

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

MEETING

Volume I

Monday, June 25, 2012

8:35 a.m.

Westin Alexandria Hotel
Edison ABC Rooms
400 Courthouse Square
Alexandria, Virginia 22314

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

COMMITTEE MEMBERS PRESENT:

MS. 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
DR. EARL LEWIS
DR. WILLIAM PEPICELLO
DR. SUSAN D. PHILLIPS
MR. CAMERON C. STAPLES, J.D.
DR. CAROLYN WILLIAMS
MR. FRANK H. WU, J.D.

COMMITTEE MEMBERS ABSENT:

DR. BRUCE COLE
DR. WILFRED M. McCLAY
MS. ANNE D. NEAL, J.D.
MR. BETER-ARON (ARON) SHIMELES
DR. LAWRENCE VANDERHOEF
DR. FEDERICO ZARAGOZA

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

C O N T E N T S

	<u>PAGE</u>
<u>Welcome and Introductions</u>	
Jamienne Studley, Chairperson, NACIQI	8
Carol Griffiths, Executive Director, NACIQI	14

CONSENT CALENDAR

Actions for Consideration: Compliance Report/Renewal of Recognition	19
<u>Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association [ASHA]</u>	
<u>National Accrediting Commission of Career Arts & Sciences, Inc. [NACCAS]</u>	
Action for Consideration: Petition for Renewal of Recognition	21
<u>American Occupational Therapy Association, Accreditation Council for Occupational Therapy Education [ACOTE]</u>	
<u>Procedures for Review of Each Agency Not Included on the Consent Calendar</u>	
Jamienne Studley, Chairperson, NACIQI	23

REVIEW OF AGENCIES

<u>Southern Association of Colleges and Schools, Commission on Colleges [SACSCOC]</u>	25
Action for Consideration: Petition for a Renewal of Recognition	
NACIQI Primary Readers: Frank H. Wu, J.D. Dr. Jill Derby	

Department Staff:
Dr. Jennifer Hong-Silwany

Representatives of the Agency:
Dr. John Hilpert, Chair, SACSCOC Board of Trustees
Dr. Larry Earvin, Vice Chair, SACSCOC Board of Trustees
Dr. Belle Wheelan, President, SACSCOC
Carol Luthman, Director of Institutional Support, SACSCOC

Middle States Commission on Secondary Schools [MSCSS]

71

Action for Consideration:
Petition for Renewal of Recognition

NACIQI Primary Readers:
Dr. Arthur E. Keiser
Dr. Carolyn G. Williams

Department Staff:
Chuck Mula

Representatives of the Agency:
Dr. Thomas J. Bistocchi, Chair, MSCSS
Dr. Henry G. Cram, Jr., President, Middle States Commission on Elementary and Secondary Schools [MSCESS]
Dr. Kenneth D. Kastle, Chief of Staff MSCESS

Accreditation Commission for Midwifery Education [ACME]

177

Action for Consideration:
Petition for Renewal of Recognition and a Contraction of Scope to Remove the Agency's Accreditation of Institutions

NACIQI Primary Readers:
Dr. William "Brit" E. Kirwan

Department Staff:
Dr. Rachael Shultz

Representatives of the Agency:
 Dr. Susan Stone, Chair, ACME
 Dr. Sally Tom, Commissioner, ACME
 Carol Gisselquist, Commissioner, ACME

National Intelligence University [NIU] 203

Action for Consideration:
 Request for Degree-Granting Authority to
 Award a Master of Science and Technology
 Intelligence Degree

NACIQI Site Visit Team:
 Cameron Staples, J.D., Team Leader
 Dr. Arthur E. Keiser
 Dr. Carolyn G. Williams

Department Staff:
 Chuck Mula

Representatives of the Agency:
 Dr. David Ellison, President, NIU
 Dr. Brian Shaw, Dean, School of Science
 and Technology, NIU
 Dr. Felicia Bradshaw, Director of Institution
 Effectiveness
 Dr. Duncan E. McGill, Associate Dean,
 School of Science and Technology
 Intelligence
 N. John McGaffin, Board Member-NIU
 Board of Visitors
 Dr. Rhonda Anderson, Deputy National
 Intelligence Officer for Science and
 Technology

Puerto Rico State Agency for the
Approval of Public Postsecondary Vocational,
Technical Institutions and Programs 231

Action for Consideration:
 Petition for Renewal of Recognition as a
 State Approval Agency for Public
 Postsecondary Vocational Education

NACIQI Primary Readers:
 Dr. Arthur E. Keiser
 Dr. Earl Lewis

Department Staff:
 Rachael Shultz

Representatives of the Agency:
 Dr. Helen Sosa Staples, Assistant Secretary
 for Career and Technical Education,
 Puerto Rico Department of Education
 Prof. Victor Cintron Feliciano, Assistant to
 the Assistant Secretary for Career and
 Technical Education

Accreditation Council for Pharmacy Education
[ACPE]

314

Action for Consideration:
 Petition for Renewal of Recognition

NACIQI Primary Readers:
 Dr. George T. French
 Arthur J. Rothkopf, J.D.

Department Staff:
 Steve Porcelli

Representatives of the Agency:
 Dr. Robert S. Beardsley, President, ACPE
 Board of Directors and Professor,
 University of Maryland School of Pharmacy
 Dr. Peter H. Vlases, Executive Director,
 ACPE
 Dr. Jeffrey W. Wadelin, Associate Executive
 Director, and Director, Professional
 Degree, ACPE
 Dr. J. Gregory Boyer, Assistant Executive
 Director and Assistant Director,
 Professional Degree Program Accreditation,
 ACPE

American Dental Association, Commission
on Dental Association [CODA]

341

Action for Consideration:
 Petition for Renewal of Recognition

NACIQI Primary Readers:
 Dr. Jill Derby
 Arthur J. Rothkopf, J.D.

Department Staff:
 Herman Bounds, EdS

Representatives of the Agency:
Dr. Steven Tonelli, Chair, CODA
Dr. Kent Knoernschild, Vice Chair, CODA
Cathryn Albrecht, Legal Counsel
Dr. Anthony Ziebert, Interim Director,
CODA

Third-Party Commenter:
Denise Bowers, RDH, Ph.D., President-Elect,
American Dental Hygienists' Association 353

Closing Comments 369

- - -

P R O C E E D I N G S

CHAIRPERSON STUDLEY: I can see everybody is eager to get going, and thank you very much for your cooperation. I'm Jamieenne Studley, and I'm Chair of NACIQI, the National Advisory Committee on Institutional Quality and Integrity, and I thank all of the members of the Committee for being here. We appreciate your hard work and attention to our agenda of the next couple of days.

I want to thank all of you who are here to join us either because your agency will be before us or because of your interest in the accreditation process, and a special thank you to the staff, which I know has labored hard to help support us to this point and will do so during this meeting, and we thank you and especially Carol and Kay for your leadership in this process. So thank you all very much.

Let me begin by an introduction and some congratulations, and then we will go around and introduce ourselves. First, I want to welcome a new member to the Commission, Dr. Jill Derby, who

joins us from Nevada. She's a Senate Democratic appointee and served for many years on the Nevada Board of Regents.

Dr. Derby, Thank you.

DR. DERBY: Thank you.

CHAIRPERSON STUDLEY: We appreciate you joining us and look forward to your participation.

I also want to congratulate Earl Lewis who has been a stalwart member and who, it has recently been announced, will be the President of the Mellon Foundation, the Andrew Mellon Foundation, a very respected education leader, and we want to congratulate you, Earl, on that. That takes place in March, I believe.

DR. LEWIS: In March, that's right. Thank you.

CHAIRPERSON STUDLEY: Do you want to say anything besides "wow"?

[Laughter.]

DR. LEWIS: No. In fact, I think I'll save it now only to say thank you.

CHAIRPERSON STUDLEY: Thank you.

It's a wonderful appointment, and we wish you all the best. Just a quick note, Frank Wu on our Committee had a wonderful piece published acknowledging the anniversary--if that's the right word--but in memory of Vincent Chin and an important civil rights victory, and after congratulating him on the New York Times op-ed piece, heard him on the radio as well. So he's been a leading voice on this issue. Good job, Frank.

I'm sure there is much else that could be said about the wonderful things my other colleagues are doing. Those were the two that came to our attention and that bear on higher education issues that I had observed. So congratulations to the rest of you on the great sung or unsung things that you've been doing lately as well.

If we could go around the table and introduce ourselves. Arthur, would you like to begin?

MR. ROTHKOPF: Sure. Arthur Rothkopf, Vice Chair of NACIQI and President Emeritus,

Lafayette College.

DR. PHILLIPS: Susan Phillips, Vice President and Provost, University at Albany, State University of New York.

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

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

DR. WILLIAMS: Carolyn Williams, former President of Bronx Community College, and university professor, City University of New York.

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

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

DR. LEWIS: Earl Lewis, Executive Vice President for Academic Affairs and Provost, Emory University.

DR. PEPICELLO: Bill Pepicello. I'm the President of University of Phoenix.

DR. KEISER: Art Keiser. I'm Chancellor

of Keiser University.

MS. WANNER: Sally Wanner with the Office of General Counsel at the U.S. Department of Education.

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

MS. GRIFFITHS: Carol Griffiths. I'm Committee Executive Director, U.S. Department of Education.

CHAIRPERSON STUDLEY: Thank you.

Our purpose for our meeting today and through much of tomorrow is to review accrediting agencies and State agencies and act on their either re-recognition or other specific steps that they have requested.

We have before us 14 agencies in the next two days, three on the Consent Calendar. I will just signal before I forget that we think it's very possible that we will end our meetings tomorrow sooner than five o'clock. We'll give you estimates as we go along because we know that some of you

make plans in light of that, and Carol and I will huddle, and obviously it depends how it goes. We want to give full and appropriate attention to the agencies, but we do have a number that we think will allow us to end tomorrow by early afternoon, possibly without taking a lunch break.

So for those of you who are either, if you're on tomorrow's docket, you've probably been alerted to this possibility, but we will keep you posted so that you can make plans accordingly.

We are going to continue the practice of asking agencies to respond to a few short questions that have been shared with them. Those of you who were at a previous meeting or came before us at a recent, at the last meeting, know that we've asked agencies to help us understand the accreditation environment a little bit better and to give a little bit of context to our review, in addition to the specifics that are raised by the overview provided by the staff and by the agency.

So we'll come back to those. The agencies that come before us have the option. We're happy

to have you address those questions after the Committee takes action on your review, makes our decision, but if you want to do them in your introduction up-front, that would be fine as well. It's entirely up to you.

We're going to start this morning with actions that are on the Consent Calendar, and when we get into agency reviews, I will then tell you what the procedure will be for those. The Consent Calendar, we'll come back to in a moment.

I'm going to ask the Staff Director, Carol Griffiths, who is new to this role since our last meeting, congratulate her and thank her for really stepping into this role in a very smooth and helpful, professional manner, and ask you to make your introductory remarks, and then I will pick back up.

Thank you, Carol.

MS. GRIFFITHS: Okay. Thank you. And I wanted to say good morning to the Committee members, to the agencies who are here today coming up for review, and to the other folks in the

audience who are here because of their interest in higher education, and we appreciate your coming.

I also want to take a moment to introduce Herman Bounds, who is the newest analyst on the Accreditation staff, and you'll be hearing from Herman Bounds later this morning as well.

As the Designated Federal Official, and for the record, I want you to know that this meeting is being held in accordance with the FACA rules and the Committee's bylaws. Accordingly, this Committee has met the quorum requirement to meet, as 12 members are here today.

There are going to be some recusals, and for the record, for SACS, recusals are George French, Art Keiser, and Earl Lewis, as I understand it. For the Commission on Dental Accreditation, it would be William Kirwan. For the Accreditation Commission on Midwifery, Earl Lewis, and for the Commission on Collegiate Nursing Education, Earl Lewis and William Pepicello, as I understand it.

If there are other recusals as we go along, do please let us know or let me know prior

to the agency coming up to sit at the table. Those who are being recused are asked to leave the table and preferably to leave the room, but if you are interested in staying and listening to the deliberation, we ask that you sit in the back of the room, please.

One other update to today's agenda is Dr. Kirwan is the primary reader for the ACME, the Midwifery Education group, and I want to thank you, Dr. Kirwan, for taking that on at the last minute.

This is a public meeting, and in accordance with FACA and the Criteria for Recognition, oral comments were solicited in the Federal Register Notice describing two methods for making oral comments. Commenters, those wishing to make oral comments can register today and tomorrow by signing up at the registration desk outside of this room prior to the agency coming up for review.

Your comments can be approximately three to five minutes long, and we will take the first five commenters for any agency. You will be selected on a first come, first served basis.

The meeting is being recorded and a transcript of the proceedings will be made available to the public after the meeting. So that all those participating in the meeting, members and agencies coming up, and third-party commenters, you're reminded to remain conscientious in turning on your microphones, speaking into the microphone so that everyone can hear the discussion, and it can be accurately recorded. You're also asked to turn off the microphones when you finish.

A couple other housekeeping items. One is to the members. I want to remind you that you had a menu in your folders that you received last night. If you plan to join in the group lunch for Committee members today, please make your selections and send your forms on the break or by breakout to the registration table so that we can coordinate with the kitchen a little better.

Also, I want to remind people that if you have any questions or need any assistance throughout the day, there will be folks, staff, out at the registration desk, and they would be glad to

help you should you need anything. So just don't hesitate to ask.

Finally, last thing is please take a minute to put your phones on mute or turn them off so as not to disrupt the proceedings.

Committee members, I wish you a very good meeting today, and at that, I'll turn it back to Jamiene, Chair Studley. Thank you.

CHAIRPERSON STUDLEY: Thank you very much. I have no additions.

CONSENT CALENDAR

CHAIRPERSON STUDLEY: We will handle the Consent Calendar, and Carol has just described the process that we'll go through with the agencies after that.

There are three agencies whose compliance reports and renewal of recognition come before us on the Consent Calendar. Let me start with the two --I'm sorry--two for compliance report and renewal of recognition. The Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association [ASHA]; and the second entity on the Consent Calendar also for compliance report and renewal of recognition is the National Accrediting Commission of Career Arts and Sciences.

Our procedure is that any member of the Committee may ask questions about these entities or request that the agency be removed from the consent agenda, in which case, we will revert to the regular review process for that agency.

So I open those two items for any

questions by the members of the Committee or any amplification of why they do belong there. Any members of the Committee want to speak to those?

Dr. Keiser.

DR. KEISER: I'd just make a motion that we accept the consent agenda.

CHAIRPERSON STUDLEY: Do I hear a second?

MR. ROTHKOPF: Second.

[Motion made and seconded.]

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

[Chorus of ayes.]

NACIQI Motion:

I move that the NACIQI recommend that the Assistant Secretary accept the recommendations as stated for those agencies listed on the Consent Calendar.

Agency: Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association (ASHA)

Recommendation: Accept the ASHA compliance report and renew the agency's recognition for a period of four years.

Agency: National Accrediting Commission of Career Arts & Sciences, Inc. (NACCAS)

Recommendation: Accept the NACCAS's compliance report and renew the NACCAS's recognition for four years.

CHAIRPERSON STUDLEY: Thank you.

There is one entity. The action for consideration in this case is a petition for renewal of recognition, and this is the American Occupational Therapy Association, Accreditation Council for Occupational Therapy Education [ACOTE].

And, again, I put it before the members of the Committee from its stance on the Consent Calendar.

DR. KIRWAN: So moved.

CHAIRPERSON STUDLEY: He beat you to it.

DR. KEISER: Second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Thank you very much. Appreciate it. Did you want to add something?

DR. KEISER: I just have a question. Why would this be separate? Why would there be a separate consent agenda for this one? Why wouldn't it have been with the other two?

CHAIRPERSON STUDLEY: I think it's just because there are two different types of action. So I think it's just summarized one as a renewal, and the others have compliance reports associated. Let me just ask the staff. Is that? It's just so that we can be clear on the type of action.

So it's been moved by Brit Kirwan, seconded by Art Keiser. Is there any discussion of this motion?

All in favor?

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

NACIQI Motion:

I move that the NACIQI recommend that the Assistant Secretary accept the recommendations as stated for those agencies listed on the Consent Calendar.

Agency: American Occupational Therapy Association,
Accreditation Council for Occupational Education
(ACOTE)

Recommendation: Renew the agency's recognition for a period of five years.

CHAIRPERSON STUDLEY: Thank you very much.

That puts us neatly ahead of schedule. We will move on to the first action for consideration. I think Carol Griffiths has described to you--no. Okay. So let me summarize the review procedures for the agencies coming up now.

We will begin with, in each case, with a briefing by the Department staff that was responsible for the internal review of the agency; followed by remarks by agency representatives, which are optional; presentations by third-parties if any have been scheduled with respect to that

agency; agency responses to those third-party presentations, if desired; the Department response to any third-party or agency remarks; and finally Committee discussion of the presentation by the agency, staff, and any third-parties, and a vote on the proposal before us.

Are there any questions or any additions from staff that you think would be helpful at this point?

SOUTHERN ASSOCIATION OF COLLEGES AND
SCHOOLS, COMMISSION ON COLLEGES [SACSCOC]

CHAIRPERSON STUDLEY: Okay. We will go back to the recusals for this agency so that anyone who was not going to participate--hate to lose all that wonderful strength and brain power.

Thank you. We'll now begin with the staff presentation. Thank you very much.

DR. HONG-SILWANY: Thank you.

CHAIRPERSON STUDLEY: Whenever you're ready.

DR. HONG-SILWANY: All right. Good morning, Madam Chair and Committee members. My name is Jennifer Hong-Silwany, and I'll be providing a summary of the staff recommendation for the Southern Association of Colleges and Schools, Commission on Colleges.

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; revise the agency's official scope of recognition as requested; and require the agency to comply with the information requests listed in the analysis of third-party comments, within a timeframe specified by staff and consistent with statutory and regulatory deadlines.

This recommendation is based on our review of the agency's petition, supporting documentation, and an observation of a site visit to an institution on November 15 through 17, 2011, in Annandale, Virginia.

The outstanding issues in the staff analysis include the need for documentation that evidences consistent application of the agency's student achievement and curricula standards under Federal Requirement 4.1 and Core Requirement 2.7.3 respectively.

The agency must also provide evidence of the application of its new guidance under Federal Requirement 4.1, as well as evidence that its substantive changes are approved by its decision-

making body.

The Department received seven third-party written comments regarding the agency's continued recognition. Six comments pertain to the agency's accreditation of and processing of complaints against an institution, Alabama A&M University, or AAMU.

These comments allege noncompliance with several areas of the Secretary's criteria, to include: Section 602.15(a)(6)(v), and the agency's attendant conflict of interest policy for staff, as well as sections of the criteria having to do with the agency's application of standards, monitoring and reevaluation of institutions, enforcement of standards, review of standards, and substantive change provisions.

Two comments also allege that the Commission was remiss in applying its principle of integrity in the case of AAMU.

In its response, the Commission provided detailed information regarding its review of AAMU. The current status of the multiple complaints the

agency has received regarding AAMU--and that are the subject of the third-party comments--is that AAMU's monitoring report outlining its response on two outstanding issues is scheduled for review at the agency's June 2012 meeting.

Complainants have also availed themselves of an appeal to the Commission's chair regarding the handling of their complaints by agency staff. The result of the appeal to the Commission's chair was issued on April 18, subsequent to the agency's submission of its response to the draft staff analysis. Therefore, many of the issues presented by third-party commenters were at the time of this review still pending review by the agency.

Based on the agency's response and Department staff's review of the materials, Department staff requests all information pertaining to the resolution of the complaints described by the third-party commenters, including the Commission's review of the institution's monitoring report in June 2012, and the April 2012 Executive Council's review of materials requested

by the Commission's chair.

The seventh third-party comment is unrelated to the other six comments and pertains to general concerns against the agency having to do with administrative and financial resources, training of evaluators, collection of job placement data, faculty standards, inconsistency in reviews, monitoring and reviewing of standards.

The agency has provided a response to the third-party comment refuting many of the commenter's concerns as factual errors and unsupported by documentation. Some of the commenter's concerns are addressed by the findings of this staff analysis, to include concerns regarding the application of the agency's student achievement standard, the provision of a detailed written report that assesses an institution's performance with respect to student achievement, and the codification of a process to evaluate a pattern of student complaints as part of its review of an institution's record of student complaints.

In its response, the agency addressed the

commenter's concerns regarding its faculty standard, evaluator training, monitoring, review of standards, and third-party comment procedures to include a description of the changes the agency has made to its operations since 2006, as well as to clarify the agency's current procedures.

However, one issue raised by the third-party commenter, and in light of the other concerns cited by commenters here, pertains to the agency's administrative capacity, particularly with regard to the processing of complaints.

The Department requests further information on whether the agency has taken measures to reallocate resources to its review process for complaints, in light of the experiences presented by third-party commenters.

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; revise the agency's official scope of recognition as requested; and require the agency to comply with the information requests listed in the analysis of third-party comments within a timeframe specified by staff and consistent with statutory and regulatory deadlines.

Thank you.

CHAIRPERSON STUDLEY: Thank you very much. Appreciate it, Jennifer.

I realize I forgot a step, to ask the primary readers if they wanted to begin the introduction. So would you indeed like to set the stage?

MR. WU: Sure.

CHAIRPERSON STUDLEY: I apologize, Frank.

MR. WU: That's okay. Briefly, SACS has been recognized since 1952. They last came before NACIQI June of '06, but as we all know, there was then the hiatus in our activities. They work in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia.

They accredit from the preschool level up. They also have quite a bit of work beyond our scope in Latin America. They accredit 807 institutions of higher education. Almost all, all but 15, rely on SACS for access to Title IV funds, and the two primary readers have reviewed fully all of the materials and had a chance to discuss this with staff, and we do have some questions for SACS about the Alabama A&M matter that's been raised by third-party commentators, as well as at least a perceived conflict of interest.

There are a number of areas where they are not in compliance at this time, but it does appear, at least to me as a reader, that staff is correct, that this can be brought in line, that though there are a number of items, and some of them could be concerning that progress is being made, and it's just a matter of bringing them into compliance, and so we recommend that the staff recommendation be adopted. It would be to slightly alter the scope of recognition.

Current recognition includes distance

education programs offered at the schools, and the requested scope is to include accreditation of programs offered via distance and correspondence education within these institutions, and the recognition would extend to the SACSCOC Board of Trustees and Appeals Committee of the College Delegate Assembly on cases of initial candidacy or initial accreditation and for continued accreditation or candidacy.

CHAIRPERSON STUDLEY: Let me then just briefly outline the procedure. Frank and Jill will have the first opportunity to ask staff if they have any questions at this point. Then we'll have the agency representatives join us and make their comments, at which point the primary readers and the rest of the Committee can ask questions of the SACS representatives, and we can return for questions with the staff at any point along the way if we want. Then we'll see if there are third parties scheduled to participate at this point.

Kay.

MS. GILCHER: I just wanted to clarify

something having to do with the scope of recognition. Previously, the definition of distance education that was in the regulations for recognition of accrediting agencies encompassed both traditional online types of distance education and correspondence education.

There was a change in the law, and that got reflected also in our regulations so we have separate definitions of the two that do distinguish them significantly one from the other.

We had said in the Notice of Proposed Rulemaking that we published at the time that we did the regulatory negotiated rulemaking that we would be reviewing agencies as they came up for renewal on whether they also wanted to have distance and correspondence in their scope or just one or the other. And so SACS is an example of an agency that has been reviewed specifically for correspondence education in addition to distance education.

MR. WU: Thanks. That's very helpful.

CHAIRPERSON STUDLEY: Thank you.

Are there any questions from the Committee for Ms. Hong-Silwany at this point? Okay.

With that, I'd like to welcome the agency representatives to come forward to the front table. I trust we have the right, just the right number of seats. And thank you very much, and we are checking whether there are any third-party commenters here present who want to speak after you.

You may begin, whichever of you is going to lead off. Thank you.

DR. WHEELAN: Thank you, Madam Chair and members of the council.

My name is Belle Wheelan, and I'm President of the Southern Association of Colleges and Schools, Commission on Colleges. With me are, to my right down the table, are Dr. John Hilpert, who is Chairman of the Board and President of Delta State University in Mississippi; Dr. Larry Earvin, who is Vice Chair of the Board and President of Huston-Tillotson University in Austin, Texas; and Ms. Carol Luthman, who is the Director of

Commission Support on our staff.

One correction I'd like to make for the primary reader, we are the Southern Association of Colleges and Schools, Commission on Colleges, which is a different organization than SACS, which is the parent company. And we do not have K-12. All we have are colleges and universities. I just want to make that clear. I have enough to do.

[Laughter.]

CHAIRPERSON STUDLEY: We understand.

DR. WHEELAN: I will begin, if you don't mind, with the questions that you asked us. The first one being what are the issues that we're dealing with and are creating the most consternation for us as an agency?

The biggest one right now is all of the requests that are coming from all of the Federal agencies that send directions to the institutions and don't let us know anything about what's going on, Specifically, the President's Order that just came out about veterans; the Homeland Security making requests about a variety of programs; the

ESL programs now having to be accredited. We're hearing about all of that secondhand, and it would help if we could have a copy of the--what are those newsletters that they send out? I'm blanking on the name of them.

MS. GILCHER: "Dear Colleague."

DR. WHEELAN: That's the one. Thank you. The "Dear Colleague" letters. It's created a significant increase in workload for the staff trying to respond to all those, and sometimes we know, we can figure out what they're wanting, and sometimes we can't.

One example was one of the requests asked when the accreditation of an institution expired. I did call the Federal agency. I don't think that's the question you want to ask because we don't ever want their accreditation to expire. What you want to know is what is the date of their next reaffirmation? And so we were able to agree to that. So that would help tremendously if we could do that.

The other is an increase in complaints

that are not related to accreditation standards. Our policy says that people have to tie any complaints they have directly to our standards, and for whatever reason--I don't know if it's a full moon or what--but there are a lot more coming to us when students specifically are not able to get the satisfaction that they want from an institution about a variety of things--grade changes, you know, faculty kicking them out of class, I mean just a variety of things that are not directly related to our standards. So that's one of the reasons for the increase in number of complaints that we've had.

Dr. Hilpert will address the next two questions.

DR. HILPERT: Thank you. Nice to be with you this morning.

The second question is what are your agency's one or two thorniest challenges relating to the Criteria for Recognition?

Short answer is that evolving interpretations of the criteria often are

challenging for us, and those impose expectations that we find in the short-term to be difficult to meet, particularly when it comes time in rapid succession for us to be here in front of you.

For instance, this time around, one of the four recommendations that came from the staff had to do with substantive change. We think that we have been aggressive in pursuing substantive change. We think we have a broader definition even than you would expect of us so that our institutions are reporting substantive change any time it happens and notifying us of substantive change on a very broad-based scale.

We bring to our Board a number of those substantive change categories, but not all of them, and so the expectation, as recognized in that fourth directive to us, is a little bit broader interpretation than we have understood, and so it crops up, and we will make the changes required, but that's the kind of thing that sometimes vexes us.

Secondly, we have been, for the last ten

years, at least, and perhaps before that, the first of the regionals to come when a kind of a redo of the criteria occur. And so oftentimes we've had only a few months to respond and to do the recordkeeping and to train our people, and at times, it's difficult for us to provide the evidence that you would expect. And so those are two of our biggest challenges.

And Larry Earvin, Dr. Earvin, will talk about the third of the questions.

DR. EARVIN: Good morning. One of the three questions is what is it that we think we do well? Well, we happen to think that there are several things that the Commission does well.

One of those involves responding to the needs of its membership very well. There are several examples of that. Within our region, there are several small colleges that have unique sets of challenges, and the Commission established a Small College Initiative, which allows those institutions to bring forth those challenges and to be addressed by the Commission.

In addition, there is a special summer institute for faculty to learn more about student learning outcomes and how those assessments might be conducted in compliance with our guidelines.

There are also workshops provided for our membership on substantive change. Those active kinds of initiatives we feel are strengths of the Commission.

We think that also there is a good balance between what we require in the way of a compliance with guidelines and with what we do with student learning outcomes through something we call a QEP, Quality Enhancement Plan, where each institution must develop a plan as a part of their reaffirmation process. We feel that's been a real strength for the institutions and their ability to advance their work, whether in the area of the special emphasis on the Quality Enhancement Plan or throughout their curriculum.

A third thing I think we do well is really monitoring more than necessary issues surrounding distance learning. We require notification when

institutions begin distance learning programs, and we require a second notice if they are in the range of 25 percent to 49 percent of their curriculum being facilitated through distance learning, and then, of course, approval for any programs that go beyond 50 percent of the curriculum being offered through distance learning.

That's really an extraordinary measure and is really proactive on the part of the Commission to make sure that institutions are in compliance and have the best advanced information as they go forward.

Another thing that I would identify as a strength and one of the things that we do well is the training of chairs for site visits and visits that involve review of documents. That's extensive training, and there's renewal training, which I think serves the Commission and its membership well as we go forward on those areas.

We've also developed online modules as a reference point where chairs can go back and get additional questions answered as they move along

the process.

Finally, I would note that our staff go on site visits, but they are there throughout the site visit, not only because it's a chance for them to get a chance to see the institutions firsthand but also to ensure consistency of the evaluation process as we go from school to school. There is always that presence of staff among the visiting teams.

Those are just a few of things that I would identify as things that the Commission does well.

DR. HILPERT: And with that, Madam Chair, we're ready for your questions.

CHAIRPERSON STUDLEY: Thank you very much. We appreciate your thoughtfulness in addressing those questions.

I'm wondering if the primary readers would like to begin?

DR. DERBY: Thank you, Madam Chair, and I'm fairly new to this, but I want to begin by acknowledging the points you made, points of

excellence and improvements and particularly your Quality Enhancement Plan, your training of chairs. It sounds like there are some good things going on.

But I did have a question. I know one of the commenters raised an issue concerning conflict of interests and a commencement speech that was given by the president of the agency, and I know that there is a great sensitivity to conflict of interest issues in our environment today, and it raised a question with me about that, if you could respond?

DR. HILPERT: Perhaps I could respond, and then others may have something else to say about it. First of all, I know in the written materials at some place there was a question about whether Dr. Wheelan, and that's the person you're referring to, received any honorarium? Dr. Wheelan, by Commission policy, is forbidden from taking any honorarium when speaking at, addressing, visiting, or working with any of the institutions that are a part of our organization, and so just set that concern aside. There was no honorarium.

Secondly, we, as an Executive Council and a Board, have asked Dr. Wheelan to be very active in being out, and her travel reports that come to us show quite clearly that she takes that encouragement in a very serious way. She speaks on a regular basis at campuses across our region.

She visits institutions, and we have never asked her to discriminate among the institutions based on the status of their accreditation relationship with us, and so whether an institution is on warning or an institution is on probation or an institution is in full compliance with our principles, there is no limitation that we have established for her in terms of being able to go to those institutions and speak and visit and do the work of the Commission.

In the specific instance that you're inquiring about, her acceptance of the assignment to be the commencement speaker at that institution occurred more than a year prior to the complaints that came from that institution, and so we saw no reason to believe there was a conflict of interest,

simply because she chose, with our encouragement, to be on a campus that's a part of our service group, addressing students at a commencement.

DR. DERBY: I appreciate your response, and I would only add that a commencement speech is in a slightly different category than speaking around at the different institutions, and that an appearance of a conflict of interest can be a serious matter as well. So thank you.

DR. HILPERT: Well, I appreciate that response, and I understand that. She has been on our campus to be a commencement speaker, and the campus that has her for that service is very fortunate. So thank you.

MS. LUTHMAN: If I may also address that question. I think the timeframe of this is extremely important. The complaints against the university started to pour in, literally pour in. It was a campaign by three individuals. And it started in October of 2010. Dr. Wheelan's address before A&M was in November or December of 2010. We had not processed the complaints. We were still

reviewing them. Some were formal; some were very informal in the terms of e-mail. So there was no knowledge on the part of Dr. Wheelan about the extent of this either at that point. It was very, very early on.

And so there was no resolution, there was no special committee issued, nothing at that point, and we were still collecting information.

DR. DERBY: Thank you.

CHAIRPERSON STUDLEY: Frank.

MR. WU: Turning to that controversy, was there anything that you wanted to tell us on the substance of it? Is it still being investigated? Is it resolved? And we do want to put it into perspective. It's not uncommon to receive third-party comments in this forum that are negative, and we understand that you have 807 schools. So it is the sort of thing that we do need to, I think, ask about, but I would regard it as entirely normal to see some third-party comments of this nature. Possibly unusual to have no third-party comments on this nature.

DR. HILPERT: I will begin, and then, perhaps, again, others may have things to say.

CHAIRPERSON STUDLEY: Could I just interrupt for a second? Are people in the back able to hear? This is audible? Good. Thank you. I just wanted to check. It seems like a large room, and you are very far away, but thank you very much.

DR. HILPERT: Okay. Thank you.

This particular institutional situation has been with us for quite some time, and there are several stages that probably Ms. Luthman is best able to recount although I know as primary reader, you've been through the history of it. At least I would assume you've seen the history of it.

There were, in fact, several individuals who were unhappy with the performance of either the administration or a foundation related to the institution who had employment questions about their own relationship to the institution, who perhaps felt that they had not been treated fairly when they left the institution, whatever the

complaint was.

But those complaints began arriving at the SACSCOC offices and were being dealt with by one of the vice presidents in a very efficient and effective way right as they arrived, and then she decided to retire. There was then a gap in that processing that we have acknowledged caused the delay that should not probably have occurred, but it was not for lack of interest in pursuing it; it was in terms of trying to bring another staff member, a vice president, up to speed on that situation.

Over the months, there have been several interactions between SACSCOC and the institution and the folks who have brought the complaints. Again, Ms. Luthman can recount those in detail. My own involvement as the chair began when they sent a complaint that included the complaint that we've already discussed against Dr. Wheelan for being the commencement speaker and against the staff for not processing the situation as promptly as they might have hoped.

I called Ms. Luthman. I involved her as sort of my technical assistant in responding to that because of her knowledge of the situation in the case and also of our policies and our criteria. We made the decision in that very first phone call that because Dr. Wheelan was a target of some of the complaining that we would not involve her except as she should respond to those complaints that were leveled at her.

And then at some point, once we had asked them to formalize the stream of materials that were coming, that we appointed a subcommittee of the Executive Council. In fact, Dr. Earvin headed that subcommittee. The subcommittee involved two other college and university presidents. They investigated fully the five areas of the complaint, and we responded to them with the findings in a timely way, and the most recent iteration came at our June Board meeting when a report was before one of our committees, and they have now been continued--I'm talking about the university-- continued in accreditation with a second monitoring

report on institution-related entities, that is the foundation, and institutional effectiveness in educational programs expected of them within the next 12 months.

MR. WU: We don't have a copy of anything from your most recent meeting; do we? No.

DR. WHEELAN: It just happened last week.

MR. WU: Right. Okay. I have a question for our Chair and staff. What should we do if there is material that is forthcoming that we will be getting where it wouldn't be reasonable to expect that we would have it now? What's the normal course of conduct?

MS. GILCHER: We do not accept any documentation at the meeting itself because that's not part of the record. This is a little bit of an anomalous situation. The call for third-party comments was the Federal Register Notice. The issuance of that was delayed through some internal problems at the Department. So that request went out, and the third-party comments came back after the agency had been sent the draft staff analysis.

Usually the analysis of the third-party comment by the staff member would have been included in that draft. So what happened is that those third-party comments were sent to the agency for response but had not yet been analyzed. They were analyzed in the context of the agency's response to the analysis.

So things are a little bit out of sync, and that's why we have this sort of hanging recommendation, which will not, from our point of view, involve the NACIQI unless we have a problem when we have reviewed this, and we do have procedures to bring an agency up for rereview if there is new information that comes forward that we would want to have addressed.

MR. WU: So just so I'm clear, unless we think this is significant enough to hold off, we should proceed because there is a means should staff decide there is something bigger here to bring it back. Do I have that? We should go forward?

MS. GILCHER: Yes.

CHAIRPERSON STUDLEY: Do the primary readers have any additional questions? Otherwise, I'll ask the rest of the Committee whether you have questions or comments for the agency?

Okay. Anyone else on the Committee have questions for SACS? Arthur.

MR. ROTHKOPF: Yes. I'd like to ask the agency whether it's had an opportunity to review the NACIQI report to the Secretary making a variety of recommendations, some of which might require congressional actions, but others of which call upon the accreditation community to talk about changes, improvements perhaps, in areas such as data, communications, transparency, et cetera, and I guess I'm asking Dr. Wheelan, who is a leader of the regionals, a leader in the community, what, if anything, is happening or is likely to happen or is this just going to be filed on a shelf like many other reports?

DR. WHEELAN: Thank you so much, Art. For five more days I'm leader of the accreditors. I turn that role over.

We have indeed read the report. We read the draft reports, you know, when they first came out, and we've read the final report, and we as always are responding to issues that are--I'm sorry--

CHAIRPERSON STUDLEY: I just want to give you the option, since you addressed the opening questions initially, and if you're comfortable, you can certainly go ahead and respond now. If you like, we can take action on the agency's reapproval and then address this afterward.

DR. WHEELAN: It's entirely up to you, Madam Chair.

CHAIRPERSON STUDLEY: No, if you're comfortable. I just didn't want to ask a more general question while your agency's decision is on the floor.

DR. WHEELAN: I don't think what I'm going to say should impact your vote. I would hope not.

[Laughter.]

DR. WHEELAN: As always, we try to be responsive when issues come up, whether through

negotiated rulemaking or whether it was the Spellings Commission report. We have been working as a group to come up with ways that we can describe the accreditation status of an institution that the general public would understand.

All of us have different processes. We have multiple reports that come out, and so to put up the report, it's kind of like which report do you want and stuff, so we're trying to figure out a form that would define what accreditation is and what it reviews, where the strengths of the institution are in relation to that, and where are the concerns or areas in which they need to work, so that we as accreditors across the country, as regionals, could use that same form for everybody.

That way the general public would be able to compare apples and apples across the board. So that's one of the particular ones.

I think it may have been the minority report, but certainly somewhere in the report that talked about segmented accreditation. We all think we already do that because we match peer reviewers

from the same level of institution that's being reviewed. So for us we have six levels of institution ranging from level one, which are associate degree granting institutions, to level six, which is more than three doctoral programs, and the peers who serve on those committees are from those same types of institutions.

So even though we have one set of standards for all of our members, we use it against the mission, and we send people who are familiar with that mission to go review the institution who's being reviewed.

So there are differences of opinion in all of those things, but we're not going to just put it on a shelf. We have to come before you every five years. I wouldn't dare just put it on a shelf, and we think that there are valid questions that are being asked there. You know, the idea of decoupling Federal financial aid from accreditation I think is going to put more angst on our institutions, and so we're not, you know, going to agree with you on that one because it's a good

process, and I don't know that there is a Federal agency that has the staff or the money or the expertise to evaluate all those institutions, you know, as we currently do. So hope that helps.

MR. ROTHKOPF: Thank you.

CHAIRPERSON STUDLEY: Anyone else have questions at this time? I do have one question for all of you. I am particularly interested in the student outcome standards, as we all are, and so read yours along with all of the others.

There was an interesting phrase that you used, not unusual, but the phrase "college standard" or "collegiate standard" for the academic quality of the program, and I'd be interested in your describing a little bit more how that relates to the criteria and how, for example, an outsider might know how a collegiate standard was determined?

Since you gave us a number of criteria that may be included when you review an institution, but not specific ones, I'd be interested in your way of integrating or connecting

those concepts.

MS. LUTHMAN: First of all, we're a regional accrediting body that looks at institutions that offer degrees in higher education so everything that we do is centered around the degree-granting authority, the degrees, the validity of the degrees, the integrity of degrees.

That would also include, though, all educational programs offered by the institution because as a regional accrediting body, we look at the entire institution so that would look at certificates, diplomas, et cetera.

But sometimes there's a very big difference on the expectations of the diploma versus that of a degree, and most of that has to do with the complexity, the expectation of what constitutes a degree. The degree would include the general education, the major of concentration, of course, and electives, and there would be some requirements in each of those areas that would require more rigor than it would maybe at some of the other credential levels.

So we would look at that, in particular, Madam Chairman, in the area of the academic program and the faculty that support those programs, and that could be the distinction.

DR. WHEELAN: We also have a large number of institutions that are involved in dual-enrollment with high school students, and so we want to make sure that people understand that the courses that the students are taking in that program are college, is college level work and not high school level work. So we make that distinction as well.

CHAIRPERSON STUDLEY: And I can understand from--it sounds to me like you're focusing on the distinction between the collegiate level degree programs and the others. How do you make the first determination that the degree-granting programs meet an appropriate collegiate standard? Is that ever a question that you find yourselves asking?

MS. LUTHMAN: We define that through our standards. I mean our standards look at the faculty qualifications, which is the first. The

second one is the academic program, what constitutes, who develops it, who approves it, the rigor, the comprehensiveness of those particular programs.

I would say the third part would be all the support of the academic--the academic support systems, whether that be learning resources, student support service, et cetera, those kinds of support bodies that we find that are important. Now that's not any different than some of the other points, but there is an expectation in the faculty, what their expectations would be that would be higher, and again the rigor of the academic program itself would be higher.

DR. WHEELAN: And the professional opinion of the peers who are out doing the reviewing. They are all college-level faculty and administrators who have been doing this for awhile, and so we depend upon their professional judgment as well.

CHAIRPERSON STUDLEY: Just one more question. You don't specify particular numerical indicators, which is you're entitled to proceed

that way. You judge each institution against its mission, and the measures that seem appropriate to it, to the satisfaction of the professionals who participate in the review of that institution.

Do you ever step back to look, though, at the indicators that you got across the universe or across the relevant segments of your universe to understand something about, anything about, how the universe is changing in terms of either the kinds of outcomes that institutions are using or the kinds of results that are being achieved by the institutions that you review?

DR. WHEELAN: We do indeed. Right now, for example, we do collect graduation rates, and we're beginning to monitor to see if there is improvement in them. We have recently partnered with the Lumina Foundation to work with our historically black colleges and universities, working on the degree qualifications profile to see if we can't get some synergy going in English and math.

We added a new research person to our

staff, we had not had before, who is going in looking at our Quality Enhancement Plans to find out what the foci are from the institutions, what are the measures they're using to increase participation and success of their students. So, yes, that's why I mentioned to Mr. Rothkopf, we don't ignore what comes down from the Beltway. We try to find ways to respond to it while being fair to our institutions and not putting a bigger onus on them for reporting than we already have.

But everybody is looking at ePortfolios. The challenge, of course, has always been that we have different missions at different institutions, and even among all the research institutions, there's a different focus on a different part of their mission. And so it's tough to come up--I think even one of the senior institutions here in the Commonwealth identified that they had a 53 percent graduation rate, which you would expect to be much higher than that.

I'm sorry. It was in the great State of Texas, my other home, and you would think it would

be much higher there, but because of the variety of skill sets that students are bringing with them, students are starting at a different level, and so you have to bring them up to a different level.

I served on the Committee on Measures of Student Success that Secretary Duncan put in place to identify success measures that community colleges could use because graduation rates don't work for them. So moving from one developmental course to the next and into a college level course and finishing the degree are things that also measure success.

We're looking at all of those kinds of things, trying to reiterate the fact that we need people to graduate. We don't want anybody given grades. We want them to earn them, but we want to be able to monitor and see where they are. Many of our community colleges are engaged in the Achieving the Dream Program, which is helping them use data to make decisions about what's going on.

Here at Northern Virginia Community College, they're restructuring their developmental

math sequence because that's the biggest roadblock for students continuing their degrees, is getting stuck in that developmental math program. So there is a lot of stuff going on, and yet we are looking at all of it to see how it figures in with success.

And we post on our Web site, and have a resource room at our annual meeting every year, those best practices that institutions are using so that they can compare.

The summer institute that Dr. Earvin mentioned was specifically put in for faculty to learn what is a student learning outcome, how do you develop a student learning outcome, how do you assess whether students have achieved that outcome, and what changes do you make based on the assessment results? So hopefully you can see that we are doing stuff.

MS. LUTHMAN: The other thing that we do is that after each class of comprehensive reviews, we also look and see where the citations were; where were their weaknesses; where were their strengths?

And so we developed a pattern over a period of time of which particular standards have been cited the most often, and then we tried to review now are there certain types of institutions that are having problems with this or certain types for that, and then we use that as a basis to develop some of our programs at the annual meeting, also some that are targeted at our summer institute, and always our Small College Initiative is based on that particular data gathering and information.

So that's been very helpful for us in looking at the areas where our institutions are having problems and basically looking at where they are focused.

CHAIRPERSON STUDLEY: Brit.

DR. KIRWAN: Yes. I understood you to say that you do ask, you do check, track graduation rates, so the portion of students who are actually graduating from the institution, but do you actually require institutions to say what they expect their graduates to know when they graduate,

not just to walk away with the diploma, but what is it they're supposed to be able to do and know when they graduate, and do you require every institution to assess whether or not their graduates are, in fact, achieving their stated expectation?

DR. WHEELAN: Yes and yes. I can go into more detail if you like. Our student learning, we require student learning outcomes in every academic program at every institution, and that's not per course, though we tried to get each institution to set up outcomes per course, and they revolted against that one.

So we've settled that, you know, for every academic program, they have identified what they expect students to be able to do in order to earn a degree. They have assessment programs in place to assess whether students have, indeed, achieved that or not. Some of them are capstone courses. Some of them are through ePortfolios. There are a variety of assessment strategies, but, yes, we do.

DR. KIRWAN: Okay. Thank you.

CHAIRPERSON STUDLEY: Any other questions

or comments? I'm told that we have no third-party commenters who have requested to speak at this meeting.

Let me ask the staff--let me ask the Committee if they have any further questions for the staff member from the Department who dealt with this agency? No. Okay.

In that case, why don't I ask the primary readers to put a motion before us if you would like to do so so that we can conclude this?

MR. WU: Yes. On behalf of both of us, we'll make a motion using the standard language, which I see is up already.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Okay. So that puts it before us as a motion made and seconded by the readers, if that's comfortable. So the motion is now open for discussion by the members of the Committee? Do you have any comments or questions?

Okay. Seeing none, we will--just one moment. You have a motion before you on the screen that's been made and seconded by the readers. All

in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Thank you very much.

The motion passes to continue the recognition and require the agency to come into compliance on the remaining matters.

Thank you very much for your--yes, certainly. Yes.

DR. HILPERT: I just want to say, Madam Chairman, on behalf of SACS, Commission on Colleges, we appreciate the way the session and the review have been conducted. It's been a very healthy, professionally organized process for us. Thank you for your time this morning and for that recommendation.

CHAIRPERSON STUDLEY: Appreciate it.

There is one more thing I'd like to add. I want you to know that we did hear the comment about the Federal requests going to institutions that affects you, and I can commit to at least follow up on why

and whether there's a way to address that because I can see the potential there for inefficiency and frustration that may be readily solvable now that you've noticed the problems that it causes.

Thank you very much.

CHAIRPERSON STUDLEY: We are scheduled now to take a short break. We will reconvene in 15 minutes. So we're ahead of the printed schedule so we will gather again at 10 a.m. Thank you very much.

[Whereupon, a short break was taken.]

NACIQI Motion:

I move that the SACSCOC 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. I further

move that the Assistant Secretary revise the accrediting agency's scope of recognition as requested.

- - -

MIDDLE STATES COMMISSION ON
SECONDARY SCHOOLS [MSCSS]

CHAIRPERSON STUDLEY: Thank you very much. We will reconvene. This time I will remember to begin with our primary readers to make opening remarks, and then the usual drill will follow: the staff; the agency; any third-party comments; and so on.

Arthur, would you like to begin, or Carolyn, are you going to go up first? This is Middle States Commission on Secondary Schools, just for the record.

DR. KEISER: This is the review of the Middle States Commission on Secondary Schools. They currently accredit post-secondary non-degree granting career and technology programs in Delaware, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, District of Columbia and the U.S. Virgin Islands.

The agency accredits a small number of institutions throughout this region, and they're asking for continued recognition of their

accreditation status.

CHAIRPERSON STUDLEY: Carolyn.

DR. WILLIAMS: They were last accredited in 2006, which for me it seems like a longer gap than most of them that I've reviewed.

CHAIRPERSON STUDLEY: Okay. Chuck, would you like to take it from there? Thank you.

MR. MULA: Thank you, Madam Chair. Good morning. And good morning, members of the Committee.

My name is Chuck Mula, and I will be presenting a summary of the petition for continued recognition by the Middle States Commission on Secondary Schools, hereafter referred to as the agency, or the Commission.

The staff recommendation to the senior Department official for this agency is that he continue the recognition for the Commission for-- and require the agency to come into compliance in 12 months and to submit a compliance report on the issues identified in the staff report.

This recommendation is based on my review

of the agency's petition, supporting documentation, and the observation of a decision-making meeting and file review in the spring of 2012.

In the draft staff analysis, the agency was found out of compliance with many of the Criteria for Recognition. In its response to the Department's draft, the Commission addressed only a quarter of the criteria in which it has been found noncompliant.

The agency reported to staff that it had difficulty meeting the Department's deadlines because it was preparing for and conducting a spring Commission meeting, and at the time it was required to prepare the petition and the response to the petition, the Commission meeting was in progress.

Since the agency has returned the response to the draft analysis, it has been in regular communication with the Department to resolve the concerns and provide explanations for the lack of documentations in its response.

The issue that is most concerning to the

Department is the need for the agency to demonstrate that it has sufficient financial resources to perform its accreditation functions. The other issues fall primarily in the areas of required standards application and the required operating policies and procedures.

Most of the citations in these areas are due to the lack of documentation demonstrating the application of a specific policy or a procedure which is necessary for compliance.

Department is less concerned about this missing documentation because it was able to verify the agency had applied its standards in a staff review of the agency's records and accreditation files during the agency visit.

The remaining issues relate to the agency's need to amend or revise its policies and procedures to meet the requirements resulting from the HEA amendments in 2010.

While there are a large number of outstanding issues that the agency needs to address, Department staff does not believe that the

Commission's accredited institutions, its programs, their students, or the financial aid they receive are at risk.

We also believe that the agency can resolve those concerns in the staff report and demonstrate its compliance in a written report in a year's time if the documentation demonstrating application is provided, and it also provides the Department a clear explanation and description of the financial capacity in light of the downward income trajectory and its reliance on contributions by the Commission on Higher Education to cover its appropriated share of the annual costs for housing and business operations.

As stated earlier in my presentation, we are recommending to the senior Department official that the agency's recognition be continued and require compliance and a compliance report in 12 months on the issues identified in the staff report.

Representatives of the agency are here today, and this concludes my presentation, Madam

Chair. Thank you.

CHAIRPERSON STUDLEY: If I could just ask you to go back and repeat one sentence that I didn't quite catch that I think was important. You were talking about the lack of documentation and then said that the Department staff was not concerned about the, not unduly concerned about the lack of documentation because you were able to observe a site visit and see that the criteria were applied. Am I right in there? I'd like to have it in your words.

MR. MULA: Correct. I'll repeat it again, and then I'll explain what happened.

CHAIRPERSON STUDLEY: Thank you very much.

MR. MULA: The Department staff is less concerned about this missing documentation because it was able to verify the agency had applied the standards in a staff review of the agency's records and accreditation files during the agency visit.

During the actual site visit and records review of the agency, I actually looked for certain documentation that showed me that they had applied

standards and processes required by us in the criteria so that we can identify or verify that they actually did what they said they were going to do in certain areas. That could be reviewing student complaints. It involved looking at financials and made sure they looked at the financials of the school and stuff like that.

So there's about 16 different areas where we tried to verify by documentation that they actually applied their standards in the review policy process.

CHAIRPERSON STUDLEY: Can you tell us a little bit more about that site visit? I gather it was a single site visit that you drill down at this level of detail.

MR. MULA: Right.

CHAIRPERSON STUDLEY: When do you identify what school you will be, what particular visit you will be reviewing, and how does that relate in time to when you look at when they've developed the files and when you look at the files?

MR. MULA: Well, actually when they come

to the Commission meeting, they are approving or they are going over a list of approved schools for accreditation or reaffirmation or denying. Those files that they have all the records that we really need to see that they did. They have the site review team reports. They have the letters that go to the agency to let them know if they're out of compliance with any citations.

They have any kind of documentation, training materials that they provide their site review teams when they go out. That's all included in these packages, and we look to see if these schools had all the appropriate processes done when they do an evaluation so they look at all the criteria that we seem to think is necessary for them to be in compliance with.

That could be looking at student complaints, looking at a process where the students have the ability to contact the agency about their complaints, make sure that all of that specific stuff is present when they review the agency.

MS. GILCHER: Just a clarification. What

Chuck was referring to when he said "site visit," he went to the agency and actually went into their records.

MR. MULA: Right.

MS. GILCHER: So it's not a site visit to an institution.

CHAIRPERSON STUDLEY: Right. It's a site visit to the agency.

MR. MULA: It's an agency visit and a decision-meeting visit at the same time.

CHAIRPERSON STUDLEY: Let me start with the primary readers and see if you have any questions for the staff at this point, and then I'll open it to the rest of the Committee. Either of you?

DR. KEISER: Chuck, obviously, you had concerns with their financial capabilities. I looked at the budget, and it concerned me that they had budgeted, well, they were significantly short in their revenue projections in terms of almost a third in terms of less dues received than they had budgeted for. And what was really more concerning

to me was the fact that their salaries and payroll went down almost four-fifths from like 800,000 to 200,000. I can't remember the exact numbers.

What did they do with their staff? Did they fire a whole lot of staff that got them into position where their budget could be in a surplus environment? Or how did they--what happened to staff?

MR. MULA: Dr. Keiser, I'm not really sure. That's what we'd like to find out. My visit showed that they did have sufficient staff to do what they were supposed to do, and I thought that they were doing it in an appropriate manner and in an economic manner. But I don't--we really have problems with the figures. We're not understanding the figures, and that's what's troubling us even though we've had people with financial expertise look at the statements that they've sent us. We still can't figure it out. That's why we need them to explain to us a little bit deeper.

DR. KEISER: In the narrative, they also said they had only two staffers that were assigned

to the career colleges or the voc techs which they review. Is that sufficient for an agency to have only two reviewers looking at the schools or two people involved in this accreditation activity?

MR. MULA: At this time, we don't think it--yeah, we do think it is sufficient. If they do start to have an increase in business, it will not be efficient anymore, sufficient anymore, and we did talk about growth and what they would have to do.

It may be just a reassignment of duties that they might want to do. Of course, that's something that has to be done internally, a reorganization of sorts of duties, but the staff is very well qualified to do the postsecondary review, and, of course, they have staff that goes on all of the site visits and reports on the postsecondary review site visits. So they are very qualified.

Right now it's okay, but it won't be if they continue to grow.

DR. KEISER: Let me just go back to the budget. For the year, for fiscal year FY12, they

only have \$148,000 in salaries, which was originally budgeted for 649,000. That's scary that they could, in that short a period of time, cut that much from what they had budgeted in their planning process.

So I'd be, you know, 148,000 is maybe two people, which I think it might be what we're looking at. So not highly paid.

DR. WILLIAMS: I too am concerned about the financials, and I tried to muddle my way through it, and I'm not sure I made a lot of headway. But I'm concerned about the agency being able to come into compliance with all of these issues and the financial conditions. Is there a plan? Is there conversation? I mean what's underway in resolving this and what kind of assurance that even in an a 12-month period, they could pull it together?

MR. MULA: Well, we have been talking with them, and we are--at first we were very concerned also, but after the visit and the communication I had with the agency, I'm very sure--I'm not worried

about them coming into compliance with the policy and the documentation issues.

Our biggest concern, of course, is the financial issue, and I wouldn't be so uncomfortable with that if I just understood what all that joint statements and especially that indebtedness to--it looks like to us on the statements that that continued indebtedness to the Higher Education Commission is just sitting there, and we can't figure out how that is supposed to be paid and what they're going to pay it with.

But otherwise, I don't think they'll have any trouble coming into compliance with the requested documentation of policies. There's only very few major policy issues they have to deal with, which means they have to go out and get comment. Most of it is administrative and process refining.

CHAIRPERSON STUDLEY: Are there any questions for Chuck at this time? If not, we'll hear from the agency, and then, as you know, we can ask questions both of them and of the staff.

Anyone else, now?

MR. MULA: Madam Chair.

CHAIRPERSON STUDLEY: Sure.

MR. MULA: Kay, did you want to say something?

MS. GILCHER: Well, I was just going to say that this was a very difficult recommendation for us to come to for the issues that you're raising, and our recommendation is based on what we saw as pretty solid, basic processes and procedures and application of their policies, as documented, insufficiently documented in some cases, but the core components of their accreditation processes were documented and felt solid.

Nonetheless, we do have, you know, significant concerns signaled by the number of criteria that they were found out of compliance with, and it was, you know, Chuck's having gone to the agency and being clear that there is sufficient documentation that they didn't provide us in the response, which we would have expected, and therefore we were going with this recommendation at

this point.

CHAIRPERSON STUDLEY: Bill and then Arthur.

DR. PEPICELLO: Yes, Chuck. Just a quick question. Was your visit to the agency as a result of having read the petition?

MR. MULA: Partially, and then we also had to, as part of the review process, to do a site visit or an office visit, an agency visit and file review. I was fortunate enough that they were close enough to when I requested the information, that Ken was able to provide the information for me. But actually it's required by legislation that we do this.

CHAIRPERSON STUDLEY: Okay. Art and then I have Susan as well.

DR. KEISER: I keep reading. I look back at the budget. It's hard for me to understand how an accrediting commission can almost spend as much on postage as it did on staff travel. Are they visiting schools?

MR. MULA: Yes, they're doing their

visiting.

DR. KEISER: How are they? I mean it's not in the budget and it's not in the expenses. That's what I don't understand.

MR. MULA: Well, you know, sometimes, Dr. Keiser, we have a couple agencies who combine their budgets, mostly the ones that have the associations or the other commissions with them, and that alone is an issue. I mean we saw expenses broken down for what we believed were postsecondary education accrediting functions although there is some issues there, line items, we couldn't identify.

And we just didn't have, you know, we passed it around quite a bit. We could not get everybody to agree on this is what line item, what this meant, but those are questions that we would like for them to explain.

CHAIRPERSON STUDLEY: Susan.

DR. PHILLIPS: Chuck or perhaps--wondered if you could just say something about the relationship of you collecting information on your site visit relative to them providing information

independent of the site visit? So I'm thinking that they've added a very competent staff member in you to provide the information available for the compliance report, but I'm wondering if that's customary?

MR. MULA: Our process is to review. We do not do their work for them. What we do is require them to respond, and in that response is often a proof of application of a process. And that documentation, although they may have it, and I have seen it, I just don't grab it, take it out of their file or say--you know, we kind of treat them like adults and hope that they would respond with appropriate kind of documentation.

There are guidelines posted out there now that the Department developed to give the agencies an idea of what kind of documentation is required when they are responding to a criteria. But to answer your question, we do not take the documentation or do their work for them.

MS. GILCHER: If I can just add to that, you'll note that we still find them out of

compliance with all of these criteria. Chuck did not go there specifically after having read this and said, well, I'm now going to schedule something extra in order to go to the agencies to see if I can find something that will make me feel better about them.

He had this set up to go, and in the process of observing the Commission meeting, he was concerned about what their files showed and did do a file review on top of that, and that informs our recommendation but doesn't change our determinations of noncompliance.

CHAIRPERSON STUDLEY: I think we're ready to hear from the agency representatives. Would you please come forward? And thank you very much, Chuck. We really appreciate that this is a complicated one, and we may have some questions for you afterward. Thank you.

CHAIRPERSON STUDLEY: Welcome, gentlemen.

DR. CRAM: Good morning, Madam Chairman and members of the Committee. With respect to the four questions that have been posed to each of the

agencies, we've opted to supply our responses in writing, in the interest of time this morning. We will get that to you.

CHAIRPERSON STUDLEY: Thank you very much. We appreciate that.

DR. CRAM: I have with me this morning, Dr. Tom Bistocchi, who is the chairman of the Commission on Secondary Schools, and Dr. Kenneth Kastle, who is the primary author of the application for renewal of recognition. And I'm going to let Dr. Bistocchi make some comments. I'd like to make a few, and then I'm sure we're going to be spending some time answering some questions for you.

DR. BISTOCCHI: Good morning, Madam Chair and members of the Committee. On behalf of the Middle States Commission on Secondary Schools, I want to thank the Committee for its consideration of the Commission on Secondary Schools' petition for renewal of its recognition by the Secretary last granted in 2006.

We appreciate very much the seriousness of

purpose with which the Committee approaches its work, which assures us that the recognition process will be a substantive one.

The Commission offers special appreciation to the members of the Committee who have read and studied our petition and its supporting documentation.

The Commission on Secondary Schools is very proud of the quality of its accreditation work and of the fact that the Secretary has recognized us as a reliable authority regarding the quality of education and training provided by the educational institutions of our region.

On behalf of the 21 members of the Commission Board, I express our commitment to continuing our compliance with the Secretary's criteria.

I would also mention that beyond my position as Chair of the Commission on Secondary Schools, I am a sitting superintendent of schools in a New Jersey county-wide career and technical education institution. We offer several full-time,

year-long postsecondary training programs in career and technical education and embrace the intensity, the integrity, and the overall rigor that the Middle States process provides and requires.

We will get to all of the questions and issues around the financial piece and hopefully leave you with a good feeling about what the situation looks like.

DR. CRAM: I would just like to echo Dr. Bistocchi's appreciation for the work of the Committee and for the high quality of assistance that we've received from the Secretary's staff.

Many of you know that in 1999, the Commission on Secondary Schools withdrew its petition for recognition after having been recognized by the Commission for a number of years. We reversed that decision realizing that it was not in the best interests of the Association or of our members' institutions, and we were granted recognition again in I think it was 2004.

We want to report to you that the recognition criteria and the recognition process

have been used by the Middle States Association to make us a better accrediting agency. We've extended much of the criteria that is applied to those schools seeking Title IV eligibility to all of our institutions, and we find ourselves to be a much stronger accrediting agency as a result of that.

As for the number of the Criteria for Recognition which it has been determined that we are not in compliance, that should not be interpreted as an unwillingness for us to do so. As Mr. Mula alluded to the fact, the timing of the staff report and the ability for us to make the changes and get them before our Commission was simply too short, and it is our hope that if we get an extension of our recognition, that we will be back here certainly within a year with a fully compliant application.

We simply ran out of time between that receipt, and we have every intention to make all of the necessary changes and revisions required for compliance.

I believe that our Commission has built a reputation for being purposeful and responsive concerning the Criteria for Recognition. We are fully committed to being compliant in all areas required by the Secretary, and I believe that the recommendation of the Secretary's staff that the Commission's recognition be continued is evidence of the relationship that we have had with the Committee and with the Department over the last several years.

If you accept the staff's recommendation for the Commission's recognition to be renewed, hopefully, you will be seeing us within a year, and our goal would be to be eligible for that compliance agenda that you started with this morning because the majority of the items that we are concerned about, or you're concerned about, are for us mostly modifications in policy and bylaw.

With respect to some of the questions that were raised about the finances, I'm especially concerned about some of the comments that Mr. Keiser made because they seem to be based on

woefully incomplete or incorrect information.

Middle States Association, Commission on Secondary Schools operates a budget of about \$1.2 million. Our revenues for the last several years have probably not been at 30 percent but probably between 95 and 100 percent of what they were projected.

Our current staff salary is about \$660,000. There are 20 employees at the organization. The two that were referenced are the two individuals on our staff who have primary responsibility for Title IV schools, and the number of Title IV schools that we deal with out of our almost 3,000 member schools is 15.

So the two people certainly are adequate to kind of address at this point the concerns. As Mr. Mula said, if that continues to grow, we would have to make the necessary staff changes to accommodate a growing percentage of our membership using the accreditation process for the purposes of Title IV eligibility.

My suspicion is, Mr. Keiser, you may be

looking at some kind of a quarterly report because certainly the expenditures of the salaries of \$148,000 would represent maybe the first quarter of the year or some quarter of the year, and certainly if we were at 30 or 35 percent of revenue, you know, that would be, again, reflective of being a snapshot taken at some point in the year.

Those are not the figures from--they should not be the figures from the 2010 or 2011 audits which I actually show that the Secondary Commission last year had a surplus of I want to say close to \$100,000 in revenues, which were used to offset the expenses that we have for our overhead with the Association.

With respect to the loan that people keep talking about, and I apologize that our documentation has not made that clear, but the Commission on Secondary School has no liability to the Higher Education Commission. If I can just take a moment and give you a little bit of a historical background, the Association, three years ago now, acquired new office space so that they

could combine the Secondary, Elementary and Higher Education Commissions in a single building.

At the time that that acquisition was made, the impact that that was going to have on the operational expenses for the Secondary Commission were recognized as being excessive of what we were going to be able to pay.

There was a mediated settlement between the Higher Education Commission and the Association, which we were party to because it involved a swap of some equity in an original condominium, that basically says that the monies that were put forward to the Association to mitigate the expenses to our Commission would be repaid by the Association at such time as the property that that loan was based on was liquidated.

So there is no financial obligation on the part of the Commission on Secondary Schools to either the Association or to the Higher Education Commission to repay that loan.

Like I said, we've been running a balanced

budget the last two years. We also have in reserves just little bit in excess of one year's operating expenses. So I'm a little concerned that the documentation that we submitted to the Committee would indicate to the Committee that there is some concern about the financial sustainability of the Commission. That simply is not the case.

CHAIRPERSON STUDLEY: Is there anything else you'd like to say at this point or would you like to--are you ready to take questions?

DR. CRAM: No. We can open up to questions.

CHAIRPERSON STUDLEY: Okay. Art.

DR. KEISER: I'm reading from your report. This is certainly not--I don't think the staff-- this is a--what they do is they scan in your budget, and your budget says you have a total of a budget of \$1.2 million, and you had a total revenue of \$898,000, which was \$381,000 shortfall from your budget, and then in terms of your salaries, you had budgeted \$649,000, which is correct, but you only

spent \$148,000 on your salaries, and of that there was only \$2,600 allocated or spent out of \$26,000 allocated on staff travel.

This is your document, not mine. And--

DR. CRAM: And not having the advantage of being able to see what you're seeing--

DR. KEISER: You're welcome.

DR. CRAM: --I'm pretty confident in saying that that is probably some kind of a--

DR. KEISER: It says Middle States Association of Colleges and Schools Statement of Revenue and Expenses, September 30, 2011, Commission on Secondary Schools. That's your data.

DR. CRAM: Okay. But what you're looking at there is the statement of revenues and expenses as of September for the year beginning July 1. So you're looking at a first quarter report.

DR. KIRWAN: But it's the same--whoever wrote this report, if you read it, you talk about FY12 actual, FY12 budget. So you're not talking about the full budget versus a part-time, and it doesn't say it's a quarterly report. I'm just

reading what you have.

DR. CRAM: No, but the date, when you said September--

DR. KEISER: So if it's wrong, that's--

DR. CRAM: Yeah, I think it's the wrong document we must have submitted, but September 11 would be the approximate time of the first quarter report, which would mean that we would have spent about 148,000 of the \$660,000 in salaries, and the rest of it is still there to be spent, and the same would be true of travel and postage. Those are first quarter figures.

DR. KEISER: That goes to the basis of our concerns. You're an accrediting commission. You require institutions, at least in my mind, to be able to demonstrate their processes and procedures, and they do it in a formal format. Here we're asking the same thing of you, and there are 57 incomplete presentations on what the standards we require to be.

In the case of a budget, I'm asked and tasked as a member of the Committee to review your

budget, to review your finances, and I can't, and I'm just using your material which was a spreadsheet. It was not professionally done, but, you know, when I look at the fact that you had \$2,600 in expenditures, even in a quarter, and you represent all the States that I had read out at the beginning, I question how, you know, a commission can operate with \$2,600 expenditures in staff travel even a quarter when I know what it costs me to get here and what it costs me to stay here in one or two to three nights.

And that's a concern that I have, that greater concern that I learned that a long time ago, my accrediting commissions, and I have something like 30 of them, would never allow me to say, well, I will do this. And you're asking us that give us another year so we will do these things when they should have been done all along. So help me understand where the Commission is coming from.

DR. CRAM: I'm not sure how you would have received--what I suspected that you were going to

base your financial analysis of the Association on
would be our fiscal audit at the end of the year.
What you're looking at is a September 11th
document, and when you say there's \$2,600, you're
looking at the amount of travel that the staff was
doing during the months of July and August
primarily, which would explain why there's not a
tremendous amount of activity there.

If you look at the audited figures for the
year, you'll see that we spent a fair amount of the
money projected in each of those categories. One
of the exceptions is the travel account because a
lot of that gets reimbursed over the course of the
year so that money is put in there more or less to
advance those expenses until they're collected from
the member institutions.

But if you look at the audit, which is the
document that I consider to be official
representation of the financials of the
Association, you will see that the Association
actually posted a modest surplus, that we probably
collected, I'm guessing, somewhere in the

neighborhood of 90 to 95 percent of revenues for that year, and that the expenditures on the salary lines would certainly be closer to that \$666,000 than the 148 that you're seeing there for the first two months of the year.

I can apologize for us having submitted the wrong document. I can't imagine why we would have put that into the exemplars. But it should be the audit that would be there.

DR. KASTLE: There is an audit that is included as documentation. There is the budget for fiscal year '12 that is included as a document to our petition as well as the revenue and expenses as of September 30, 2011, which again was one of the documents.

So there is a budget document, there is a quarterly report of revenues and expenses, both of which were submitted.

DR. KEISER: I have those. That's the beauty of this system. I have everything right on my computer.

DR. KASTLE: Well, you're speaking to the

quarterly report instead of the budget.

DR. KEISER: Well, even the audit is a draft audit. It's not the final audit.

DR. KASTLE: Understand, but there's also a budget there. That's what you should--what Dr. Cram just said was the expense figures that you're showing are a quarter of the fiscal year expenses. That's one of the documents that was submitted.

There is also the fiscal year 2012 budget that was submitted with the petition, as well as the most recent audit that we had at the time, which was a draft audit. There are three documents there. You're speaking to the quarterly report, not to the budget.

DR. KEISER: Well, I understand. I'm looking--but this is what you submitted. And I'm just reading what's there.

DR. KASTLE: I think what I'm asking you is to look at all of it, not just the document that you have in front of you, which is the quarterly statement. You can't--it's not possible to say about our expenses and salaries and everything from

that document and then extrapolate that to the entire year. The budget will tell you what the 12 month budget is. You're looking at what has actually been expended for one quarter of that budget year.

DR. CRAM: Two months.

CHAIRPERSON STUDLEY: I can understand the problem because it's not marked to indicate that it's quarterly. It simply has the September 30 date and does not reflect what it is.

I'd like to know which members of the Committee have questions at this time. If it's several of you, I'll kind of line them up. But, Art, do you have other questions, and then Earl? Just Earl.

DR. LEWIS: Just a follow-up, looking at the budget document and making sure that I'm reading that correctly, at the bottom it indicates 2011 as compared to 2012, and in both, in '11, it shows what's noted here as a deficit of \$427,314, and then for '12, \$372,772, I think is listed here.

Is that correct?

DR. CRAM: Those are correct numbers, and those numbers are not actual deficits to the Commission. Those are the amounts of money that the Association paid using the funds that they had, for lack of a better term, borrowed from the Higher Education Commission with respect to the memorandum of understanding, which I think you also have a copy in there as to how that's to be repaid.

So our budgets were built in 2011, well, 2010 and 2011, on the assumption that those overhead costs to the Association were going to be provided by this amount of money that this Higher Education Commission had loaned to the Association.

This is the first, 2013 is the first year that we're actually budgeting for those expenses, and we are in the negotiations right now, or the Board, I should say, is in negotiations right now to kind of cap the amount of money that our Commission will be responsible for for the next several years with respect to housing costs, and it's reflective of the fact that we're going to be using a little bit less of the office space going

forward in terms of the way we've reorganized some of the staff, and it caps a lease figure for us that we can predictably balance around, at least for the foreseeable future, and it's a number that's within the realm of our being able to kind of raise a sufficient amount of revenue to keep a balanced budget going forward.

DR. LEWIS: So just to make sure I understand one thing, so am I to conclude from this document there's a structural deficit problem?

DR. CRAM: I don't believe there's a structural deficit problem. And the reason I say that is because those were deficits that were planned for and were accommodated by an amount of money that the Higher Education Commission had pledged to the Association for specifically that purpose.

CHAIRPERSON STUDLEY: I see George and Art.

DR. FRENCH: Madam Chair, I guess my question is very simple. If the staff determination is that the financial capacity is not

there, and it could be explained away that quickly as it is today, and it couldn't be explained away on the site visits, how is that? It appears that Middle States is saying that they have the financial capacity, and obviously staff must have missed that, and it wasn't explained to them at that point.

I'm missing something here. Why we have the determination from staff that the financial capacity is not there, that they're running deficits, and now it seems to be explained away.

CHAIRPERSON STUDLEY: Why don't we ask you that question, and then we will have the staff come back and see where the gap was because I think it's a two-part question. Yes, thank you.

DR. CRAM: I mean I think that's a question that the staff would have to respond to. I know Mr. Mula has expressed to me several times that we needed to provide some more clarity on the financial arrangements because on the surface unless you understand the background of the situation, you would look at the audit, and you

would think that the organization is losing a half a million dollars a year, and it has a little bit more than that in surplus.

Those deficits, and, again, that can be documented, were paid for by--they did not come out of the operating expenses or the reserves of the Secondary Commission. Unfortunately, the way the auditors present that information is a little bit difficult to discern that.

The other question that has come up is that there was this misunderstanding that those funds at some point in the future were going to have to be paid for by the Secondary Commission. That's not the case.

We provided a memorandum of understanding which, again, I guess is a little bit difficult to read through, but the memorandum of understanding basically says that that money, that amount of money, would only be repaid if some of the property that was held by the Middle States Association, which is the only one who has title to the property, were to sell that property and were to

sell that property at a profit sufficient enough to pay back all or part of that fund.

So if you look at the memorandum of understanding, and, again, it takes some thorough reading and maybe a little understanding of the background of the situation for it to be clear. It's clear to us because we were involved in it, but from an outside perspective perhaps it needs a little more information, and we can certainly kind of provide that.

And I suspect there are people within the Association both at the Association level and among the Higher Education Commission that would verify that what I'm telling you this morning is, in fact, the reality, that that money was loaned to the Association and would be repaid back by the Association through the liquidation of assets that the Association holds.

CHAIRPERSON STUDLEY: Art.

DR. KEISER: Help me understand the timing problem that would have put you in a position not being able to respond to our staff's request for

additional information.

DR. CRAM: Ken, I don't know when we actually got the staff analysis, but it was very close to the time we were preparing for our spring Commissions. Most of the things that need to be done in order for us to be in compliance are going to involve policy changes for us, and in some cases maybe even procedural kinds of things that we need to put into place and then have approved by either committees of our Commission or the Commissions themselves.

And that will be done. We can do most of that and have that before the Commission at our next Commission meeting, which will be in October, and that was our intention, was to take, to make all the changes, bring them to the Commission for the Commission's approval in October, because they do reflect the policies and procedures, and then be able to come back before this Committee having already had our Commissions approve the necessary changes in order for us to be in compliance.

DR. KEISER: I don't understand still.

You're saying that to be in compliance with the law, the law which governs you, that the Commission meeting got in the way of responding? I still find that hard to believe, that this isn't that critical that you--because in my five years sitting on NACIQI, usually a Commission will go ahead, review it, have a meeting, approve a policy. Now, we will be concerned, and I usually in my notes I would put time, not enough time for documentation of the activity.

But in this case, you just did not respond. I don't under--help me understand why you felt that way.

DR. KASTLE: We did respond, sir. We just weren't able to respond to all of the areas. As Mr. Mula said, we responded to about a quarter--we were able to get a quarter of the issues. So it's not a matter that we didn't respond at all.

DR. KEISER: Well, if three-quarters are not responded to, that's kind of where--in fact, it looked like at the beginning, you had that when you did a policy and then we weren't able to document

that, but when we got down past--let me look at my notes--actually 602.17, up until that--well, just before that, the rest from there on, you didn't respond.

Help me understand the Commission's rationale for that because if a school came to you and did not respond because they said they had a board meeting, wouldn't you have a hard time with that?

DR. KASTLE: Our schools have significantly longer period of time to respond to our requirements than we have in terms of the period of time that we receive a draft staff report and must respond to that, particularly when it requires a number of policy changes, almost all of which are related to the new regulations, the new law regulations and the guidance that we receive.

We actually, as Dr. Cram said, we actually appreciate that because there are certain things that we don't evidently see in the regulations in our read of them that only become clarified when we receive the staff's report. It's very helpful to

us because as the principal author of the petition, there are many areas, as I just said, that I would look at the regulations and not see in there the kinds of requirements that are intended.

So when we got the draft staff report, which, as you know, is extremely extensive, we were able to work through at the same time we were preparing for a Commission meeting about a quarter of those. The rest of them are almost all issues of changing the policy that was in place or expanding the policy or revising the policy. And that's, we're committed to doing that.

But I'll go back to my original statement: the period of time that we have to respond is significantly less than what an institution has.

DR. KEISER: I could accept that except for the fact the regulations, most of all the other commissions have already come into compliance or had to come into compliance, and the reauthorization was done like two or three years ago. You had all that workup time to be in preparation for your petition. Why were you

waiting till the last minute just to come into compliance?

DR. CRAM: I don't know. The only explanation we can give for that is that we didn't really know what we needed to do with respect to some of the regulations until we got the staff analysis back. And we got some specific recommendations from the staff analysis in terms of what still needed to be done, what needed to be changed.

We were beginning that process, but it was an insufficient amount of time between that staff analysis and the submission of the supplementary materials for us to address all 58 in a qualitative and thorough way, which is our intention.

CHAIRPERSON STUDLEY: Art, do you have other questions at this point? I'd be interested if you could break down a little bit further which of the items that you didn't respond to were new requirements that you were only aware of when you got the staff report?

It seems to me that the staff report is a

last chance. It's the review of what should have been done beforehand, and the staff, our process does allow one last opportunity to address the items that are identified. But some of them, I don't know, for example, whether on student complaint processing, whether there are new elements to that requirement. That's one that was cited and didn't come into compliance in time for this, if I'm remembering my review correctly.

I don't know if there were changes in the requirements related to that one. So the breakdown of the three-quarters that you weren't able to do, can you estimate how many were you simply couldn't get to and how many were new requirements that you're saying you'd been unaware of until then?

DR. CRAM: Ken.

DR. KASTLE: Let me take the student complaints. We have a policy on student complaints. The self-study and accreditation protocol has built into an indicator of one standard that deals with student complaints. I was looking for that in here--I can't find it--the

staff comment. It's an item of documentation, which we have, but we just obviously didn't produce it at the time that we submitted the petition in the kind of detail that the staff was looking for.

CHAIRPERSON STUDLEY: And I know that we don't want this to be purely about a paper exercise so I think the staff is asking the right question, what goes on behind those, and yet three-quarters' shortcoming is different from we're not going to drop someone or fail to reapprove because there are a few pieces of paper that are not in a formal sense taken care of.

So I think what we're struggling with is trying to find on which side of the line is your agency.

DR. KASTLE: I understand.

CHAIRPERSON STUDLEY: Can you tell us a little bit--

DR. KASTLE: Could we also just call this for our purposes, as was pointed out, please don't take this the wrong way because it's an important part of our accreditation work, but we only have a

small number of institutions that are accredited for the purposes of Title IV so in many ways this is a life lesson in terms of being more proactive after the regulations were issued. Maybe we should have been more proactive in seeking out a more in-depth understanding of the requirements.

We just didn't. We didn't do that, and as a result of which, as I said, what we read, for example, the change in the regulations that deal with appeals panels, that's a totally different direction than was in the previous regulations, and now the appeals panel has to mirror the decision-making group insofar as the public member and things of this sort.

So we'll take this as a life lesson and ask you to look at our record with the Department over previous periods of petitions and what have you and recognition by the Department staff that we are an agency that is not here to fight you, not here to fight with the regulations or the Criteria for Recognition. Our record is that we are responsive. You tell us what we need to do, and we

will do it, and you won't, as Dr. Cram said, our goal is to be on the consent agenda the next time. We've learned our lesson.

CHAIRPERSON STUDLEY: I have another question. Could you tell us, you mentioned that there are two staff members who are dedicated to the work of the Title IV review, which I take to be handling this process that we're discussing today. Can you tell us the titles and the type of responsibilities that those two staff have, and are those the only people who actually work on this process?

DR. CRAM: Well, I think there, I mean there are two parts to the process. One is what we're doing here today, the preparation for the recognition and the insurance that the requirements of the Title IV eligibility are carried out in the accreditation process, and that's primarily the responsibility of Dr. Kastle, who is here today, and he functions as the Chief of Staff for the Commission on Secondary Schools and has oversight of this along with a lot of our policy and

procedural work and the development of protocols, and so on and so forth, as his responsibilities.

Then we have Dr. Jane Pruitt, who is also here today, who is a former head of career and technical education in Maryland, who participates in some of the development of the applications that we get from schools, walking them through the particular protocol that our schools are using for the purposes of Title IV and kind of coaching them through the process in a staff relationship, overseeing the selection of the chairs of the teams, and then doing the staff analysis of those team reports when they come in.

We do have other people who from time to time are drawn into that process as assistants on some of those teams, as we need them, in terms of the availability of expertise. But both of them have as part of their responsibilities, I should say, for the 15 schools that we're talking about, the Title IV eligibility requirements and the applications that come to us for that purpose.

Does that help?

CHAIRPERSON STUDLEY: Yes. Are these programs or institutions that you accredit for-- these are institutional?

DR. KASTLE: We're an institutional accreditor.

CHAIRPERSON STUDLEY: Are there other accreditors available to these programs for their Title IV accreditation if they chose not to go through you or if you--if they choose not to go through you? Are there other people who could accredit these programs?

DR. CRAM: I suspect the staff would be in a better position to answer that. I mean I would hesitate to name a few and leave some off. I guess there are options for individual programs.

CHAIRPERSON STUDLEY: Right. I'm not asking you by program--

DR. CRAM: Okay.

CHAIRPERSON STUDLEY: --or who the other accreditors are. Are there other accreditors, and I can ask our staff--

DR. CRAM: Yes, there are.

CHAIRPERSON STUDLEY: --whether there are other accreditors qualified to--

DR. CRAM: I believe there are.

CHAIRPERSON STUDLEY: --approved by us to review these institutions?

DR. CRAM: I believe there are.

DR. KASTLE: There are. However, we continue to receive inquiries from proprietary institutions, primarily based upon the fact that we've been in existence for 125 years as an association and have significant name recognition in our geographic area.

CHAIRPERSON STUDLEY: I was going to ask that question: why do you think they choose to work through you?

DR. KASTLE: That's a primary reason why. We're also very affordable.

DR. BISTOCCHI: As a self--oh, I'm sorry-- may I?

CHAIRPERSON STUDLEY: Go ahead and then--

DR. BISTOCCHI: As a sitting school district superintendent with five comprehensive

high schools, we've been involved with Middle States Association for my 20 years as superintendent of the school district.

We began to offer full-time postsecondary CTE programs on a needs basis. So we had tremendous success with Middle States, understood the process, appreciated the peer review collegial atmosphere, and the rigor that goes along with the process. So when it came time for us to be considered to deliver Title IV funds for young adults primarily who are looking for postsecondary CTE training programs, Middle States was the logical choice for us.

CHAIRPERSON STUDLEY: Frank.

MR. WU: This is a background question. Pardon my not knowing this, but what exactly is the relationship of this Middle States to the other Middle States, the MSCHE?

DR. CRAM: There's a Middle States Association which is governed by a Board of Directors comprised of representatives from each of three commissions that exist under the umbrella of

the Middle States Association.

There's a Commission on Higher Education; there's a Commission on Secondary Education, who we represent today; and there's also a Commission on Elementary Education.

MR. WU: So, but the three agencies are entirely separate then other than at the governance level?

DR. CRAM: Well, we set our own budgets; we hire our own staff; we determine our own practices and procedures. The existence of the Board of Trustees is really the back-end operation for the business operation. So it's easier for them to kind of hold title to property and to do some joint purchasing for us, handle things like insurance and payroll, but the Board of Trustees has no governance over any of the three commissions, nor does it directly participate in any of the accreditation activities of any of the commissions if that's the question.

It's really just an organization that facilitates the business side of the accreditation

process for the three commissions.

MR. WU: And so MSCHE would be, in terms of the States that we work in, much, much larger than you; right? The scale would be entirely different?

DR. CRAM: Larger in terms of the number of institutions that would be of interest to this Committee. I mean I think there are between four and 500 members of the Higher Education Commission. There are almost 3,000 members of the Secondary and Elementary Commission, but among those 3,000 members, we're talking here about 15 or 20 members who use our accreditation process for the purposes of Title IV eligibility. So they are much larger in terms of your concern than certainly we would be with the numbers of schools we're talking about.

MR. WU: Thank you. That's very helpful. I just was confused because I was thinking that the other Middle States, I would imagine, has done more to comply with the different rules that we have, but it makes sense if they have four or 500 schools, and you have 15. So now it's clear to me.

Thank you.

DR. CRAM: Okay.

CHAIRPERSON STUDLEY: Art.

DR. KEISER: I'm even more confused now.

The corporate chart of staff and structure you sent to us, and I quote the title, "Middle States Association, Commissions on Elementary and Secondary Schools," and it appears you share significant number of staff with the Elementary School. It's not separate.

DR. CRAM: The only staff that's actually shared I guess would be my position as President. There are two separate commissions. Some of the day-to-day operational things, like volunteer services and the business, again, operation, because we're all located in one office now, there is some crossover responsibilities, but there are two separate commissions. There are two commission chairs. There are separate budgets for each of the two commissions.

You're looking at the one for CSS. There's another one of approximately a million

dollars that operates for CES, and I serve as the Executive Director for both organizations for the last 18 months because the Executive Director or President for the Elementary Commission opted to retire about 18 months ago, and the commissions asked if I would step in as the president of both commissions for an interim period here to see how it works, and that determination will be made in about another six months as to whether or not it's something that I will continue to do or whether they'll go back to having separate a chief executive.

DR. KEISER: But like the Manager of Membership and Information works both for the Elementary and the Secondary Commission?

DR. CRAM: In some ways, yeah. I mean-- but they're paid separately out of separate budgets and--but you have to understand that between the two commissions, we have about a thousand members whose reports have to go to both commissions because they're looking for a K through 12 accreditation, which means that they have to be

separately approved by the Commission on Secondary Education, and the Commission on Elementary Education.

So the alignment of those processes and the processing of those reports to facilitate that, yeah, there's some crossover, particularly in the area of accreditation management, but there are two separate team builders and volunteer coordinators. There are two data management and finance people handling who's paying their dues, who has outstanding reports, those kinds of things. So there is some consolidation because it makes sense economically and in terms of process.

DR. KEISER: So from a staff perspective, for the function that we're here today to evaluate, I was a little confused because in the staff report, it said there were two people assigned, and then I just read your report that you just sent us. I went further down, and it said there are two people's time, but it's only 20 percent of their time.

So how much of this corporate chart where

you have all these associate directors and different people, who is assigned to be working with this, the Commission that we recognize?

DR. CRAM: The two people that we keep referencing in the materials that we sent to you are our CSS staff who spend a portion of their time working with the approximately 15 to 20 schools that go through the accreditation process for the purposes of then applying for Title IV eligibility.

DR. KEISER: So then I get the two staff, and that's 20 percent of their time?

DR. CRAM: Our best estimate, yeah, although--

DR. KASTLE: Dr. Pruitt is sitting back there.

DR. KEISER: Are there any other people who work this? That could explain a lot to me to understand why we're where we are.

DR. CRAM: Well, that's a fairly, yeah, I mean that's accurate that they're there. That's the dedication of staff to the application although if you ask Dr. Kastle, he'll probably tell you in

preparation of the application, that he was doing that to the exclusion of other responsibilities in order to get that particular task accomplished.

DR. KASTLE: And obviously didn't do a good enough job at it. But there are two what we would call the professional staff who have the primary responsibility, myself and Dr. Pruitt. And we have at our disposal this staff that works for both commissions so that we can realize savings in terms of economy of scale and that sort of thing.

DR. KEISER: Who would go out on a visit?

DR. KASTLE: It would be one of the members, either Dr. Pruitt or myself. And we tend to maybe average one, one, at the most two, visits per semester. Does that give you some sense of the scope of it?

We have by a longstanding memorandum of understanding with our Higher Education Commission that they are accrediting all institutions that offer the associate degree or higher, and even though it causes some confusion because we're a Secondary Commission, we have been given the non-

degree granting postsecondary career and technical institutions. So our numbers are much smaller in that regard.

CHAIRPERSON STUDLEY: Frank has a question.

MR. WU: This is just a comment. It's up to you how you structure yourselves as a corporate entity, but I would observe that if you have another body that is accrediting four or 500 institutions of higher ed that is affiliated with you in a sister nonprofit in some way, and they have some expertise and have been through this and appear to be, let us say, in greater compliance, that given the scale of your operation with about 15 entities that you need to look at that fall within our scope, that perhaps there is some technical assistance or some synergy or some benefit to what your sister Middle States is doing that you could borrow from. Just a thought.

DR. CRAM: Thank you. That's a good suggestion.

CHAIRPERSON STUDLEY: Are there any other

questions from Committee members? I have a question, but before I ask it, it's slightly a change of gears. For those of you who are watching the clock, I just want to indicate that these are estimated times for when we think we will get to various agencies. I will shrink the break time if necessary in order to stay reasonably on track this morning, but we do need to allocate our time when we see an area of interest.

My question is going to be somewhat familiar, and by the end of this meeting should be very familiar. It's going back to student learning outcomes, and we've asked some very particular questions, but going back to student learning outcomes, you have chosen that part of your strategy for determining whether institutions qualify for your approval some very specific measures along the graduation, placement and licensure pass rates.

And I wonder whether you do anything to step back and look at the universe of institutions that you approve and use the data that you get

across the board to identify something about the quality of the set of institutions that you are approving with regard to student learning outcomes or their change over time or how it relates back to the standards that you set for the future?

DR. KASTLE: I'm not sure I understand the question. Let me give you a shot at that. When we first came back to regain our recognition that we had voluntarily withdrawn back in '99, the staff member who was working with us at that time was Bill James. One of the first things out of his mouth was you have to have standards of performance for completion--job placement, licensure, and student loan default rate.

It was a given. No questions asked. We said are there national? No, you set them as an agency. So we do that. We've kind of mirrored the Perkins' requirements, the Perkins funding requirements, in terms of our standards, what we insist, and with regard to--I'm not sure if I get your question as to which direction you're asking, whether we reflect to the larger institutions that

we accredit, which are primarily secondary schools, for which we have things like graduation rates, SAT scores and things of this sort--I'm not sure I understand.

CHAIRPERSON STUDLEY: Well, let me ask it a different way. How do you decide whether 70 is still the right level for each of these? How are you evaluating whether your universe is moving up or down, whether they seem to be getting stronger? Does 70 seem to be still a good way of judging whether the institutions meet the floor that you are certifying is high enough quality to be able to participate in Title IV?

DR. KASTLE: As I indicated, it pretty much mirrors what they have to meet for Perkins' funding as well. So, yeah, we're satisfied. We collect data on all those decision points, data points, annually from them. We average them over time because we know year-to-year changes are not always fair to an institution to react to that.

So we're pretty firm. We have also just went through a standards review process, which we

put out to all of our institutions and which once again those 70 percent marks were indicated, and we got absolutely no comments back to them saying these were impossible.

When it comes to the strictly postsecondary career and technical institutions, the ones that are proprietary, particularly, they'll kind of moan to us that this is very difficult for them to meet these standards. And my response to them is if you want to establish eligibility to take my tax dollars to pay for your students, then you will meet those standards. It's not an option. If you're not interested or if you don't think you can do that, don't ask for accreditation for Title IV purposes.

So I think they work really well for us, and, Tom, am I right?

DR. BISTOCCHI: Yeah. In current technical education, we've lived most of our adult lives with the idea that there had to be a certain percentage of our graduates who successfully completed a nationally-recognized examination that

had licensure requirements attached to it.

So for those of us who have been doing this for years and years, this is not an issue nor is it a problem. That's why when we get a survey that says can you live with 70 percent, yes, we can live with 70 percent because that's what Perkins tells us we're to live by, and we continue to live that way and teach curriculum so that we know that when 20 graduates of a heating, ventilating and air-conditioning sit for an ARI, which is the industry standard examination, that 70 percent of those graduates are going to pass that exam.

CHAIRPERSON STUDLEY: Are there any other questions from the Committee for the agency representatives?

DR. CRAM: Madam Chairman, I would just like to make--

DR. FRENCH: Just very quickly.

CHAIRPERSON STUDLEY: Okay, George. Sure.

DR. FRENCH: A simple question to make sure I understand. We agreed to have the three entities in one building, and purchase the

building, and the Secondary wound up paying a disproportionate share of those expenses. Now it appears that the building will go for sale; is that correct?

DR. CRAM: No, the Association made the purchase of the space, and I guess for the intention of having the Commission move in there. There are actually two condominiums there. One is to be sold, and that's what we're talking about. The space that the three commissions currently occupy right now, there is no intention to sell that. The intention is for us to be able to stay there for the foreseeable future, but the difference is going to be that the commissions will be entering into basically a lease relationship with either the Association or with the Higher Education Commission, whoever--

DR. FRENCH: That would impact you positively then?

DR. CRAM: It will impact us positively. I mean we're looking at a decrease in our operating costs of somewhere in the neighborhood of \$125,000,

at least for the Secondary Commission, and there's additional savings for the Elementary Commission. So, yeah, the arrangement that we're talking about right now will have a positive impact on our budget going forward in terms of our obligations for that part of our business side.

DR. FRENCH: Thank you.

CHAIRPERSON STUDLEY: If there are no further questions of the representatives right now, I'll ask if you want to say anything to close, and then we'll see if we have questions for Mr. Mula from the staff.

DR. CRAM: I just wanted to comment because it has come up several times, you know, what would we do if it were one of our schools that were in the situation that the Commission or the Committee sees us in with regards to the application?

And what I'd like to say about that is that one of the things that we do as an accrediting agency is we hope that the process that our schools go through, our member schools go through, is going

to put them on a path to continuous improvement and make them better at what they do.

We expect, as I hope you expect, that when we find that a school is in noncompliance with one of our regulations or one of the requirements or protocols, that we call that to their attention. We give them some general direction as to how, what they need to do in order to satisfy those requirements, and our expectation is that they're going to take that the way it's meant, and that is that it's going to be a constructive criticism from which the organization is going to grow.

We've always taken this application process the same way, and although there are some timing issues here in terms of a delay of being able to make a response, I want to again reiterate what I said in my opening comments, that it is not our intention not to do these things, but that provided sufficient time, what we consider to be perhaps sufficient time, especially as it relates to the documentation of some of these things, because some of the noncompliant issues are not

that the policies are not in place, but that we didn't demonstrate that they were actually being implemented or in some cases they may not have yet been implemented because they are relatively new to our operations, but that given the time to make those corrections, we, as I said, our commitment would be to come back here in the not-to-distant future at a time determined by the Committee to respond to all of those in a positive way with the hope that we will grow as an organization, that we will be much better at what we do as a result of having gone through the recognition process.

CHAIRPERSON STUDLEY: Anyone else? With that, I thank you very much, and does anyone on the Committee have questions for Chuck or for Kay? Kay.

MS. GILCHER: I just wanted to make a correction of fact. People have been talking about 47 findings--57 findings. There were 47 findings. I also want to caution you that the number of findings is not necessarily an indication of differential level of quality.

DR. KEISER: However, if you look at the initial, from the initial set of findings, I'm just trying to calculate. They only met 26 of our standards, and in the initial, not after they went through and had a chance to respond. So the vast majority of our standards were not met in the initial review, and there's not a timing issue for that because they've had since 2006 to meet our standards.

So it is pretty significant that the number of--and many of them are checklist items. These are not complicated things that provide a concern, I would assume. Have you seen one that has missed as many as this? I haven't since I've been on the Committee.

MS. GILCHER: Last time through you did have an agency that we had recommended denial on, yes.

CHAIRPERSON STUDLEY: Thank you very much, gentlemen. We appreciate your responding to our questions and your sincerity about this process. I've been advised that one of the Committee members

does have a question for Chuck.

So would you come forward again, Chuck?
Thank you very much. And I believe there is also a question for Kay or Kay and Sally. Susan.

DR. PHILLIPS: Chuck, I wanted to follow up on the statement that you were making before we heard from the agency about looking to understand their explanation of the financial situation and wanted to see what, now that you've heard that, what your assessment is?

MR. MULA: Actually, at the agency visit, the four of us spoke in great detail for a lengthy amount of time on the financial statements that were provided.

If you review them, as I did, before I went and I also spoke to Kay about this, the audit statement at the end and individual line items of the agency's budget and expenditures show an agency that is in financial capacity as far as our requirements.

What I didn't, what we couldn't understand is how the joint information affected--especially

that debt that we saw as a debt to the Higher Education Commission--affected everything else because it made it look like if you take the picture of the agency and put it by itself, it's fine. But if you put all that other stuff in there, and I think the Department as a whole, especially myself, have had issues with combined financial statements and budgets.

We can't require them to submit independent, I mean a budget and a financial statement onto itself, if it's been the process for the organization to have a combined. They are much more difficult to read, and I'm sorry we don't have a CPA on staff. Maybe we can get a spot, maybe Kay can arrange that, but it was very difficult.

And I had, I understood when they were explaining it to me, but I could not bring it back and explain to my leadership because I didn't know how to explain; I didn't know how to read that without taking the agency out of all of that and having it separate. So I still, we believed after discussion that we needed the Committee--that they

might have the same problems as we did so that the Committee needed to hear a clearer explanation on that financial situation.

CHAIRPERSON STUDLEY: Arthur. Did you have a follow-up?

DR. PHILLIPS: Go ahead.

MR. ROTHKOPF: This is a question for Kay and Sally. I have to say that I, just speaking for myself, am not at all disposed to support the staff recommendation of a one-year renew recognition, give them a year to come into compliance. I guess my question is what are the options we have? We obviously can deny, as one option, and I'd just be interested in what other options might be possible? I'm not sure whether they're the right ones or not, but I guess I think I'd like to hear what they are.

MS. WANNER: Well, you can certainly be as creative as you like. You don't have any limitations in the law. In addition to denial, one thing that has been used in the past is the limitation where the agency would not be recognized for any new institutions that they recognize during

the pendency of the limitation.

Sometimes that goes also to any changes that the institutions that they have or that they accredit now might make like if an institution wanted to add a new program, even if the limited agency approved that program, that program would not be eligible for Title IV.

CHAIRPERSON STUDLEY: Any other questions or comments?

DR. FRENCH: Madam Chair.

CHAIRPERSON STUDLEY: George.

DR. FRENCH: Could you substantiate--I heard in the deliberation that Middle States did not respond to three-quarters of the questions, the material that was to be provided; is that correct?

MR. MULA: Yes, it is, and basically the information that they did not respond to was just documentation of application. Their policies, according to our criteria requirements, were in compliance. The processes were all there like they should be, but we could not verify that they applied those processes.

Now, that's about 26, if I can remember. Kay, we talked about that--that number--if you've changed it--26 items that all they really needed to do was send documentation that verified their application of the processes which were compliant.

DR. FRENCH: Madam Chair, that was my question, following up with Arthur's, is what are the other options? If we're looking at a situation with three-quarters of the information has not been responded to, do we have an option where they have time to respond so we can appropriately review and make some decisions?

CHAIRPERSON STUDLEY: Well, I think what you heard, but let's check again, is that we have the, what we call our standard procedure, where the agency gets 12 months to come into compliance. There's the specific limitation to do that, but to allow accreditation of no new institutions during that time so that they can't expand either their workload or the scope of their approval.

We have talked on occasion about whether an agency can be given a shorter time period, and

gotten answers about whether internally we could handle that, but I think we can at least consider whether to give them a shorter stretch to demonstrate some or all of the compliance if we think that's essential to our decision-making.

Arthur may have other ideas.

DR. KEISER: I hope you finished that line of thought. Chuck, I could not pull up the historical data on this, but I do remember that there was a discussion before the change--I guess that's the best way to put it--where they did, and I think he mentioned it in his presentation, that they were considering dropping the recognition.

Can you elaborate on what that? I think it was 2008, 2009, somewhere in that we had--

DR. FRENCH: 1999, if I recall.

DR. KEISER: They had a kind of--

DR. FRENCH: 1999.

MR. MULA: In 1999, they withdrew their--

DR. KEISER: 2000. I was on the Commission, the last--

MR. MULA: In 2006, when you were there,

they came back in. We brought them back in, and they were in compliance with the--because, matter of fact, Carol said how would you like to do something since you haven't got anything to do and take on Middle States and bring them back into compliance? So they were actually out of compliance, and they wanted, contacted the agency, contacted Carol at the time, and we decided to take them on again and made them submit another application.

DR. KEISER: Can a agency with only two 20-percent time staff run an accrediting commission in the environment that we are in today?

MR. MULA: With the amount of Title IV institutions they have now, they can do it. I don't know if they could do it if they had more institutions.

CHAIRPERSON STUDLEY: Frank.

MR. WU: I wanted to say something favorable, which is that I think we've sent a pretty clear signal here, and this is an agency that has previously gone out of this line of work

so they understand what this is about, and it seems to me we don't have to be any harder on them. They will do some soul searching and figure out if this is what they want to do because it isn't their core business, and they know that, and we know that.

It's something that they do that's sort of an adjunct to it, and so being any harder on them it seems to me won't accomplish anything, and we as an agency aren't able to move things any faster anyway. So the 12 months seems to me to be fine, maybe with some additional language tweaking that conveys in a more formal way the seriousness of this process, and if this agency wants to stay in this line of work, they need to be responsive.

CHAIRPERSON STUDLEY: Brit and then Art.

DR. KIRWAN: One thing I'm curious about is they left the accreditation process in 1999. So what are the consequences of that? Why did it matter whether they were accredited or not? So that's one question.

The second is if the vote is not to endorse the recommendation of the staff, basically

to deny their approval, I don't recall their appeal rights. Do they have any? What happens from that point?

CHAIRPERSON STUDLEY: Sally, could you tell us the second one, and then we'll go back to your first question?

MS. WANNER: Certainly. The first thing they can do is to make comments on your recommendation to the senior Department official, who is the first decision-maker, and the staff can respond to those comments or not as they choose. Those are due in a pretty quick timeframe. I think ten days after the meeting, and then if they were to file comments, the staff would have ten more days to respond.

The senior Department official has to make his decision within 90 days. At that point, if the agency is dissatisfied with the senior Department official's decision, that agency can within 30 days file again a written appeal to the Secretary. The staff can challenge it if it wishes, and the Secretary would make the final decision.

CHAIRPERSON STUDLEY: And your first question was the consequences if they were not in this field?

MR. MULA: 1999 when they did pull out of the Secretary's recognition process, it really is that time that initiated the State of Pennsylvania. The State of Pennsylvania's schools did not have any postsecondary or certificate program accreditors.

So they actually built their own, came to the Secretary and requested recognition. The biggest problem that Pennsylvania had at the time, and I am also the rep for the Pennsylvania State agency, is that even though Pennsylvania was providing accreditation to its postsecondary program, its technical career secondary programs, it was not a regional accreditor, and their big issue was the students were complaining that they could not transfer their work or their certificates or get jobs out of State or out of the region because there was no regional accreditor. So that decided to--Middle States decided to come back into

the picture.

DR. KIRWAN: But it was entirely due to this situation in Pennsylvania?

MR. MULA: That's correct.

CHAIRPERSON STUDLEY: Carol would like to speak to this issue.

MS. GRIFFITHS: Yes, I would like to add some clarity. I was there in 1999. I was the analyst for Middle States in 1999. When the agency did finally choose to drop out of the recognition program, there was another accreditor, a national vocational accreditor, who did come in and pick up because Pennsylvania had not yet come in and sought recognition at that time. So another national accreditor did come in and pick up the schools across the Middle States area.

Subsequently, some of them, I understand, went with the State of Pennsylvania after it chose to come in for recognition.

CHAIRPERSON STUDLEY: So this, what I'm realizing now, it has some relation to the different treatments that are accorded to regional

and other accreditors for some purposes like transfer that while accreditation is available from other entities, it carries different consequences and provisions.

Middle States being a regional accreditor--some people confuse Middle States being a regional accreditor and the other vocational and technical accreditors being either national or Pennsylvania State.

Are there other questions?

DR. KEISER: Are you ready for a motion?

CHAIRPERSON STUDLEY: Brit?

DR. KIRWAN: Right. I'm sorry to--

CHAIRPERSON STUDLEY: No, Brit, Cam, and then we'll entertain a motion.

DR. KIRWAN: Okay. So I just want to be sure that if they are not accredited or continue, voted to continue their authority, what is the consequences, what would be the consequences for the students in the K through 12 sectors in those schools or the training programs in those regions?

CHAIRPERSON STUDLEY: I'm looking to the

staff. Kay, Chuck or Sally can tell us what happens to the programs if their accreditor departs the field?

DR. KIRWAN: Right.

CHAIRPERSON STUDLEY: Kay, do you want to summarize that?

MS. GILCHER: When a final determination is made, which would be, if they choose to appeal, that would be at the end of the appeal process; if they chose not to appeal, it would be at the Assistant Secretary's decision. At that point, the Secretary has the discretion to extend for 18 months the Title IV eligibility of those schools until, give them time to find a new accreditor and get new accreditation.

DR. KIRWAN: They wouldn't be left sort of without a recourse? The schools would not, the programs would not be?

MS. GILCHER: True.

MS. WANNER: Although we have had situations like that before with certain schools that have had difficulty finding, completing a new

accreditation process in 18 months.

CHAIRPERSON STUDLEY: Cam.

MR. STAPLES: Thank you. I just wanted to mention one item about our authority as well.

We're about to start receiving an awful lot of the petitions back, our compliance reports, I guess, is what we're calling the 12 months reports; right?

We've been doing this now for a year or so, a year-and-a-half. So I'm imagining, and correct me if I'm wrong, starting in December, we'll have a very lengthy, potentially a lengthy consent agenda with all the agencies that we've given 12 months to, who are now coming back.

And I think we adopted the practice that we would generally defer to the staff if they were found in compliance and be put on a consent agenda, and I guess what I'm just saying, what we could do for agencies that we have particular concern about, is say that at the end of the 12 months, when they come back, that those reports are assigned again for a NACIQI read like other agencies and that we don't just defer it solely for a staff review, and

this might be a situation where we say rather than just being put on a consent list, have that assigned out to be read by a couple people on the NACIQI when they come back.

So I just, I put that out there more as a thought. I think the 12-month extension makes sense in this case. I agree with Frank and others about that, and I guess at some point, that could be a decision made by you, Jamiene, or others, as to whether that's assigned back out for a read before the next meeting.

CHAIRPERSON STUDLEY: Are folks ready to make a motion to put on the floor at this time?

DR. KEISER: I am.

DR. KIRWAN: Yes.

CHAIRPERSON STUDLEY: Brit.

DR. KIRWAN: I want to, is it possible, if there is a motion to approve the staff recommendation, is it possible then to amend to include the restriction that they could not add additional?

CHAIRPERSON STUDLEY: I'm happy to treat

that as a motion.

DR. KIRWAN: Yeah.

CHAIRPERSON STUDLEY: We are not bound by the standard language, as Sally said earlier. We have the authority to revise that. So would you like that to be a motion to--

DR. KIRWAN: Well, I don't know the formal language, but--

CHAIRPERSON STUDLEY: We can put that on there. Okay. Art. Okay.

DR. KEISER: I'd like to move that the NACIQI recommend that the Middle States Commission on Secondary Schools recognition be continued to permit the agency an opportunity within a 12-month period to bring itself into compliance with the criteria cited in the staff report; 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. I would also add that they bring this report back to the

Committee.

Secondly, I further move that, based on the concern for the NACIQI, recommend a limitation on the agency not to grant accreditation to any new institution and/or program. Such continuation limitation shall be effective until the Department reaches a final decision.

CHAIRPERSON STUDLEY: Do I hear a second?

DR. WILLIAMS: I'd like to second that.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Thank you.

Discussion of the motion?

Arthur?

MR. ROTHKOPF: Yeah. I appreciate Art's motion and the care with which this has been done. I have to say I conclude after what I've heard, what I've read, comments of the representatives of the agency, that I just think this has not been taken as seriously as it should. There was lots of opportunity for this group to come in compliance. They could have gone next door to their colleagues and gotten some help.

I think this is a minor piece of their puzzle, and I don't think it's a group that should be in the business of accrediting, and I know they're not going to be able to do it for 12 months, but I would vote against Art's motion and support a motion to deny recognition.

CHAIRPERSON STUDLEY: Other comments on the motion?

DR. FRENCH: Madam Chair, I did--

CHAIRPERSON STUDLEY: Just a minute. You have a moment to think because we're trying to get it up on the screen accurately.

DR. FRENCH: Okay.

[Pause.]

CHAIRPERSON STUDLEY: George, did you want to speak to the motion?

DR. FRENCH: I just wanted to make sure--I think I heard--I think I heard Art say that it would come back before NACIQI; it wouldn't be on the consent agenda as part of that motion; correct?

CHAIRPERSON STUDLEY: Yeah.

DR. FRENCH: Okay. Great. For a read.

CHAIRPERSON STUDLEY: I do think the language--does anybody share my concern that that language "a concern for the NACIQI," concern from, among, by, or concerns raised by NACIQI?

[Pause.]

CHAIRPERSON STUDLEY: Okay. The staff's intent was to allow us to fill in what the concern was. So I think we can find better language right now and then change it in the template going forward. I'm just afraid that that--even based on "concerns raised by NACIQI."

Sally.

MS. WANNER: I would recommend that you revise it slightly because it's somewhat misleading, and this has run into problems before. You're not going to be really limiting their ability to grant accreditation; you're going to be limiting their recognition of any accreditation they grant.

So recommend a limitation on the agency's recognition to not include accreditation or something along those lines.

CHAIRPERSON STUDLEY: Maybe Sally could work with the person entering it to change that language while we see if there are any comments on the substance, which I think people get the idea of what the motion is attempting to do.

Sorry about the template not being as neat as you had hoped, Art. Thank you.

Susan.

DR. PHILLIPS: I think, Art, you had one other segment in your motion about that it would come back to before NACIQI.

DR. KEISER: Right.

DR. PHILLIPS: I don't see that in this.

DR. KEISER: Yeah. That was in my motion, that it does not go to, that it comes before the Commission for further review--the Committee for further review.

MR. WU: May I offer a friendly change to the wording? Even things on the Consent Calendar are coming back to us so I think what you want to say is that it come back to the full Commission, not on the Consent Calendar.

DR. KEISER: I accept that. Do you accept that?

[Pause.]

CHAIRPERSON STUDLEY: Carol is commenting that the decision about whether to put something on the Consent Calendar or not is something that she and I have done, as I think Frank indicated earlier. I have no problem with it being in the motion, but we have two screens. You indicate that the Commission would like to see it on the merits when it comes back, but just so that you understand, with respect to other items going forward, the Consent Calendar is determined by us subject to the decision of any member of the Commission to remove it from the Consent Calendar as late as the point that it arises in the meeting itself.

MR. WU: So you're saying it's not necessary to add, and the Commission presumably is aware of what will happen in a year?

CHAIRPERSON STUDLEY: Right. It's not necessary to add. It is certainly fine to indicate

the Commission's expression that it would like to see it on the merits.

Susan, are you tracking the entry of content? I think we'll get there before we vote. George.

DR. FRENCH: So this motion, if I read it correctly, says that they will be back a year from now during our meeting. It will not be on the consent agenda. 30 days after that meeting, they will submit a report indicating compliance; is that correct?

CHAIRPERSON STUDLEY: Would you like to explain the timing because do agencies actually have a year to do it, and then 30 days, and then they come back, so it's effectively 18 months before we see them?

MR. MULA: It is 18 months, Madam Chair.

CHAIRPERSON STUDLEY: Yeah. I think George is correctly describing the time table that's generated by the standard process where we don't have this level of concern. So we can revise that.

DR. KEISER: It was the intent of the motion that they would bring it back to us within 12 months, that at the June meeting of next year, we would see them.

MS. GILCHER: Just the timing on that is a bit difficult because they have to submit six months in advance of that so, effectively, you're giving them only six months to come into compliance.

CHAIRPERSON STUDLEY: And I think that may be a decision that the Committee wants to make, that we may want to make it a high enough priority both for them and for our time. I realize we may have to--that that might affect our time as well. Do you want--are you saying that you would like to change the motion to accomplish that so that they return here in a year?

DR. KEISER: Well, unfortunately, that's how I read the motion. That's what I meant, that within 12 months, we'll see that they are in compliance.

CHAIRPERSON STUDLEY: Right.

DR. KEISER: Because that's at least the way I read it.

CHAIRPERSON STUDLEY: I think the language of the motion doesn't capture what you and I think others want to achieve. The standard process is a year to compliance, 30 days thereafter to document it to us, and others are agreeing.

I think we want to design something that will be shorter than that so let me say this. If we can do it, the task of drafting and also of asking the staff to tell us what other break points are possible is a little challenging to do in a group. So let me just do a process check to Carol and Kay. Could we move along to the next agency, pause here and come back with a motion after lunch that's a clean draft of what we want to do or we need to--Sally?

And I would ask the agency if they're able to stay with us.

MS. WANNER: Yeah, I--

CHAIRPERSON STUDLEY: I don't want to do anything that folks can't see, but I just don't

want to take people's time either to--

MS. WANNER: Yeah. I have some concerns with that.

CHAIRPERSON STUDLEY: Okay.

MS. WANNER: Having things happen when the meeting isn't in session.

CHAIRPERSON STUDLEY: Okay. Then I'm going to--Chuck?

MR. MULA: I just want to remind the Committee that several of the issues that we found them out of compliance with are policy, some major policy issues, that I don't believe they're going to be able to actually accomplish because of the scheduled Commission meetings. Six months is not going to be enough time for them unless the Committee wants to amend the policy to say those that were not able to be implemented within the six-month period of time because they are not going to be in compliance with everything in six months.

CHAIRPERSON STUDLEY: Arthur.

DR. KEISER: Well, those might be the scheduled meetings, but this is an extraordinary

situation that I think the Commission has to take very seriously, and I certainly know that when I served as a commission chair, we had interim meetings if it were necessary. So I just think they're so far out of compliance that even if they came back and they were missing one or two, I would feel more comfortable.

But to miss a majority of the standards is extraordinary. And this is an extraordinary situation, and I don't think it's unfair.

MR. MULA: I just wanted to make sure that you understood.

CHAIRPERSON STUDLEY: Those of you who know this timing better, and I'm thinking Chuck, Art and Kay are in a particularly good position, is there any part longer than six months but shorter than a year that would allow our staff to do what it needs to and give them extra time, like eight months? But otherwise, Art, you can think about whether you want to revise your motion?

MR. WU: May I ask a question? The six months, filing six months in advance, is that in a

statute, a regulation, or is that just practice? Can we change that six months? That's where the flex is.

MS. GILCHER: There are regulatory timelines that don't speak specifically to the six-month period of time, but there is a 30-day period of time, a 15-day period of time, and when we add all that up, in order for us to be able to do a thorough analysis, we really need the six months.

CHAIRPERSON STUDLEY: You need six months, but could we change the 12 months that they have to six months? I think that was Art's question.

MR. WU: Right. But the staff is saying it would be unrealistic; the agency couldn't do that. But Art wants to do that.

CHAIRPERSON STUDLEY: Right.

MR. WU: May I ask one other procedural question, which is how close have we been, us as a body, to meeting every six months? Because it seems that there is some flex there, too, because we scheduled the December meeting, but we haven't scheduled anything after that; right?

MS. GRIFFITHS: That's correct. The requirement and expectation is that this Committee meets two times per year at a minimum. Of course, we have to consider budgetary issues, et cetera, and people's schedules, but keeping that in mind.

CHAIRPERSON STUDLEY: So we have a motion made and seconded on the table, to allow the agency 12 months to come into compliance and then 30 days to report, and a limitation such that they may not recognize new institutions during that time period, and--I guess we didn't put in because we've--either we can add if it were considered a friendly amendment that NACIQI wants to address that report in the meeting and not on the Consent Calendar, or you can leave it to the practice and the transcript of this discussion that it will not be on the Consent Calendar.

Is that the motion that you would like to leave on the floor--the 12 months and--so we will probably see them in 18 months, not 12, here at NACIQI.

DR. FRENCH: We're saying we could call

another meeting; right? We have the authority to call another meeting before that six-month period; is that correct?

CHAIRPERSON STUDLEY: I'm not sure what six months you're talking about.

DR. FRENCH: If we go to the one year from now and then give them 30 days, effectively they won't be back before us for 18 months--

CHAIRPERSON STUDLEY: Right.

DR. FRENCH: --which I think we all agree is too long. So we could go with the one--see them in one year. They can have the report 30 days from there, and we could be meeting at that time at a special called meeting because that would make it 13 months versus 18. If we go with this, it's 18 months.

CHAIRPERSON STUDLEY: Plus any--right. Plus any staff time that it takes to process and report back to them. So I think there is some give and take.

DR. KEISER: How about a compromise?

CHAIRPERSON STUDLEY: Just a minute. Cam

and then Art.

MR. STAPLES: Well, I was just going to express some concern with treating this agency different than we've done so many where we give them 12 months, at least without asking the agency if they can. I mean to Chuck's concern, I would hate to set a trap where they can't do it in six months and we're giving them only six months.

This is what we've done for everybody else, and I think I would just say I think it makes sense to give them the 12 months. If we do it shorter, I would like to hear if it's possible for them to comply with that before we take that action.

CHAIRPERSON STUDLEY: Yes, fair point.
Art.

DR. KEISER: How about a compromise--if we ask the staff to come back and give us an oral report rather than recognition requirement that they are coming substantially into compliance in the 12 months? Because that's what my--my concern is that it just appears to me that the agency is

understaffed. They haven't been doing things that they need to be doing. They certainly haven't kept up with the regulations, which is to me just horrific that they wouldn't do that, and, you know, I think 18 months is too long to let them be out there if they're not coming into substantial compliance.

So either we go with the report, or I will remove and then ask for denial. But I think 18 months is just too long for this agency.

CHAIRPERSON STUDLEY: Let me just ask Kay, is that something that staff can do, give us a status report at our meeting a year from now? Is that?

MS. GILCHER: I think that would require a close consultation between the analysts and the agency over that period of time. I know that Chuck has been in that kind of relationship so I think that that could be done. Now, I don't think he can make any determination at that meeting that there is a compliance or a noncompliance. It would be only a kind of report on progress made and things

look promising or they don't look promising.

CHAIRPERSON STUDLEY: Is that what you were suggesting?

DR. KEISER: Correct. I mean it just, again, to have the excuse that they didn't have time when they've had almost six years, it's just, I just don't accept that. I want to make sure that the agency is allocating the resources that are necessary to do what they have to do. It doesn't look like that's what they've been doing.

CHAIRPERSON STUDLEY: Bill.

DR. PEPICELLO: Yes. I want to support what Art is saying, and in response to Cam's comment, I'm concerned that we not have, that we not treat the agency exactly like we do everyone else. This is a bit more egregious than some of the things we've seen, and to put it into the bucket of standard way we have dealt with things, I think would send the wrong message.

CHAIRPERSON STUDLEY: Earl.

DR. LEWIS: Just following the logic of what we just proposed, even if Chuck or someone

were to report back in a year's time, unless I misunderstand, we still wouldn't be able to act as a body until some period in that 18-month window, and so no matter, I mean we'll get a status report, but a status report in itself won't be governing. And so we'll still be essentially giving a year plus six months before we act unless we call an additional meeting. I mean at least that's the logic of what I think I just heard.

CHAIRPERSON STUDLEY: Do you want to propose something else than that?

DR. LEWIS: No, I'm just observing that as long as we have this proposal, no matter what, we're still dealing with an 18-month window.

CHAIRPERSON STUDLEY: Okay.

DR. LEWIS: Period. I mean--

CHAIRPERSON STUDLEY: That is correct. We have a motion on the floor that's been made and seconded. I think we've had all the discussion that people want to have about the different perspectives. If I remember Robert's Rules of Order, this is where you have an opportunity to

make a substitute motion if anyone wants to do that. Then I'd have to figure out what you do with it. Then you vote on the substitute motion right away, I believe.

Otherwise, I will call the question on the motion that's on the floor. You, as a compromise, you may have been suggesting that we put something in here. One other quick thought is that you could make that status report in six months to us instead of in a year to increase the sense of urgency.

DR. KEISER: I don't think it needs to be in the motion because--

CHAIRPERSON STUDLEY: Okay.

DR. KEISER: --it's just a matter of asking the staff to stay close with this and give us a status report six and 12 months.

CHAIRPERSON STUDLEY: Okay. Are you ready to call the question? Susan?

DR. PHILLIPS: Just a question about whether the status report that you're asking about is currently represented in the motion or is that sort of just understood?

DR. KEISER: I think it would be understood--the intent of the motion.

CHAIRPERSON STUDLEY: I think it's a suggestion to the chair and the staff that it is your sense that you would like us to request such a thing.

Are you ready to vote on the motion? All in favor, please say aye, and would you--all in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

MR. ROTHKOPF: No.

DR. PEPICELLO: No.

CHAIRPERSON STUDLEY: Okay. I was going to see if there was any disagreement. Could you raise your hands in the affirmative first so that we can just be sure we have everyone?

[Show of hands.]

CHAIRPERSON STUDLEY: Thank you.

Opposed?

[Show of hands.]

CHAIRPERSON STUDLEY: Thank you. Looks

like everybody voted. Abstentions? I think we're not allowed to. Thank you very much.

NACIQI Motion:

I move that the MSCSS's recognition be continued to permit the agency an opportunity to with 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.

Further move that based upon the concerns raised by the NACIQI a limitation be imposed on the agency to not recognize new accreditation granted to any institution and/or program. Such continuation and limitation shall be effective until the Department reaches a final decision.

- - -

ACCREDITATION COMMISSION FOR MIDWIFERYEDUCATION [ACME]

CHAIRPERSON STUDLEY: At this time, it's a tough call, but I think if the midwives organization is willing to go forward, I think it would be more helpful for us to do that one now and then take our lunch break. And we will not have a break otherwise at this point. Is that acceptable to the Commission?

Okay. The staff person is Rachael Shultz, and I would ask the primary reader, Earl Lewis--

DR. KIRWAN: No.

CHAIRPERSON STUDLEY: No, we had a change here.

DR. LEWIS: We've changed. I'm out.

CHAIRPERSON STUDLEY: Right. Let me start with the recusals, which begins with Earl Lewis, and the primary reader is Dr. Kirwan.

DR. KIRWAN: Yes.

CHAIRPERSON STUDLEY: Chancellor Kirwan.

DR. KIRWAN: Right.

CHAIRPERSON STUDLEY: Thank you.

DR. KIRWAN: Should I start?

CHAIRPERSON STUDLEY: Yes, thank you.

DR. KIRWAN: So we're considering the Accreditation Commission for Midwifery Education, which is an autonomous subsidiary of the American College of Nurse Midwives.

They are currently accredited to do basically two things: one is to provide accreditation and preaccreditation of basic certificate, basic graduate nurse midwifery, direct entry midwifery, and pre-certification nurse midwifery education programs, both face-to-face and online. And these would be programs that exist at institutions as well. They also are accredited to do the same thing for freestanding institutions, and what they are requesting actually is that their accreditation scope be restricted, and that they no longer intend to accredit freestanding midwifery institutions.

So that's what their proposal is before us. Currently, they accredit 39 programs in 25 States and the District of Columbia and Puerto

Rico. They also accredit or have been accrediting one institution that is a freestanding midwifery program.

My understanding is that that program would have access to another accrediting agency, and that's a strictly online program. Being accredited means that it provides eligibility for the students in the various programs to participate in aid programs from the Health and Human Services, including advanced education nurse traineeships and National Health Service Corps scholarships.

They were, this organization was first accredited in 1982. They were last reviewed in 2006, and they were granted three years, but they had to come back within a year to address certain issues, which they did acceptably in December of 2007. And I guess from that point, they got caught in the hiatus, and so now we're getting caught up with that.

So the staff recommendation basically includes two components: the first is to continue recognition but require the agency to address and

bring into compliance ten issues and to do so over the next 12 months. The other is that we grant the request to constrict the scope of recognition and so that they will now only accredit programs at institutions that have other, that are not freestanding midwifery institutions.

So that's what we're about, and I think our staff is ready to add some detail to what's happening.

CHAIRPERSON STUDLEY: Thank you very much.

Dr. Shultz.

DR. SHULTZ: Thank you. Good morning.

I'm Rachael Shultz, and I will be presenting information regarding the petition submitted by the Accreditation Commission for Midwifery Education, or ACME.

The staff recommendation to the senior Department official is to continue the agency's current recognition and require a compliance report within 12 months on the issues identified in the staff report.

As Dr. Kirwan has already noted, the

agency is also requesting a contraction of its scope since at this time it is only accrediting programs and is no longer accrediting institutions.

The staff recommendation is based upon its review of the agency's petition and supporting documentation, as well as the observation of a site visit in Washington, D.C., in March 2012.

Our review of the agency's petition revealed issues in two areas of the criteria. In particular, in the area of organizational and administration requirements, the agency must provide additional information regarding the training and orientation of its site visitors, reviewers and commissioners, as well as documentation that its boards and appeals panels are in compliance with respect to the definition of a public member.

In the area of required standards and their application, the agency must provide additional information and documentation regarding its revised criterion on recruiting, academic calendars and catalogs. It must also provide

additional information and documentation regarding its Board of Review's consideration of student complaints, fiscal information, program performance with respect to student achievement, and review of variations in enrollment.

It must also clarify its policy regarding compliance timeframes and provide additional information and documentation regarding extensions for good cause.

Since many of the issues identified in the staff analysis only require the need for policy modifications or additional documentation, we believe that the agency can resolve the concerns we have identified and demonstrate its compliance in a written report in a year's time.

Therefore, as I stated earlier, we are recommending to the senior Department official that ACME's recognition be continued, and that the agency submit a compliance report in 12 months on the issues identified in the staff report.

There are ACME representatives here today, and we will be happy to respond to the Committee's

questions. Thank you.

CHAIRPERSON STUDLEY: Thank you very much.

Do we have any questions at this time for Ms. Shultz, Dr. Shultz? Thank you very much.

With that, we'll hear from the agency representatives. Would you please come forward? Thank you. Welcome.

DR. STONE: Good morning. My name is Susan Stone, and I am the Chair of the Board of Commissioners of the Accreditation Commission for Midwifery Education.

ACME accredits programs to prepare individuals to become certified nurse midwives and certified midwives. ACME has been continuously recognized by the Department of Education since 1982.

Today, one program has preaccreditation status from ACME, and 38 programs have accredited status, as already mentioned. Thank you.

With me today are Carol Gisselquist, the public member of the ACME Board of Commissioners, and Sally Tom, also a Commission member and

coordinator of our site visitor panel.

Ms. Gisselquist is a higher education specialist in the State Department of Education, a state Department of Education, and also is a former member of the ACME Board of Review. Dr. Tom and I are both certified nurse midwives.

I want to thank the USDE staff, particularly Dr. Rachael Shultz and Carol Griffiths, Executive Director, NACIQI, Office of Postsecondary Education, for the assistance and guidance they have provided to us as we worked our way through the Department's criteria and application processes.

We also thank Karen Duke for her submission help. Dr. Shultz and the other staff have been courteous, prompt, professional and helpful at every turn, and we very much appreciate the work they have done to assist us.

I would like to briefly address the departmental criteria which we have not yet fully met and present our plans for them in the coming year.

We have initiated the process of revising our criteria to be followed by subsequent implementation of the revised criteria with respect to benchmarks for student achievement, recruiting practices, and notification of students about access to academic calendars and catalogs.

We will be making further modification to our policies and procedures to strengthen ACME's ability to gather and assess fiscal information, records of students' complaints, and changes in enrollment of 25 percent or more; monitor benchmarks for student achievement; clarify timelines, including extension of deadlines for programs to come into compliance with the ACME criteria; provide feedback to programs about their compliance, as well as noncompliance, with ACME standards, including with respect to student achievement; and ensure that members of ACME entities are properly prepared to carry out their responsibilities with regard to distance education.

We want to assure the Department and the Committee that both our standards for public

members comply with the Department's standards, and that our current public members meet those standards.

We appreciate the opportunity to address the Committee today, and we're happy to answer any questions that you have, and if you'd like me to answer the global questions now I can or whatever you would like.

CHAIRPERSON STUDLEY: Are there any questions for the ACME team at this time? Brit.

DR. KIRWAN: Well, the one question that I have is that there are these ten issues that you're supposed to address, and whereas I don't think any one particular is necessarily overwhelming, ten is a large number for a very modest staff.

So I just would like your assessment of how difficult it's going to be for you to come into full compliance within 12 months? Do you think this is a doable task?

DR. STONE: I definitely think this is a doable task. Although we do have limited paid staff, we have a very committed volunteer staff,

and we meet regularly, monthly, and we have been able to revise our criteria to meet the new standards, the new Federal standards, in the last two years and implement those criteria and revise our policies and procedures while continuing to do the work of the accrediting agency.

I think we're well able to meet the task ahead of us.

DR. KIRWAN: One other question I had, if I may, Madam Chair, continue--

CHAIRPERSON STUDLEY: Sure.

DR. KIRWAN: --is that you're no longer going to accredit freestanding institutions. And I think there's one at the moment, and I just want to have assurance from you that that institution will have another alternative for accreditation or has already achieved?

DR. STONE: That institution is accredited by SACS.

DR. KIRWAN: I see.

DR. STONE: And they were not interested in pursuing accreditation--institutional--although

they continue with their program--

DR. KIRWAN: Oh, I see.

DR. STONE: They have program accreditation from us, but they receive institutional accreditation from SACSCOC at this point.

DR. KIRWAN: Thank you.

DR. STONE: Uh-huh.

CHAIRPERSON STUDLEY: Other Committee members? I do have one question for you, first, and that's my student achievement question. You have a specific student learning outcome measure that's quantitative in addition to a number of capacity and knowledge-driven standards.

I just wonder how you look back at that to determine whether, how to go forward, whether you're comfortable with that rate, what it's telling you about the universe of institutions that you review having used those criteria at specific places to determine whether they pass? Do you do a global look at whether you are satisfied with your student learning outcomes? How do you return to

the question of those student learning outcomes?

DR. STONE: Well, one of the things is that one of, a colleague organization is the American Midwifery Certification Board, and they publish annually how the students are doing on the boards, and so we chose the 85 percent based on a range of how students do over many years. We've been able to look at that over many years. So that is the standard that we have chosen.

If we saw that the students were all 95 percent or there was a large range of students at 95 percent, but right now I believe it's about 72 percent of the students who take the exam achieve 85 percent. So we felt that that was a good number to look at. If 85 percent, less than 85 percent pass the exam, that they would have to explain to us why that was--that range was lower.

DR. TOM: We do review every year the report from all the programs. If they have a failure rate of greater than 85 percent, then they have to tell us what they think was going on, and they tell us what their plans are to remedy that,

and in many cases, our programs are quite small.

So if only one student doesn't pass on the first take, their failure rate is greater than 85 percent, and so we pay particular attention to the larger programs, and we ask them for detailed reports about how they're going to help their students pass at a higher rate, and we also do have, as Dr. Stone said, the information from our certification agency where we can look at global figures, aggregate figures from the certification agency, to benchmark our own requirement against what is happening nationally with the performance on the exam.

CHAIRPERSON STUDLEY: As far as the questions that we had, I'm happy to take them after we vote, but if you would like to share them now while you're speaking, feel free.

DR. STONE: Okay. I'll be happy to do it right now. The first question, the significant issues your agency faces, I would say that financial resources continue to be a significant challenge for us as we continually strive to keep

our expenses and the fees that are charged to the programs as low as possible.

We seek to avoid adding financial stress to the schools and colleges that are home to midwifery education programs. We understand it is burdensome to institutions who are paying for multiple accreditations, institutional and programmatic.

At the same time, we are committed to assuring the quality of certified nurse midwife and certified midwife education programs, and we have to be able to operate efficiently and effectively in completing the accreditation process. Additionally, we must be able to participate in the larger accreditation community in order to stay well informed regarding the accreditation regulations and best practices.

And although we function well using primarily volunteers, we are finding it challenging to achieve the balance between being affordable to programs while providing excellent education processes.

In regards to thorniest challenges related to the criteria, overall, ACME has not found the criteria to be difficult to understand or difficult to adhere to. The process is well laid out; the criteria are reasonable. Our DOE staff representative Rachael Shultz has provided prompt and clear responses to our questions as we have posed them.

While it's been a bit challenging to describe exactly how ACME functions, we feel that that's a little like getting a taste of our medicine, as this is similar to the process that we require of our programs.

But we believe the process is a good one as it requires that we examine how we function against a clear set of criteria, and it's a learning process, and we believe it will ultimately result in improvements to our processes and therefore ultimately to the quality of midwifery education.

One area where more guidance would be helpful is distance education. ACME has been

accrediting distance education programs using distant accreditation methods for over 20 years, and we strive to assure that all our students receive a high quality education regardless of the delivery method.

The Criteria for Recognition frequently mention distance education. It would be helpful if the criteria were more specific about the issues or concerns regarding distance education we should focus on in order to be certain we are in compliance.

As far as what we do well, we believe that ACME does an excellent job in accrediting midwifery education programs. We do this largely through the wording of our pre and accreditation criteria and striking a balance between upholding high standards in midwifery education and at the same time allowing for innovation and creativity in midwifery education while ensuring the standards produce competent, safe midwives.

That's it.

CHAIRPERSON STUDLEY: Thank you very much.

Any questions or comments? Art.

DR. KEISER: I've noticed a number of the agencies have come to this 85 percent bright line, it seems, in terms of pass rates on exams. What's the rationale for the 85 percent? And does that discourage potentially minorities and other folks from being accepted into programs who may have a harder time on the first-time pass rate?

DR. STONE: Those are very good questions. You know when you look at different professions across the board, they have certification exams. Some of those professions have a consistent rate of 90 to 95 percent pass rate on their exams. If an exam, a national exam is consistently getting higher pass rates, then the bar should be set higher for what would be an acceptable range. So it's important to look at what's going on nationally. Is that answering your question at all?

DR. KEISER: I'm not sure I understand that. If the competencies that the students are acquiring are identified, and the student is

capable of performing the task, why would you want to keep increasing the bar if the job is getting done?

DR. STONE: The question is how hard is the exam? It becomes, you know, if the difficulty of the exam, if the difficulty is less, you get higher scores. So I'm not sure that--so 85 percent is, is a bar. It doesn't exactly mean, for example, we do have programs that explain to us that they have a high rate of minorities. They may have a high rate of students with English as a second language, so they meet the bar, but they're not, their bar is not as high, but as you said, they've met their competencies, they've passed the exam, and so that's good enough.

If they meet the competencies to be safe, beginning-level of midwives, that's the rate. And so we might accept that answer from that type of program where we might expect a different answer from a different type of program with different students.

But always the bottom line is that we are

seeking that the education programs will graduate safe, beginning-level midwives.

DR. TOM: And I would like to add also that the programs report to us, and the data that we get from the certification agency backs them up, that almost all students who don't pass the first time do pass on the second try.

CHAIRPERSON STUDLEY: Bill.

DR. PEPICELLO: Is the pass rate tied out to actual performance after students are certified?

DR. STONE: That's a very good question about certification exams, and that goes to are we educating to the exam or are we educating to safe, beginning-level midwives? And I don't think we have the answer to that question because they cannot practice unless they pass the exam. So I think that's your answer. We don't know how people who do not pass the exam do in practice because they can't practice.

DR. PEPICELLO: My question is do we know how people who do pass the exam perform in practice?

DR. STONE: Do you want to know if people do better that have higher scores? There have been some studies on that that show that really a higher score does not necessarily show a better long-term practitioner.

DR. TOM: To further address your question, our community is relatively small and very vocal, and if there were across the board a quality problem in our education program, we'd be hearing this from the nurse midwifery service directors, and occasionally they will push at us to require things that the schools feel are unreasonable, and we mediate that dialogue. Usually it happens around our criteria changes, but for the most part, we feel that we have a system that educates very high quality, safe, beginning practitioners.

DR. STONE: And I'll say you keep hearing us saying "safe beginning-level," because we have two communities, the educators and the practitioners, and sometimes the practitioners will say, well, you should require all of them to do

1,500 hours of practice before they come to us, and--but the standard that we're attempting to achieve is safe, beginning-level midwives, and beginning-level midwives should have an opportunity to go into the community of midwives and be mentored in their first year or two before they become experts, and that's pretty much our culture in midwifery to do it that way, and I think in many other professions.

CHAIRPERSON STUDLEY: Arthur.

MR. ROTHKOPF: Yes, I have a question. I don't know if you have these data available or not, but I'm curious as to, say, over the last five years or so, what, how many new programs have sought recognition from you and how many have you granted and how many have you turned down? And at the same way, in the last five years or so, have you withdrawn any recognition or accreditation from any individual program?

DR. STONE: I think in the last five years, we've been pretty stable. We do have one new program seeking preaccreditation at this time,

and we have not withdrawn recognition from any programs. It is, what we're seeing, some types of affiliations with midwifery programs of just starting to seek affiliation from other schools, for example, schools that offer a master's degree in nursing but don't offer a midwifery program.

So we're starting to see some of these affiliations and requests for us to look at affiliations as an innovative way for schools to offer a midwifery program without starting a whole new program, which might be a way to achieve economy of scale while not starting a whole new program. So we're just starting to look at that.

Anybody else?

DR. TOM: And I can add that while we haven't denied any applications or withdrawn any, we have processed a considerable number of mandatory progress reports where we tell the program they have to come into compliance in particular issues, and we also have processed quite a large number of requests for substantive change, and when they file a request for substantive

change, they basically write a small self-study where they address the criteria whose answers are going to change from the last time they submitted for recognition from us.

So there has been a lot of activity monitoring the quality but no withdrawals or denials.

CHAIRPERSON STUDLEY: Did I see another hand? Brit, are you ready to offer a motion?

DR. KIRWAN: I am.

CHAIRPERSON STUDLEY: Thank you.

DR. KIRWAN: I move that NACIQI recommend that the Accreditation Commission for Midwifery Education 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 then 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.

I further move that NACIQI recommend that the Assistant Secretary revise the accrediting agency's scope of recognition as requested.

MR. ROTHKOPF: Second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Thank you very much, Arthur. Is there any discussion on the motion before you? All in favor please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: Thank you very much.

We will reconvene at 1:30 sharply. Thank you very much for your patience in waiting for us, and thank you very much for your presentation.

DR. STONE: Thank you.

NACIQI MOTION:

I move that the NACIQI recommend that the ACME's 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. I further move that the NACIQI recommend that the Assistant Secretary revise the accrediting agency's scope of recognition as requested.

- - -

CHAIRPERSON STUDLEY: We'll see you back here ready to go at 1:30.

[Whereupon, at 12:23 p.m., the meeting recessed, to reconvene at 1:37 p.m., this same day.]

A F T E R N O O N S E S S I O N

[1:37 p.m.]

CHAIRPERSON STUDLEY: We are going to reconvene the NACIQI, and the next agency process is a little bit different, and I will let the NACIQI team that handled this one explain how.

NATIONAL INTELLIGENCE UNIVERSITY [NIU]

CHAIRPERSON STUDLEY: Let's begin with asking the site visit team. Team chair was Cameron Staples, and Dr. Keiser and Dr. Williams were on the team. Could you introduce this for us and then we'll hear from the staff and the agency?

MR. STAPLES: Yes. Thank you very much.

This is a little bit different, and for the members of the Committee who may not recall, we've done a couple of other of these reviews in my time here, in the last year-and-a-half.

NACIQI actually serves as the review committee for programs of this kind, which are academic programs at, in this particular case, at the Department of Defense, authorized under the

Department of Defense, and to give a little bit of background, the program that we went to look at this last spring was a Master's of Science and Technology Intelligence at the National Intelligence University.

And there are certain criteria that we as a team and NACIQI as a Committee turned to when examining whether we recommend the approval of a particular program. It's a fairly limited review. There are four elements of it.

The first is that the conferring of the authority to grant the graduate degree in question is essential to the accomplishment of the program's objectives of the applying agency.

The second is that the program in question cannot be obtained on satisfactory terms through facilities of existing non-Federal institutions of higher education.

The third, that the graduate programs conducted by the applying agency meet the standards for the degree or degrees in question which are met by similar programs in non-Federal institutions of

higher education.

And the fourth, that the administration of the program is such that the faculty and students are free to conduct their research activities as objectively, as freely, and in as unbiased a manner as can be found at other non-Federal institutions of higher education.

In this particular case, we have a team of three of us, Dr. Keiser, Dr. Williams and myself, and Chuck Mula from the staff, who went on a site visit and were extremely impressed with the quality of the program. As you might imagine, this particular degree was requested in order to train intelligence staff about the uses of technology and to detect in their intelligence gathering how technology can both be utilized and can be understood for the purposes of gathering and understanding intelligence.

There is no question in our minds that this program was critically important to the Department of Defense and to the intelligence industry. There is no question that the value of

this, beyond enhancing our intelligence gathering capacity, is to bring members of the intelligence community together from across several agencies in the Federal government in an environment where they can use and be exposed to classified information and be trained in the latest uses of technology and intelligence gathering so that we are better prepared as a country and as a government.

So in our minds, those four criteria were well met. We were convinced that it was essential for their goal of ensuring that our intelligence capacities were at the highest level. It was necessary that it be conducted at an institution like this due to the highly classified nature of the material and because the students they were trying to attract were a very unique body of students right from the intelligence industry.

We were also, we did have a concern initially about whether there could be the free exchange of ideas and whether faculty was free to bring up any subject and to have the academic freedom that is required of an institution that we

would accredit or recognize.

And we were persuaded after talking to faculty and students there that it was a very lively academic environment. There are some restrictions or approvals necessary regarding publication of materials, as would be the case for any classified information, but that the program met all the criteria that we were asked to look at, and we would recommend to the full NACIQI the authorization of this master's program.

And before we bring up the panel from the university, I might defer to my colleagues, Dr. Keiser and Dr. Williams, to add whatever comments they would like to add.

DR. WILLIAMS: There is not much to add after your description, but I would just like to say that it was a very interesting and detailed visit. The materials that we received were more than adequate, and we were able to kind of bear out the reports through our visit, and we had very comprehensive meetings and discussions around what we were, the four areas that we were looking at,

and I just found the folks so responsive, and I think that it was a good visit. It was a good site visit.

DR. KEISER: I'll echo both my colleagues. It was an exceptional visit to an exceptional institution, and we're very lucky to have them as part of our team.

MR. STAPLES: So at this time, Madam Chair, I think our recommendation is that we grant, that we recommend that NACIQI grant approval of this degree program, and we'd like to recommend that the representatives of the Intelligence University come forward and make their remarks.

CHAIRPERSON STUDLEY: Welcome. Thank you very much for that introduction, and we would welcome the team to come up. Thank you.

DR. ELLISON: Good afternoon, ladies and gentlemen, and Ms. Chairman. I'd like to take this opportunity to thank the Committee for hearing and considering the authority to award the Master of Science and Technology Intelligence degree. I would also like to thank Mr. Cameron Staples, Dr.

Keiser and Dr. Williams, who were at our institution and very professionally conducted the preliminary visit, and also Mr. Chuck Mula who has been very helpful throughout the process.

Additionally, I would like to recognize Dr. Felicia Bradshaw, our Director of Institution Effectiveness, on my right, who is sitting in today for our provost who had an emergency family issue this morning.

Second is Dr. Brian Shaw, Dean of our Science and Technology School; Mr. John McGaffin is a Board member on our NIU Board of Visitors. John, would you stand, please? And we also have Dr. Rhonda Anderson, a Deputy National Intelligence Officer for Science and Technology. Thank you, Rhonda. And our Associate Dean of the Science and Technology School, Duncan McGill.

I appreciate very much the opportunity to be here and for myself and for my colleagues to say just a few words, which in essence will address the criteria that were mentioned a few minutes ago by Mr. Cameron, and I thought in my efforts to talk

about the authority to grant the degree and the essential nature of it, I would talk a little bit about the evolution, evolutionary development of the school, and through that I think you'll see the power of education as an integrator as well as the critical importance of science and technology education in the protection of our citizens.

The National Intelligence University is 50 years old this year. It started in 1962 when three schools, the Air Force school, the Army school and the Navy intelligence school, were all combined into what they termed as the Defense Intelligence School.

About 12, about 20 years later, the Master of Science Degree and Strategic Intelligence was authorized by Congress and was delivered at the institution, and in 1983, the Middle States accreditation was achieved for the Defense Intelligence School, and the name was changed to the Defense Intelligence College.

In 1993, the name of the school was changed again to the Joint Military Intelligence

College. Many of you may be familiar with jointness in reference to the military services. That was basically the effort of Mr. Skelton and Congress to force the services to undertake an education program that really, in my mind, having served 34 years in the Navy, was really the thing that broke down the walls between the services.

If it weren't for Mr. Skelton and the joint professional military education that he literally forced on the Department of Defense and the services, the services wouldn't have been integrated the way they are today and taking advantage of jointness.

But in saying that, the Defense Intelligence College, at that time, whose name became Joint Military Intelligence College, had already done that in the military intelligence community. As you saw back in 1962, it had already brought the three services together to become the Defense Intelligence School.

So here we were in 1993 with the school already having performed in the military arena a

very significant integration role bringing Army, Navy and Air Force into the same classroom to take on challenges of intelligence. In 1997, Congress authorized the bachelor of science degree for the institution, and then in 2006, the Joint Military Intelligence College was renamed to the National Defense Intelligence College.

Now I probably got you all confused by this point. That's four different names, but it's indicative of the evolutionary process that's taken place here, and, in 2006, the Defense Instruction that gives us the authority to proceed with developing additional degrees was written and emphasized the fact that we needed to move beyond jointness to integration of the intelligence community, the FBI, the CIA, the DEA, the State Department, all the 16 of the various intelligence agencies.

And it obviously was a recognition that the way to do that, again, was through education, and I can tell you today, and Felicia, who is our institutional effectiveness person, will bear this

out, that I have frequent meetings with the students, brown bag sessions at lunch, to get their feedback on the program, and I can guarantee you, as I sit here, that the first response to my question of what you took away from this program, the most positive thing, will be that they were in this program with somebody from the Army, somebody from the Air Force, somebody from the FBI, somebody from CIA, somebody from the State Department, and so on and so forth.

Integration has been a significant challenge, and this institution has done it well for 50 years now. And in that same timeframe, Director Clapper, who was at that time the Under Secretary of Defense for Intelligence, who has always been a big supporter of the school and recognized the school's value in integration, also recognized the importance of science and technology. He, as well as the other Directors of National Intelligence, Ambassador Negroponte, Admiral Blair, Admiral McConnell, they all recognized the importance of science and

technology.

They recognized that the intelligence community had to change, it had to become adaptive, it had to become agile, folks had to become innovative, they had to be out in front of problems, instead of reacting to them. So you can see the importance of our students understanding cyber operations and understanding emerging and disruptive technologies and understanding weapons of mass destruction to be out and trying to figure out what was the next thing that our adversaries will try to do relative to those science and technology requirements.

So he wrote another memo that steered us into the science and technology area as one area that we needed to grow our degrees. In the 2008 timeframe, we received a ten-year accreditation from the Middle States Accreditation folks, and at that time, well, actually two years later, in 2010, we established our Oettinger School of Science and Technology, named after a Harvard professor who is on our Defense Science Board and also the chairman

of our Board of Visitors, and from that, the degree which you're considering today was developed.

And in the meantime, as you might expect, Director Clapper walked across the street. Having been the Director of the Intelligence Agency, the Defense Intelligence Agency, the Under Secretary of Intelligence, he walked over and became the Director of National Intelligence and immediately realized that now he needed to use the National Defense Intelligence College, which was to become the National Intelligence University, to continue to integrate and break down the walls between the various agencies and to stimulate academic research and collaboration within the intelligence community.

And so he wrote a letter from himself to Defense Secretary Gates who, as you know, is a former President of Texas A&M, who also realized the value of education and the importance to the intelligence community, and he asked him to change the name of the Defense University to the National Intelligence University and make it a service of

common concern to the entire intelligence community.

That was done in 2011, and that brings us to 2012 where we're sitting here with our third degree. We have the Bachelor of Science and Strategic Studies, the Master of Science and Strategic Studies, and now we're asking you for the authority to have the Master of Science and Technology Intelligence, the authority to present that degree.

So, again, let me thank you for the opportunity to say a few words about our institution. It's a very prestigious school. It's accomplished a lot, and it has a lot more to do. Director Clapper expects it to be the integrator in the intelligence community, and to stimulate the kind of innovative thinking that we're talking about, and to be the centerpiece of a joint development program similar to what happened in the military in the intelligence community.

So with that, I'll turn it over to Felicia who will talk about the second element of the

program. Thank you very much.

DR. BRADSHAW: It is a pleasure to be with you here today. Thank you, sir.

I've been asked to give an overview of the National Intelligence University's academic environment as relates to uniqueness. As the only Federal degree-granting, regionally-accredited institution of higher education that focuses on intelligence, we recognize our immense responsibility to intelligence, the Department of Defense, and the greater community.

In addition to the focus on science and technology intelligence, it is clear that our curriculum advances knowledge. We emphasize global awareness, analysis frameworks, integrated collection, regional awareness, joint doctrine and capabilities throughout the world.

It is the only academic program that must utilize highly classified intelligence materials for teaching, research and outreach. All of our personnel, staff, faculty and students must be cleared at the highest levels.

The classified intelligence material is very pertinent for our turnaround time. Our students are uniformed military and Federal civilians, but we pay attention very much so to the degrees that are offered. We are very unique to the Federal and private sector and institutions of higher education because the mission of the university is unique.

It is very important that we pay attention to and we state our mission clearly, and it's stated in our DoD Instruction. We prepare intelligence professionals, both military and civilian, through education and research, to work with skill and dedication in identifying and effectively integrating foreign, military, and domestic intelligence in defense of the homeland and U.S. interests abroad.

We place a high priority on educational research to meet the combat and peacetime intelligence needs of defense. We enhance the competence of intelligence professionals throughout the world. By attending the university, we have a

variety of academic research and outreach programs, and we ensure that we include granting intelligence undergraduate degrees and graduate degrees, disseminating intelligence research in the classified realm. Not every institution can do that.

And we enforce appropriate learning standards, executing feedback. I have sat in the sessions with the president and the students. We have a culture of institutional effectiveness and assessment. We take those changes, and we rapidly make changes to be proactive instead of reactive and move forward.

We act as the DoD primary point of contact for academic outreach regarding intelligence matters. We have a Center for International Engagement. We make sure that we contribute to the educational and professional career development of military and Federal civilian personnel for pursuing degrees in intelligence, Defense policy and programs, and we want to ensure that for our policymakers, they get rapid information. Our

classified theses add to the value in this realm.

The continuance and expansion of degree program offerings, international programs, research, academic outreach to the Federal, public and private colleges, university, continues our advancement in education and adds to our university stature.

We make sure that we are aiding decisions that are on the cutting-edge, that will forever change not only the academic landscape but our universal landscape.

Unlike most other Federal degree-granting institutions that you're aware of, we make sure that we're not dominated by one single military service or intelligence agency. We integrate all 17 agencies. You're most familiar with the Central Intelligence Agency, the National Security Agency, National Geospatial Agency, and the list goes on. All of them provide input to our programs.

And our faculty includes a very unique representation of all of the uniformed services, the United States Coast Guard and nominated chairs

from all of the 17 agencies we are in pursuit of.

I thank you for your time.

DR. SHAW: Well, first, I would like to thank the Committee and particularly the members of the Committee that took the time to visit our campus and the staff of the NACIQI for creating both rigorous, but a very clear process. It was very important for us as we enter into what we feel is a very serious request for this degree authority.

You have provided an environment that required us to carefully examine not only the structure of our request but its substance. It ensured an examination of its relationship to the larger academic community of which we are a part and making us a better institution for going through this effort. Thank you.

Science and technology has been an enduring issue for the intelligence community. In 1948, President Hoover established the Eberstadt Task Force looking at the role and function of a civilian intelligence enterprise in the United

States following World War II, and I would like to read one of the quotes from the concluding document from that task force:

"Failure to properly appraise the extent of scientific developments in enemy countries may have more immediate and catastrophic consequences than failure in any other field of intelligence." And that was at the beginning of our intelligence enterprise here in the United States.

As recent as two years ago, the Director of National Intelligence made this statement: Unprecedented changes in the pace, scale and complexity of science and technology around the world are creating new opportunities and new challenges for the Department of Defense.

The Defense scientific and technical intelligence community must take steps to ensure we are positioned to succeed in this complex and dynamic environment. The role of science and technology in our business, the business of intelligence, is an enduring one, and it's one that requires the focus of an academic institution.

Science and technology are the great enablers of change in the world. The modern ability to access tremendous bodies of knowledge, coupled with near instant communication, has increased the rate of global development of science and technology, transforming not only the time between the initial discovery and application of an idea, but the ability of new and unexpected participants in technology utilization.

We often refer to that as technology surprise, and our job in intelligence is to try to warn and avoid being surprised by technology developments in our adversarial environment.

With these tools in the context of globalization, anyone from nation states to individuals have the potential ability to innovate and apply technology at both the strategic and tactical levels, and we have seen this around the world.

In this dynamic environment, there is a compelling strategic need for education in the intelligence community to provide the technical

depth, skills and the tools to understand the potential of science and technology to impact the United States role in the world.

The requirements of science and technology intelligence begin with a sophisticated understanding of the technological and engineering base. Only in that context can the intelligence question be framed and taught. This requires a specifically educated faculty, those that have technical degrees, backgrounds in developing and analyzing technologies, and those with experience in technology acquisition, deployment and development, and those with specific technical understandings.

Our faculty have specific requirements. An example of the need for academic institution involvement within the Federal government lies in one of our deep concerns, which I mentioned, which is avoiding technology surprise.

One of our programs that we are leading is an interagency effort with the Department of Energy and the National Intelligence Council to assess

innovation that may lead to surprise.

The analysis of innovation is clearly a multidisciplinary effort involving systems engineering, economics, political science, psychology and fundamental bench science.

While many institutions can and do develop such assessments, only when coupled with their most sensitive needs and requirements do these analyses become operational.

The second issue that we also are deeply concerned with are the needs of daily reporting and operational tempos within agencies often prohibit this kind of reflective analysis. I think it's the tyranny of the e-mail that keeps most of us at our desks. This kind of effort in a classified environment is only possible in an academic setting where there is time for experimentation, thoughtful consideration, and open debate, the hallmarks of education.

Critical to our intelligence enterprise, such academic research and student engagement is a focus of what makes this program not only necessary

but unique. Now, while some organizations do conduct lessons learned studies and exercises, it's often in the historical setting. The National Intelligence University provides a critical environment for mid-career officers to understand the larger picture in an academic setting that directly contributes to their ongoing effectiveness as intelligence officers when they return to their desk.

Intelligence education is not simply training in skills and processes. Rather it is the pursuit of learning and knowledge dedicated to intellectual growth. The power to think independently increases not only the value and the skills of an individual intelligence officer but establishes the understanding of our obligations to each other as citizens.

There is nothing more necessary than the full, open and responsible measure of an intelligence officer than to unleash the intellect through passionate rational exercise of their mind's power to inquire freely and openly in an

academic setting.

Thank you very much.

CHAIRPERSON STUDLEY: Thank you. We appreciate the comments from all three of you and the fine visit that you clearly arranged for our colleagues.

Does anyone have questions for representatives of NIU? Would you like to make a motion?

MR. STAPLES: I'm happy to make a motion that NACIQI approve the degree-granting authority for the National Intelligence University to offer the Master's of Science and Technology Intelligence.

CHAIRPERSON STUDLEY: Do I hear a second?

DR. FRENCH: So seconded.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Thank you. Is there any discussion of the motion? Arthur?

DR. KEISER: Were we not going to recommend that the Congress approve the current--

MR. STAPLES: Yes.

DR. KEISER: --students retroactively?

MR. STAPLES: Thank you very much. Yes, that is part of our motion, and I'm glad you reminded me of that. And there it is right there up on the board. There are graduating classes this year, and I believe also last year, and we would like to have the authority affect them as well.

CHAIRPERSON STUDLEY: Any discussion or questions about the motion? All in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

CHAIRPERSON STUDLEY: There is nothing like creating an ineluctable conclusion; right?

[Laughter.]

CHAIRPERSON STUDLEY: Thank you all. I think that matter is concluded, and we thank you again for your thoughtful development of this program and clear presentation of it to our team.

And thank you to all three of you for making this trip. I know that these have been

rewarding and interesting, but they also do take a chunk of your valuable time. So we appreciate you doing it on behalf of all of us. I know some of us hope we will have the opportunity to see one of these institutions some day as well.

Thank you so much and thank you.

MR. STAPLES: Madam Chair, if I could just thank Chuck Mula. I don't think I did that adequately in our presentation. Chuck did an enormous amount of work--don't leave the room yet, Chuck--and really made our site visit very, very helpful, was really our guide and led us very well on the team visit, and I just want to acknowledge him and thank him for that.

CHAIRPERSON STUDLEY: Thank you very much and thank you to you as well, Chuck.

NACIQI MOTION:

The site team recommends that the NACIQI recommends to the Secretary that he recommend that the University be granted degree-granting authority, as requested for the Master of Science and Technology

Intelligence degree. Further, the NACIQI wishes to make it clear that it is their intent that the graduating classes of 2011 and 2012 be eligible to receive degrees if degree authority is granted even though Congress may not act before the current class completes the course.

- - -

PUERTO RICO STATE AGENCY FOR THE APPROVAL
OF PUBLIC POSTSECONDARY VOCATIONAL,
TECHNICAL INSTITUTIONS AND PROGRAMS

CHAIRPERSON STUDLEY: We are now going to move to the next entity that we're reviewing, the Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs.

Would the primary readers, Art and Earl, like to make an introductory comment about the agency?

DR. LEWIS: I'll start. The Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs, PRSAA, is the State agency in Puerto Rico responsible for accrediting postsecondary vocational educational programs and institutions in the Commonwealth.

The agency currently accredits programs located in seven vocational technical schools located throughout across Puerto Rico with one institution still awaiting approval.

The agency approves institutions and programs in these postsecondary areas and has been operating--that are legally authorized to do so and offer postsecondary programs that have been operating for a minimum of two years. These institutions and programs award both associate degrees and certificates and admit as regular students only individuals with a high school diploma or its equivalent.

The PRSAA was granted authority to approve public postsecondary vocational, technical education institutions and programs in Puerto Rico first in 1982, and then the agency was most recently reviewed in the fall of 2007. Following that meeting, the Secretary concurred with the Committee's recommendation and granted the agency continued recognition for a maximum of four years.

When the Committee reconvened, this Committee reconvened, in the fall of 2010, it was decided by Department staff that the agency's interim report would not be reviewed as scheduled due to the pending backlog and far more serious

issues, and as a result, the agency was instead requested to submit a full petition for consideration at this current meeting, and at this point, I would turn to Rachael Shultz.

DR. SHULTZ: Thank you.

Good afternoon. I am Rachael Shultz, and I will be presenting information regarding the petition submitted by the Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs.

After careful consideration and much discussion, the staff recommendation to the senior Department official is to continue the agency's current recognition and require a compliance report within 12 months on the issues identified in the staff report.

This recommendation is based upon staff review of the agency's petition and supporting documentation.

Normally, when we make our presentations, we attempt to briefly discuss the issues identified in the staff analysis. However, in Puerto Rico's

case, the agency has been found in compliance with only five of the 38 criteria that State vocational agencies must meet under Part 603 of the Secretary's Recognition Procedures for State Agencies.

So I would like to first provide some background information related to the staff review of the agency's petition. The agency submitted its petition on time as requested. In January 2012, an initial staff review determined that the agency had provided very little in the way of narrative. Many sections stated only that nothing had changed since the time of the last review or consisted of one or two sentences at most.

An additional problem was that over half of the supporting documentation was in Spanish rather than in English. As a result, we contacted the agency and requested that it revise its petition, and at that time we also provided specific instructions and examples as to the level of detail that was expected.

The agency then provided a revised

petition as well as translated documentation. Although the customary level of detail was still not present in the agency's narrative, staff conducted a draft analysis and found the agency in compliance with only three of the 38 required criteria.

The draft analysis was returned to the agency specifying the information that was lacking. In its response, the agency provided some additional information but failed to respond to all of the issues raised in the draft. Again, the expected level of detail was missing.

As a result, the final staff analysis found the agency in compliance with only two additional criteria.

In regard to the issues raised in the staff analysis, a major problem lies in the lack of depth found in the agency's Norms and Procedures Manual, which is apparently its primary policy document. The manual is only 13 pages long and only briefly describes the agency's functions, guidelines related to administrative and program

performance, the selection of on-site evaluation committees, and grievance procedures.

Indeed, staff's greatest concern with this agency is the apparent lack of guidance that is being provided to its institutions. Virtually no documentation was provided to indicate the level of interaction the agency has with its schools, and adequate documentation of program review and approval was not supplied.

Additionally, information was lacking as to the qualifications and selection of on-site reviewers and the agency's decision-making body. This begs the question of whether the schools are being adequately reviewed or if they are reviewed but are subsequently found to be out of compliance due to lack of any official guidance in the form of clearly delineated policies and procedures.

Based upon figures provided by the Department's Federal Student Aid Office, in 2010-2011, which is the most recent year for which figures are available, over 3,100 Puerto Rico vocational students received over \$13 million in

Title IV funding. Obviously, this raises serious concerns given the quality of the agency's petition and related questions as to adequate oversight.

Despite our concerns about the agency, we are recommending that the agency be granted continued recognition with a compliance report due in 12 months. We are basing this recommendation in part upon the fact that the agency may have had difficulty in providing the translated documentation needed for the Department's review and the public record.

In addition, we have received no complaints or third-party comments regarding the agency's operation. However, we cannot emphasize strongly enough the seriousness of our concerns and the absolute necessity for the agency's report to provide detailed information and evidence related to its review and approval activities and the related guidance that it provides its schools on an ongoing basis.

Representatives from Puerto Rico are here today, and we will be happy to answer the

Committee's questions. Thank you.

CHAIRPERSON STUDLEY: Thank you very much. I appreciate that thoughtful report for us.

Do the primary readers have any questions for Dr. Shultz or do any of the other Committee members want to speak to her before we hear from the agency representatives? Would the agency representatives please come forward, and we welcome your comments. Thank you.

Thank you very much.

DR. SOSA STAPLES: Good afternoon, Madam Chair, members of the Committee and Department staff for their assistance during this process.

I am Helen Sosa Staples, Assistant Secretary for Career and Technical Education at the Puerto Rico Department of Education, representing the Secretary of Education, Dr. Edward Moreno Alonso.

The Puerto Rico State Approval Agency is "ascribed" to the Puerto Rico Department of Education. I want to excuse its Executive Director, Mr. Miguel Ortiz, that was not able to

attend due to medical treatment. At my side, Professor Victor Cintron, my assistant.

We appreciate this opportunity to attend this meeting for the agency's petition for renewal of recognition and respond to issues of concern.

Even though one of the members of the Committee mentioned in details about the agency, maybe I will be repetitive in this information. The Puerto Rico State Approval Agency was granted authority to approve public postsecondary vocational, technical education institutions and programs in Puerto Rico in 1982 by the Puerto Rico Secretary of Education.

The agency was granted initial recognitions as a State approval agency by the U.S. Secretary of Education in 1983 and has received continual recognition since that time.

The geographical scope includes the Puerto Rico Technical Institute and its four campuses that provide associate degrees in 44 programs. Besides these, the agency grants approval to other programs that award certificates. Currently, these

institutions and programs serve approximately 3,000 students.

Okay. In terms of the issues of concern that were raised in our report, there were 32 of them, and some of them were, they've shown up repeatedly, like the credit hours, the policy, the implementation of that policy, also the approval process. Many of them, they were on a repetitive basis.

We know that most of the documentation that we submitted needs more detail, and we are working on that process in terms to include much of the, all of the policies and procedures that are needed in the procedures manual that the agency has, and we are currently working on. We are currently designing the improvement plan to attend to all these issues of concern for future implementation.

CHAIRPERSON STUDLEY: Is that your presentation? Are you ready for questions now?

DR. SOSA STAPLES: Yes.

CHAIRPERSON STUDLEY: Okay. Art.

DR. KEISER: Could you explain your decision-making process? It is unclear from the report. It seemed to be that the analyst was unclear as to how and who makes decisions on the approval of an accredited school?

PROF. CINTRON FELICIANO: In the State agency, the decision-making body is the Advisory Board that makes the final decision when the documents are submitted to the agency.

DR. KEISER: And the Advisory Board, if I understand it, because it was confusing, because there were a number, consists of Professor Rivera, I guess, Professor Carlos Morales.

PROF. CINTRON FELICIANO: Yes.

DR. KEISER: Professor Santiago--

PROF. CINTRON FELICIANO: Five members.

DR. KEISER: Five members.

PROF. CINTRON FELICIANO: Correct.

DR. KEISER: And is ICPR Junior College one of the schools you recognize? Or these are people that are not recognized--

PROF. CINTRON FELICIANO: They are

professors or members of the educational community, and they are recognized, yes.

DR. KEISER: So they will review the staff report, and they will make the decision as to--

PROF. CINTRON FELICIANO: Yes, they will make the final decision of approving and granting accreditation.

DR. KEISER: Why would it have been so difficult to show the minutes of those board meetings where those folks made the final decisions?

PROF. CINTRON FELICIANO: Well, some of the difficulties are that there's a very careful selection of these members to ensure that there will be no conflict of interest and to make sure that they are prepared in the specialized area they are evaluating.

DR. KEISER: Were there minutes of the meetings where they made the appropriate decisions on the accredited status of institutions?

PROF. CINTRON FELICIANO: Yes, yes. The meetings are convened to that purpose to make sure

that all the criteria are used and all the documents are submitted so they could make effective evaluation of them.

DR. KEISER: So why was it so hard for our staff to determine who was the--

PROF. CINTRON FELICIANO: Okay. I believe maybe because sometimes these meetings, we don't have a person who would take the minutes.

DR. SOSA STAPLES: The minutes, but also most of the information is collected in a document that is called the Referendum Form where the advisory, the Board evaluates the on-site reports submitted by the leader that is chosen for the on-site committee, and the recommendations that the institutions send on their report and other improvement plans that they submit, and most of that information is gathered in a document that is called the Referendum Form, in which all the members act upon the report and take the final decision.

CHAIRPERSON STUDLEY: Do you have other questions, Art? Happy to have you continue. Are

there other questions by other members?

DR. KEISER: I do. How many employees are part of the agency?

DR. SOSA STAPLES: Okay. In the agency, there are two on a full-time basis, the executive director and the administrative assistant, and we have on a part-time basis two education and research specialists.

MR. WU: May I ask--

CHAIRPERSON STUDLEY: Sure. Frank.

MR. WU: So the first question I have--two questions. The first is why has Puerto Rico set up this agency in this way as compared to going to some other agency to fulfill this function? And the second question is in terms of complying, what will be the steps going forward?

DR. SOSA STAPLES: For complying with the report?

MR. WU: Right.

DR. SOSA STAPLES: Okay. In terms of your first question, ever since the agency was "ascribed" to the Department of Education, that has

been more than 28 years now. But we have looked into the possibilities of having another agency--okay--that is not under the Department of Education, and we are considering that issue. Okay. It's one of our options. Okay.

And for the other part, in terms of compliance, we took this report, all the areas of concern, we analyzed that, and we already have improvement or compliance plan to be developed during these coming months. We already have identified the persons that will be responsible for each area. We have just started also working a couple of months ago with the credit hour policy for one of our institutions. They have a committee already in place to deal with that area.

And for the other issues are included in the improvement plan, and we expect that we can gather all the information needed in order to comply within the required timeframe.

MR. WU: Thanks.

DR. SOSA STAPLES: Thank you.

DR. FRENCH: Madam Chair.

CHAIRPERSON STUDLEY: George and then Earl.

DR. FRENCH: Good afternoon. I guess, I think I heard the question. I think I heard the answer, but let me ask something else first. What are the chances that you would actually seek another accreditation or another recognition and not seek this recognition under the Secretary?

DR. SOSA STAPLES: Okay. We already spoke to the Secretary in terms of selecting another agency for the approval of all these initiatives. Okay.

That's one of the issues that--one of the options that we are considering. Okay. But for the time being, we had this responsibility in coming forward to this meeting and to take action in all the areas of concern because we are committed to this, and maybe in one year or two years, we can decide on another option, but it's not out of, the one of the alternatives that we have looked into.

DR. FRENCH: So the second half--as I

indicated, you may have already answered this--what administratively is different in going about complying in that we complied with only five areas of the entire report? Do you have a structure in place, a plan for how you're going to respond that's different than the plan that you've already had in place?

DR. SOSA STAPLES: Well, we have to look into all--we have responded twice. Okay. So we have to look into all the materials with the information we have provided, and we have to give more details in terms of the procedures and processes, that most of them they're in Spanish, and we have to compile all of them into the procedures manual so that all the information is well taken care of in terms of these concerns.

DR. FRENCH: So the information, I understand you submitted some information that was in Spanish, and much of your information that you have now is in Spanish?

DR. SOSA STAPLES: Well, many of the procedures that we have, we have procedures

manuals. Okay. And they are in Spanish. We have made efforts when we are sending information in, translating all that where we have taken consideration that everything has to be translated in English, and all these reports have been--the on-site evaluation committee submitted, they have to be in English. All minutes have to be, for firsthand, they have to be taken in English and written in English.

DR. FRENCH: So Madam Chair, if we had someone that could translate the Spanish now, perhaps they could review the documents that they have. Is that a possibility within the Department?

CHAIRPERSON STUDLEY: Could the staff speak to what our capacity is to do that? Or whether we feel that we can be helpful or expect the agency to provide it in English? A challenging--

MS. GRIFFITHS: The agencies are expected to provide the materials to the Committee in English. Yes.

DR. SOSA STAPLES: Yes. When we got the

first report, we did submit around 90 pages that were in Spanish. They were translated into English. Okay. So we covered for that part. But many of the materials and the information that is written, they are still in Spanish for all the manuals and that, and we are committed to translate all documents in existence in the agency.

CHAIRPERSON STUDLEY: Did I understand your question, George?

DR. FRENCH: You did. I don't think we have the capacity. I guess the follow-up question to that would be are these manuals electronic also?

DR. SOSA STAPLES: Yes, they are.

DR. FRENCH: In an electronic format?

DR. SOSA STAPLES: Yes, they are.

DR. FRENCH: So if they're in an electronic format, it seems like it may not be too tedious to get a software programs to translate those into English.

DR. SOSA STAPLES: And we will put the resources in terms of making this possible because that's how committed. We are committed to that.

CHAIRPERSON STUDLEY: Earl.

DR. LEWIS: Just picking up a thread of George's question, but asking it in a different way. Since you were last confirmed in 2008, and we're four years later, and you've been found to be out of compliance in so many areas, do you have a sense of what's changed in those intervening four years?

DR. SOSA STAPLES: Okay. The last time we were recognized, the executive director pass away. Okay. There was a change in government--okay--at that moment, and we had, we started looking for another executive director, and maybe in that period, things changed a little. Okay.

CHAIRPERSON STUDLEY: Are there other questions?

DR. KIRWAN: Oh, I'm sorry.

CHAIRPERSON STUDLEY: Sure. Go ahead.

DR. KIRWAN: I find your report so troubling in terms of the inadequacies. It raises very serious questions in my mind. Is there another alternative--maybe the staff can answer

this--for the programs that are accredited? Are there other agencies that they could appeal to or is that not possible due to geography, programmatic, the nature of the programs that are involved?

MS. GILCHER: There are other possibilities. Middle States Commission on Schools that you talked with earlier, this is in their region.

CHAIRPERSON STUDLEY: Perhaps we could ask that same question of the representatives of the agency. What effect do you think there would be on the schools that you now accredit if you were not available to them as an accreditor? It's an awkward question, but you're in the best position to know what would happen to those schools and programs and, in turn, to their students--

DR. SOSA STAPLES: Okay.

CHAIRPERSON STUDLEY: --if you did not exist or were not qualified to provide accreditation leading to Title IV?

DR. SOSA STAPLES: Well, to start with,

there is one for Public Institutions and Programs. Okay. They are accredited. They are not in the private sector, to start with, and I imagine that if there are other options, yes, we can consider that. For the time being, we understood, or not understood, we know that we have to comply with this report because we want to continue recognition. Okay.

Probably afterwards, we can consider another agency, and the Education Department, the Education Department has to provide for the funds to continue recognition or to get the accreditation of these institutions for the public institutions.

CHAIRPERSON STUDLEY: Frank.

MR. WU: Yes. I have two more questions, mainly really for staff, though. The first question is just to help me and maybe other members understand how many States have this set-up? Is it many States, a few, because we've seen some States come up, but I don't have a good sense of how many States or other--I know this is not a State but comparable--how many jurisdictions choose on their

own to set up an accrediting authority?

That's the first question. And the second question is do we treat them any differently? Do we cut them slack if they're a governmental entity or actor? I don't have any background or view on this, and I'm assuming that in the actual formal statutes and regs, we don't. In other words, whether it is a political subdivision of the United States or not makes no difference when they come before us?

MS. GILCHER: There are very few State agencies recognized for public postsecondary vocational education. They include New York State Board of Regents, Oklahoma Board of Career and Technology Education, Pennsylvania State Board of Vocational Education, and Puerto Rico.

MR. WU: So it's not unheard of, but it's comparatively rare, and it's not done with anything other than vocational ed; right? It's not being done in any--all right. So that was maybe I think I heard you say five. So five out of--

MS. GILCHER: Four.

MR. WU: Four. Four out of 51. Okay.

MS. GILCHER: And they have to demonstrate compliance with a different set of regulations. So they are the regulations in Part 603 rather than Part 602. There are fewer Criteria for Recognition for public State agencies.

MR. WU: So we do cut them slack, and in this case, even on that standard, they're not meeting it. Okay. That's very useful. Thank you. Thank you.

CHAIRPERSON STUDLEY: Art Keiser.

DR. KEISER: Frank, I'm not sure we cut them slack. That's, each of the other committees, the State agencies, have come into substantial compliance, if not complete compliance. This is extraordinary, and again two in a row for me because I'm the reader.

This is even worse because of just the-- remember, these agencies are supposed to be in continuous compliance. It's not just a one-time deal, and this one troubles me even more because those things that they're in compliance with are

minor issues.

It's the major issues that are out of compliance. And the ones that they're in compliance with are staffing and operational procedures, which is a policy and procedures manual, a meaningful contribution by the Advisory Board--let's see--self-analysis and on-site review requirements, which is one of the bigger ones, and then scope of operations and legal authorization.

Everything else is missing. I mean gone, not even here, and was not dealt with after a second shot at the apple, bite at the apple, when they had the review from the staff. So if they can't do us, how can they be a recognized authority to evaluate institutions? I have a real question there, and this one is very troubling to me.

MR. WU: May I ask the Chair if I might just make a comment? This is just a comment. I wouldn't want the two of you to take any of this personally. So I just want to add that. This is just about these standards.

DR. SOSA STAPLES: Thank you.

CHAIRPERSON STUDLEY: I have a question. Because the format is different, and the 603 requirements are different from the other agencies, it's a little harder for me to ask my standard question about student learning outcomes.

So I'm wondering if either the staff member, Rachael Shultz, or you, Kay, can point me to where the responsibility to address student learning outcomes or some equivalent is in the different structure because the headers are different, and I couldn't find the comparable, the crosswalks very easily to do that?

So I apologize, but for me, that comes down to part of the heart of what an agency is to do, and it's in that balance between what can they do to satisfy the documentation requirements and the expression of these things, and really is the agency effectively reviewing student learning outcomes in some way that we can rely on? I found myself a little bit lost in the alternative scenario.

The first person who has an answer--Sally.

MS. WANNER: I don't. I need to search through the criteria for this, but I want to give you a little bit of background, which is that these State agency regulations have been in place since like the 1980s. They long preceded the movement towards student learning outcomes, and they've never been revised. There's one tiny piece of the statute about these agencies. They are not governed by Section 496 of the Higher Education Act that governs the recognition of accrediting agencies.

CHAIRPERSON STUDLEY: That's very helpful. That makes a lot of sense. I can understand now that Frank helped us see that there were only four of them why they might not have been updated to capture these new concepts and why they don't appear here.

That also means a State entity has not had to go through the changes that the other agencies have, that the expectations have been similar since 1982 when this agency first came on board.

MS. GILCHER: In answer to your first

question, there is a criterion that says that the agency secures sufficient qualitative information regarding the applicant institution or program to enable the institution or program to demonstrate that it has an ongoing program of evaluation of outputs consistent with its educational goals.

CHAIRPERSON STUDLEY: Arthur.

MR. ROTHKOPF: I guess I'd ask Kay this question. In light of this conversation and all we've heard, I'm sort of interested in her view as to how the staff can say that we should continue recognition and ask them to come into compliance within 12 months, and is that really even in the best of circumstances a realistic expectation?

MS. GILCHER: In terms of their ability to come into compliance?

MR. ROTHKOPF: Right.

MS. GILCHER: That, as Rachael signaled in her report, has been a very difficult decision for us in terms of making this recommendation, and we were swayed to some degree by the extra time to make sure that things are translated, but also by

the fact that we had not had any, any complaints. We had not had evidence of institutions underperforming specifically, but it's a judgment call, and you are certainly in a position to make a different judgment call should you wish to.

DR. FRENCH: Madam Chair, I guess my question was along the same lines as Art's and Arthur Keiser in that it's kind of difficult to hear the report like that and then just recommend now let's just continue on.

I guess I'm trying to find some kind of solution, wondering if staff might have a recommendation, an alternative? I mean something where we might be able to help even. Is there anything that we've been able to glean?

MR. WU: I was going to offer a thought here. It sounds as if the representatives from the agency are not opposed to the vocational schools seeking their status from some other agency, and that there has been some active discussion of that possibility already. So it's already on people's minds, and this conversation here should give you a

sense of where NACIQI would be headed if it had to look at this.

Maybe allowing a little bit of time on the understanding that Puerto Rico is actively considering the possibility of dissolving this function because that's what I'm hearing, that there is, thought has been given to that.

DR. SOSA STAPLES: An alternative.

MR. WU: Yes. That that is something that has been talked about. It's a very small operation. This could be done. There are alternatives. It is not a common practice for a State to do this on their own so that's one possible resolution, that we allow time for a transition, and that we've signaled pretty clearly that if they don't come back in "x" number of months, whether it's six or 12, and show that they've documented on everything, that that would mean the end, and so far better for it to be resolved through the political process in an orderly fashion than to be resolved abruptly by the Federal government.

So I was going to propose that we do that because the alternative here, it seems, is very unpleasant, and I'm sensing a reluctance of this body to do that, but also a feeling that perhaps we must given what the report looks like. So, that's one alternative, to allow enough time for a transition.

CHAIRPERSON STUDLEY: Cam.

MR. STAPLES: I just want to clarify, too, that if we have, if recognition were to be, if we were to recommend ceasing their recognition today, the institutions would still have 18 months, like they would under any other circumstance, to find another accreditor. So we're not leaving the institutions out in the cold.

It certainly would cease this agency's involvement, but I guess that might make sense. I question again whether it's realistic that the 12 months will make a difference. That's where I'm stuck. If I thought 12 months made a difference, I might say--but I don't see 12 months making a difference. It's almost just leading the agency

along to think that there's hope.

MR. WU: Yeah. I'm not well versed in the politics on this, but I'm also sensitive to Puerto Rico's unique status, and it just strikes me as less offensive all around if this were done based on a Puerto Rican initiative to transition than if an entity of the Federal government deauthorized a Puerto Rican agency. Something about that just rubs me the wrong way.

So even if the outcome is the same, that three years from now, vocational schools are being accredited by another entity, the route that provokes the least political offense seems to me to be more satisfactory unless the representatives of the agency were to say that the discussions that you're having are so active that you're just about ready to close up shop anyway.

I mean if that were true, then there would be an orderly transition for the schools and everything would be done.

DR. FRENCH: Is there, you've spoken to someone else already--would there be any punitive,

would there be an adverse effect going into that new organization if we took an adverse action today? In other words, could you go into the new organization easier if you're in good standing with the Secretary here, or would there be some punitive measures imposed if you were, if recognition were revoked from the Secretary, and you tried to go into that organization then?

DR. SOSA STAPLES: I understand, my opinion, that we have around 30,000 students benefit, low socioeconomic students, low socioeconomic--

DR. FRENCH: 30?

DR. SOSA STAPLES: 30,000. 3,000. 3,000.

DR. FRENCH: 3,000?

DR. SOSA STAPLES: 3,000 students. That's approximately our population that we attend in the public postsecondary institutions and programs. I imagine that they won't be able to receive the Pell grant--okay--until we get another alternative in terms of our recognition of accreditation of our institutions.

DR. KIRWAN: Shouldn't that comment be corrected? They can get Pell grants because there would be a period of time. Could somebody correct that? She made a statement that I think is inaccurate.

CHAIRPERSON STUDLEY: I was talking to Carol. So--

MS. GILCHER: It is true that the students would continue to be able to have Title IV funding for an 18-month period of time.

DR. SOSA STAPLES: 18 month period?

MS. GILCHER: 18 month period of time.

DR. SOSA STAPLES: Okay.

MS. GILCHER: Just one other point. If there were to be another agency in Puerto Rico to be doing this work, that entity would have to be recognized, and that process, of course, takes some time.

DR. FRENCH: Is there one recognized there now?

MS. GILCHER: Not in Puerto Rico. However, there is at least one and perhaps more

than one agency that could accredit those schools that is currently recognized.

CHAIRPERSON STUDLEY: I see Art and Earl. Why don't you start?

DR. KEISER: Frank, respectfully, I don't think we should be concerned with the politics. I think that's above our pay grade. We have a responsibility to follow the mandate of our requirements which is to see that the agencies meet or don't meet the standards set forth by the Congress.

In this case, it's really troubling, and it's troubling when--if I was sitting in the audience. In fact, somebody at lunch came up to me and discussed it and said we worked so hard to get this thing right and worked so hard for years, and that an agency that just does it at the last moment or doesn't take this stuff seriously, they get continued, and I just think that's wrong, and this, the last one was different than this. This one, they just don't get it. That's the concern I have.

And, you know, I don't think it's our

responsibility to bring them forward to meet the standards. So I don't know what Earl is going to recommend, but I'm not sure I'm going to recommend to accept the recommendation of staff.

DR. LEWIS: Let me follow that up with a question, and it's the same question I posed a little while ago, and it's deeply philosophical. I'm still trying to understand how four years ago this agency was actually approved with what I see as then four years later core fundamental challenges that and, if I heard correctly, the statutes themselves and the guidelines, the criteria, have not changed fundamentally in that period.

So I'm trying to understand how we actually find ourselves at this point. If--four years ago in my life is not very long ago, and so--and somehow they actually met the standards then, and as I heard, the standards still in play four years later, they haven't, I believe--and I'm not questioning Rachael's assessment--I actually think that's correct. I'm just trying to figure out--

this goes back to the other side of the politics-- it's not about the Federal government--it's the degree to which we may have been complicit at some other stage here, too, and do we have any obligation now?

That's not just a rhetorical question actually if anyone on staff or anyone would care to answer.

CHAIRPERSON STUDLEY: We're running through the possibilities of who can answer or assist us in answering that question. So could somebody just clarify was it the same type of review? What it seems like is this is a 1983 first approval on provisions that have remained the same, unlike the ups and downs of new regulations for other entities.

So if they've been approved before, another way to ask I think a similar question is we might say that they hadn't updated, but we might have outdated documentation, but we're surprised that we don't have even four-year-old adequate documentation that just isn't current.

So I think just partly trying to help us understand what process this might have been or what we would have seen if we could roll--what we would see if we could roll the clock back four years?

MS. GRIFFITHS: I'll take a stab at that.

CHAIRPERSON STUDLEY: Sure. Thank you.

MS. GRIFFITHS: Okay. I'm taking a stab at giving you an answer to this question. Four years ago--well, let me digress a little bit further. These regulations are different than the 602 HEOA regulations. However, in my opinion, in my past, we have always interpreted the expectation within the framework of the 602 regulations. These regulations are indeed so out of date and so old, but fundamentally we've tried to, where we can, provide some additional guidance to what the expectation should be in the context of the new regulations.

In 2008, when the agency came before the Committee, under the regulations at the time, in the context of the older HEA regulations, they met

the expectations of that moment. Subsequent to that review, as the representatives have said, there was a major overhaul going on down in Puerto Rico. There were financial issues in Puerto Rico that shut down the government for a time, I believe, if I recollect that correctly.

A lot of things changed down there, too, in terms of staff overhaul, financial overhaul, and I would say that it would not be out of the question to consider that things are different today, and this petition and what they presented is accurate to where they are at this point in time.

I hope that helps.

CHAIRPERSON STUDLEY: Art made the comment that he thought there was meaningful difference between the readiness of the Middle States Secondary Schools entity and the Puerto Rico State Agency that we're talking to now.

He's in a particularly good position to make that comparison because he was the primary reader, and while we review all of these, I think there is a degree of ability to make that

comparison, but I wonder if, Kay, you could talk to us about whether the staff agrees that since they are two different types of agency and two different rules, different, part of what you do is try to put them all on the same scale and then weigh them.

I wonder if you could help us judge whether there is in the staff's mind a difference between the potential for this agency to come into compliance in a year and the Middle States Secondary Schools entity?

MS. GILCHER: I think one of the very great benefits of coming before the NACIQI and having this conversation is that the importance of what has to happen is being made very clear. I think that for both of these agencies that message has been sent and received.

And I think sometimes it's not recognized when people are doing so much other work how, what the repercussions could be of not having put in the necessary time and resources and whatever to put your best foot forward. So my, you know, I don't want to sort of say one is going to be more likely

to do this than the other. I think that each one of them has had a very strong message sent and received, and that we will within 12 months have some response on which we could make a further assessment. That's called dancing around.

[Laughter.]

MR. WU: So just an observation. We've now been at this for awhile so we've seen many agencies, and my sense is I think, maybe with one exception, all the agencies have failed, right, in the sense that there's always some violation.

We've talked about, as a body, a more nuanced way to look at this because not every violation is as serious as every other one, and some are failing by a lot, some are failing by a little, some are only failing because the documentation isn't in, though the staff have some sense that it's actually being done.

So I just wanted to observe that part of what we're doing is not actually asking are they technically in compliance or are they not because if you ask are they technically in compliance, all

of them fail that test.

What we're asking is something very different, which is what's the likelihood in 12 months that they're going to address all or almost all of these, and that's a very different question. That's not a black or white question. That requires judgment, which is presumably why the government convenes a body like this with lots of different people, different backgrounds, to assess that. You know, what's the likelihood that given some time, these agencies will remedy these defects?

And of the ones that come before us where there's an issue, it seems to me the problems fall into two categories. One is a small number of agencies have not taken us seriously. To our collective surprise, they don't either take the regulations seriously, don't take NACIQI seriously, just have a view that this is what they're doing and they'll keep doing it.

And some other agencies, the question we've been asking ourselves is not do they take us

seriously, they do take us seriously, they come and they're very sorry about the state of affairs. The question then is are they actually going to be able to make the changes? Is it feasible to ask?

And in some instances, it's just that the agency is too small, or it's primarily doing some other thing. It's not primarily in the business of accrediting institutions of higher education. So on their priority list, this just isn't a high priority.

And it seems to me that's what we're being asked here: is this an agency that we could reasonably impose upon them the requirement that they do these things? And if our answer to the question is it's a futile endeavor, that in a year or 18 months, they're just going to come back, and it will be very awkward because we'll all sit here having remembered this, and they'll still have failed on a very long list of these, well, if that's our sense, then we should look at alternatives.

And the one that I've suggested is an

orderly wrap-up of things. I don't know that there are any other alternatives; right? It's up, down, or some intermediate. And so I've tried to offer some type of intermediate option.

CHAIRPERSON STUDLEY: I think that's a good articulation. I did the same in writing down themes for us for the future. We are frustrated at a lack of alternatives when we are concerned. One question I've got is whether the 18 months' opportunity for institutions to find another accreditor, is that statutory or regulatory?

MS. WANNER: Statutory.

CHAIRPERSON STUDLEY: You look like a game show I have to--when both of you lean forward.

[Laughter.]

CHAIRPERSON STUDLEY: Thank you. HEA. We've made our suggestions to the Secretary, for example, about the 18-month transition, but if we think that that hamstring us because it feels too tight for orderly changes, that's the kind of thing we might think about. But it doesn't help us deal with this agency and its 3,000 students and many

miles to go.

MR. STAPLES: I know this is not the time or place for a lengthy discussion, but since you said you had a list, one thing that strikes me is we have so many agencies that need another 12 months. Is there something about the amount of time that we don't allow between their receipt of the final staff report and when they have to submit information? I'm sure we give every agency 12 months by extending this process and not having us sit in review and then say they're not done yet.

When you get so many that aren't done, you sort of have to question whether we're not giving them enough time? If the staff review might occur a year before our meeting, for example?

CHAIRPERSON STUDLEY: If the time table is wrong--

MR. STAPLES: That's my question.

CHAIRPERSON STUDLEY: --so that we could then say you've had this long since the staff report; yes or no?

MR. STAPLES: Perhaps they get pushed back

to a meeting six months or a year later, and we don't take the action, the staff has the capacity to extend the time period so we don't meet twice on the same agency. I just put that on the list. It seems like nobody is quite ready after that final staff report to put all these things into effect before another year.

CHAIRPERSON STUDLEY: Art Rothkopf and then Art Keiser.

MR. ROTHKOPF: Yeah. I want to pick up on Frank's analysis here, and I earlier today concluded that there was an agency that I didn't think had the capacity or the willingness or the ability to meet the requirements within the timeframe, and I think we're--my judgment--quite liberal here in letting people continue to operate, and I actually feel even more strongly here. So I, my own personal judgment is that recognition should be denied in this case.

And I might add, leave it to the 18 month situation to deal with the 3,000 students, which from what I hear I believe can happen.

DR. KEISER: I'm going to go along with Arthur. There is a matter of degree here. The prior agency, if you're using a hundred scale, would have gotten 60, 65, which is a D in terms of meeting the standards that are set forth by the regulations. This group would get like a 15, and in a grading environment, which is what our job is, I assume, that's an F in my book so it's hard to see how they could come into compliance, especially when they were given the staff analysis and still didn't get it. That's a real challenge for me and most of--they only improved by a number of three that they had met.

So I'm favoring voting if the motion is made with Arthur.

CHAIRPERSON STUDLEY: Bill.

DR. PEPICELLO: I think what sort of tips it for me is if the agency is considering folding the tent anyway, how committed would they be to this process if they were also making that consideration going forward?

DR. FRENCH: I have to concur. I thought

that's what I heard earlier. That's why I asked the question about that. I would have to concur.

CHAIRPERSON STUDLEY: Would anyone else on the Committee like to make a comment? Would you like to say anything further? You've heard the very troubled and serious concerns by the folks on the panel. Is there anything you would like to add or is there anything that we are misunderstanding?

DR. SOSA STAPLES: Uh-huh. No. I just want to add that even though there would be other options, our commitment is to get all the necessary information for the revision of all the procedures and processes, and we are committed to put all the resources available for complying with the areas of concern.

CHAIRPERSON STUDLEY: Are you ready to make a motion?

DR. LEWIS: I have one question for Rachael actually before I do.

CHAIRPERSON STUDLEY: Sure. Sure, please.

DR. LEWIS: Since you've spent time with the agency trying to work with them through this

process, how would you handicap the likelihood of being able to come into compliance given the range of issues that have been raised?

DR. SHULTZ: Well, this has been discussed at various levels at the Department, and it's been given a lot of thought, and I think that we would tend to give them the benefit of the doubt in hoping that they do, in fact, have the additional documents that they've referred to, but that it's only a matter of getting them translated so that we can review them and trust that that's the case.

But, again, I have to emphasize very strongly to the agency that we have to have a lot more detail than we have gotten so far. There have been three responses really because there was the first response that we had to send back, and then we analyzed that, and you got the draft, and you had a chance to respond for the finals. So there have been three stabs at this so far, and we need very, very detailed information about all of your processes and procedures, and I cannot emphasize that strongly enough.

CHAIRPERSON STUDLEY: Brit.

DR. KIRWAN: Yes. That's an interesting point you just made. Could you give us the timeframe about what the interaction with the agency--you said you sent things back and they sent--

DR. SHULTZ: They, they did the--

DR. KIRWAN: Over what period of time did this occur?

DR. SHULTZ: They did the initial submission, and before, before we do a full analysis, we look things over in a preliminary way to see if it looks like everything is going to be there. In January, I looked at their materials. They submitted their initial petition on time. Then I did the preliminary review in January, and that was when I determined that in some instances, they had not even responded. They just said nothing has changed since the last time or we got one or two sentences.

And at that point, a good deal of the documentation was in Spanish, so we contacted them.

We sent them examples of exemplary responses so that they would know the type of response we were looking for and gave them a somewhat extended period to respond, and they met the deadline that we gave them for sending in what would have been for any other agency the first draft.

Then we analyzed the draft. Very few things had been addressed. The documentation was still not there. We sent it back, as we do for every agency, and they had a chance to respond again, and then we did the final analysis. So this has taken place since January of this year.

DR. KIRWAN: And from the January where you first raised these issues, how much improvement in the doc--has there been substantial improvement in the documentation? Very little? Minor? How would you characterize it?

DR. SHULTZ: There was some improvement, but not what I would call sufficiently detailed improvement.

MS. GILCHER: Just one thing to add to what Rachael said. On the response to the draft,

the agency did request additional time to respond to that draft, and we were able to provide them additional time to submit that response.

DR. FRENCH: So I guess going to Dr. Keiser's point earlier about the distinction between the production of documents for this one occurrence versus operating under certain policies and procedures--and this would be for staff--in your interviews there and with the staff of the agency, do you have proof that they have been operating under the policies and procedures? Or are we just talking about the paperwork that you've requested since January, some of which is in Spanish? But do you have any evidence that the agency has actually been operating as they should with documents that are in Spanish?

DR. SHULTZ: Last week, we received a notice saying that they had completed reviews of three of their institutions. So it is my sense that the processes are taking place, but that we just don't know enough about what is going on, and I hope that they have all of their processes and

procedures written down in detail, and that it is just a matter of us being able to see the English translation.

I guess my concern is, is that the policy manual is so short. It's basically 13 pages long, and the rest of the document is devoted to their on-site review checklist that their on-site reviewers use, and 13 pages isn't much of a policy manual.

And I'm hopeful that they have additional documents that just haven't been submitted to us, but if they don't, they've got an incredible amount of work that they need to do to beef up their policies and procedures.

CHAIRPERSON STUDLEY: Brit and then Bill.

DR. KIRWAN: So back in January, you knew that the documents were in Spanish, and you asked for an English version; is that correct?

DR. SHULTZ: Correct. About half of them were still in Spanish.

DR. KIRWAN: And you never got those?

DR. SHULTZ: No, we did get them.

DR. KIRWAN: You did.

DR. SHULTZ: When they revised the initial submission, they provided translated documents.

DR. KIRWAN: So you have all documents in English?

DR. SHULTZ: All of the documents that they have submitted at this point are in English. I don't know if they have additional documents that would probably be helpful that also need to be translated, but everything that we have at this point is in English.

DR. KIRWAN: Okay. Thank you.

CHAIRPERSON STUDLEY: Can I ask a follow-up question to that? When you have received the documents in English, have they met the standard that you're looking for or is it still deficient? We're trying to tell whether this is a matter of language in translation or the material isn't there?

DR. SHULTZ: The material is not there in the detail that we would expect to see, which is why I'm hoping that they have additional documents

that just have not been submitted yet. But of what we have seen so far, it is not as--the policies and procedures are not as detailed as we would expect to see.

CHAIRPERSON STUDLEY: From the initial visit in January and the first set of--I'm not sure when that first set of five or so provisions that the agency does satisfy, when you realized that they did meet those standards. Have there been any additional ones as to which they have, with these additional rounds of submissions, have come into compliance since you started working with them, you know, since you started the review process this year?

I'm trying to tell whether any of the additional rounds of material brought them up a notch to suggest that it's just a matter of finding the right documents, that the materials might be there for others, or was it a small set met, and then none since?

DR. SHULTZ: In some instances, it looked like they were heading in the right direction. In

a number of instances, they said that they realized after reading our draft analysis that they needed to make some changes, and that they were in the process of updating their policies and procedures and would respond in the report, assuming there is one in a year's time.

So they have indicated that they are making some changes in their policies and procedures.

CHAIRPERSON STUDLEY: I've got Bill and then Susan. Kay, do you want to--

MS. GILCHER: I was just going to add that in Rachael's analysis, there were many points that were multiple sub-findings within a finding, and that in many instances, the response addressed some but not all of those points. So, you know, in that way, it was a, you know, adequate response for the ones that they responded to, but--

CHAIRPERSON STUDLEY: Bill.

DR. PEPICELLO: You asked my question.
Thank you.

CHAIRPERSON STUDLEY: Susan.

DR. PHILLIPS: I actually have a question for the agency, if I could, responding to the question, the issue of documents yet to be submitted. Could you describe for us what documents that you have that you haven't submitted yet?

DR. SOSA STAPLES: Okay. We have, when we submitted the last documents, okay, we didn't, we didn't think that we had to continue submitting additional documents up to this date. Okay. We did that by April when we had the due date, and we submitted what we thought those were the documents to be included, but many of them, as Dr. Shultz said, we stated that we are in the process of revising them, like the review accreditation cycle, the credit hour policy in terms of its implementation, the grievances procedure. We have one established, but it was not included in the April, the operations manual. There are other documents that we do have, but they are not included in the operation manual as such. Okay.

Many are in Spanish. We're in the process

of translating them to have a complete operation and procedures manual as well as the evaluation committee manual also.

DR. PHILLIPS: Just a quick follow-up. So you have in addition to what you have sent into the Department already, you have another set of documents?

DR. SOSA STAPLES: Yeah, that we have identified already.

DR. PHILLIPS: All of which are in Spanish?

DR. SOSA STAPLES: Yes, uh-huh, yes.

DR. PHILLIPS: Some of which are being revised.

DR. SOSA STAPLES: Revised.

DR. PHILLIPS: Some of which are not being revised. They're standard--they're set as is, but they're in Spanish?

DR. SOSA STAPLES: Uh-huh.

DR. PHILLIPS: Is that--can you describe what's in the to-be-revised category and what's in the set-as-is/not being revised category? What are

the two kinds of documents?

DR. SOSA STAPLES: Okay. In the ones that have to be revised is the credit hour policy. Okay. There is the review cycle, the steps in the review cycle, that we, most of these materials, even though we sent them in English, we stated that they are in the process of revision, or we didn't, say, send the materials in the depth and detail in content that we were supposed to send them so we acknowledged that fact in terms that we have to continue revising them to have the proper and adequate information that is required in this process.

Okay. Maybe if you have another--other materials. The grievances also and complaint procedure, how to file a complaint, that was completed in Spanish. We, even though we have the document, okay, same as the grievances. We translated all those documents in the last, in the last submission that we submitted those documents. They were translated, but most of them, they are not included in the operational manual that Dr.

Shultz said that it's 13 pages. Those have to be included even though the policies are being implemented.

DR. PHILLIPS: And the documents that are not being revised, what is in those documents?

DR. SOSA STAPLES: Documents that are not being revised--

PROF. CINTRON FELICIANO: We have the steering committee. We have the on-site steering committee, and even though it's basically--we have included, for example, the new ethical criteria that be included on the on-site review, and changes to include written participation of students, as well as other sectors. Even though we don't have it written and the student participation is important, we do include in our steering committee the student participation, but it's not written down.

So we have to revise that part so we include that information, and the ethical culture, we have the format that the student support and administration part that must include those

criteria.

We, also, for example, in the bylaws, your recommendation to include participation of other sectors. We were to include that and change that. The example also of the annual reports, we have to specify what type of annual reports we are, each institution must submit annually.

And we also, another area that was submitted without documents, we have a Web site already put on, but the direction, the address that was provided in the document was not the correct one, but we do have the Web site already put.

DR. PHILLIPS: Just one last question. I'm gathering from the lists of documents that you've described that pretty much all of the documents that you have are undergoing revision--

PROF. CINTRON FELICIANO: Yes, I believe that almost all of them.

DR. PHILLIPS: --right now? Uh-huh.
Thank you.

PROF. CINTRON FELICIANO: Some major changes. Some are changes to include student

participation as it was stated in your report.

DR. SOSA STAPLES: And translation in the process also.

MR. WU: May I ask a question? So the changes, you're revising these documents because of what we have asked; is that right? That's the main reason you're doing this? Or are you doing it because of some other issue that's going on?

DR. SOSA STAPLES: Not exactly another issue. We submit documents to the Advisory Board. That is the one that oversees the process of revision of all the documents, and we submit the documents, procedures, and policies and all that, and they take action revising them to put them in a current status and all that.

MR. WU: Right. But I guess what I'm asking is what caused you to want to revise all these policies? Did something happen in the vocational education system? Or is there, did something happen in terms of politics? What--

DR. SOSA STAPLES: No, no, no politics.

MR. WU: --why did you decide to revise

all these?

DR. SOSA STAPLES: No politics involved in this. No politics. It's the usual revision, current revision, that must undergo all procedures and procedures. And in addition, that we have to translate all of them, the ones that at this moment we have not completed them.

CHAIRPERSON STUDLEY: Are there any additional comments from members of the Committee or questions for staff or the agency? Would someone like to propose a motion?

DR. LEWIS: Everyone looks at me. Okay.

CHAIRPERSON STUDLEY: We're looking generally--

DR. LEWIS: I was going to say, you know-- yeah, not enough on this one. I've gone back and forth between the two options that we have currently before us: one, which is to essentially say that denial makes sense given the review; the other one is to accept the staff recommendation for a continuation in a 12-month period.

And ended up framing it in the context,

when I went back and looked at the history, there's no history of denial in the past or a withdrawal of recognition of this agency, and it has been continuously recommended for almost two decades, and while there are a number of deficiencies, and some I still don't understand. I mean I've actually, I've asked the question, and I've heard the answers and have read the documents, and I still don't quite understand how we got to this point, to be quite honest.

In all of the cases I've had the privilege of reviewing to date, we've never gotten to a point where an entity is coming up for review in a short period of time and where we're asking questions about the most fundamental aspects of whether or not they should be accredited or confirmed in this instance.

And so I come back with that, so in the end, I'm actually going to accept the--believe it or not--I'm going to accept the staff recommendation and see if it will get voted down in here.

So I move that NACIQI recommend that the Puerto Rican State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs recognition be continued to permit the agency an opportunity 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.

And I do so in part because I actually believe that there is a dual set of responsibilities here. One set of responsibilities on the part of the agencies to be in compliance; another set of responsibilities on the part of the Department as an able player and partner in this, not only in this instance, but over the 20 some years, and so I find myself then accepting the staff recommendation and putting that forward.

CHAIRPERSON STUDLEY: Do I hear a second?

MR. WU: I'll second that.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: The motion has been made and seconded to continue the accreditation of the agency for 12 months, allowing a 30-day report of compliance thereafter. Do we have the standard language? Thanks a lot. Okay.

Is there any discussion of the motion that's before you? Frank.

MR. WU: I would add that in seconding this, I'm doing so, should this pass, with the understanding that we're conveying a pretty strong message here. I think that's already been done, but I want to make that explicit, that if when this agency comes back, we find that they've improved on one or two of these areas, that we need to have the fortitude to then pull the plug. That that would be the right thing to do and that everyone should understand.

And if in Puerto Rico, there is already active consideration of, as someone said, folding up the tent and letting the vocational schools get their status through some other agency, that I would encourage although I think that's not part of

any official action. That's just an observation.

CHAIRPERSON STUDLEY: Art Keiser and then George.

DR. KEISER: It's hard, but I'd like to speak against the motion. If we set our bar this low where only five of 38 legal requirements--this is the law--this is the law established by statute--are not met from an agency that has been following these same standards for the past, since 1983, then I don't know how we will be able to say and be consistent to other agencies, which with less concerns than this, that we can deny them.

So I think this sets a bar, and it's a bar too low, and I can't blame the staff for this because I read the report closely, and this is not a staff problem. We can't blame everybody else. They have to shoulder the responsibility for their failure.

CHAIRPERSON STUDLEY: George and then Earl. Earl.

DR. LEWIS: Let me make clear. I'm not blaming the current staff. I'm actually raising a

much more fundamental question that goes back over two decades, and so I don't want--this is where Art and I may disagree about how we read the historical documents.

CHAIRPERSON STUDLEY: Jill.

DR. DERBY: This has just been an interesting day for me. I didn't come and know exactly what to expect, and I've been, without that kind of context, been trying to get a sense of how we set the bar, and this does strike me as setting it very low.

However, I've been back and forth, as I've listened to the debate and the discussion here, and Earl made a very good point, and that is not blaming the staff, but who's been minding the store over the past decades and letting so much go by perhaps?

And I have to agree with Frank's point about I think we've made a pretty strong point here, and I'm still not sure how I'm going to vote. Thank you.

MR. ROTHKOPF: Just a question. Earl,

under your motion, would they have the authority if your motion passed to accredit new school, new institutions?

DR. LEWIS: I would assume they would not have the authority given the number of problems that we've discovered here.

CHAIRPERSON STUDLEY: That's not in your motion, but we could add that language.

DR. LEWIS: Okay. Okay.

CHAIRPERSON STUDLEY: If that's your intent.

DR. LEWIS: Yes, indeed, that would be-- that should be added.

CHAIRPERSON STUDLEY: Okay.

DR. LEWIS: Thank you, Arthur.

CHAIRPERSON STUDLEY: Jill.

DR. DERBY: I didn't understand that question. It's an important one that Arthur just asked and the answer to it.

MR. ROTHKOPF: I take it the answer is we're adding, he's adding--

DR. LEWIS: We're adding a provision

saying that the--

MR. ROTHKOPF: No new schools.

DR. LEWIS: The agency would not be allowed to add any additional schools to its portfolio.

DR. DERBY: I see, but it could be looking for alternative source of accreditation authority. Okay. Thanks.

CHAIRPERSON STUDLEY: In fact, in terms of that, so it would be to make it parallel to the provision that we adopted this morning that allowed for no new schools.

But do I take it--this is for Kay and Sally, if we need her--that an agency could plan and organize itself to go out of the business of accreditation if it so chose either at the end of a period that we specified or at any point that it wanted, and schools would have that right to go seek another accreditor.

MS. GILCHER: That's true.

CHAIRPERSON STUDLEY: Right. I'm just responding to the question that Jill raised. It

doesn't insist that they must. They don't have an obligation to soldier on if they want to operate differently or go out of business. Are there any other comments or questions before I call the vote and you can tell me if you want a moment--a quiet moment before I do that.

George.

DR. FRENCH: I wanted to confirm that we did say earlier that there is another accreditation agency that's recognized by the Secretary in Puerto Rico now? Is that fact?

MS. GILCHER: Not located in Puerto Rico, but would have the authority to accredit institutions in Puerto Rico.

DR. FRENCH: So that they could receive Title IV funds--

CHAIRPERSON STUDLEY: Is it one agency or any agency that approved the type of vocational and technical programs that are at issue? National as well as regional accreditors could accept the applications of those programs? Yes. Okay. So it's multiple accreditors.

Did I see a hand? Going, going, okay.

The motion is now on the board, and it includes-- and it will momentarily include the language that you saw this morning indicating that the agency may not accredit additional institutions during the period from now until its petition comes up before us for reconsideration.

Art.

DR. KEISER: Point of order. Was there a second on the addition of the second motion?

CHAIRPERSON STUDLEY: I think Frank treated that as a friendly amendment.

MR. WU: Yes.

DR. FRENCH: Madam Chair, allow me to go back to the point I brought up earlier, and at the last meeting, about this 12 month because that's essentially 18 months again. What about having an 11 month opportunity and 30 days thereafter, which means when we come together a year from now, we can make a decision on that day based on the report.

Is that going against statute?

MS. GILCHER: You are not making the

decision. So the clock starts actually at the date that the Assistant Secretary sends the letter to the agency. The Assistant Secretary has 90 days after this meeting in which to make that decision, and we don't have any direct control over how much time it would take him to do that.

DR. FRENCH: So you're saying 90 days. So you're really talking about three months plus 18 months? You're really talking about 21 months.

MS. GILCHER: That is the outside amount of time that could be provided. Now, I have mentioned in the past--although I don't know that we'd have the two agencies we've talked about today taking us up on this--we have in the past offered agencies the opportunity, if they wish, to come up earlier to so indicate, and then they would have an opportunity to do that.

That's also dependent upon my trying to manage staff workload and so that's--

DR. FRENCH: Uh-huh. Two years.

CHAIRPERSON STUDLEY: Frank.

MR. WU: A question and an idea. The

question is now that you mention that, I wonder how have we been faring? Has the Assistant Secretary upheld everything that we've recommended? Because we've been at this long enough that he's acted upon what we've decided or recommended to him, I presume.

So I'm just wondering what's our track record? Has he reversed on everything or are we doing okay?

And then my idea for the Chair is I think we're allowed to meet telephonically; right? And could we consider adding something telephonic? I think there is real value to in person, and no conference calls especially with this number of people can replace that. But maybe for the Consent Calendar or some things, telephonic is, though not as good as in person, is better than 18 months of lag time.

CHAIRPERSON STUDLEY: I hear your suggestion. It's unclear when it would save us time, but--or whether a Consent Calendar requires a telephonic meeting or can be handled in some other

way, but your point is taken that whatever the timing is, if we have agencies that are waiting either because we want to take an action that says you have not met it and we have a risk to reduce, or you should have a clean, you have met it and you should be able to go forward without this issue.

That is only today's issue if we want to do something about the timing other than what's in this standard memo.

But, Kay, were you going to tell us the answer to Frank's question? There was only one matter in which we and staff disagreed.

MS. GILCHER: Yes, I--

CHAIRPERSON STUDLEY: And then there were a whole set of others where we shared a recommendation--

MS. GILCHER: Yeah. I want you to recall that you make a recommendation, and we make a recommendation, and in most cases, those have been the same, and that is what the Assistant Secretary has followed.

In the last meeting, there were different

recommendations on two agencies, and in the first instance, which was the chiropractors, you had wanted to add an additional criterion that they were found out of compliance with, and the Assistant Secretary actually went with the staff recommendation on that one.

And in both of these instances, by the way, the agencies took advantage of the opportunity to comment on the NACIQI's recommendation, and the staff also has the opportunity to comment on the NACIQI's recommendation, and then they, we can comment on each other's comments.

For the chiropractors, they did submit a comment; we did not. And, as I said, the Assistant Secretary went with our recommendation.

On the other one, which was NCA CASI, both the agency--and we had recommended a denial on that one, and you had a lesser sanction, gave them the 12 months with a limitation. In that case, both the agency and we submitted comments, then we commented on each other's comments, and that all became part of the record that was carefully

reviewed by the Assistant Secretary, and he went with the limitation, that is followed your recommendation and put in place the limitation rather than going with a denial.

MR. WU: So could we actually get a report back every time we meet if it's not just adoption of what we've submitted? I think that would be helpful to us to get some sense of how we're faring.

CHAIRPERSON STUDLEY: I think that's a fair suggestion. I also think it's time to vote on the motion. There's a motion before you that's now complete on the board, made by Earl Lewis, seconded by Frank Wu, and I will ask you to vote, and I will ask you to keep your hands up.

DR. FRENCH: Madam Chair.

CHAIRPERSON STUDLEY: Yes.

DR. FRENCH: Point before we vote.

CHAIRPERSON STUDLEY: Sure.

DR. FRENCH: On the last review, we also had the conversation about assuring that it doesn't return simply to the consent agenda. Did we have

that conversation?

CHAIRPERSON STUDLEY: Am I correct? I think that it did not go into the motion, but went into the transcript to be very clear as guidance to the staff director and to me or my successor, depending on when all this time rolls up, that this NACIQI wanted to see it on the merits and not on the Consent Calendar, and I will take note for the record of that same thing.

Would all in favor of the motion please signify by raising your hand?

[Show of hands.]

CHAIRPERSON STUDLEY: Thank you very much. All opposed, please raise your hand.

[Show of hands.]

CHAIRPERSON STUDLEY: I've got four to seven. Is that what you count, Carol?

MS. GRIFFITHS: Yes.

CHAIRPERSON STUDLEY: Thank you very much. The motion fails. Is there another motion that you would like to, that anyone on the Committee would like to put before the commission?

Art.

DR. KEISER: As the other primary reader, I move that NACIQI recommends that the Puerto Rico State Agency for the Approval of Public Postsecondary Vocational Technical Institutions and Programs does not comply with this Criteria for Recognition. There is sufficient evidence the agency cannot reasonably be expected to bring itself into compliance in a timely manner, and therefore the agency's petition for renewal of recognition be denied.

CHAIRPERSON STUDLEY: Is there a second?

MR. ROTHKOPF: Second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Is there any discussion on the motion? All in favor please signify by raising your hand.

[Show of hands.]

CHAIRPERSON STUDLEY: I count nine in favor.

Opposed?

[Show of hands.]

CHAIRPERSON STUDLEY: Two. Thank you very much. That motion passes nine to two. I think that--is there any other responsibility that we have with regard to that?

Our recommendation will, as Kay just summarized, go forward to the Assistant Secretary, and you will have an opportunity to comment on the recommendation that we have made. It will also be accompanied by the staff recommendation that your agency be continued.

I'm sure the staff and Dr. Shultz will be in touch about how you, what the procedures are for how you can participate in that process and the time table for doing that. We appreciate your thoughtful participation with us and your efforts to assist all of us in assuring the quality of postsecondary education. Thank you for your cooperation with this entire process.

Anything that any of you feel a need to add?

DR. FRENCH: Madam Chair.

CHAIRPERSON STUDLEY: Yes.

DR. FRENCH: A question, procedurally, following up on Frank's question earlier. So now it will go to the Secretary with the staff recommendation, with the NACIQI recommendation. The staff no doubt will have comments. Will NACIQI have comments with that?

CHAIRPERSON STUDLEY: I can let Kay summarize it again. We send forward our recommendation, but we don't write up comments separately, but the designated agency official has the transcript available of our full consideration to explain this.

The staff may comment on our action, has the option of commenting on our action, as does the Puerto Rico agency can comment on the recommendation as the whole package goes forward to the designated agency official, and as Frank also suggested, we will ask the staff to let us know when those decisions have been made where we were not in--I guess in any, whatever the designated agency's official's decisions are, many of them we are in alignment, and he or she then also agrees

with us.

But there are some where we want to know what that result is. Does that answer your question?

DR. FRENCH: Yes, thank you.

CHAIRPERSON STUDLEY: Okay. Thank you very much. We will--thank you--we will take a two-minute stretch break so that the members of the Committee can stand up. We will then move to the next agency. If you need to step out of the room, we will go back into session and continue straight through.

Thank you.

- - -

NACIQI RECOMMENDATION:

NACIQI Motion #1: I move that the NACIQI recommend that the Puerto Rico State Agency 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. I further move that based upon concerns expressed by NACIQI that the agency's recognition to limited to not include new accreditation of any institution and/or program. Such continuation and limitation shall be effective until the Department reaches a final decision.
(motion denied)

NACIQI Motion #2: I move that the NACIQI recommend that the Puerto Rico State Agency does not comply with the criteria for Recognition and that there is sufficient evidence that the agency cannot reasonably be expected to bring itself into compliance in a timely manner and therefore the agency's petition for renewal of recognition be denied. (motion accepted)

- - -

ACCREDITATION COUNCIL FOR PHARMACYEDUCATION [ACPE]

CHAIRPERSON STUDLEY: I will begin by indicating that we have one recusal for this next agency. The next agency to come before us is the Accreditation Council for Pharmacy Education [ACPE], and I appreciate your patience and sorry for our delay.

We have one recusal with respect to this agency. Brit Kirwan will not be participating, and, in fact, just so the record is accurate, Chancellor Kirwan is recused from both of these two entities and so has left for the day--an excused absence.

And we will pick up with ACPE. The two primary readers are George French and Art Rothkopf. Who will be throwing the ball out on the field?

DR. FRENCH: Thank you, Madam Chair.

CHAIRPERSON STUDLEY: Thank you, George.

DR. FRENCH: This is a petition for continued recognition for the Accreditation Council for Pharmacy Education. The agency was first on

the National List of Recognized Nationally Accrediting Agencies published in 1952. Since that time, the Secretary has periodically renewed their continued recognition. They were last before NACIQI at the June 2006 meeting. Subsequent to that, the Secretary renewed the agency's recognition for five years.

The Accreditation Council for Pharmacy Education is responsible for the accreditation and preaccreditation within the United States of professional degree programs in pharmacy leading to the degree Doctor of Pharmacy.

There were nine areas or issues, problems identified by staff in the review, and the staff recommends continuing the agency's recognition and to require the agency to come into compliance within 24 months and submit a compliance report that demonstrates the agency's compliance with the issues which are identified, those nine issues, and I would defer to my colleague and fellow reader, Art Rothkopf.

MR. ROTHKOPF: I don't have anything much

to add other than to say that, and I'd be interested if Steve would comment on the on-site visit that he participated or he observed at Fairleigh Dickinson in May, in fact, last month and how they reacted to that. But I'll let Steve go on from there.

MR. PORCELLI: Good afternoon. I am Steve Porcelli of the Department's Accreditation Staff.

The staff's recommendation to the senior Department official regarding the Accreditation Council for Pharmacy Education, or ACPE, is to continue the agency's recognition and to 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.

The staff recommendation is based on our review of the agency's petition, supporting documentation, and observation of an on-site evaluation visit.

Our review of the agency's petition found that the agency is substantially in compliance with

the Criteria for Recognition. However, there are a number of issues that the agency needs to address.

In summary, the issues include: training for the appeals panels; the record of student complaints; the public information on unaccredited programs.

And, in addition, there were three issues related to the agency's notification practices and three issues related to the agency's handling of adverse decisions.

Regarding the on-site visit, none of them really applied closely to any of these issues. It was confirmed, though, that the agency operates in a thoroughly professional and effective manner, very thorough, and had a very well trained team, and the school had to submit extensive information on all the agency standards, and it was very well done, very good example of a site visit.

So back to the issue at hand, as stated earlier, we are recommending that the senior Department official continue the agency's current recognition and require a compliance report in 12

months on the issues identified in the staff report.

That's it. Thank you.

CHAIRPERSON STUDLEY: Are there any questions for Steve at this point? If not, let's invite up the representatives of the agency. Would the ACPE representatives please come forward?

DR. BEARDSLEY: Good afternoon. My name is Robert Beardsley. I'm President of the Board of Directors for ACPE and also serve as a professor at the School of Pharmacy, University of Maryland.

On behalf of the Board, I want to thank the Advisory Committee on behalf of the Board of Directors, I want to thank the Advisory Committee and also the departmental staff for looking at our documentations and making very important feedback comments to us.

The Board acted on the items that were delivered to us in the initial report, and we look forward to acting on the remaining nine items. We feel these are things that we can take care of and really integrate within our current policies and

procedures within the given timeframe.

With your permission, what we'd like to do is give a few introductory comments, talk about the three questions that you asked us to consider, and then we'll entertain your questions as well. Okay.

I'd like to turn the floor over or the microphone over to Pete Vlasses.

DR. VLASSES: Good afternoon. My name is Pete Vlasses. I'm the Executive Director of ACPE and have been so now going into my 14th year. I want to discuss specifically a little bit about the process we went through in getting to this point.

Initially with the change in the regs with the HEA, our Board met and discussed what the changes might be that we need in our policies. We thought we addressed the changes and we put them forth, and then in the fall of last year, actually in the summer of last year, we identified four staff and a former staff consultant to prepare our petition.

The staff experience totaled over 60 years and had been through multiple NACIQI reviews in

that time. We prepared a draft petition that we shared with our Executive Committee. It was reviewed, and it was submitted for consideration. It contained, and you have 62 pages, and at the time 181 exhibits.

In the late spring, we received the draft staff review of our response with 18 items noted as being noncompliant. We shared this with our entire Board noting the need to update a number of our policies further. We had a special meeting of our Board that was held with the proposed policy changes, and they were approved unanimously by our Board.

We resubmitted then the petition, submitting 15 more pages and approximately 35 new exhibits to address some of the issues. The resubmission was able to address nine of the 18 noncompliance issues, leaving us with nine noncompliance that you've heard from from our staff reviewer. Eight of the nine we believe continue to require evolution of our language and our policies.

And of note, I will take responsibility

that we had the opportunity to contact staff for further guidance after the draft staff report. Because of trying to respond and get our Board together and everything else, we did not take that opportunity.

So I think we were going to go at this point and try and respond to your three questions.

DR. WADELIN: Good afternoon. My name is Jeff Wadelin. I am Associate Executive Director and Director of Professional Degree Program Accreditation Activities at ACPE.

I want to take just a couple of minutes in the interest of everyone's time to speak to the first question: the challenges that we have faced. I think after discussing this, we feel that our biggest challenges have arisen from the impact the economy has had on higher education, both public and private sector, and correspondingly trying to be sensitive and responsive, frankly, to our programs while still monitoring their ability to meet our quality standards.

We have through a variety of things,

endeavors, I think been able to achieve some of this. We have enhanced the amount of annual monitoring that we do in cooperation with some of our stakeholders and professional organizations, and as a result, we were able to extend the period of time between customary self-studies for comprehensive established programs from six to eight years, which over a 20-plus year cycle, though, will save them one full comprehensive review.

I think this is one example we've been looking at. I think it is responsive and while a balancing act at times, I think it's been something that we find to be one of the greater challenges we've been dealing with.

CHAIRPERSON STUDLEY: Thank you.

DR. VLASSES: The second question had to do with thorniest challenges relating to the Criteria for Recognition, and I want to frame my comments as, first of all, our total commitment to the spirit of the law, which we have admittedly benefited greatly from as an organization, and more

so addressing the letter of the law and how we have had and continue to have problems with, despite our best attempts, trying to interpret the desired response and provide it.

We actually were encouraged by the discussion in the previous review about the opportunity to consider some different ways that this process might work. There are obvious issues related to new regulations identified, and then in addition the interpretation in what is acceptable for some criteria has evolved over time. One example would be the complaint procedures which we're still going to evolve further after this meeting.

In 1996, we believe the language was the same, and what we were doing was deemed acceptable. In 2001, changes were identified, which we complied with. In 2006, those changes were deemed to be acceptable. In 2012, we find additional issues that need to be identified to make us compliant, which we will do. However, this is just an example that poses the issue that we would value continued

conversation. We appreciated the NACIQI's input into providing guidance to the next HEA process. We would hope that as the NACIQI reconsiders its procedures on some of these matters, as was recently discussed, that as stakeholders, we and others would have opportunity to provide comment.

Thank you.

DR. BOYER: My name is Greg Boyer. I am the Assistant Executive Director for Professional Program Accreditation, and I have been asked to address question number three, which is what do we think we do particularly well?

I think you've already heard from Mr. Porcelli the level of training that our site team members--it was evident that they were well trained. We are particularly proud of our training program that has an active learning component, which is a mock site visit, which provides the opportunity for us to review our standards, help the site team members learn about the interpretation of those, and then also to hone their skills in conducting the site visit, asking

questions, those kind of things.

We also have recently instituted a rubric which guides both the self-study process and the site team reviewer in doing their work. It's the same set of questions and check boxes in some cases and lots of space for narrative in other cases, and that has been very helpful in helping programs understand exactly what we're looking for and then also in providing consistency across those reviews because they're all looking at the same document.

Finally, one of the things we have instituted, which has been very helpful, has been a set of standardized surveys that we have worked with our Academy to develop, and we have four of those. One is for graduating seniors or graduating pharmacists, one for faculty, one for the preceptors in our experiential programs, and then also for alumni. And we require those surveys to be done and reported as part of the self-study process now every eight years.

And what that has done has been able to provide us with the developing of a database, if

you will, across the Academy of these standardized questions that we could look at a national response, if you will, and then also to allow our programs to work with the peers that they have identified, their peer comparison groups, and do some comparisons with groups that look more like them than the national sample.

So those are just a couple of examples of things that we consider that are very good in what we do in our process. Thank you very much.

DR. VLASSES: If I could add one more thing we've done to try and look at the costs of the burden of accreditation, is we've invested funds along with the American Association of Colleges of Pharmacy to create an electronic platform for the self-study that is very directive regarding the documentation we're requiring, the rubric that has to be filled out, and allows other things to be appended, and this has been operational now for a little over a year, and we're getting very good feedback that it's helpful. It's very efficient, and it has come at no cost, no

additional cost, to the organizations.

DR. BEARDSLEY: We'd like to entertain your questions and also further guidance in these issues. So thank you.

CHAIRPERSON STUDLEY: I just have one very quick question for Dr. Boyer. How long have you been doing those, the standardized surveys that you described?

DR. BOYER: I would say probably three years now, I'm guessing, pretty close to that.

DR. VLASSES: We've been doing them voluntarily for maybe six or seven, and then we got to a point where more and more people were accepting them and using them, and at one point, our Board make a decision, about four or five years ago, to basically require them but only when we're doing a comprehensive self-study requirement.

However, the programs are free to use the surveys on an ongoing basis at, again, no charge and as part of their assessment program.

CHAIRPERSON STUDLEY: Do any NACIQI members have questions for the panel?

MR. ROTHKOPF: Yes, maybe a couple questions. One, is there any advice that you give--maybe advice isn't the right word--to prospective students who are thinking about a program in your area that--perhaps a Web site or other information that you have available--that they could look to to see the nature of the programs?

For example, if there are licensure requirements, which I assume there are, what the pass rate is by a particular institution so that a prospective student can compare in a thoughtful way as to where he or she would like to attend?

DR. WADELIN: A variety of things. To speak to your specific example, yes, there is a mandatory national standardized licensure exam that is linked--eligibility to take that exam is linked to graduation from one of our accredited programs, and within the last few years, the National Association of Boards of Pharmacy who creates and administers that exam has begun publishing the exam results for all the accredited schools on a regular basis so there is a central place to go to see that

information.

MR. ROTHKOPF: All right.

DR. BEARDSLEY: The American Association of Colleges of Pharmacy is a great clearinghouse of information about prospective students going to it. Also, we have a standard that relates to information that the school reports on their Web sites. Their brochures and things like that have to be up-to-date, articulate and comprehensive and accurate.

MR. ROTHKOPF: What is your relationship to the Association of Colleges of Pharmacy? Is it a different level? They're just--that's a four-year program? Or? And yours is not? I mean what are we at there?

DR. VLASSES: Regarding the question about student information, our Web site has a student section specifically designed to provide them information. It lists all the accredited programs. It provides contact information for all the programs. It links them to their Web sites, and the history, in fact, the entire accreditation

history is listed there in terms of when they became accredited, what their current status is, and things of that nature.

The other thing we did is we're members of the Association of Specialized and Professional Accreditors, and a number of years ago, we put together a video describing what specialized and professional accreditation is and why it's important to students, and that is linked now to our Web site.

DR. FRENCH: Madam Chair, it appears that Mr. Porcelli did an excellent job on staff on this, and most of the areas were resolved. One of the areas that we noted that was still kind of open was 602.15 dealing with administrative and fiscal responsibilities, specifically about the qualifications of the appeals panel representatives and how we would assure that those appeals panel representatives are adequately trained.

DR. VLASSES: First of all, we want to say that we've been in business since 1932. We've never had an appeal. Okay. Nonetheless, we've

worked hard to try and have these appeals and the wording in our policies address properly what are the requirements of the regulation.

Mr. Porcelli has given us additional information that we think will benefit us, and we will make those changes after the decision.

DR. FRENCH: Great track record.

CHAIRPERSON STUDLEY: Are there any other questions? I have one so that I can keep my record going. It's about student learning outcomes, and I notice that you had an interesting item in that regard, at least relatively new to me, that talked about supporting programs in making comparisons with data from all of our ACPE accredited programs, and even allowing institutions to narrow it down to institutions they thought were peer schools.

So my first question is, do you believe that to be unusual? Are you familiar with other accreditors that support something like that, and do you find that schools avail themselves of it? Do you think it has a positive contribution?

DR. VLASSES: I think Greg appropriately

mentioned that we were proud of what we've done there. It's taken time and conversation and evolution, but I think right now it's an integral part of our review process for comprehensive visits. We don't supply the names of--we don't even give the actual data for the peer schools. We give them an aggregate, and we don't give obviously the names of all the national people. But the licensing exam results are given with the national average as well as the school average.

We also evaluate the NAPLEX scores across campuses in an existing program, and we also look at--which includes programs that use distance technology and things like that--and so we're very invested in looking at some comparative information, and our schools have really adopted a culture of assessment, and even though it's taken some time, they value having the information to then say, well, here we are below the national average or in the lower quartile so what should we do about that? And it actually drives their self-assessment process.

CHAIRPERSON STUDLEY: Just briefly, do you identify or does the process identify what the peer institutions are, or does the school say I believe these six are my peers and give me the universe?

DR. VLASSES: We leave that totally up to the school.

CHAIRPERSON STUDLEY: Great. Very smart. Okay. Frank.

MR. WU: I have two questions that are an effort for me to help learn about this. So these are not actually--they're questions of you about you, but they're not really directed to your status because, so far as I know, these aren't issues for you. If that makes sense.

All right. The first question is I was just wondering if you could give us a sense of how big you are--staff and budget? The reason I ask is I'm just trying to inform myself as we look at a range of other agencies, what's big, what's small, what's the norm, and you seem to be doing pretty well. So I was wondering at what staff level do you need to be to be doing pretty well? That's the

first question.

The second is could you explain a little bit about your relationship to the other entities that you're related to that don't do the accrediting function but the other pharmacy organizations that you're linked to in some way? Because that does come up with some other agencies where it may be problematic, and it seems that in your case, it's working fine. So I'm just wondering how are you linked to these other entities because you do have some relationships to other non-accrediting but pharmacy entities?

DR. VLASSES: Thank you for your questions.

First of all, as an organization, we're here just to review our degree program accreditation activities. We want to make it clear that we also do other activities. We accredit the providers of continuing education for pharmacy relicensure. And we've also started an international service program that works with not accreditation but certification criteria that we're

developing for other countries that want to improve their pharmacy education.

Right now we have 14 full-time staff. We have eight or nine now consultants that in some cases are former employees that are now stay-at-home mothers and some other things that help us out in a big way. We have Jeff, Greg and myself do staff reviews as well as three other consultants that, again, we've trained to do just that. So six people do all our visits. We have trained volunteers, and we submitted a long list, but there's about 300 or so that we've trained to do this.

But all the staff and our three consultants write all the reports and things like that. So there's some core activities, some core staff that work with all the programs. Myself, for instance, I have activities in all three. Jeff and Greg and two other people are 100 percent committed to this, and it's really organizing a volunteer army that is the way we operate.

DR. BEARDSLEY: We have really benefited

from our relationship with our sister organizations in pharmacy. In fact, our founding were that the American Pharmaceutical Association, the National Boards of Pharmacy, who make regulations regarding the pharmacy practice and also license our pharmacists, and also the American Association of Colleges of Pharmacy came together in 1932 and said we need an accreditation body. So those three agencies.

Since then, the American Council of Education avails a member to be a public member. So those four are national organizations that actually sit on our Board, which was really very diverse and really beneficial to us.

We also relate to the practitioner organizations. Our exec and president sit on the Joint Commission for Pharmacy Practitioners, which is a group of national organizations dealing with the various aspects of pharmacy practice. So we're very active with that.

We have stakeholder conferences. In September, we're having a big conference in

Atlanta. We're looking at the competencies within the pharmacy profession. We invited practitioners, educators, regulators to that conference to further solidify the fact that we are teaching the right things in our schools of pharmacy to prepare practitioners for the future. So that kind of gives you an idea that we really benefit from these relationships.

MR. WU: So just to be clear, representatives of the pharmacy groups sit on your Board, but you're independent from all those groups?

DR. VLASSES: Right. We were founded as a 501(c)(3) organization. We do receive annual sustaining grants from each of these organizations to keep down the charges that we would charge organizations who seek to be accredited, but we still, most of our revenues come from charges that we receive from people who are being accredited.

MS. GILCHER: Just a note, this agency is not subject to the separate and independent requirements.

MR. ROTHKOPF: So that sort of leads me to a question maybe. I don't quite see why you're going through all of this. You don't--you're not gatekeepers. Title IV funds do not flow. No other Federal funds flow. Why do you do this?

DR. VLASSES: There are--we're in actually statutes where we're named as the agency that needs to be a reviewer before Federal funds can flow for various offerings from the Department and other agencies. So we've submitted that, and we've met the criteria for USDE review.

MR. ROTHKOPF: Understand. Thank you.

MS. GILCHER: That is a basic eligibility requirement that the agency has to have some link to Federal funding.

CHAIRPERSON STUDLEY: Are there any other questions? Okay.

DR. FRENCH: Madam Chair--

CHAIRPERSON STUDLEY: Thank you.

DR. FRENCH: --I move the continued recognition of ACPE and to require the agency to come into compliance within 12 months, and submit a

compliance report to demonstrate the agency's compliance with the issues identified.

CHAIRPERSON STUDLEY: Thank you very much. Is there a second?

MR. ROTHKOPF: Second.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Okay. We have two seconds. Any discussion of the motion that's now on the floor? Seems like you're ready to vote. All in favor, please say aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

NACIQI Motion:

I move that the NACIQI recommend that the ACPE continue the agency's recognition and require 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.

CHAIRPERSON STUDLEY: Thank you very much. We appreciate your participation. Is there anything you want to add at this point?

DR. BEARDSLEY: Just to once again thank you for your attention to everything that's before us, and we will continue to advocate for good accreditation standards within schools of pharmacy. So thank you very much.

CHAIRPERSON STUDLEY: Thank you very much. We appreciate your thoughtful comments and responses to our questions. That was very helpful. Clearly you've got some of us interested in how you do it. Thank you.

- - -

AMERICAN DENTAL ASSOCIATION,
COMMISSION ON DENTAL ASSOCIATION [CODA]

CHAIRPERSON STUDLEY: We have one more agency up for consideration of its petition for renewal of recognition this afternoon, the American Dental Association, Commission on Dental Association.

We have one recusal in Chancellor Kirwan who has already left. Am I right that that's the only--

MS. GRIFFITHS: Yes.

CHAIRPERSON STUDLEY: Any other recusal? We will have one third-party comment following the staff and agency comments. The readers were Dr. Derby and Mr. Rothkopf. Which of you will be doing the presentation? Arthur, thank you.

MR. ROTHKOPF: I'll start it off, and Jill will participate actively. The American Dental Association, Commission on Dental Accreditation is a programmatic accreditor. Its activities are extensive, including the accreditation of predoctoral dental education, advanced general

dentistry education, some specialties, allied dental education, including dental assistants, dental hygiene, et cetera.

The agency accredits more than 1,450 programs currently covering 21 dental education areas. Recognition by the Secretary allows the programs accredited by C-O-D-A, or CODA, to participate in Federal programs other than Title IV and, most importantly, the Public Health Services Act administered by the Department of Health and Human Services.

It is a non-Title IV Federal link and does not have to meet the separate and independent requirements. The Council, an earlier version of the Commission on Dental Accreditation, was on the first lists of recognized accrediting agencies in 1952. It's changed its name along the way but continued its accreditation. The Secretary continued to recognize the agency, last granting a five-year recognition to the agency in 2006, and this meeting is the first opportunity for the agency to appear before NACIQI based upon the

revisions in the Criteria for Recognition.

CHAIRPERSON STUDLEY: Do you want to add anything, Jill?

DR. DERBY: I think Arthur did a very good job. Thanks.

CHAIRPERSON STUDLEY: Thank you both.

Welcome. It's good to meet you, Mr. Bounds, and thank you very much for bringing us this first agency, and we appreciate your presentation about CODA. Thank you.

MR. BOUNDS: Thank you.

Good afternoon, Madam Chair, Committee members. My name is Herman Bounds, and I will be providing a brief summary of the staff recommendation for the Commission on Dental Accreditation.

The staff recommendation to the senior Department Official is to continue the agency's current 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 in the staff

analysis.

This recommendation is based on our review of the agency's petition, supporting documentation, and the observation of a site visit. Our review of the agency's petition found the agency is substantially in compliance with the Criteria for Recognition.

The outstanding issues in the staff analysis were in the following sections of the Criteria for Recognition: organizational and administrative requirements; required standards and their application.

In brief, the specific issues within these sections are with the agency's conflict of interest policy, site visit evaluation reports, and Report on Compliance and Student Achievement.

We believe that the agency can resolve the concerns we have identified and demonstrate its compliance in a written report within 12 months.

Therefore, as I stated earlier, the staff is recommending to the senior Department Official to continue the agency's current recognition,

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.

Thank you.

CHAIRPERSON STUDLEY: Thank you very much.

Any questions for Mr. Bounds?

MR. ROTHKOPF: I would just ask, Mr. Bounds, I notice that you, in the report, you had a site visit to the School of Dentistry at University of California at San Francisco.

MR. BOUNDS: Yes.

MR. ROTHKOPF: And I'm just interested in your reaction to that site visit.

MR. BOUNDS: Well, it was a very, very professional site visit, very detail oriented and standards driven. It was a unique experience for me to see how that agency operates. I believe the site visit team was probably 15 to 18 members--I could be off one or two--and that was based on the number of dental programs that they have to accredit so they had consultants to cover each one

of those areas.

I thought it was a very, very professional and thought-out visit, and they are definitely a good agency.

MR. ROTHKOPF: Thank you.

CHAIRPERSON STUDLEY: Any other questions?

In that case, we would call up to the front the representatives from CODA to make your presentation.

DR. TONELLI: Thank you, Madam Chairwoman and Committee. My name is Steve Tonelli, and I'm the Chair of the Commission on Dental Accreditation, and I'm in private general practice outside of Boston, Massachusetts.

I'd like to introduce my colleagues today from the Commission: the Vice Chair of the Commission, Dr. Kent Knoernschild--he's the Vice Chair of the Commission and a full-time faculty member of the University of Illinois at Chicago College of Dentistry; Ms. Cathryn Albrecht, staff legal counsel; and Dr. Anthony Ziebert, Director of the Commission.

I'd also like to take this opportunity to thank the Commission's assigned analyst, Mr. Herman Bounds, for his input on the Commission's petition.

The Commission, as was said earlier, has been continuously recognized since 1952 and currently accredits 1,449 programs sponsored over 800 different institutions of higher education in 20 dental and dental-related disciplines.

And prior to addressing the analyst report, I'd like to answer the questions posed to us earlier. One of the most significant issues that the Commission faces at this time is the rapid growth of new programs and the expansion of programs, both domestically and internationally, through off-campus sites.

By adding to our 600 peer-reviewer volunteers, we are currently able to handle the expansion, but I can see in the future that it will be a challenge for us to continue to operate the number of programs without adding more volunteers.

I'd like to have Dr. Ziebert address the second question.

DR. ZIEBERT: What are your agency's one or two thorniest challenges relating the Criteria for Recognition? I'll start with some positive input first and then I'll proceed to the thorny input.

The self-study guide was an excellent resource, and the Commission encouraged the Department staff to update the guide on a regular basis, especially when regulations are revised. Compared to the previous guide, the new guide is comprehensive and provides valuable clarification.

The Commission was put in a difficult position during the petition submission process due to the timing of the retirement of the Commission's assigned longstanding analyst. The analyst retired on December 31, 2011, but the Commission was informed of the retirement on January 3, 2012. The Commission felt that it did not have full access to the analyst expertise prior to the submission of the petition on January 9, 2012.

The Commission suggests that if a situation like this arises in the future, that a

more timely communication from the Department will reduce some of the angst surrounding the petition submission.

DR. TONELLI: In addressing the third question, over the last two years, we have reorganized and consolidated two manuals into our Evaluation and Operational Policies and Procedures Manual to ensure fair and equitable treatment of all programs regardless of their goals.

Also, I believe that our training of all volunteers, especially the six months of observation for new Commissioner appointees, ensures consistent operation of the organization, interpretation of standards, and their application during the accreditation process, all in the interest of fulfilling our mission to protect the public through high standards and their fair application.

So, as stated in the final analyst report, there are three criteria that are not met, and I would like to take this opportunity to outline the actions the Commission has already taken in order

to be in full compliance with the criteria.

Regarding 602.15, and the requirement that the agency must demonstrate that all documents displaying its conflict of interest policy contain the same requirements as written in its Evaluation and Operational Policies and Procedures Manual, the Commission has reviewed all documents that cite the conflict of interest policy and has made necessary changes to ensure that the policy is referred to in a consistent and appropriate manner.

The Commission acknowledges that there was inconsistency in the originally-submitted internal document. However, in practice, the Commission has adhered to the policy as outlined in the Evaluation and Operational Policies and Procedures Manual.

Regarding 602.16 and a requirement that the Commission demonstrates its application of the revised site visit evaluation report regarding a determination of a pattern of student complaints or provide the expected accreditation evaluation date by which the revised site visit evaluation reports will be employed, the Commission has implemented

the revised forms for site visits occurring in the fall of 2012.

Site visit reports utilizing the revised forms will be considered at the February 2013 Commission meeting, and the revised forms were presented and discussed at the annual site visit training session that was conducted just last Thursday and Friday.

And, finally, regarding 602.17, the assessment of program performance with respect to student achievement, the Commission has further revised the site visit evaluation forms to specifically require site visitors to write a detailed written report that assesses student achievement not only in those instances where the program is found to be deficient in meeting its institutional effectiveness standard but also when a program is found to have met institutional effectiveness standard.

As previously stated in the Commission's response 601.16, the forms were implemented for site visits occurring in the fall of 2012, and site

visit reports utilizing the revised forms will be considered at the February 2013 Commission meeting, and the revised forms were presented and discussed at the most recent annual site visit training last Thursday and Friday.

I'd be happy to entertain or we'd be happy to entertain any questions that the Committee may have at this time.

CHAIRPERSON STUDLEY: Are there any questions from the Committee? Anyone? We do have one third-party comment. So if you would allow us to hear the third-party comment, and then at that point, if we have questions for you in light of that comment and/or for the staff in response to that comment, we can at that point conclude.

But seeing no questions at this point from the Committee members, we thank you for your thoughtful and comprehensive comments. Thank you.

I think, since we need at least one chair, if you want to just sit over there or one of you could give us a seat. Thank you. Thank you very much.

Welcome, and if you would just introduce yourself and organization, if any? Thank you.

DR. BOWERS: Certainly. Good afternoon, Madam Chair and members of the Committee. My name is Denise Bowers, and I am a licensed dental hygienist and Dental Hygiene Program Director at Rhodes State College in Lima, Ohio.

I completed a Ph.D. in higher education in May and wrote my doctoral dissertation on the history of the Rhodes State College dental hygiene program.

I also spent six years as a dental hygiene education program site visitor for the American Dental Association Committee on Dental Accreditation.

As President-Elect of the American Dental Hygienists' Association, I thank you for the opportunity to provide oral comments related to the petition for renewal of recognition by the ADA CODA.

Last month, the ADHA submitted an appeal letter to the ADA CODA to request that the

Commission on Dental Accreditation increase the number of ADHA-appointed dental hygienists to the Commission. We believe that the current representation of accredited hygiene programs by one ADHA-appointed commissioner on the 30-member Commission does not adequately represent a fair and balanced representation of the 334 accredited dental hygiene programs which make up nearly 23 percent of the total volume of CODA-accredited dental and allied dental programs.

In contrast, the 444 accredited advanced dental specialty programs are represented by a total of nine commissioners, one commissioner appointed by each of the nine dental specialty programs, all of which are dentists.

In addition, the dental profession is further represented by 12 dentists who serve as CODA commissioners, four each appointed by the American Dental Association, the American Dental Education Association, and the American Association of Dental Boards.

This means that typically 22 of the 30

commissioners are dentists. The other allied programs are also represented by one appointed commissioner, and each of these groups has fewer accredited programs than dental hygiene.

Finally, there are four public members on the Commission and one dental student. We believe that this data demonstrates that dental hygiene is not fairly or appropriately represented at the Commission which makes decision about the educational requirements of the dental hygiene profession.

The ADHA has long been concerned that the integrity of the CODA decision-making and policymaking activities have been compromised by overt activities of affiliated dental organizations. In fact, ADHA submitted formal requests to the Commission on Dental Accreditation in 1984 and again in 2007 requesting an increase in representation with both of those requests being denied.

With the proliferation of dental hygiene education programs and programs preparing

alternative workforce providers, we are strongly recommending an increase in dental hygiene representation to CODA in an effort to ensure fair representation of the dental hygiene educational programs and to improve the integrity of the accreditation decision-making process.

According to the United States Department of Education's Procedures and Criteria for Recognition of Accrediting Agencies, each accreditation agency must have policies and procedures to ensure that the agency makes objective decisions based on reliable information that affords procedural due process to the accredited programs and does not exhibit partiality or behavior that leads to potential improprieties that compromise the integrity of the accrediting process.

It is our understanding that the American Dental Association House of Delegates has the final approval for any restructuring proposal regarding representation on the CODA governing body. This provides further evidence of bias and undue

influence by the dental membership organization.

In addition, the Department of Education standard 602.13, acceptance of the agency by others, require that the accrediting agency demonstrate that its standards and procedures are widely accepted by educators and education institutions.

In a recent ADHA survey of dental hygiene program directors, 40 percent stated that they were not satisfied with the current accreditation process, and 53 percent indicated that they were somewhat satisfied or not at all satisfied with the current level of dental hygiene representation on CODA.

ADHA is the largest national organization representing the professional interests of more than 150,000 licensed dental hygienists across the country. In order to become licensed as a dental hygienist, an individual must graduate from an accredited dental hygiene education program and successfully complete a national written and a State or regional clinical examination.

Dental hygienists are primary care providers of oral health services and are licensed in each of the 50 States. We strongly advocate for an increase in dental hygiene representation on the body that accredits our dental hygiene programs and determines the educational standards for our profession.

Thank you again for this opportunity to share ADHA's comments with you.

CHAIRPERSON STUDLEY: Thank you very much, Ms. Bowers. Are there any members of the Committee who have questions for this commenter?

MR. ROTHKOPF: Maybe one question. What's the most recent request to go to either, to go to CODA or any affiliated organization, for an increase in the dental hygienist representation? I know you mentioned different dates. What's the most recent?

DR. BOWERS: I'm sorry. The first one was in 1984 and again in 2007, and then we just submitted another letter on May 25, 2012.

MR. ROTHKOPF: Thank you.

CHAIRPERSON STUDLEY: Okay. I have Jill and Art Keiser.

DR. DERBY: My question is for the CODA representatives.

CHAIRPERSON STUDLEY: Okay. Why don't we ask questions of Ms. Bowers first and then we will have the agency representatives back? Art.

DR. KEISER: You cited a couple of the statutes. Which statute would you feel that's being not adhered to by the number of hygienists on the Board?

CHAIRPERSON STUDLEY: Which of the regulatory provisions do you think--

DR. KEISER: Which one are they violating that we would need to bring to their--

DR. BOWERS: Well, the one that I referenced--

DR. KEISER: Something else.

DR. BOWERS: --would have been the 602.13, acceptance of the agency by others. And in terms of, I don't really know what regulatory statute would affect the number of dental hygienists

represented. Our point of view is that with 334 accredited dental hygiene programs, having only one appointed dental hygienist to the Commission does not fairly and appropriately represent our profession.

DR. KEISER: Well, I understand your concern. I'm just trying to see where we would have made a mistake that would help us be able to help you. I'm not sure I see that. I know in public representatives, we have to have one to seven. But I'm not sure we have to have any specific industry representation.

Is that correct, if I may ask staff?

CHAIRPERSON STUDLEY: I think the staff is taking a look, and do you have a provision, Sally?

MS. WANNER: The provisions that would be relevant here are very general. For example, competent--the agency is supposed to have competent and knowledgeable individuals qualified by education and experience in their own right and trained by the agency to conduct its on-site evaluation, supply or establish its policies, and

make its accrediting and preaccrediting decisions; academic and administrative personnel on its evaluation policy and decision-making educators and practitioners if the--so, does that help?

DR. KEISER: I looked at those, too, and I didn't see anything specifically referring to a requirement that there be representation of the accredited programs.

CHAIRPERSON STUDLEY: Are there other questions for Ms. Bower? I have one. You mentioned, after your comment that 22 of the 30 commissioners were dentists, you mentioned that there were other allied health professions or other not professional subspecialties, but other--

DR. BOWERS: Correct.

CHAIRPERSON STUDLEY: Could you tell us what those three are and how they related to dental hygiene?

DR. BOWERS: The American Dental Assistants Association has one member, one commissioner; the American Dental Hygienists' Association, again, has one; and the National

Association of Dental Laboratories has one member.

CHAIRPERSON STUDLEY: Are dental assistants--is dental assisting a field that is accredited by--

DR. BOWERS: Yes.

CHAIRPERSON STUDLEY: --the CODA as well?

DR. BOWERS: Yes.

CHAIRPERSON STUDLEY: Okay. And do you, you may not, but do you know the scale of that field in terms of programs, numbers, practitioners?

DR. BOWERS: No, I don't.

CHAIRPERSON STUDLEY: Okay. I'll ask CODA if they know. Did one of you have something you wanted to--

MR. ROTHKOPF: No.

CHAIRPERSON STUDLEY: Okay. Any other questions? In that case, thank you very much. We appreciate your comments. And we will ask the agency to return.

DR. BOWERS: Thank you.

CHAIRPERSON STUDLEY: Thank you. I'm advised that we have your comments in the

transcript as well for the record. Thank you.

Are there questions for the agency representatives? Jill.

DR. DERBY: Yes, I think Ms. Bowers, maybe it's Dr. Bowers, I think you said you had a Ph.D., made good points, and I'm curious about why the requests were denied, given the number of dental hygiene programs there are around the country and the percentage they represent?

DR. ZIEBERT: My understanding is that they were denied because we don't base the representation of commissioners from appointing organizations on a number of programs. So, for instance, dental assisting is up to 281 programs. Dental hygiene recently had a very large increase in the number of programs, but at the time, you know, three or four years ago, they would have been very close to the numbers that dental assisting had.

You could look at it, for instance, about number of students that we have enrolled in each of the programs, and in that case, the predoctoral

dental education programs right now have over 20,000 students enrolled in the programs compared to dental hygiene, which has 15,000. So you know you can slice it up in all kinds of different ways for that representation, but the key is that we have a robust conflict of interest policy and that we really emphasize that when commissioners walk into the boardroom to make decisions, they take off their hat as the dental hygiene representative or the American Dental Association representative, and put on their Commission hat, and make decisions in the best interest of the Commission and the students and the public that they serve.

So we really emphasize that aspect of it, that they are there to serve the Commission first, not their sponsoring organization agenda.

DR. DERBY: I can appreciate that, but I think one out of 30 seems like a low percentage.

CHAIRPERSON STUDLEY: Or even although the dental assistants were not before us, two out of 30 for that many programs total also, even if not specifically required, seems unusual.

Art Keiser. Had you finished your--

DR. DERBY: Yes. Thank you.

CHAIRPERSON STUDLEY: Thank you. Art.

DR. KEISER: Again, you may not be out of compliance of the statutes. However, certainly the spirit of peer evaluation and peer review, which is the hallmark of accreditation, it would seem that if there are 15,000 dental assistant students and 20,000 dental students, that's three to four in terms of 75 percent of it, and you have one to a whole lot more dentists than you have--I mean almost the majority of the Board is dentists if I looked at your resumes and the bios.

So I think, you know, again, I'm not sure we have something to demand, but certainly from your own perspective, you should be more concerned about the peer review process.

DR. ZIEBERT: The other thing I will add is that the process is for the site visitors to make the report to the review committees, and each of the disciplines has their own review committee, and in dental hygiene, the number of hygiene

practitioners and the number of hygiene educators is the majority on that Committee, and that is the recommendation that goes to the Commission.

DR. KEISER: I understand, but the ultimate decision-making process rests with the Committee and the policymaking process rests with the Committee, which there seems to be a lack of representation.

DR. TONELLI: We received the letter back on May 25, I believe, Dr. Bowers said, and it will be considered at this upcoming summer meeting in August, first week in August.

CHAIRPERSON STUDLEY: Are there any other questions for the CODA representatives on this or any other subject?

Dr. Bowers, I apologize for not catching your degree and for not reflecting that as--

DR. BOWERS: That's all right. It's still new to me, too. It's only been a month.

[Laughter.]

CHAIRPERSON STUDLEY: Congratulations.

DR. BOWERS: Thank you.

CHAIRPERSON STUDLEY: No further questions for the staff either? Arthur or Jill, would you like to make a motion?

MR. ROTHKOPF: Yeah. I'll make the motion. I move that NACIQI recommend that the Commission on Dental Accreditation recognition be continued, 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 compliance report demonstrating compliance with the cited criteria and their effective application. Such continuation shall be effective until the Department receives a final decision, reaches a final decision.

DR. DERBY: I'll second the motion.

[Motion made and seconded.]

CHAIRPERSON STUDLEY: Thank you very much. The motion has been made and seconded. It's what we call our standard motion. Does anyone on the Committee want to discuss the motion? Is there any discussion?

DR. DERBY: Madam Chair.

CHAIRPERSON STUDLEY: Yes, Jill.

DR. DERBY: I just wanted to commend CODA that it was really nice to see that the three areas that were not in compliance already progress had been made, and I just really want to acknowledge you for that. That was nice to hear.

CHAIRPERSON STUDLEY: Thank you. Thank you very much.

All in favor of the motion that is appearing before you, please signify by saying aye.

[Chorus of ayes.]

CHAIRPERSON STUDLEY: Opposed?

[No response.]

NACIQI Motion:

I move that the NACIQI recommend that the CODA 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.

CHAIRPERSON STUDLEY: Thank you very much. We're happy to extend under these provisions the recognition, and this is the last agency for the day. So if you could just stay for one minute, I'll close out the day's proceedings.

We will adjourn in just a moment. I just want to say briefly what to expect tomorrow. We will start tomorrow at 8:30 promptly, and we will work straight through all of the agencies. We will not take a lunch break. I've checked with Committee members, and that is more convenient for them. It allows us more flexibility to not have one agency have to wait around for us to take lunch just to complete one after lunch.

If the estimated time or aggregate time-- we're not good on the estimates per agency, but when you average it up, we're right on schedule.

If the general estimate holds, we would conclude tomorrow at about 1:30, 1:15, in that range.

It obviously could go longer or shorter so I can't tell you if you're interested in a particular agency exactly when we'll get to them, but you've seen the order of the agencies in the schedule for tomorrow.

Commissioners, do you have any questions about the mechanics or housekeeping for tomorrow? I believe we may lose one member between today and tomorrow. Oh, so it was just Dr. Kirwan will not be with us tomorrow either.

Thank you very much. I will see you tomorrow and thank you. We appreciate it. Thanks to all of the agencies who appeared before us today.

[Whereupon, at 4:55 p.m., the NACIQI meeting recessed, to reconvene at 8:35 a.m., Tuesday, June 26, 2012.]