appoint, you know, for the future.

And I think, as you've mentioned, some of the things, if you read the report carefully, I think we are following the Federal rules. I think that some--and I noted that some of the institutions mentioned this yesterday--I think this renewal has been much more at a granular level, and really we've been accredited without problem even till now, and the Higher Education Act didn't have

that many revisions which required revisions to our rules. It's just this is a much more granular review this year.

And we're doing everything we can to come into compliance with exactly what Herman has mentioned, you know, and we're revising our policies and our rules to update this, you know, the things mentioned.

DR. KEISER: I'll just make one further comment. Again, these things that you have listed are not granular. These are basic policies that have been in effect for a long time which you have not addressed.

Now if a school came before your accrediting commission with the same kind of response that you just gave, how would you respond?

MS. TAHOE: I think if they were going to update their policies in accordance with the things that we mentioned and any deficiencies mentioned, I think that we would respond pleasantly, you know, as long as they were going to respond to the deficiencies noted.

I mean I think at this point, we're willing to work on every level at each of the things identified, and our policies are already being revised currently. We have our rules that are going to be amended in January or March of this year. We're doing everything we can to comply with the recently identified deficiencies.

DR. KEISER: I'm sorry. I got to follow up one more. If a school came in with significant deficiencies and failure to meet the policies at the time of the review, you would not take a negative action?

DR. HOTZLER: I think we sort this a little bit. Most of these are not substantive. They are simply bringing wording into compliance with current Federal regulation. The Regents, its own rules basically set the compliance for the institutions, and they maintain the spirit of what the Federal regulations request.

At the end of the day here, we're going to evaluate the institution based on whether they're complying with their mission, whether they're doing

for their students what they're supposed to do, and whether, in substance, they meet the criteria for accreditation.

If there is some issue here with wording, which is largely what many of these are, these are easily addressed, and as the Commissioner indicated, most of those changes are currently being considered.

CHAIRPERSON STUDLEY: Brit.

DR. KIRWAN: Thank you.

I want to understand the distance education matter a little more from your perspective. Let me start with Empire State provides a lot of distance education; does it not? And so it has degree programs that are offered by distance education. Have you accredited them?

DR. KING: We don't accredit Empire State, but we do review their programs under our--

DR. KIRWAN: Who accredits Empire State?

DR. KING: Middle States.

DR. KIRWAN: Middle States. I see.

DR. KING: Yes. And so then that's true

of the vast majority of our higher education institutions in the State. They are accredited by Middle States, but we are reviewing their programs.

DR. KIRWAN: I see.

DR. KING: And that's really the tension.

DR. HOTZLER: If I can clarify it another way. The Regents in its capacity registers every program in the State. If an institution wants to start a new program, it comes and it's registered by the State. If that institution now wants to offer that program in a distance mode, if more than half the program is delivered by distance methods, it has to come back to the State and get the program reregistered, and it is in that context of this reregistration of programs that an institution wants to offer in a distance mode that it gets reviewed by the State Education Department a second time.

So if you are offering a program in health care, whatever, and now you want to offer it in distance, you have to come back to the State, separate from the accreditation of the institution.

You have to get that program reregistered to be offered in a distance capacity.

DR. KIRWAN: So now you said you had a program that was coming to you sometime this year. Can you say what program it is?

DR. KING: I believe it's Bramson, but I don't know what specific program they're going to bring us.

DR. KIRWAN: So this is Bramson--

DR. KING: This is Bramson ORT College. Yeah.

DR. KIRWAN: And what will be the--let's say that you're not allowed to accredit--the distance capability is removed, responsibility is removed, what would be the implication for Bramson? What would be the practical consequence of your not being able to accredit them?

DR. D'AGATI: Those students in that program, they would lose their Title IV, Title IV funding.

CHAIRPERSON STUDLEY: Kay would like to make a comment at this point.

MS. GILCHER: Okay. First of all, an agency is allowed to accredit outside its recognized scope, and that is part and parcel the way an agency expands its scope of recognition. As required in the regulations, they have to have already done what they are looking to get approved for to include in their scope. So that's one of the basic requirements in our regulations.

There was another point. What was my other point?

CHAIRPERSON STUDLEY: Could I just ask, let me pretend for a moment that I'm Frank Wu--

MS. GILCHER: Oh, the Title IV issue.

CHAIRPERSON STUDLEY: Go ahead. That may be--

MS. GILCHER: If this institution that you are going to be looking at is offering more than 50 percent of its program by distance education, then it would need to be recognized or accredited by a recognized accreditor for distance education in order to have those students be Title IV eligible.

DR. FRENCH: Could I get clarification on

that?

CHAIRPERSON STUDLEY: Yes, go ahead, George.

DR. FRENCH: I just want to make sure I heard that correctly, and I'm putting it within the context of an institution that receives accreditation. If we, as my institution, wanted to expand our scope, we would have to apply for substantive change first, but you're indicating that accreditors actually expand their scope by doing what they want to do, and they have to indicate that they've done it before they get accredited for it?

MS. GILCHER: Yes, they have to be able to demonstrate that they have already done what they're seeking to have in their scope of recognition.

DR. FRENCH: Okay.

CHAIRPERSON STUDLEY: But let me just ask the Title IV crosswalk. But if they do it prior to having that authority in their scope, does it carry Title IV eligibility for the students in the

program that they're expanding to?

MS. GILCHER: No, it does not.

CHAIRPERSON STUDLEY: Right. You see the-

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MS. GILCHER: And you had, you've had other agencies here that are looking for an increase in scope of recognition. ACICS a couple meetings ago wanted to expand to include all sorts of graduate programs in varieties of areas, and they had to demonstrate that they'd already done this in order to have that scope expanded.

DR. KIRWAN: Could I just finish my question?

CHAIRPERSON STUDLEY: Brit, go ahead.

DR. KIRWAN: So I want to understand the difference between Empire State and Bramson. You're not accrediting Empire State because Middle States does. Does this mean that Middle States isn't accrediting Bramson?

DR. KING: Right. Bramson is accredited by the Board of Regents.

DR. KIRWAN: I see.

DR. KING: And I think that's really the underlying challenge here is that we have a relatively small number of institutions in the State that are accredited by the Board of Regents.

DR. KIRWAN: That are not accredited by--

DR. KING: That are not accredited by another body.

DR. KIRWAN: I see.

DR. KING: Although we have regulatory authority over all higher education institutions with a bricks and mortar presence in the State. So we do play a program review role with, as I said, well, over a thousand distance education programs. So that's the sort of irony here is that we haven't had one of our small number of accredited institutions come to us specifically with a distance learning program.

DR. KIRWAN: Thank you.

DR. FRENCH: Madam Chair.

CHAIRPERSON STUDLEY: Anne and then George.

DR. FRENCH: Thank you.

MS. NEAL: I'll let George go first.

CHAIRPERSON STUDLEY: Okay.

DR. FRENCH: You sure? Go ahead.

MS. NEAL: Well, and am I correct in understanding that because you will have this school before you, when you provide your report back to us, we will be able to see how you have applied this policy, which, at least on the face of its terms, sounds exquisitely comprehensive and based on your past experience?

DR. KING: Exactly right.

CHAIRPERSON STUDLEY: George.

DR. FRENCH: So, thank you, Anne. That's exactly, that was exactly my point. Thank you, Kay, for explaining that to me. So I guess I'm in a little bit of a quandary now as to why the recommendation would be to remove the distance education if, in June, the policies were established, put in place, but, as Kay said, the scope has already been expanded, but now we have to basically test, and they don't have the opportunity to do that. I don't understand why we're making

the recommendation that would remove the distance education component at this point.

MS. GILCHER: This is one of those institutions that expanded its scope to include distance education by notification to the Secretary. Okay. So such institutions, we would expect to actually have experience in doing evaluation of distance education.

When we were reviewing this agency, there was no evidence of that kind of experience, nor was there any indication that they would have such experience coming forward.

At the point we're reviewing them, we would have expected them to already have that experience because they had expanded their scope to include distance education. You're certainly free to make a different recommendation than we did in this regard.

CHAIRPERSON STUDLEY: I wonder, and this is a question for you, Kay, also, the word "experience" has a dictionary meaning, and it has other possible meanings, and what I'm hearing is

that for this purpose, the agency thinks of experience as experience in evaluating distance education in the context of an agency that accredits because 1,300 entities providing some form of distance education reviewed under the same standard by the Board of Regents does sound like experience in a lay context.

Can you explain whether the Department has, one, ever seen a situation like this, and how, what kind of meaning you give "experience" because I think that will be important to our deciding what recommendation we should make?

MS. GILCHER: Well, the meaning is as it is stated in the regulation, which is that a recognized agency seeking expansion of its scope of recognition must demonstrate that it has granted accreditation or preaccreditation covering the range of the specific degrees, certificates, and institutions and programs for which it is seeking that expansion of scope.

So it's doing it in the context of accreditation, which would mean evaluating against

its standards in the process that it used for accreditation review, which would be with a site review team and all of that.

CHAIRPERSON STUDLEY: And so another question that we would have to answer if we wanted to, if the motion comes before us to add this to the list of things yet to be done in the next, yet to be demonstrated in the next 12 months, would this be like those other situations in which we say we are looking for that demonstration between now and the 12th month mark or do you think it would be different in kind?

MS. GILCHER: I'll ask Sally to weigh on that one.

CHAIRPERSON STUDLEY: Right. The lawyers--this is a lawyers'--

MS. WANNER: I guess I would look on it as something different. In the other situations, they have currently existing entities that they've accredited in which they've applied their policies and standards, and the staff has said they need to change those somewhat to fit the criteria.

In this situation, they don't have any institutions that they have accredited for distance education so they would be showing something new in expansion of scope. So, to me, it's something different.

DR. KEISER: I think we need to be consistent. This is our third time we have approached this this meeting. COMTA did not have any schools that were eligible or in the pipeline of being eligible, and we removed their approval. I'm trying to remember the second one where there were schools--

MS. NEAL: They withdrew.

DR. KEISER: What was that?

MS. NEAL: They withdrew, I believe.

DR. KEISER: Well, they withdrew, but after our recommendation. The second one was where we continued it for 12 months, and they would have to demonstrate because I think they had schools in the pipeline, and there was a little different circumstance.

I'm not sure--is the Bramson school, does

it have a formal application pending for approval of distance learning? Or is it just reported that they might do it?

DR. D'AGATI: It's just reported that they expect to come in this year, and they will have an online, a distance ed program as part of it.

DR. KEISER: But there's no application pending?

MS. TAHOE: Well, they're currently accredited by us so it's a renewal application. It will be a renewal.

DR. KEISER: There is no substantive change request. So they would have to put a substantive change request, I would assume, of their scope.

CHAIRPERSON STUDLEY: Are they currently providing distance education?

MS. TAHOE: They are.

CHAIRPERSON STUDLEY: Yes.

MS. TAHOE: So they wouldn't have--

CHAIRPERSON STUDLEY: They have it and--

MS. TAHOE: Right.

CHAIRPERSON STUDLEY: And it's part of the program that would need to be--

MS. TAHOE: Correct.

CHAIRPERSON STUDLEY: --accredited on this cycle for them.

MS. TAHOE: That's correct.

CHAIRPERSON STUDLEY: Kay, I think--

DR. KEISER: Wait, wait, wait.

CHAIRPERSON STUDLEY: Yes.

DR. KEISER: To provide distance education, do they not have to request from you approval to do that?

DR. KING: For the program approval, yes.

DR. KEISER: So either they are in a process where you're supposed to be evaluating that or you don't evaluate, you just approve it without doing an evaluation, which--

DR. KING: This again goes to the distinction between our broader regulatory authority in higher education and our specific function as an accrediting body, and so we have institutions coming to us for program approval, and

then bringing those programs to us at renewal time as an accreditor.

DR. KEISER: But that institution came to you, and you did not do a review of their online, which would be in violation of the Federal guidelines, which require an accrediting agency to review a distance learning program or a delivery process. So is that school at risk?

DR. D'AGATI: We know informally they have come to us for program registration. But they have not put forward their online program for accreditation, and we are looking at the--we have to look at the 50 percent to see if they have tipped over on the 50 percent.

MS. NEAL: Following up on what Art said, could the second entity that we dealt with--you're going to clarify?

CHAIRPERSON STUDLEY: Kay is looking right now to identify the other situation, and Carol thinks it was MACTE, the Montessori accreditors.

I think your point is very appropriate that we should be consistent. COMTA did withdraw

their request for distance, but as soon as we can identify MACTE, we will, I think that would be a helpful reminder to us about how we handled that.

MS. GILCHER: Okay. My recollection is that with MACTE they had indeed evaluated and accredited programs offering distance education, but we were not satisfied with the thoroughness of that evaluation and that they were actually doing it consistently against their standards.

Steve, am I remembering correctly?

MR. PORCELLI: Yes.

MS. GILCHER: Okay. And that's why we had recommended at that point a good cause extension. Well, that wasn't why, but that's--

MS. NEAL: Well, my only concern here is-- which I've raised on a number of occasions--that I do sometimes feel that we put form over substance, and when I look at this application, I think as a general rule, they have higher standards than we've seen in many of the regionals, and that they have essentially in place rules and regulations that conform to our requirements, and what they are

attempting to do is to develop a language that will reflect the language in the Federal rules, which are, quite frankly, primarily focused on non-profit membership organizations as opposed to State agencies. So I think we've got them between a rock and a hard place, and I think they're doing what they can to address that.

CHAIRPERSON STUDLEY: And I'd just ask, I think it's staff, but I'd also be interested in what the agency says, if we withdraw distance, if we withdraw the distance authorization at this point and do not give them--and approve them with a list of items to be accomplished in the next 12 months, and don't include the distance learning item on that list, could you tell us what the process is for seeking authority to accredit for distance learning programs?

MS. GILCHER: They would request an expansion of scope, and in doing that expansion of scope, they'd have to provide the kind of evidence that we have already indicated in this analysis that they would need to provide in order to be in

compliance with that 602.16(b) and (c).

So in bringing the compliance report back, they could also request an expansion of scope to include distance education and provide evidence of their policies and practices and application of those.

CHAIRPERSON STUDLEY: And that application would have to be in situations of institutions that they accredited, not that were accredited by others. So even if they accredited distance education at Skidmore, because it's not accredited by New York State, that wouldn't count toward their experience, and since they couldn't accredit Bramson for distance learning, it might go someplace else to seek the comprehensive approval that we're looking for. I'm just trying to find more rocks--I'm seeing more rocks and hard places along the lines Anne is describing.

Is that a correct description?

MS. WANNER: I was a little troubled by the fact that I think we could recognize them if as an accrediting agency they had done distance, even

if that school was also accredited for distance by another accrediting agency. The problem is that they have not approved yet, under their accrediting standards, any entity for distance.

CHAIRPERSON STUDLEY: Is that how you would describe it or do you have a different interpretation? I'm speaking to any of you.

DR. KING: I think we understand that we need to demonstrate following the full accreditation process with one of our accredited institutions around distance learning, and we believe that Bramson will give us the opportunity to do that within the time window in which we need to make the other corrections.

So, respectfully, we'd ask for the time to do that as opposed to withdrawing our ability to accredit distance education, which might cause Bramson to go elsewhere, and then requiring us to come back at a later point to ask for that increase in scope. We'd like the opportunity, particularly given the agency's long and broad track record in program approval for distance education programs,

many of which are nationally recognized.

CHAIRPERSON STUDLEY: And then if we took that approach, and either this institution did not come forward as expected or they didn't handle the process in a way that could satisfy us in terms of the record that was established in 12 months, at that point they would have failed in that regard, and 12 months from now we could withdraw the distance approval. I'm just trying to get the process and the steps because I anticipate that--

MS. TAHOE: And I just want to add to the Commissioner. I mean essentially we do have a longstanding history of approving distance ed in our registration program standards. So we are a little bit different. So we would respectfully have you recognize that experience even though it's not in our accreditation function.

MS. GRIFFITHS: I'd like to add to this conversation a bit. Maybe this is too simplistic, but I offer up that this isn't an expansion of scope for this agency at this point in time. This agency has distance education in its scope of

recognition. It would seem to me it may be appropriate to consider that this is a noncompliance with a specific criteria or criterion, 16(b) and (c), that it's not a matter of the eligibility requirement because it's not an expansion of scope under 602.12, I think it is.

So you may want to think about it that way, and since this is a continued recognition, could possibly be a continued recognition with demonstrating compliance for distance ed, and then at the end of that period of time, you could decide whether or not you wanted to--whether you were happy with it and wanted to remove it?

CHAIRPERSON STUDLEY: Art, and then I'm going to ask whether the primary readers would like to offer a motion so that we have our conversation in the context of a specific motion on the floor.

Art.

DR. KEISER: I'd have a real hard time with that because I asked specifically about COMTA, whether we could do that, and I was told no. So we got to be consistent in our process. Now, frankly,

I do believe they have probably the skills requisite to do it, but if we're going to be following a policy and impacting institutions, we as an organization need to be consistent.

MS. GRIFFITHS: My understanding is COMTA was requesting that it be removed as to not complicate their continued recognition or their renewal.

CHAIRPERSON STUDLEY: Right. Even before they came to us. Even before our discussion of them.

DR. KIRWAN: Just on this one point, was COMTA, would you categorize what they were seeking with distance education as an expansion of scope or as something they were already doing?

MS. GRIFFITHS: They were doing.

DR. KIRWAN: They were already doing.

CHAIRPERSON STUDLEY: Kay or Carol?

MS. GRIFFITHS: They were already doing it. But keep in mind that every time an agency comes up for recognition, it has the option of requesting what it wants to be recognized for

because the agencies can do accrediting activities outside of their recognition. So each time you need to consider what it is they are requesting as their requested scope of recognition, and you're going to decide whether or not to recommend on what it is they've requested or something different.

CHAIRPERSON STUDLEY: Frank.

MR. WU: So I have a question for the Chair and for staff. It's whether or not we ever communicate to all of the agencies that fall within our purview other than through the oral statements that end up in the transcript, which I imagine most people don't read?

The reason I ask this is we had a terrific summary by the Chair of some of what we discussed in the closed training session on issues of timing and process, and there are recurring issues with agencies that come before us about form versus substance; are we too compliance oriented; is the staff very nitpicky on things?

I wonder if it might be useful to, in a very simple, neutral, straightforward way, say

something to the dozens of agencies to the effect that we understand that timing could be changed so that there would be more time to resolve these issues, that we value substance, but that form has to be complied with, and people ought to take it seriously, but in a way that would help make this process better for all of us.

I think there is some considerable frustration on the part of agencies that have been around a long time and are doing good work, that we will eventually pass, that they get held up on some things that could be addressed.

So, basically, I'm just asking can we make a statement to the agencies because some of them happen to be sitting here, but as the hours wear on, fewer and fewer, just a statement that says, look, we're about substance, not just technicality, but you ought to take this seriously and get the technicalities straight? We understand there are timing issues, and we're going to work on making that better. Just to give them so notice.

Is that possible?

CHAIRPERSON STUDLEY: I hear your concern. I think that one of us said earlier--I think it was Art--but what's granularity? I think your point about trying to provide clarity and to acknowledge, as we have consistently, that we are listening to these concerns and trying to think about everything from the content of the Higher Ed Act to the regulations, to the guidance from the staff, and the respective roles of staff and NACIQI, that we're taking those comments and trying to align all of this with the best interest of higher education.

I think a comment along the lines you are describing is not something I can formulate on the fly, and takes some thought among us, because one person's substance may be another person's granularity, and we don't want to further confuse the situation.

I think it's clear from the representation that we've had that everyone takes this seriously, both here on the Committee and among the entities.

Let me just ask, is there a motion that someone would like to make so that we can focus our

discussion on that? Anne.

MS. NEAL: Well, let me just get something--what I am proposing to do is to do two motions, one that would relate to the general recognition and one that would relate to the scope of recognition. Does that sound like a reasonable way to proceed?

CHAIRPERSON STUDLEY: You're free to make whatever motion you want.

MS. NEAL: I move that the NACIQI--that the New York State Board of Regents recognition be continued to permit the agency an opportunity to within a 12-month period bring itself into compliance with the criteria cited in the staff report, and that it submit for review within 30 days thereafter a compliance report demonstrating compliance with the cited criteria and their effective application.

CHAIRPERSON STUDLEY: Is there a second?

DR. DERBY: I'll second the motion.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Thank you.

Is there discussion on that motion? Art?

DR. KEISER: I'd like to speak against the motion. I'm troubled deeply, and, especially, Anne, from you considering that you want now to go from substance over form, or form over substance, from a governmental agency that lives in the land of rules, regulations, statutes, standards, and this agency has not followed the standards that they have agreed to follow for the past at least five years, and I think it's a longer period of time.

The fact is they are required to have an appeals panel. They are required to have a process to evaluate outcomes. They are required to have a train-out policy that conforms. They are required to have a, you know, there's a laundry list of things which are therefore statutory reasons to protect the consumer and the public.

Now, they don't have to have this Board of Regents being an accrediting function. Most States don't have that. And for us to cut slack for an agency that's not doing its job, not paying

attention to the standards where there are greater than 40 violations of our criteria, is a problem for me, and I think for the independent agencies that are out there that are making much greater attempt, I think it is wrong.

So I will speak against the motion and vote against it.

MS. NEAL: If I may address that. I frankly feel that, again, if we look at what they have in place, that they have in place the processes that we request, and I think as we heard previously, that they have been continuously recognized for these processes. The rules haven't changed significantly, and so now, all of a sudden, they are finding under this new granular interpretation that they need to change the wording so as to conform to our statute.

If I believed that they were not engaging in the kinds of processes that we require, I would feel as you do, Arthur, but I have seen no evidence that they are not, in fact, engaging in the kind of protection and demand of student achievement that

we attempt to seek.

And the fact that they have new rules that are already in place, that are likely to be approved early in 2013, that address these issues and that will be brought back to us within a month, I think is highly responsive, and, therefore, I do again believe that this is a matter of putting a square peg into a round hole, and I think it would be unfortunate in our desire to have every "i" dotted and every "t" crossed to in some way suggest that they are not doing the job that I believe that they have shown that they are doing.

CHAIRPERSON STUDLEY: Are there others who would like to speak to the motion? Brit, Art?

DR. KIRWAN: I just want to be clear. Anne, is your recommendation the same as the staff recommendation except that you haven't put into your recommendation anything about distance education?

MS. NEAL: That's correct. That's correct. I am simply--

DR. KIRWAN: So that's the only difference

between your recommendation--

MS. NEAL: My recommendation, because I was intending to do it in two prongs, is that I am agreeing with the staff recommendation that they come back in compliance within 12 months with the various issues that have been addressed, and then I intend to address the distance education separately.

DR. KIRWAN: Thank you.

CHAIRPERSON STUDLEY: Art. Anyone else on the Committee want to speak to the motion? All in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

DR. KEISER: Aye.

CHAIRPERSON STUDLEY: Abstaining?

[No response.]

CHAIRPERSON STUDLEY: Thank you. The motion passes with one negative vote.

Is there another motion?

MS. NEAL: I'll try another one. I move that the NACIQI recommend that the Assistant

Secretary not revise the accrediting agency's scope of recognition as requested, pending demonstration of compliance with distance education.

MR. ROTHKOPF: I'll second it.

[Motion made and seconded.]

DR. KEISER: Point of order.

CHAIRPERSON STUDLEY: Yes.

DR. KEISER: Why do we need a motion to instruct the agency not to do something? They don't have to do it if we don't recommend it.

MS. NEAL: I'm making that motion, and I'm using language that has been supplied by the Department of Education to do so.

CHAIRPERSON STUDLEY: Could you explain why the language that you're--

DR. KEISER: You don't have it in your language, why--

CHAIRPERSON STUDLEY: Kay, did you want to?

MS. GILCHER: I wanted to say there is a difference between the Department's wording and Anne's wording in that we said "continue the

agency's recognition under its revised scope."  
That is after having removed distance education.

In this case, your wording was to continue their recognition, which would include distance education because that's our current scope. So you could say continue their recognition under their current scope except, of course, you've already voted on that.

MS. GRIFFITHS: It's implicit though.

MS. GILCHER: Right.

DR. KEISER: Wasn't that the original?

MS. GILCHER: Yes, I think that was the original. It just wasn't explicit that it was under the current scope.

MS. NEAL: All right. I certainly intended that it be under the current scope, and then I'm more than happy to amend what I just said to reflect under the current scope.

CHAIRPERSON STUDLEY: So let's just understand this. Your initial motion, what you wanted to do was act on every aspect of their continuation except their scope. So we don't want

to surprise anybody that they approved the current scope, which now includes distance learning by accident. We wanted to pull that out of the motion.

So I think that's the clarification that Kay wants to bring to our attention, that the recognition, the first motion was the recognition (subject to our later determination about the scope), and now what you want in your motion is to say you would like the recognition to include continuation of distance learning on the same basis.

MS. NEAL: What I'm trying to do is agree in part with the staff recommendation and disagree in part with the staff recommendation.

CHAIRPERSON STUDLEY: But it may turn out to be a double negative in the way you framed it. So you might think about whether there's an affirmative statement of the second motion.

Frank.

MR. WU: To help move things along, I think technically since we already voted on

something that you didn't mean for us to vote on--

CHAIRPERSON STUDLEY: Right. That's what I'm trying to do. We need to take it out.

MR. WU: We have to undo that.

CHAIRPERSON STUDLEY: Yes.

MR. WU: So let me start because I think procedurally the proper way for this to be done is it has to be one of us who's on the winning side, which would be all except one, so I hereby make a motion to reconsider the motion that was just adopted.

[Motion made.]

CHAIRPERSON STUDLEY: Is there a second?

MR. STAPLES: Can I ask a question about that?

CHAIRPERSON STUDLEY: Yes.

MR. STAPLES: I was under the impression from Kay's comments and just from my reading of it that that's unnecessary. That the prior motion by continuing their recognition implicitly continues their present scope? Could I get clarification?

CHAIRPERSON STUDLEY: Yes, it does.

MR. STAPLES: So we don't need to reconsider--

CHAIRPERSON STUDLEY: And I believe what-- and the nature of Frank's reconsideration, the reason for Frank's reconsideration motion is that Anne had specifically said I want to take them apart, and we don't know whether people voted to continue it as it is--

MR. STAPLES: I thought Anne's intention was to continue--

CHAIRPERSON STUDLEY: No.

MS. NEAL: My intention was not to take away their existing scope. So if, in fact, that's what the first motion did, then I'm happy with that motion.

MR. STAPLES: Then we're fine.

DR. KEISER: You're fine.

CHAIRPERSON STUDLEY: But some people were operating, I believe, under the understanding that in voting for that motion, they would have a separate opportunity to continue the distance learning issue. That's why Frank is making the

motion to reconsider because it did something he did not mean it to do.

MR. WU: Right. So just to be clear, Cam would be right if everyone was going to vote the same way on the second motion. What I've done is try to split this up.

CHAIRPERSON STUDLEY: Right. To do what Anne told us she meant to do by two different motions.

MR. STAPLES: Okay. I guess I thought--

CHAIRPERSON STUDLEY: Unless you meant you would only do it if the first one lost.

MS. NEAL: No, I intended not to change their existing scope, and--I intended not to change their existing scope.

CHAIRPERSON STUDLEY: Frank, are you making your motion for--

MR. WU: I'm now thoroughly confused.

CHAIRPERSON STUDLEY: I think, Frank, you were making your motion for reconsideration because that was not your understanding and therefore your vote--either your vote might be different or you

did not have time to hear argument on the consequences.

MR. WU: Right. I'm just trying to reset us back. So just to make it as clean as possible. If people don't want to do that, that's fine. But I thought if we just rewound the clock seven minutes, we'd all be good.

DR. KIRWAN: Isn't it simplest to go ahead and do that?

CHAIRPERSON STUDLEY: Right. Yes, I agree. I think we need to hear if there is a second for Frank's motion.

DR. KIRWAN: Second.

[Motion seconded.]

CHAIRPERSON STUDLEY: Is there any discussion of Frank's motion?

MS. NEAL: What is your motion, Frank?

[Laughter.]

CHAIRPERSON STUDLEY: To unravel.

MR. WU: It was just simply to reconsider the motion that just passed, which would if it passes have the effect of undoing it.

CHAIRPERSON STUDLEY: Right. But now we would understand what the consequence was.

MR. WU: And then you can just start again however you like.

CHAIRPERSON STUDLEY: Okay.

MS. NEAL: Okay. So, I'm going to start all over--

CHAIRPERSON STUDLEY: So is there any other discussion of the motion?

MR. WU: After this passes.

CHAIRPERSON STUDLEY: Federico.

DR. ZARAGOZA: If it doesn't pass, though, the current motion stays; correct?

MR. WU: That's right.

DR. ZARAGOZA: Right. So we vote against the motion, and it stays.

DR. KEISER: Right.

MR. WU: That's right. Which I would observe would be contrary to what Anne wants.

MS. NEAL: No, wait a minute. That's not.

[Chorus of no's.]

MR. WU: Oh, no, because she could still

then proceed, but we might end up with a result--I get it. Right.

DR. KIRWAN: Let's wipe the slate clean.

CHAIRPERSON STUDLEY: There are two ways we can think of this vote, and I just want us-- because we've complicated it a little. You can vote to reconsider and go back and just restate the understanding so Frank and maybe others' problem of just not being clear about what was intended can be readdressed, or if you vote this motion down, the original motion stays in effect. It has a substantive effect. As long as you know that that's what you're doing, I will now call the motion unless there are any other comments on the motion to reconsider which has been made and seconded? No. Okay.

MS. NEAL: May I ask to see the motion--

MS. WANNER: It says that I move that the NACIQI recommend that the New York Board of Regents recognition be continued to permit the agency an opportunity to within a 12-month period bring itself into compliance with the criteria cited in

the staff report, and that it submit for review within 30 days thereafter a compliance report demonstrating compliance with the cited criteria and their effective application. Such continuation shall be effective until the Department reaches a final decision.

MS. GILCHER: The other part is not part of it. So--

CHAIRPERSON STUDLEY: Right. Are we all-- take the second part off. What we are voting on is a motion to reconsider the adoption of the first paragraph, which was Anne's original motion. Are you ready to vote?

All in favor of the motion to reconsider, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[Chorus of noes.]

CHAIRPERSON STUDLEY: I think we need a count. Right. I think we need a show of hands for that.

All in favor of the motion to reconsider?

[Show of hands.]

CHAIRPERSON STUDLEY: One, two, three, four. And all opposed to the motion to reconsider?

[Show of hands.]

CHAIRPERSON STUDLEY: One, two, three, four. The Chair will vote. Now, I have to make sure I understand which way that vote counts. If I approve the original paragraph, then I vote against the motion to reconsider. I'm voting against the motion to reconsider and for the original motion. Could have gotten there the other way, too, but this has one less step.

The motion to reconsider fails, and therefore the original motion remains in effect and understood.

The approval of the agency as it currently stands is therefore continued under the conditions described in the motion to follow up on those remaining items for us.

Thank you very much all of you.

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MIDDLE STATES COMMISSION ON SECONDARY  
SCHOOLS [MSCSS]

CHAIRPERSON STUDLEY: It is 1:30, and I there was a point where I thought--I can tell you that the agency, the item related to the Middle States Commission, which is listed at 1:00 o'clock, is actually an informational item, and if the--and the Commission had requested an update at this point. If you would be willing to receive the update electronically with any questions for the staff, and subsequent return to our agenda, if you need, later, then we have one other agency.

I am inclined for us to proceed and deal with the one remaining agency. Is that acceptable to the rest of the Committee?

DR. FRENCH: Yes.

CHAIRPERSON STUDLEY: Thank you.

DR. FRENCH: Thank you. Madam Chair?

CHAIRPERSON STUDLEY: Yes. Sir?

DR. FRENCH: I have a question that is kind of procedural.

CHAIRPERSON STUDLEY: Yes.

DR. FRENCH: It's kind of in-house. I'm just wondering, are we agreeing, is staff agreeing with NACIQI on that last one? Or are we going to see what happened before?

CHAIRPERSON STUDLEY: NACIQI made a different recommendation from the staff's recommendation. We will use our new process of summarizing our reasoning and the basis for our recommendation because it differs from the staff's.

The Staff Director and primary readers and I will review that, and we will make sure--this is, for those of you who weren't here yesterday, is a new internal process that we developed. We will share our summary with the agency so that the agency has the opportunity to comment on what we are sending forward to the Senior Agency Official, the same way that they do with regard to the staff summary that goes forward to the Senior Designated Official.

Was that responsive to your question?

DR. FRENCH: It is. Thank you, Madam Chair.

CHAIRPERSON STUDLEY: Thank you.

DR. DERBY: Madam Chair.

CHAIRPERSON STUDLEY: Yes, Jill.

DR. DERBY: Could we have it read back to us what it is that we passed in regard to the last motion?

CHAIRPERSON STUDLEY: Could you put it back up on the screen? It's exactly what Sally read aloud, but we'll put it back up on the screen so that we can see it.

DR. DERBY: And not then in conjunction, not consistent with the staff recommendation?

CHAIRPERSON STUDLEY: That's right. Correct.

MR. WU: And just be clear. So the effect on the online piece is?

MS. GILCHER: They continue to have distance education in their scope according to your recommendation.

MR. WU: They do. Okay.

CHAIRPERSON STUDLEY: Right. Exactly. Thank you.

AMERICAN PHYSICAL THERAPY ASSOCIATION  
[APTA], COMMISSION ON ACCREDITATION IN PHYSICAL  
THERAPY EDUCATION [CAPTE]

CHAIRPERSON STUDLEY: The final agency before us today is the American Physical Therapy Association, APTA, the Commission on Accreditation in Physical Therapy Education, CAPTE.

The primary readers were Jill Derby and George French. Which of you is moving forward for us? Jill. Thank you.

DR. DERBY: Yes. Okay. The American Physical Therapy Association, APTA, is a professional association of more than 80,000 physical therapists, physical therapy assistants, and students of physical therapy. The Commission on Accreditation in Physical Therapy Education, C-A-P-T-E, CAPTE, of the American Physical Therapy Association, A-P-T-A, is a programmatic accreditor.

CAPTE accreditation of PT and PTA programs is required for access to the Scholarships for Disadvantaged Students, SDS program, which was established via the Disadvantage Minority Health

Improvement Act of 1990. As a programmatic non-Title IV eligible accreditor, CAPTE is not required to meet the separate and independent requirement in the Secretary's Criteria for Recognition.

The Commission on Accreditation in Physical Therapy Education, CAPTE, of the American Physical Therapy Association was first recognized by the Secretary in 1977. In 1985, the Secretary granted an expansion of scope to the agency to include the preaccreditation candidate for accreditation status of programs for physical therapists and physical therapist assistants.

The agency has been periodically reviewed and continued recognition has been granted after each review. The agency has evaluated programs offering courses using distance education methodology since 1994 and 1997 for the PT and PTA programs respectively and has been included within its scope since July 2002.

And the issues that the staff has flagged for consideration involve the need for clear and effective controls against conflict of interest for

its administrative staff; the need for written process and procedures to review programs offered via distance education; documentation of review process used to demonstrate that it effectively monitors overall growth in programs, enrollment growth particularly.

Another issue is that the agency must provide documentation it enforces its timeframes for compliance and initiates an adverse action should the program fail to bring itself back into compliance with the standards within the timeframe.

Another issue is the agency must demonstrate that it takes immediate adverse action if a program does not bring itself into compliance after a good cause extension, and the agency must demonstrate implementation of its policies of same time notification to programs and all entities required by the section no later than 30 days.

We'll listen to staff for its recommendation.

MS. DAGGETT: Thank you, Dr. Derby. I think you've done an excellent job of summarizing

the issues.

Good afternoon, Madam Chair, members of the Committee. My name is Elizabeth Daggett, and I am providing a summary of the review of the petition for rerecognition for--and it's the American Physical Therapy Association, Commission on Accreditation in Physical Therapy Education, or CAPTE. I'm sorry that there was one typo. I just now noticed when you were reading the background.

DR. DERBY: Oh.

MS. DAGGETT: But that's okay. It was mine. The staff recommendation to the Senior Department Official for this agency is to continue the agency's current recognition and require a compliance report in 12 months on the issues identified in the staff report.

The current scope of recognition for this agency is the accreditation and preaccreditation in the United States of physical therapist education programs leading to the first professional degree at the master's or doctoral level, and physical therapist assistant education programs at the

associate degree level, and for its accreditation of such programs offered via distance education.

This recommendation is based on our review of the agency's petition and its supporting documentation, as well as the observation of a meeting of the agency's commission in April and May 2012.

Our review of the agency's petition found that the agency is substantially in compliance with the Criteria for Recognition. However, there are some outstanding issues that the agency needs to address, and as I mentioned, I believe Dr. Derby has done a great job of stating what those issues are so I'm not going to repeat them.

We do believe as staff that the agency can resolve the concerns that we have identified and demonstrate its compliance in a written report in a year's time.

Therefore, as I stated earlier, the staff is recommending to the Senior Department Official to continue the agency's current recognition and require a compliance report in 12 months on the

issues identified in the staff report.

Thank you.

CHAIRPERSON STUDLEY: Thank you very much.

Do we have any questions for staff at this time? If not, we'll call the agency forward and thank you very much. We appreciate your work on this.

Thank you very much and welcome.

DR. HINMAN: Good afternoon, Madam Chair and now hungry-looking members of the Committee.

[Laughter.]

DR. HINMAN: I am Martha Hinman, and I'm currently serving as Chair of the Commission on Accreditation in Physical Therapy Education, also known as CAPTE. I've been involved as an on-site visitor and commissioner with this agency for the past 27 years, and in my day job, I'm a professor of physical therapy at Hardin-Simmons University in Abilene, Texas.

Here with me today is Mary Jane Harris, who is the Director of the Department of Accreditation at APTA, and we would like to thank

you for the opportunity to meet with you in support of CAPTE's petition for renewed recognition.

We also want to express our thanks to the Department staff for their very thorough review of our petition.

We would like to make a few short comments about our progress towards the compliance issues that have been identified in Ms. Daggett's review and respond to any questions that you may have, and then we will turn our responses over to the three generic questions you posed for us.

Please be assured that we are committed to meeting the expectations of the Department and the Committee. We believe that all the issues identified in the final staff analysis can be addressed in a relatively short timeframe, and we will be happy to provide the requested documentation of our existing procedures and evidence of their implementation.

Following last month's CAPTE meeting, one of the requested actions has already been implemented. Another will be implemented next

week, and another in January. So with that said, I will allow Mary Jane to respond to the items that you've identified in your concerns.

DR. HARRIS: Thank you and thank you also for the opportunity to come to you. I would also like to make a particular thank you to Beth Daggett for accommodating her review of our agency to my vacation schedule, which I had scheduled for a trip abroad, and I appreciate that very much.

I'm happy to respond to your three questions. I think one of the things, though, we'll be happy also to put it in, in the interest of time, to send it to you electronically. But I would like to address the one thing that Dr. Neal talks about: the issue of not having a context of where we are and how well we do what we do.

So I would just like to make a couple of comments related to what I think one of the things we do particularly well is to foster high quality programs and hold high standards. We currently accredit 212 PT programs at the clinical doctoral level that enroll approximately 26,000 students.

In 2011, there were about 7,400 graduates. Programs average 90 percent graduation rates, 99 percent licensure pass rates, and 99.5 percent employment rates in physical therapy. In the physical therapist assistant community, which is at the associate degree level, we enroll, the programs enroll approximately 11,000 students, and in 2011, there were 5,900 graduates. The averaged 75 percent graduation rate, 93 percent licensure pass rate, and a 97 percent employment rate.

And so we believe that the standards that we hold our programs result in the production of quality graduates who are meeting the health care needs of the community and society in physical therapy.

The rest of our comments we'll send electronically.

CHAIRPERSON STUDLEY: Are there questions? Thank you very much. I appreciate it. Are there questions from Committee members? Jill.

DR. DERBY: Well, one of the concerns was your standards regarding your ability to address

the quality of your distance ed and correspondence education, and I just had a question about that, whether or not that's something that you have addressed or are in the process of addressing, and can bring yourself into compliance within the next 12 months?

DR. HARRIS: Let me first say that we only do distance education. We don't do any correspondence so just want to put that in the record.

DR. DERBY: Okay. Okay.

DR. HARRIS: And, yes, we've been doing it for quite some time. I think what we've not been able to do is provide to the Department a detailed enough explanation of how we go about doing it, particularly at the Commission level. We've satisfied the concern related to how it happens from a team, but we haven't been able yet, but we can. It's just a matter of providing a better description of what happens at the Commission to address those issues.

DR. DERBY: And the assessment of the

quality of it?

DR. HARRIS: Yes.

DR. DERBY: Okay. Thank you.

CHAIRPERSON STUDLEY: Other questions or comments from members of the Committee? Seeing none, would one of the readers like to make a motion?

DR. DERBY: I will be happy to make the standard motion as appears on the screen. Does it appear on the screen?

CHAIRPERSON STUDLEY: Yes, I think it's there. Is there more to it? I think she's pulling it up a little bit more. It will be in just a moment.

DR. DERBY: Since I can't see to read it from here, if one of staff would, or we know what the standard motion is, and we could proceed accordingly.

DR. KEISER: Second.

MR. ROTHKOPF: I'll second it.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Okay. Just a

minute. It is changing. So let's just make sure that it's up there so that at least some people can look at it and check that it's what we intend.

This is the motion to continue recognition to allow the agency to come into compliance in 12 months.

Okay. It's been moved and seconded. Is there any discussion of the motion? All in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Abstaining?

[No response.]

CHAIRPERSON STUDLEY: The motion passes. Thank you very much. We appreciate your patience in our reaching your item today, and thank you very much.

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CHAIRPERSON STUDLEY: We obviously are--it would take more time than any of you has the patience for since this is on your way to lunch if I even recapped the major national education issues that are imbedded in the review that we have been doing over two days: outcomes; the use of Federal financial aid; markets; consumer information; accountability; the role of Federal and State government in higher education oversight; clinical, blended, and virtual education--right; corporate structure; and the consistency of application of rules and regulations.

What we can promise, and I'm saying this for the Committee, the audience, the record, and--excuse me--I'll return to these issues--is that these are critically important, and while NACIQI has only a specific set of tools in our accreditation review process for thinking about, acting on, and advancing wise choices about those issues through our accreditation process, we have wider tools in terms of our ability as part of the Department, part of the national policy process, to

reflect on and incorporate our thinking into each level that it is influenced by what we do and which we can influence in light of our seeing the challenges of achieving quality, access and wise investment of Federal resources, student resources, and the hope that we all place in higher education in this country.

So I thank you very much. I will entertain a motion to adjourn until our next meeting--

DR. ZARAGOZA: So moved.

CHAIRPERSON STUDLEY: But also look forward to working with you in between.

MR. ROTHKOPF: Second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: And to experimenting with this new summary process. Motion has been made by Federico and seconded by Arthur. Discussion? Adjourned till when? Could you remind us, Carol, about our date status?

MS. GRIFFITHS: The dates selected by most frequent availability are June 6 and 7, 2013.

MR. WU: June 6 and 7?

CHAIRPERSON STUDLEY: June 6 and 7. We will send out a reminder notice, an announcement notice of that date to all of you.

Thank you so much for your hard work. Our thanks to the staff for what you do to support all of this, and happy holidays to all.

MS. NEAL: And if I may add, a thank you to our Chairman, who did a remarkable job.

[Whereupon, at 1:52 p.m., the NACIQI meeting was adjourned.]